



**Legislative Assembly
Province of Alberta**

No. 86

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Second Legislature

Wednesday, April 28, 1993

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

ROUTINE

Presenting Petitions

Mr. Taylor, Hon. Member for Westlock-Sturgeon, presented a petition from 199 Albertans regarding an amendment to the Highway Traffic Act regulations to allow the towing of trailers and vehicles behind fifth-wheel trailers.

Reading and Receiving Petitions

On request by Mr. Chivers, Hon. Member for Edmonton-Strathcona, the following petition was read and received:

We the undersigned residents of Alberta urge the Legislative Assembly to call upon the Government of Alberta, immediately and before the next election, to reduce pension benefits which will be payable to Members of the Legislative Assembly and Cabinet Ministers leaving office at or before the next election to a level comparable to other pension plans.

Notices of Motions

Mr. Dickson, Hon. Member for Calgary-Buffalo, gave oral notice of his intention to move the following motion under Standing Order 40:

Be it resolved that Bill 354, Members of the Legislative Assembly Pension Reform Act, be brought to the top of Public Bills and Orders on the Order Paper so it can be considered in Second Reading, pursuant to Standing Order 8(3) on Thursday, April 29, 1993.

Presenting Reports by Standing and Special Committees

Mr. Pashak, Chairman, Standing Committee on Public Accounts, presented the 1992-93 Report of the Standing Committee on Public Accounts.

Sessional Paper 697/92-93

Introduction of Bills (First Reading)

Notice having been given:

Bill 361 Landlord and Tenant Amendment Act, 1993 – Mr. Chivers

Tabling Returns and Reports

Mr. Schumacher, Deputy Speaker, pursuant to the Conflicts of Interest Act, cC-22.1, s23(10), 26(1), SA 1991:

Office of the Ethics Commissioner, Province of Alberta, Investigation into Allegation Involving Ken Rostad, Member for Camrose, April 28, 1993

Sessional Paper 2/92-93

Hon. Mr. Day, Minister responsible for Professions and Occupations, pursuant to the Public Service Employee Relations Act, cP-33, s77(2), RSA 1980:

Public Service Employee Relations Board, Annual Report 1991-92

Sessional Paper 119A/92-93

Hon. Mr. Day, Minister responsible for Professions and Occupations:

College of Chiropractors of Alberta, Annual Report 1991

Sessional Paper 1104/92-93

Hon. Mr. Day, Minister responsible for Professions and Occupations, pursuant to the Psychology Profession Act, cP-25.01, s7(2), 1985 Statutes:

Psychologists Association of Alberta, Annual Report 1990-91

Sessional Paper 128/92-93

Hon. Mr. Day, Minister responsible for Professions and Occupations, pursuant to the Certified General Accountants Act, cC-3.6, s9(2), 1987 Statutes:

Certified General Accountants Association of Alberta, Annual Report 1992
Sessional Paper 124/92-93

Mr. Chivers, Hon. Member for Edmonton-Strathcona:

Amendments to be brought forward by the New Democrats in the debate on Bill 62, Members of the Legislative Assembly Pension Plan Amendment Act, 1993

Sessional Paper 1105/92-93

Mr. McFarland, Hon. Member for Calgary-Bow:

Premier's Council in Support of Alberta Families, Perspectives on Family Well-being

Sessional Paper 1106/92-93

Ministerial Statements

Hon. Mr. Day, Minister of Labour, announced that April 28, 1993, is the day on which the Canadian Labour Movement recognizes those workers who have been injured, killed, or had their health affected on the job, or as a result of their work.

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

Oral Question Period

During Oral Question Period, Mr. Paszkowski, Hon. Member for Smoky River, filed the following:

"Good, bad news from the Premier," Grande Prairie Herald-Tribune, April 26, 1993

Sessional Paper 1107/92-93

Motions Under Standing Order 40

Mr. Dickson, Hon. Member for Calgary-Buffalo, requested the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that Bill 354, Members of the Legislative Assembly Pension Reform Act, be brought to the top of Public Bills and Orders on the Order Paper so it can be considered in Second Reading, pursuant to Standing Order 8(3) on Thursday, April 29, 1993.

Unanimous consent to proceed was not granted.

Deputy Speaker's Statement Privilege

Before calling the Orders of the Day, the Chair is in possession of a notice of purported point of privilege from the Member for Calgary-Buffalo. The notice was delivered to the Table at 8:10 o'clock last evening during Committee of the Whole. The notice read:

I give notice of my intention to raise a question of privilege pursuant to Standing Order 15. My privilege in question is the right to rely on the provision of section 22(6) of the Conflicts of Interest Act. The Speaker breaches my privilege by proceeding to deal with a question of privilege raised by the Member for Camrose when the same matter is the subject of an investigation by the Ethics Commissioner pursuant to section 22 of the Conflicts of Interest Act. Only this morning did the Ethics Commissioner confirm to me that he has been notified by the Member for Camrose relative to this issue. This, therefore, is the earliest time for me to raise this matter.

