



**Legislative Assembly
Province of Alberta**

No. 87

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Second Legislature

Thursday, April 29, 1993

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

ROUTINE

Presenting Petitions

Mr. Chivers, Hon. Member for Edmonton-Strathcona, presented a petition from 842 Albertans urging the Government to reduce pension benefits which will be payable to Members of the Legislative Assembly and Cabinet Ministers.

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 10,000 Albertans requesting the reform of the Members of the Legislative Assembly Pension Plan by converting it to a self-funding contribution plan and the elimination of the Members of the Legislative Assembly Re-Establishment Allowance.

Mr. Wickman, Hon. Member for Edmonton-Whitemud, presented a petition from Albertans requesting the reform of the Members of the Legislative Assembly Pension Plan by converting it to a self-funding contribution plan and the elimination of the Members of the Legislative Assembly Re-Establishment Allowance.

Mr. Doyle, Hon. Member for West Yellowhead, presented a petition from 10,000 Albertans requesting the reform of the Members of the Legislative Assembly Pension Plan by converting it to a self-funding contribution plan and the elimination of the Members of the Legislative Assembly Re-Establishment Allowance.

Reading and Receiving Petitions

On request by Mr. Taylor, Hon. Member for Westlock-Sturgeon, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government of Alberta to amend the Highway Traffic Act Regulations to allow the towing of trailers and vehicles behind fifth-wheel trailers.

Tabling Returns and Reports

Hon. Mrs. McClellan, Minister of Health:

Actual Payments to Hospitals and Nursing Homes by Facility, Alberta Health, 1991-92

Sessional Paper 1108/92-93

Hon. Mrs. McClellan, Minister of Health, pursuant to the Legislative Assembly Act, cL-10.1, s52, 1983 Statutes:

Alberta Health, Annual Report 1991-92

Sessional Paper 70B/92-93

Statistical Supplement, Alberta Health Care Insurance Plan, 1991-92

Sessional Paper 70C/92-93

Hon. Mr. Evans, Minister of Environmental Protection:

Environment Council of Alberta, Annual Report 1991-92 (on cover of extended life light bulbs)

Sessional Paper 1109/92-93

Answer to Written Question 387 asked by Mr. Mitchell on April 27, 1993:

With regard to the Alberta Special Waste Management Corporation's joint-venture partner, Chem Security (Alberta) Ltd., how much did Chem Security earn from its sale of services during the fiscal year ended March 31, 1991, other than those funds contributed by the Alberta Special Waste Management Corporation?

Sessional Paper 387/92-93

Return to Order of the Assembly No. 385 asked by Mr. Mitchell on April 27, 1993:

The results of hydrological analyses carried out within the Hotchkiss River basin between January 1, 1980 and July 31, 1992 related to timber harvesting operations in the basin.

Sessional Paper 388/92-93

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

Letter, dated April 28, 1993, and attached document on Members of the Legislative Assembly Pension Reform, from Fred Laux, Professor of Law, University of Alberta, to Hon. Mr. Klein, Premier

Sessional Paper 1110/92-93

Letter, dated December 23, 1992, from William Pinckney, Assistant Director, Special Prosecutions, to Larry Whaley, Borrowers' Action Society, regarding credit card company interest rates

Sessional Paper 1111/92-93

Letter, dated June 12, 1993, from Peggy Hartman, Legal Research and Analysis, Alberta Attorney General, to Larry Whaley, Borrowers' Action Society, regarding assistance with an appeal

Sessional Paper 1112/92-93

Speaker's Ruling Privilege

On April 21, 1993 during Question Period the Member for Calgary-Buffalo directed a question to the Premier (page 2309 Hansard) and in his comments made reference to a letter as written by the Member for Camrose.

"... Sir, just three months ago the Member for Camrose was the Attorney General for this province, the man responsible for the administration of justice, the man responsible for the appointment of members of the provincial court. On March 23, 1993, the Member for Camrose wrote to a judge. He was writing on behalf of a man convicted under the Criminal Code of sexual exploitation of a minor. The Member recommended a suspended sentence and probation. My question: does the Premier find this action by the former Attorney General of Alberta acceptable?"

A copy of a letter was sent via a Page to the Premier and another copy to the Chair. The Chair intervened with a caution to the Member for Calgary-Buffalo. The Member for Calgary-Buffalo then placed a supplementary question.

"Mr. Speaker, my supplementary question is: what steps has the Premier taken to ensure that members of the current Executive Council are not involved in either influencing or attempting to influence members of the courts in this jurisdiction?"

