



**Legislative Assembly  
Province of Alberta**

No. 59

## **VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Second Legislature

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Wednesday, June 24, 1992

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

### **ROUTINE**

#### **Introduction of Bills (First Reading)**

Notice having been given:

Bill 332 Monitoring of Methane Levels in Coal Mines Act – Mr. Doyle

Bill 333 Environmental Monitoring of Respirable Dust in Coal Mines Act –  
Mr. Doyle

#### **Tabling Returns and Reports**

Hon. Mr. Brassard, Minister responsible for Seniors:

Return to Order of the Assembly No. 224 asked by Mrs. Hewes on June 16, 1992:

A copy of the Government's responses to the recommendations contained in the "Action Plan" of the Premier's Council On the Status of Persons With Disabilities.

Sessional Paper 224/92

Mr. Musgrove, Chairman, Alberta Seniors Advisory Council, pursuant to the Seniors Advisory Council for Alberta Act, cS-13.2, s7:

Seniors Advisory Council for Alberta, Annual Report 1991-92  
Sessional Paper 120/92

Mr. McInnis, Hon. Member for Edmonton-Jasper Place:

Figure 2 Zoning Map, Bow Corridor Local Integrated Resource Plan, highlighting: Three Sisters lands, protected public lands and lands designated by Mr. Kerr as critical wildlife habitat  
Sessional Paper 987/92

Hon. Mr. Johnston, Provincial Treasurer:

Credit Union Deposit Guarantee Corporation, Annual Report 1991  
Sessional Paper 988/92

Hon. Mr. Johnston, Provincial Treasurer, pursuant to the Alberta Municipal Financing Corporation Act, cA-33, s32, RSA 1980:

Alberta Municipal Financing Corporation, Annual Report 1991  
Sessional Paper 95/92

Hon. Mr. Johnston, Provincial Treasurer, pursuant to the Alberta Resources Railway Corporation Act, cA-36, s25(2), RSA 1980:

Alberta Resources Railway Corporation, Financial Statements December 31, 1991  
Sessional Paper 96A/92

## **Speaker's Ruling**

The Speaker made the following ruling:

On Friday, June 19, 1992, the Hon. Member for Edmonton-Strathcona rose on a purported point of privilege with regard to being denied access to the Fort Saskatchewan correctional facility. While the point of privilege was not raised at the first reasonable opportunity as required by Standing Orders, the Chair accepted at that time the argument that the situation complained of is of a continuing nature, and therefore allowed the point to be examined.

With respect to a possible breach of privilege as a result of restrictions being placed on a Member wishing to visit a correctional facility, the Chair has examined the issue to first determine whether or not such access is necessary for the Member for Edmonton-Strathcona to fulfill his parliamentary duties. If the touring of a correctional facility relates to the Member's service in the House, and that service is interfered with, then privilege becomes a concern. Beauchesne's 24 is clear that:

The privileges of Parliament are rights which are "absolutely necessary" for the due execution of its powers. They are enjoyed by individual members, because the House cannot perform its functions without unimpeded use of the services of its Members. ..."

On June 19th, the Member for Edmonton-Strathcona, at p. 1506 of Hansard, stated that as Official Opposition critic for the Solicitor General's Department, access to certain correctional facilities is an extension of his duties in the House. The Chair accepts on a qualified basis, the principle of this statement, as Members do have duties which are an extension of their parliamentary duties. The Chair also accepts on a qualified basis that the work of an Opposition Member relating to his or her critic responsibilities can be considered a matter connected with the internal workings of the House.

After considering that the Member's parliamentary duties may be affected by restricted access, the Chair examined whether or not such restrictions, if they indeed exist, could prima facie constitute a breach of privilege. The Chair is concerned that all policies related to Members be equitably applied. If restrictions placed on one Member were not applicable to all Members, this could, in the Chair's opinion, potentially constitute a breach of privilege.

