



**Legislative Assembly
Province of Alberta**

No. 70

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Second Legislature

Friday, January 29, 1993

The Speaker took the Chair at 10:00 a.m.

ROUTINE

Tabling Returns and Reports

Hon. Mr. Dinning, Provincial Treasurer, pursuant to the Alberta Savings Trust Fund Act, cA-26, s24, RSA 1980:

Alberta Heritage Savings Trust Fund, Annual Report 1991-92
Sessional Paper 1039/92-93

Hon. Mr. Dinning, Provincial Treasurer:

Credit Union Deposit Guarantee Corporation, 1991 Annual Report
Sessional Paper 1040/92-93

Return to Order of the Assembly No. 198 asked for by Mr. McEachern on January 28, 1993:

A copy of the 1990-91 annual report for 354713 Alberta Ltd., known as "Softco".
Sessional Paper 198/92-93

SC Financial Ltd., Financial Statements, December 31, 1991
Sessional Paper 1041/92-93

354713 Alberta Ltd., Report and Consolidated Financial Statements, March 31,
1992, Deloitte & Touche
Sessional Paper 1042/92-93

391760 Alberta Ltd., Consolidated Financial Statements, March 31, 1992
Sessional Paper 1043/92-93

SC Properties Ltd., Financial Statements, March 31, 1992
Sessional Paper 1044/92-93

North West Trust Company, Canada Deposit Insurance Corporation, Softco
Agreements
Sessional Paper 1045/92-93

PWA Guarantee, January 21, 1993
Sessional Paper 1046/92-93

PWA Corporation Restructuring Plan
Sessional Paper 1047/92-93

Hon. Mr. Trynchy, Minister of Transportation and Utilities:

Letter, dated January 20, 1993, from the Hon. Mr. Trynchy to Hon. Mr. Corbeil,
Minister, Transport Canada, regarding the preservation of competitive air services
in Canada
Sessional Paper 1048/92-93

Hon. Mr. Ady, Minister of Advanced Education and Career Development:

Alberta Council on Admissions and Transfer, Annual Report 1991-92
Sessional Paper 1049/92-93

Mr. Nelson, Deputy Chairman, Standing Committee on Legislative Offices, pursuant
to the Election Act, cE-2, s4(3), RSA 1980:

The Report of the Chief Electoral Officer on the Three Hills By-election held
December 5, 1992
Sessional Paper 144B/92-93

Mr. Doyle, Hon. Member for West Yellowhead:

Text of speech by D.D. Salmon, Auditor General of Alberta to the N.E. Tanner
Management Society, Calgary, November 26, 1992
Sessional Paper 1050/92-93

Oral Question Period

During Oral Question Period, Mr. Martin, Hon. Leader of the Opposition, filed the following:

Alberta Attorney General Memorandum, dated April 23, 1990, Alberta Family and Social Service Memorandum, dated April 23, 1990 and Memorandum, dated April 24, 1990, from Helen Timoffee from Darlene Tompson, regarding the Delvee Ranch and a Ministerial Stop Order

Sessional Paper 1051/92-93

During Oral Question Period, Mrs. Gagnon, Hon. Member for Calgary-McKnight, filed the following:

Page 3 of a document regarding discretionary funding to the Arts

Sessional Paper 1052/92-93

During Oral Question Period, Ms Mjolsness, Hon. Member for Edmonton-Calder, filed the following:

Alberta Family and Social Services Memorandum, dated October 12, 1990, regarding recontracting of Delvee Ranch and November 1, 1990, Licensing Report on Delvee Ranch

Sessional Paper 1053/92-93

Ministerial Statements

Hon. Mr. Day, Minister responsible for Professions and Occupations, announced the appointment of a committee to study the guidelines governing midwives in Alberta.

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

Privilege

The Speaker made the following ruling:

On Monday, January 25, the Hon. Member for Calgary-Buffalo rose on a purported point of privilege regarding the Premier's establishment of four standing policy committees to which certain Members of the Government caucus have been appointed. By way of the Member's written notice, oral arguments, and a written submission of authorities, the Member for Calgary-Buffalo alleged that the privileges of other Members of the House, and specifically Opposition Members, have been breached. Some reasons for the Hon. Member's allegations were, among other things, because only Government Members were chosen to serve on these committees, and further that because public funds were used to remunerate those Members, the said Government Members were receiving an advantage not available to other Members of the House. Other arguments touching upon the dignity of this institution as well as interference on a Member carrying out his duties were also presented.

The Chair has had a chance to thoroughly review the submissions of the Hon. Member for Calgary-Buffalo. It feels compelled to look at the question as one touching on the separation of powers, specifically the powers of the executive branch and the powers of the legislative branch. The Assembly must respect the right of executive to carry out the business of the Crown. The Crown must respect the right of the House to carry out the business of the Assembly. It is when the business of the Crown restricts the business of the Assembly that this House can consider a breach of privilege. The Chair would refer all Members to section 43 of the Legislative Assembly Act, which provides in subsection (3), and I quote:

If a Member holds office as a member of a board, commission, committee or other body to which he is appointed by the Lieutenant Governor in Council or a Minister of the Crown or by a regulation,

- (a) he may be paid fees by the Crown or by that body only if the Lieutenant Governor in Council or a Minister of the Crown prescribes the amount or rate of those fees.
- (b) the Lieutenant Governor in Council may authorize the provision of any services or things to or for the use of the Member, if his rate of fees is prescribed at a monthly or yearly rate.