On April 22nd the Member for Camrose delivered notice of privilege at 12:25 p.m. to the Office of the Speaker which showed a copy to the Member for Calgary-Buffalo. When the House convened on April 22nd the Member for Camrose gave oral notice that he wished to raise a matter of privilege at the end of Question Period. During Question Period the Member for Edmonton- Meadowlark placed a question to the Premier related to the issue as raised the day before by the Member for Calgary-Buffalo.

The Chair called Edmonton-Meadowlark to order since the issue was to be a matter of purported privilege to be addressed that same day and therefore subject to anticipation. Edmonton-Meadowlark failed in a point of order following Question Period. (Hansard pages 2334, 2335 and 2336). On that same day the Chair recognized the Member for Camrose to rise in accordance with Standing Order 15 (2) (Hansard page 2337). Under Standing Order 15 (4) the Chair delayed further discussion until a day when the Member for Calgary-Buffalo would be present.

In the evening of April 22nd the Chair sent a note in the House to the Member for Calgary-Buffalo to ascertain if he would be present April 23rd to address the issue of purported privilege as raised. The Member replied in the affirmative.

On Friday, April 23rd the Member for Camrose addressed the issue of purported privilege (Hansard pages 2368 and 2369). In the course of his remarks the Member mentioned he had scheduled a meeting with the Ethics Commissioner to discuss the letter of reference. The Member for Calgary-Buffalo addressed the House on the issue (Hansard pages 2369, 2370, 2371 and 2372). The Member stated he had referred the matter to the Ethics Commissioner on April 21st. A letter from the Ethics Commissioner to the Member for Calgary-Buffalo dated April 23, 1993 was supplied which indicated receipt of documents and an intention to make an investigation.

The Chair made no comment save that the purported privilege matter would be given due consideration.

Yesterday the Chair tabled the report of the Ethics Commissioner dated April 28, 1993 and received by the Speaker at 11:00 a.m.

In assessing this particular case of purported privilege, a number of concerns arise. Unknown to the Chair or to the House on April 21st the Member for Calgary-Buffalo sent a letter to the Ethics Commissioner. On the same day the same Member raised his question in the House. At that time the Member for Calgary-Buffalo, without notice, then sent a copy of a letter to the Premier and to the Chair. It was not a proper filing. Therefore the method of filing is defective and inappropriate.

The letter is not a certified copy. Indeed it is a facsimile as indicated at its lower right hand corner. The document does not comply with the standard practice of this House. The letter is addressed "To the Court" not to a specific person. The letter does not show a time or date stamp to show that it was received or by whom.

A question arises as to how this supposed "court document" became public. In addition, how is it that the Member for Calgary-Buffalo came into possession of a letter which was not addressed to him personally or in another capacity? In his remarks to the House on April 23rd the Member for Calgary-Buffalo made considerable reference to two documents namely the Code of Professional Conduct for the Law Society of Alberta and the proposed Code of Professional Conduct for the same society. No one can be held responsible for a proposed code which has not come into force. Therefore reference to such material is of no consequence.

Calgary-Buffalo also referenced the Code of Ethics as in effect. Calgary-Buffalo stated in Hansard on page 2371, this issue of purported privilege "is a matter for the Legislative Assembly; it's not a matter for the Law Society". The Chair agrees both of these documents are of no relevance in this Chamber.

Yesterday the Ethics Commissioner delivered his report to the Office of the Speaker with copies for all Members which were distributed in the Assembly. The Ethics Commissioner stated on page 2 "The actions taken by the Member for Camrose do not breach any section of the Conflicts of Interest Act". The Ethics Commissioner further states on page 3 "No sanction is recommended as the Member has not breached the Conflicts of Interest Act". The Ethics Commissioner makes useful comments throughout his report.

The Ethics Commissioner also raises the issue of "letters of reference" for the Assembly to deal with at a later date. The Ethics Commissioner also stated on page 3 "This particular matter was simultaneously raised in the Assembly and with the Office of the Ethics Commissioner. It is recognized that privilege is one of the most important matters to be considered by the Assembly and that the Assembly must retain its full authority to deal with matters of privilege".

The Chair has given long and thoughtful consideration to this whole matter and is well aware of precedent being established as this is the first time purported privilege has been raised since the coming into force of the Conflicts of Interest Act. Standing Orders of the Assembly come very much into play especially Standing Order 23 (h) and (i):

A member will be called to order by Mr. Speaker if that member:

- (h) makes allegations against another member;
- (i) imputes false or unavowed motives to another member;

and Beauchesne 409 (7):

A question must adhere to the proprieties of the House, in terms of inferences, imputing motives or casting aspersions upon persons within the House or out of it.

Under Standing Order 15 (2) notice was complied with by the Member for Camrose.

