



**Legislative Assembly  
Province of Alberta**

No. 43

## **VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Second Legislature

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Tuesday, May 26, 1992

The Speaker took the Chair at 2:30 p.m.

### **ROUTINE**

#### **Presenting Petitions**

Mr. Gibeault, Hon. Member for Edmonton-Mill Woods, presented a petition from 400 Albertans requesting the Assembly to urge the Government to immediately release and make public the Final Report of the Task Force on Recognition of Foreign Qualifications.

#### **Reading and Receiving Petitions**

On request by Mrs. Gagnon, Hon. Member for Calgary-McKnight, the following petition was read and received:

Wherefore your petitioners pray that your Honourable Assembly may be pleased to call upon the Government of Alberta to review the present N.E.F. Contours as they relate to Calgary International Airport. These contours have been in place for over twenty years and have been used to make land use planning decisions by the City of Calgary in the area surrounding the Airport. Since their determination, the usage level of the Calgary International Airport has greatly increased and the types of aircraft have changed drastically. We respectfully request that these contours be reviewed so that it is certain that they are accurate and truly reflect current noise levels.

## **Tabling Returns and Reports**

Hon. Mr. Klein, Hon. Minister of the Environment:

File notes, Special CAC Meeting, Bonnyville Agriplex, May 24, 1992  
Sessional Paper 940/92

Hon. Mr. Main, Minister of Culture and Multiculturalism:

Answer to Written Question 359 asked by Mr. Wickman on May 12, 1992:

How is the \$528,088 allocated to Communications Planning in the 1992/93 Public Affairs Bureau going to be spent?

Sessional Paper 359/92

Answer to Written Question 360 asked by Mr. Wickman on May 12, 1992:

What does the term Communications Planning appearing in the 1992-93 budget estimates for the Public Affairs Bureau, mean?

Sessional Paper 360/92

Answer to Written Question 361 asked by Mr. Wickman on May 12, 1992:

Why is there a 393 percent increase in the allocation for a Public Affairs Bureau subprogram entitled "Communications Planning" during the fiscal year 1990-91?

Sessional Paper 361/92

## **Ministerial Statements**

Hon. Mr. Brassard, Minister responsible for Seniors, announced that June 1 to 7, 1992 is National Access Awareness Week.

Mr. Martin, Hon. Leader of the Opposition, commented on the statement.

## **Privilege**

The Speaker made the following ruling:

Yesterday the Member for Edmonton-Glengarry raised a purported point of privilege. Under S.O. 15(5) it was appropriate to raise the matter at that time.

Various citations were given, most of them citing the mechanics of the process of raising a question of privilege: namely S.O. 15 (1); S.O. 15(5). Beauchesne 114(1) and 115 both are basically the same points as S.O. 15(1) and S.O. 15(5). Beauchesne 118 is a reference which is only appropriate to cite if the Chair had already decided a prima facie case of Privilege exists.

There was some possible confusion as to whether or not the Minister of Technology, Research and Telecommunications had quoted from correspondence from the Auditor General. Upon examination of Hansard, the Minister did not quote from correspondence, however he did quote from the Annual Report of the Auditor General 1990-91 as publicly tabled in this House on April 10, 1992. The direct quote is found on page 1077 of Hansard of May 25, 1992 and on page 100 of the Auditor General's report:

NovAtel's new management has proposed, or taken action to address my recommendations. It is understood that the Province of Alberta is seeking a purchaser for NovAtel.

At the request of the Chair, the Minister met with me at 8:00 a.m. today. He brought with him two letters of transmittal.

Letter number one is dated November 22, 1990 and was sent from the Auditor General to Mr. J.R.S. Stankiewicz of the Chartered Accountant firm of Ernst and Young. No copy is shown as having been sent to anyone else at that time. The letter shows a date stamp as being received in the Minister's office May 25, 1992 and fax transmittal codes of May 25, 1992 12:01 from the Auditor General to a FAX number 7-0178 and May 25, 1992 at 2:32 to the office of the Minister of Technology, Research and Telecommunications. It would appear this letter arrived at the Minister's office after Question Period began. The Minister left after Question Period for Calgary and reviewed this correspondence earlier today. He then delivered it to my office.

The Chair retained the transmittal letter.

Letter number two is dated July 30, 1991. It was sent by the Auditor General to Mr. W.D. Grace, Chairman of the Management Committee of NovAtel Communications Ltd. Five persons were shown as being copied - the third being the Minister of Technology, Research and Telecommunications. The date stamp shows this letter as being received by the Minister's Executive Assistant August 1, 1991. The Chair also retained a copy of this transmittal letter.

The Auditor General, like the Ombudsman, Chief Electoral Officer and the Ethics Commissioner, is an independent officer of the Legislature. He is appointed pursuant to the Auditor General Act and his duties, powers and responsibilities flow exclusively from the Auditor General Act and not from the privileges of the Assembly. The interpretation or application of any part of the Auditor General Act, including section 28, which was referred to by the Member for Edmonton-Glengarry, is not within the purview of the Chair. Members may refer to Beauchesne paragraph 31(9).

The Member for Edmonton-Glengarry also cited Beauchesne 25. It is worthy of comment and when it refers to the House of Commons, we should note it applies to this Legislature:

The Speaker has stated: "On a number of occasions I have defined what I consider to be parliamentary privilege. Privilege is what sets Hon. Members apart from other citizens giving them rights which the public does not possess. I suggest that we should be careful in construing any particular circumstance which might add to the privileges which have been recognized over the years and perhaps over the centuries as belonging to members of the House of Commons. In my view, parliamentary privilege does not go much beyond the right of free speech in the House of Commons and the right of a Member to discharge his duties in the House as a Member of the House of Commons." Debates, April 29, 1971, p. 5338.

