



**Legislative Assembly  
Province of Alberta**

No. 96

**VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Second Legislature

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Wednesday, May 12, 1993

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

Hon. Mr. Dinning, Provincial Treasurer, delivered a Message from His Honour the Honourable the Lieutenant Governor.

The Speaker read the Message to the Assembly (the Members standing).

The Provincial Treasurer then tabled a copy of the Estimates of Expenditure.

Government Estimates, General Revenue Fund, 1993-94 (Advanced Education and Career Development; Agriculture, Food and Rural Development; Education; Energy; Family and Social Services; Health; Justice; and Labour)

Sessional Paper 713/92-93

**ROUTINE**

**Presenting Petitions**

Mrs. Hewes, Hon. Member for Edmonton-Gold Bar, presented a petition from 16 Edmonton residents urging the Government to afford clefted children full access to proper dental care.

Ms Calahasen, Hon. Member for Lesser Slave Lake, presented a petition from 890 Lesser Slave Lake and area residents and visitors requesting the immediate stabilization of Lesser Slave Lake.

## **Presenting Reports by Standing and Special Committees**

Mrs. B. Laing, Chairman, Standing Committee on Private Bills, presented the following report:

Pursuant to Standing Order 93, I wish to report that the petitions for Private Bills which have been received by the Assembly have been taken under consideration by me as Chairman of the Standing Committee on Private Bills and all the petitions received complied with Standing Order 86.

Furthermore, Mr. Speaker, pursuant to Standing Order 91(2) the Standing Committee on Private Bills has had under consideration the acceptance of a late petition presented earlier today by me, being the petition for Private Bill 21, Shelley Komant Adoption Act. The petition has otherwise complied with the advertising requirements under Standing Order 86. The Committee recommends to the Assembly that this petition be allowed to proceed despite the late filing under Standing Order 91(2) and that the Assembly do now deem this petition to have been read and received.

The Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows.

The Committee recommends that the following Bills be proceeded with:

Bill Pr17 Cory Brad Irwin and Shawn Lee Irwin Adoption Act

Bill Pr27 Chinese Cultural Association Tax Exemption Act

The Committee recommends that the following Bill not be proceeded with:

Bill Pr21 Shelley Komant Adoption Act

The Committee will further consider Pr18, Gerald Edwin Crabbe Adoption Act, when the petitioners are able to meet with the Committee.

Mr. Speaker, I also wish to report that the Committee resolved to recommend to the Legislative Assembly that alternative ways of dealing with adult adoptions be considered.

The question being put, concurrence in the report was granted.

## **Tabling Returns and Reports**

Hon. Mr. Trynchy, Minister of Transportation and Utilities, pursuant to Rural Gas Act, cR-19, s30(7), RSA 1980:

Gas Alberta Operating Fund, Report of Fund Operations, March 31, 1992  
Sessional Paper 140A/92-93

## Privilege

On May 10, 1993 the Honourable Member for Edmonton-Strathcona rose on a matter of purported privilege. Proper notice was given in accordance with Standing Order 5(2).

In his submission the Member stated:

"The public learned on Friday, May 7th that the Deputy Premier provided some or all Conservative Members of the Legislative Assembly with a breakdown of government spending plans in their respective constituencies which detailed all public works, capital projects and hospital and nursing home projects "being undertaken" in their constituencies for the 1993-1994 fiscal year."

The focus of concern is the release of

"government spending plans in their respective constituencies which detailed all public works, capital projects and hospital and nursing home projects "being undertaken" in their constituencies for the 1993-1994 fiscal year".

The Deputy Premier on Page 2651 of Hansard stated:

" ... I certainly did provide to honourable Members clarification information which came directly out of the 1992-93 government estimates and capital fund estimates.

"If honourable Members would like to take a look at the particular estimates of 1992-93, they will see in a number of cases specifics with respect to various health care projects that are under construction. These estimates provide information with respect to certain projects.

" ... So the only information that would have been provided to anyone who requested it would have been information that would basically cover that particular project in the 1993-1994 year.

" ... this type of information that was made available to those who requested it is no different than the information that this Minister of the Crown has made available upon request in previous years.

" ... I received no request from any Member of the Opposition since Friday morning for any additional information with respect to any projects."

And in concluding his remarks on Page 2651 of Hansard, stated:

" ... but I look forward to additional information that might be provided, including the citations of violation and a specific example of where I have violated any of the principles that would govern a member of Executive Council in terms of providing information to honourable Members of the House once they have requested it."

On Page 2652 of Hansard, the Chair requested Edmonton-Strathcona to provide additional citations. The Chair also requested the Deputy Premier to supply examples of information that were given out to various Members of the Government benches. On May 11th the Deputy Premier agreed to supply the requested material. On May 11th during Question Period, the Member for Edmonton-Strathcona sent a letter to the Chair with his citations.

The citations submitted by Edmonton-Strathcona include Standing Order (2) and Sections 8, 9 and 10 of the Legislative Assembly Act with particular reliance on Section 10 (2) (b) of the Legislative Assembly Act. While these citations do deal with a Member's privilege, the Chair does not find them relevant to the specific issue as raised by the Member for Edmonton-Strathcona.

However the Member for Edmonton-Strathcona does cite page 115 of Erskine May and the Chair does concur that this citation is relevant.

"Generally speaking, the act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence."

The Chair's responsibility in determining whether or not a prima facie case of privilege is, - to identify on the surface, does it appear that there has been an act or omission by the Deputy Premier that has impeded the Member for Edmonton- Strathcona in the discharge of his duties to this House and his constituents.