A member wishing to raise a question of privilege shall give a written notice containing a brief statement of the question to Mr. Speaker and, if practicable, to any person whose conduct may be called in question, at least two hours before the opening of the sitting, and before the Orders of the Day are called, shall call attention to the alleged breach of privilege and give a brief statement of the nature of the matter which founds the complaint.

Standing Order 15 (3) and (4) were complied with by the Chair.

(3) If Mr. Speaker is of the opinion that the matter may not be fairly dealt with at that time, he may defer debate on the matter until such time as he determines it may be fairly dealt with.

(4) If the member whose conduct is called in question is not present, the matter shall be deferred to the next day that he is present unless Mr. Speaker rules that, in the circumstances, the matter may be dealt with in his absence.

Standing Order 15 (6) was complied with.

Mr. Speaker may allow such debate as he thinks appropriate in order to satisfy himself whether a prima facie case of breach of privilege has taken place and whether the matter is being raised at the earliest opportunity.

The Chair rules that a prima facie case of privilege has occurred.

Hon. Mr. Kowalski, Government House Leader, gave oral notice of the following motion:

Be it resolved that the Legislative Assembly refer the Speaker's finding of a prima facie breach of privilege as raised by the Member for Camrose to the Standing Committee on Privileges and Elections, Standing Orders and Printing to determine the appropriate action to be taken with respect to the Member for Calgary-Buffalo.

ORDERS OF THE DAY

Written Questions

The following Written Questions were ordered to stand:

170, 290, 315, 389.

Motions for Returns

The following motion was agreed to:

277. Moved by Mrs. Hewes on behalf of Mr. Decore:

That an Order of the Assembly do issue for a Return showing:
Details of the payment of \$49,027 to Hemisphere Engineering Inc. by the Department of Public Works, Supply and Services during the fiscal year 1989-90.

The following motions were ordered to stand:

184, 185, 190, 191, 195, 196, 200, 227, 233, 235, 236, 237, 239, 240, 241, 242, 243, 245, 246, 247, 249, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 269, 270, 275, 276, 278, 292, 294, 305, 306, 307, 308, 309, 310, 311, 312, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 341, 343, 345, 346, 357, 363, 364, 365, 367, 370, 371, 372, 374, 376, 377, 378, 386, 388, 390.

Motions Other Than Government Motions

234. Moved by Mr. Gibeault on behalf of Rev. Mr. Roberts:

Be it resolved that the Legislative Assembly urge the Government to provide accountable, effective English as a Second Language (ESL) programs to both children and adults by increasing the per pupil grant paid to school boards, extending the number of years for which grants are available, providing ESL to Early Childhood Services students, providing ESL for Canadian-born children whose first language is not English, updating curricular resource materials, increasing the number of full-time spaces available for adult ESL as immigration levels increase, providing specialized ESL training to assist with the transfer of foreign credentials and the ability to work in Alberta, and ensuring that availability of ESL training does not discriminate on the basis of gender.

A debate followed.

Pursuant to Standing Order 8(3), debate adjourned with Mr. Main speaking.

Public Bills and Orders

Other Than Government Bills and Orders

Second Reading

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

Bill 220 Native Peoples Representation Act – Mr. Taylor

A debate followed.

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

By order of the Speaker, the Order Paper was regularized to reflect the change in Cabinet of December 15, 1992.

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly adjourned at 5:27 p.m. until Friday, April 30, 1993, at 10:00 a.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

Written Questions

391. Mr. Hawkesworth to ask the Government the following question:

Under Note 5, Allowance for Credit Losses, on page 12 of the Fifty-Fourth Annual Report 1992 of the Alberta Treasury Branches:

- (1) How much of the \$230,015,000 total "Balance at end of year" is for loans made for activities outside Alberta?
- (2) How much of the \$230,015,000 total "Balance at end of year" is for commercial loans and mortgages?

392. Mr. Hawkesworth to ask the Government the following question:

In what countries are loans being made by the Alberta Treasury Branches to entities registered extra-provincially under the laws of the Province for activities outside Alberta for the fiscal year ending March 31, 1992?

Motions for Returns

393. Mr. Hawkesworth to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

Under Note 4, Loans, on page 12 of the Fifty-Fourth Annual Report 1992, of the Alberta Treasury Branches:

- (1) How many loans have been made for activities outside Alberta;
- (2) How many entities have received loans for activities outside Alberta;
- (3) How much of the \$1,872,577,000 in commercial loans and mortgages have been made for activities outside Alberta;
- (4) How much of the \$193,298,000 in non-accrual loans have been made for activities outside Alberta;
- (5) How much of the \$52,286,000 in renegotiated reduced rate loans have been made for activities outside Alberta;
- (6) How much of the \$6,290,726,000 in total loans have been made for activities outside Alberta?

David J. Carter,
Speaker

Title: Thursday, April 29, 1993