In addition, Joseph Maingot in his book *Parliamentary Privilege in Canada*, states on page 190:

In deciding whether there is a prima facie case, the Speaker also excludes any matters which are otherwise properly to be dealt with under the practice or Standing Orders of the House. That is to say, where the answer to the alleged "question of privilege" is contained in the rules or the practice of the House it would unlikely involve a breach of the privileges of members.

The matter of the two "post audit memoranda" -- the two letters -- could properly be requested singly or collectively as Motions for Return and debated and dealt with by the House -- however this matter as raised by the Member for Edmonton-Glengarry does not constitute a prima facie case of privilege.

## **ORDERS OF THE DAY**

### **Written Questions**

The following Written Questions were ordered to stand:

146, 170, 172, 173, 174, 175, 176, 177, 178, 181, 183, 206, 208, 209, 210, 214, 215, 216, 218, 280, 285, 287, 288, 290, 291, 313, 314, 315, 334, 337, 348, 366.

### **Motions for Returns**

The following motions were ordered to stand:

184, 185, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 219, 221, 224, 227, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 245, 246, 247, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 275, 276, 277, 278, 292, 293, 294, 299, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 336, 340, 341, 342, 343, 345, 346, 347, 353, 356, 357, 362, 363, 364, 365, 367.

## **Motions Other Than Government Motions**

**215.** Moved by Mr. Fischer:

Be it resolved that the Legislative Assembly urge the Government to support an individual's right to work as he or she chooses by endorsing a policy which would give each Alberta worker the privilege to work with or without joining a union.

A debate followed.

Mr. McFarland moved adjournment of the debate, which was agreed to.

## **Adjournment**

On motion by Hon. Mr. Stewart, Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:29 p.m. until 8:00 p.m.

TUESDAY, MAY 26, 1992 – 8:00 P.M.

## **Government Motions**

**20.** Moved by Hon. Mr. Gogo on behalf of Hon. Mr. Stewart:

Be it resolved that

- (1) A Select Special Committee on "Parliamentary Reform of the Legislative Assembly of Alberta" be established to consider the current functioning status of the Assembly and review ways of making it more responsive to the needs and values of the citizens of Alberta and elected Members within the context of our parliamentary system and traditions.
- (2) The Select Special Committee shall report back to the Legislative Assembly on its deliberations and may make recommendations for change in Alberta's parliamentary system.
- (3) The Select Special Committee on "Parliamentary Reform of the Legislative Assembly of Alberta" shall consist of the following Members:

Hon. John Gogo, Chairman  
Halvar Jonson, Deputy Chairman  
Robert Elliott  
Brian Evans  
Kurt Gesell  
Bonnie Laing  
Robert Hawkesworth  
Thomas Sigurdson  
Bettie Hewes

- (4) Reasonable disbursements by the Committee for staff assistance, equipment and supplies, public information needs, accommodation, travel and other expenditures necessary for the effective conduct of its responsibilities shall be paid, subject to the approval of the Chairman.
- (5) In carrying out its responsibilities, the Committee may, with the concurrence of the head of the department, utilize the services of members of the public service employed in that department or of the staff employed by the Legislative Assembly.
- (6) The Chairman and Members of the Committee shall be paid in accordance with the schedule of Category (A) Committees provided in Members' Services Committee Order 10/89.
- (7) In carrying out its duties, the Committee may travel within Alberta to hear the views of Albertans and to other jurisdictions for the purposes of consultation and examination of their parliamentary procedures.
- (8) When its work has been completed, the Committee shall report to the Assembly if it is then sitting, or may release its report during a period when the Assembly is adjourned by depositing a copy with the Clerk of Legislative Assembly and forwarding a copy to each Member of the Assembly.

A debate followed.

Mrs. Hewes, Hon. Member for Edmonton-Gold Bar, moved that the motion be amended by adding after (2):

The Special Select Committee may also provide one or more interim reports recommending immediate action to the Legislative Assembly.

A debate followed.

The question being put, the amendment was agreed to.

Ms Barrett, Hon. Member for Edmonton-Highlands, moved that the motion as amended be amended by striking the following words from (5):

members of the public service employed in that department or of

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 4

Barrett  
Chivers

McEachern

Woloshyn

Against the amendment: 35

Ady	Gagnon	Musgrove
Black	Gesell	Nelson
Bogle	Gogo	Oldring
Bradley	Hewes	Paszkowski
Brassard	Hyland	Payne
Calahasen	Johnston	Rostad
Cardinal	Jonson	Schumacher
Clegg	Klein	Shrake
Day	Kowalski	Tannas
Dinning	Lund	Thurber
Drobot	Mitchell	Zarusky
Elliott	Moore	

Mr. Mitchell, Hon. Member for Edmonton-Meadowlark, moved that the motion as amended be amended as follows:

delete the word "or" in (5) and replace with the word "and"

The question being put, the amendment was agreed to.

Debate continued on the main motion as amended.

The question being put, the motion as amended was agreed to.

## **Committee of Supply**

(Day 21 Main Estimates Consideration)

(Assembly in Committee)

According to Order, the Assembly resolved itself into Committee of Supply.

And after some time spent therein, the Deputy Speaker assumed the Chair and Mr. Jonson reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Treasury, reports progress thereon, and requests leave to sit again.

The question being put, the report and the request for leave to sit again were agreed to.

## **Adjournment**

On motion by Hon. Mr. Gogo, Deputy Government House Leader, the Assembly adjourned at 10:29 p.m. until Wednesday, May 27, 1992, at 2:30 p.m.

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Title: Tuesday, May 26, 1992