The Chair requested additional documents from both the Solicitor General and the Member for Edmonton-Strathcona to determine whether or not the restrictions on visitors to correctional facilities are uniformly applied against all individuals of any particular group or class, including MLA's. An internal policy directive supplied by the Minister, from the Correctional Services Division of his Department, dated May 30, 1983, seems to clarify the matter.

The Chair will file a copy of this policy statement in the House.

Sessional Paper 989/92

The document consists of a policy statement and six implementing procedures specific to granting access to correctional facilities for MLAs, MPs, and other elected officials or dignitaries. The policy states: "Members of the Provincial Legislature shall be provided access to correctional centres at all reasonable hours". Based on the policy statement alone it would appear that the Member for Edmonton-Strathcona should have been provided access. However the six procedures which follow as part of the policy directive must be considered as they form part of the policy. As the Chair understands these procedures, it appears that safety is the primary consideration in the present policy, and the policy directive takes note that elected officials may in fact be in more danger in a correctional facility than ordinary members of the public. The memo makes no mention of party affiliation or any other criteria which might allude to arbitrariness and a possible breach of a Member's privileges.

Importantly the first of the six procedures specifically states: "Members of the Legislative Assembly of Alberta wishing to tour provincial correctional centres are required to receive permission from the Solicitor General...". The Member for Edmonton-Strathcona did indeed comply with this requirement by writing to the Solicitor General on June 9, 1992. On June 12, the Solicitor General responded in writing to the Hon. Member's request. The Chair notes in the Solicitor General's response two specific sentences: "Unfortunately, I am not able to grant your request at this time." -and- "Should the opportunity arise where a tour might be facilitated, I will inform you."

When one reviews the response of the Solicitor General to questions raised by the Member for Edmonton-Strathcona during Question Period on June 18, 1992, as found at p1461, Hansard, the reasons for these two statements in the Solicitor General's letter to Edmonton Strathcona become clear.

Mr. Chivers: "Will the Solicitor General now reconsider his arbitrary refusal to grant me permission to visit the Fort Saskatchewan correctional institution?"

Dr. West: "Mr. Speaker, at the present time - and I've been Solicitor General for not long at this time - I'm reviewing the policies as they relate not only to the structure of our correctional facilities but to our policies as they relate to touring the facilities. The answer directly is: until I have finished those types of reviews and looked at structure, no."

The visitation policy has been in place since 1983, and the Chair has no evidence before it that the policy is arbitrarily or inconsistently applied. The Solicitor General has clearly indicated the visitation policy to be under review and the Solicitor General's decision to put in abeyance all visits while he reviews the existing policy is within his prerogative as a Minister of the Crown. The Solicitor General has clearly stated that he is not able to grant the Member for Edmonton-Strathcona's request at this time, and that should the opportunity arise where a tour might be facilitated, the Member would be informed. In light of this information the Chair rules that there appears to be no prima facie breach of privilege.

The Chair also wishes to advise all Hon. Members that in assembling and reviewing information over the past days with respect to this entire matter that both the Member for Edmonton-Strathcona and the Solicitor General were most cooperative. The Solicitor General did inform the Chair that the Member for Edmonton-Beverly had toured the Belmont Correctional facility since he had become Solicitor General but approval for this visitation had been granted by his predecessor and had occurred prior to the current review of the visitation policy.

# ORDERS OF THE DAY

## Government Bills and Orders

### Second Reading

On the motion that the following Bill be now read a Second time:

Bill 41 School Amendment Act, 1992 – Hon. Mr. Dinning

A debate followed.

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

The following Bills were read a Second time and referred to Committee of the Whole:

Bill 34 Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1992 – Hon. Mr. Johnston

Bill 36 Spending Control Act – Hon. Mr. Johnston

### Adjournment

On motion by Hon. Mr. Gogo, Deputy Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:28 p.m. until Thursday, June 25, 1992 at 2:30 p.m.

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Title: Wednesday, June 24, 1992