There has indeed been some confusion in the method of the tabling of Budget Estimates for the current fiscal year. The pattern of procedure of at least the past 15 years has been altered. The recent tradition of this House has been to have all budget documents and estimates tabled in the Assembly as a whole.

This has not been the case this year.

Edmonton-Strathcona's particular stated concern relates to various documentation related to Public Works on a constituency breakdown basis and that such material was not given to all Members of this House. The Deputy Premier has stated the material was and is available on request. The Minister further stated no requests for such information were received from Opposition Members as of May 10, 1993. The Deputy Premier informed the Chair on May 11th that while some constituencies have projects underway -- other constituencies have none, therefore, information is not available for every constituency.

In examining the material submitted to the Chair by the Deputy Premier, it appears on the surface -- or prima facie -- that the specific dollar information contained in the 1993-1994 Approved Capital Projects by Constituency would be the same dollar figures contained in the Estimates.

However the Deputy Premier has also stated in the material submitted:

"These profiles of approved capital projects provide the following information:

- 1) total project cost;
- 2) expenditure forecast to March 31, 1993;
- 3) 1993/94 approved budget;
- 4) future years requirements; plus a precis briefing on each project.

In my ministerial briefing book I have a complete overview of all capital projects under my jurisdiction. For each project there is a statement of expenditures to March 31, 1993, a programmed amount for fiscal 1993/94 and a requirement for future years' expenditure. A precis briefing on each project is also included.

This information is not "Estimates" information. Rather it is information for the Minister and it has always been my policy, as a Minister, to share information contained in my ministerial briefing book on a discretionary basis."

The Chair is not fully able to evaluate each and every constituency's documentation. What is apparent is that the information provided by the Deputy Premier covers projects for both the fiscal years 1992-93 and 1993-94. The Chair cannot confirm that the constituency profiles "detailed all public works, capital project and hospital and nursing home projects," as stated in Edmonton- Strathcona's purported point of privilege. However the Chair shares the concern of some Members of the House that this year's budgetary process is indeed a substantial departure from the fairly long-standing practices of this House. Therefore, and in concurrence with the Erskine May citation as referenced by the Member for Edmonton-Strathcona in his letter to the Chair, what is actually before the House is a possible contempt and not a prima facie breach of privilege.

Page 192 of Maingot's "Parliamentary Privilege in Canada" states:

" ... Each House also claims the right to punish actions which, while not breaches of any specific privilege, are offences against its authority or dignity, ...

" ... Such actions, though often called "breaches of privilege" are more properly distinguished as contempts."

The Chair finds that a contempt of the House did occur when partial 1993-94 budget detail was released prior to being tabled in this House.

Hon. Mr. Kowalski, Government House Leader, apologized to the House.

Mr. Chivers, Hon. Member for Edmonton-Strathcona, requested that information previously provided to some Members be provided to other Members.

Hon. Mr. Kowalski, Government House Leader, agreed to the request.

## ORDERS OF THE DAY

### Government Bills and Orders

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

Bill 66 Members of the Legislative Assembly Pension Plan Amendment Act, 1993  
(No. 2) – Hon. Mr. Kowalski

A debate followed.

Mr. Weiss moved adjournment of the debate, which was agreed to. The names being called for were taken as follows:

For the motion: 36

Adair	Fowler	Paszkowski
Ady	Gogo	Rostad
Bogle	Hyland	Schumacher
Calahasen	Isley	Severtson
Cardinal	Jonson	Shrake
Cherry	Kowalski	Sparrow
Clegg	McClellan	Thurber
Day	McFarland	Trynchy
Dinning	Mirsoh	Weiss
Drobot	Moore	West
Elliott	Musgrove	Woloshyn
Fischer	Oldring	Zarusky

Against the motion: 14

Barrett	Gibeault	Mitchell
Chivers	Hewes	Pashak
Decore	Laing (Edmonton-Avonmore)	Sigurdson
Dickson	Martin	Taylor
Fox	McInnis	

### Third Reading

The following Bill was read a Third time and passed:

Bill 68 Public Sector Pension Plans Act (No. 2) – Hon. Mr. Dinning

## Second Reading

Pursuant to Standing Order 21, Hon. Mr. Dinning, Provincial Treasurer, moved that the debate on Second Reading of Bill 67, Deficit Elimination Act, shall not be further adjourned, which was agreed to. The names being called for were taken as follows:

For the motion: 39

Adair	Fischer	Oldring
Ady	Fjordbotten	Paszkowski
Bogle	Fowler	Rostad
Bradley	Gogo	Schumacher
Calahasen	Hyland	Severtson
Cardinal	Isley	Shrake
Cherry	Jonson	Sparrow
Clegg	Kowalski	Thurber
Day	McClellan	Trynchy
Dinning	McFarland	Weiss
Drobot	Mirosh	West
Elliott	Moore	Woloshyn
Elzinga	Musgrove	Zarusky

Against the motion: 14

Barrett	Gibeault	Mitchell
Chivers	Hewes	Pashak
Decore	Laing (Edmonton-Avonmore)	Sigurdson
Dickson	Martin	Taylor
Fox	McInnis	

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 67 Deficit Elimination Act – Hon. Mr. Dinning

## Adjournment

On motion by Hon. Mr. Day, Deputy Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:21 p.m. until Thursday, May 13, 1993, at 2:30 p.m.

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## 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 358 Motor Vehicle Administration Amendment Act, 1993 – Mr. Woloshyn

David J. Carter,  
Speaker

Title: Wednesday, May 12, 1993