The documents presented by the Hon. Member for Calgary-Buffalo are exactly those documents required by virtue of section 43. I give the example of the Orders in Council providing for the remuneration and services available to the Members of those committees. The committees themselves are established and their membership named by virtue of ministerial order, a power which has always remained within the exclusive cognizance of the Crown. Clearly, by virtue of the very fact that this House is not involved in the passing of an Order in Council or a ministerial order, we must accept that enacting such orders is an independent act of the executive branch. Legislatures cannot interfere in the sovereign right of the Lieutenant Governor in Council or a minister to govern in those areas reserved exclusively to the Crown, particularly when those powers were approved by this House.

These committees are Government committees, not committees of the House. They are bodies much like the numerous other boards, commissions, councils, foundations, and committees created by the Government in other areas. This House cannot usurp the proper prerogatives of the Crown in the name of privilege to deny the independence of the executive branch once it uses the authority the Legislative branch has given it.

In passing the Legislative Assembly Act, which includes section 43, earlier referred to, this House has given the Crown the right to provide for remuneration of Members and authorized the provision of any services or things to or for the use of the Members appointed to the committees by the Lieutenant Governor in Council, minister, or by regulation.

The right of the Assembly to scrutinize such properly delegated expenditures through the business of supply remains intact. Therefore the Chair cannot accept that a lawful exercise of the authority given to the Crown by this House is a breach of this House's privileges. It is the ruling of the Chair, therefore, that there is no prima facie case of privilege.

ORDERS OF THE DAY

Committee of Supply

(Day 1 Supplementary Estimates Consideration)

(Assembly in Committee)

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

And after some time spent therein, the Speaker resumed the Chair and Mr. Main reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Education and reports as follows:

Education

\$	100,000	Departmental Support Services
	<u>26,000,000</u>	Financial Assistance to Schools
	26,100,000	

The Committee of Supply has also had under consideration certain resolutions of the Department of Environmental Protection, 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. Kowalski, Government House Leader, the Assembly adjourned at 12:56 p.m. until Monday, February 1, 1993 at 2:30 p.m.

NOTICES

Leave to Introduce a Bill

Bill	3	Vencap Equities Alberta Amendment Act, 1992 – Hon. Mr. Elzinga
Bill	44	Employment Standards Code Amendment Act, 1992 – Hon. Ms McCoy
Bill	49	Industrial Wages Security Amendment Act, 1992 – Hon. Ms McCoy
Bill	56	Appropriation (Supplementary Supply) Act, 1993 – Hon. Mr. Dinning
Bill	230	Employment Standards Act – Mr. Bruseker
Bill	239	Alberta Economic Diversification Board Act – Mr. Bruseker
Bill	241	Below Cost Timber Sales Act – Mr. McInnis
Bill	244	Child Welfare Amendment Act – Ms Mjolsness
Bill	246	Decommissioning of Industrial Sites Act – Mr. Mitchell
Bill	247	Alberta Retirement Savings Plan Act – Mr. Jonson
Bill	248	Financial Administration Amendment Act – Mr. Decore
Bill	251	Alberta Youth Conservation Act – Mrs. Gagnon
Bill	253	Child Welfare Amendment Act – Ms Mjolsness
Bill	255	Amusements Amendment Act – Mrs. Gagnon
Bill	257	Alberta Local Development Bonds Act – Mr. Jonson
Bill	263	Labour Relations Code Amendment Act – Mr. Bruseker
Bill	265	Interprovincial Lottery Amendment Act – Mr. Decore
Bill	270	Small Business Support Act – Ms Calahasen
Bill	272	An Act to Establish the Alberta Innovation Foundation – Mr. Bradley
Bill	275	Off-Highway Vehicle Amendment Act – Mr. Bradley
Bill	280	Marketing of Agricultural Products Amendment Act – Mr. Fox
Bill	283	Arts Council Act – Mrs. Gagnon
Bill	285	Public Service Employee Relations Amendment Act – Mr. Bruseker
Bill	286	Highway Traffic Amendment Act – Mrs. Mirosh
Bill	287	An Act to Establish a Committee to Promote a Split Peak Rate Assessment for Industrial Energy Consumers – Mr. Paszkowski
Bill	293	Public Accounts Committee Act – Mr. Pashak

- Bill 295 Auditor General Amendment Act – Mr. Decore
- Bill 296 Entrepreneurial Education Commission Act – Mr. Paszkowski
- Bill 301 An Act to Phase Out the Use of Chlorofluorocarbons – Mr. Mitchell
- Bill 309 School Amendment Act – Mrs. Gagnon
- Bill 312 Crown Property Municipal Grants Amendment Act – Mr. Wickman
- Bill 313 Auditor General Amendment Act – Mr. Pashak
- Bill 314 Income Tax Amendment Act – Mr. Wickman
- Bill 315 An Act to Commit Government to a Five-Year Funding Planning Framework – Mr. Wickman
- Bill 317 Miscellaneous Statutes on Marital Status Amendment Act – Ms Laing
- Bill 320 An Act to Provide for Elected Representation on Post-Secondary Education Institute Boards – Mr. Pashak
- Bill 328 Liquor Control Amendment Act, 1992 – Mr. Taylor
- Bill 331 Teaching Profession Amendment Act, 1992 – Mr. Severtson
- Bill 339 Medical Profession Amendment Act, 1993 – Ms Barrett
- Bill 341 Limitations of Actions Amendment Act, 1993 – Mr. Dickson
- Bill 343 Municipal Government Amendment Act, 1993 – Mr. McInnis

David J. Carter,
Speaker

Title: Friday, January 29, 1993