The Chair is going to make a ruling on this notice at the present time, and the disposition of this notice as a purported point of privilege is as follows: first, a point of privilege cannot be raised against the Speaker. Erskine May 21st edition says that unless the decision is based upon a substantive motion drawn in proper terms, reflections must not be cast in debate upon the conduct of the Speaker. The reasons for this are clear and basic. The Speaker is the elected servant of the Assembly and, as such, is answerable to the Assembly as a whole (Beauchesne paragraph 167)

Standing Order 15 requires the Speaker to hear and rule upon whether a prima facie case of privilege exists. Therefore, the question as raised by Calgary-Buffalo or any question dealing with the Speaker in his role as servant of the Assembly must go directly to the Assembly and can only be done by way of a substantive motion. I would also remind all Hon. Members that it is the Assembly and not the Speaker that rules whether a case of privilege exists.

Even if the Speaker was able to overcome this fundamental point, he would be unable to put the matter to the Assembly because, pursuant to Standing Order 15(6), the matter was not raised at the earliest opportunity. There is only one purported point of privilege before this House. It arose out of a question put by the Member for Calgary-Buffalo on April 21, 1993. The Member for Camrose raised a point of privilege with respect to that question on April 22, 1993. The privilege question raised by the Member for Camrose was debated pursuant to Standing Order 15(6) on April 23, 1993. The Member for Calgary-Buffalo participated fully in that debate. The Member for Calgary-Buffalo stated during the privilege debate that he had requested the Ethics Commissioner to conduct an investigation. However, the subsequent notice of privilege to this House occurred six days after the Member indicated he had contacted the Ethics Commissioner. The earliest opportunity for the Member for Calgary-Buffalo to raise this matter would have been on April 23 before the debate pursuant to Standing Order 15(6) commenced. Instead, the Member for Calgary-Buffalo participated in the

debate. In so doing the Member for Calgary-Buffalo acquiesced in the proceedings and, therefore, chose to forgo any subsequent right to bring it to the House at any time after April 23, 1993.

The Chair feels compelled to observe colloquially that one cannot suck and blow at the same time. The Chair is therefore prepared to receive and await a substantive motion from the motion for Calgary-Buffalo with respect to this matter.

ORDERS OF THE DAY

Government Bills and Orders

Committee of the Whole

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

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker resumed the Chair.

The following Bills were reported:

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| Bill | 58 | Students Loan Guarantee Amendment Act, 1993 – Hon. Mr. Ady |
| Bill | 60 | Alberta School Boards Association Amendment Act, 1993 – Hon. Mr. Jonson |

The Speaker assumed the Chair.

Third Reading

The following Bills was read a Third time and passed:

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| Bill | 57 | Electoral Divisions Amendment Act, 1993 – Hon. Mr. Fowler |
| Bill | 58 | Students Loan Guarantee Amendment Act, 1993 – Hon. Mr. Ady |
| Bill | 60 | Alberta School Boards Association Amendment Act, 1993 – Hon. Mr. Jonson |

Second Reading

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

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| Bill | 64 | Safety Codes Amendment Act, 1993 – Hon. Mr. Day |
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A debate followed.

The question being put, the motion was agreed to. The names being called for were taken as follows:

For the motion: 38

Adair	Fischer	Moore
Ady	Fowler	Musgrove
Anderson	Horsman	Nelson
Black	Hyland	Orman
Bogle	Johnston	Paszkowski
Bradley	Jonson	Rostad
Brassard	Kowalski	Severtson
Calahasen	Laing (Calgary-Bow)	Shrake
Cardinal	Lund	Tannas
Cherry	Main	Thurber
Clegg	McClellan	Trynchy
Elzinga	McFarland	Woloshyn
Evans	Mirosh	

Against the motion: 13

Barrett	Hewes	Mjolsness
Bruseker	Laing (Edmonton-Avonmore)	Pashak
Chivers	McEachern	Sigurdson
Ewasiuk	McInnis	Taylor
Gibeault		

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

Bill 62 Members of the Legislative Assembly Pension Plan Amendment Act,
1993 – Hon. Mr. Kowalski

A debate followed.

Mr. McEachern moved adjournment of the debate on amendment, which was agreed to.

The following Bill was Read a Second Time and referred to Committee of the Whole:

Bill 64 Safety Codes Amendment Act, 1993 – Hon. Mr. Day

Adjournment

On motion by Hon. Mr. Elzinga, Acting Government House Leader, the Assembly adjourned at 5:28 p.m. until Thursday, April 29, 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	65	Government Organization Act – Hon. Mr. Elzinga
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	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	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	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 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 345 County Amendment Act, 1993 – Mr. Gesell
- Bill 358 Motor Vehicle Administration Amendment Act, 1993 – Mr. Woloshyn

David J. Carter,
Speaker

Title: Wednesday, April 28, 1993