



**Legislative Assembly
Province of Alberta**

No. 4

VOTES AND PROCEEDINGS

First Session

Twenty-Third Legislature

Thursday, September 2, 1993

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

ROUTINE

Introduction of Bills (First Reading)

Notice having been given:

- | | | |
|------|-----|--|
| Bill | 201 | Freedom of Information and Protection of Personal Privacy Act – Mr. Decore |
| Bill | 202 | Deficit Elimination Amendment Act, 1993 – Dr. Percy |
| Bill | 203 | Recall Act – Mr. Dickson |
| Bill | 204 | Stray Animals Amendment Act, 1993 – Mr. Brassard |
| Bill | 205 | Agricultural Resources Conservation Board Act – Dr. Nicol |
| Bill | 206 | Auditor General Amendment Act, 1993 – Dr. Percy |
| Bill | 207 | Children's Rights Act – Mrs. Hewes |
| Bill | 208 | Child Welfare Amendment Act, 1993 (No. 3) – Mr. Severtson |
| Bill | 209 | Entrepreneurial Education Commission Act – Mr. Havelock |
| Bill | 210 | Individual Property Rights Protection Act – Mr. Pham |
| Bill | 211 | Conservation Easement Act – Mr. Collingwood |

Bill	212	Teaching Profession Amendment Act, 1993 – Mr. Severtson
Bill	213	Employee Relations Statutes Amendment Act, 1993 – Ms Leibovici
Bill	214	Justice Reform Commission Act – Ms Burgener
Bill	217	Office of Treaty Commissioner Act – Mr. N. Taylor
Bill	218	Business Corporations Amendment Act, 1993 – Mr. Friedel
Bill	219	Members of the Legislative Assembly Salaries, Allowances and Expenses Review Act – Mr. Decore
Bill	220	Students Finance Amendment Act, 1993 – Dr. Massey
Bill	221	Arts Council Act – Mr. Zwozdesky
Bill	222	Limitation of Actions Amendment Act, 1993 – Mr. Dickson
Bill	215	Ethanol Strategy Act – Mr. Fischer
Bill	223	Liquor Control Amendment Act, 1993 – Mr. Fischer
Bill	224	Child Welfare Amendment Act, 1993 (No. 2) – Mr. Sekulic
Bill	225	Alberta Health Care Insurance Amendment Act, 1993 – Mr. Mitchell
Bill	226	An Act to Commit Government to a Three Year Funding Planning Framework – Mr. Wickman
Bill	227	Interprovincial Lottery Amendment Act, 1993 – Mr. Chadi
Bill	228	Water Transfer Control Act – Dr. Nicol
Bill	229	Children's Advocate Act – Ms Hanson
Bill	230	Planning Amendment Act, 1993 – Mrs. Gordon
Bill	231	Financial Administration Amendment Act, 1993 – Dr. Percy
Bill	232	Ambulance Services Amendment Act, 1993 – Mr. Mitchell
Bill	233	Farm Practices Protection Act – Mr. Jacques
Bill	234	Wildlife Amendment Act, 1993 – Mr. Collingwood
Bill	235	Ombudsman Amendment Act, 1993 – Dr. Massey
Bill	237	Aboriginal Justice Act – Mr. N. Taylor
Bill	238	Environmental Bill of Rights Act – Mr. Collingwood
Bill	239	Non-Smokers Health Act – Mr. Sapers
Bill	240	Conflicts of Interest Amendment Act, 1993 – Mr. Dickson
Bill	242	Service Dogs Act – Mr. Coutts

- Bill 243 Alberta Heritage Savings Trust Fund Amendment Act, 1993 – Mr. Hlady
- Bill 244 Highway Traffic Amendment Act, 1993 (No. 2) – Mr. Hlady
- Bill 245 Small Business Support Act – Mr. Havelock

Tabling Returns and Reports

Hon. Mr. Trynchy, Minister of Transportation and Utilities, pursuant to the Legislative Assembly Act, cL-10.1, s52:

Alberta Transportation and Utilities, Annual Report 1991-92
Sessional Paper 134/93

Hon. Mr. Kowalski, Minister Economic Development and Tourism:

Alberta Windows, A report on Alberta's Foreign Offices and their potential,
May 1993
Sessional Paper 802/93

Alberta Global Business Plan, Tourism, Trade and Investment, and Technology
Development, 1993-94
Sessional Paper 803/93

Hon. Mrs. McClellan, Minister of Health, pursuant to the Financial Administration Act,
Cancer Programs Act, cF-9, s2(6):

Alberta Cancer Board, Annual Report 1991-92
Sessional Paper 73/93

Alberta Cancer Board Financial Statements, March 31, 1993
Sessional Paper 73A/93

Hon. Mrs. McClellan, Minister of Health, pursuant to the Health Facilities Review
Committee Act, cH-4, s16(2):

Alberta Health Facilities Review Committee, Annual Report 1992
Sessional Paper 76/93

Hon. Mrs. McClellan, Minister of Health, pursuant to the Physical Therapy Profession
Act, cP-7.5, s9(4):

College of Physical Therapists of Alberta, Annual Report 1992-93
Sessional Paper 81/93

Hon. Mrs. McClellan, Minister of Health, pursuant to the Registered Dietitians Act,
cR-10.1, s6(4):

Alberta Registered Dietitians Association, Annual Report 1992-93
Sessional Paper 83/93

Ministerial Statements

Hon. Dr. West, Minister of Municipal Affairs, announced the phasing out of the existing 204 Alberta Liquor Control Board stores and their replacement by a private sector retail system.

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

Statement by the Speaker

The Chair would like to make some observations on Monday's proceedings to elect the Speaker because a request was made by Members on both sides of the House for some comment.

First, Members should be aware of the limitations on that procedure that was adopted last Monday. When the Speaker is elected, the Assembly does not yet exist as an Assembly. There is just a group of people in a room. The Lieutenant Governor has appeared and asked the group of people to elect a Speaker. That is the only business that can be conducted until the Lieutenant Governor reads the causes of summoning the Assembly. Here I should add parenthetically that the election of the Deputy Speaker and the Deputy Chairman of Committees in the Chair's opinion is the election of the Speaker because if the Speaker can't act, there has to be a deputy. The causes of summoning the Assembly is the Speech from the Throne. In this regard, I'd refer Honourable Members to Beauchesne 253 and 256. Until that time, the Assembly is not able to move any motions, including any motion to determine how the Speaker should be elected. The Table Officers and the Clerk in particular have no authority whatsoever in this regard, so a point of order or any appeal to them is of no use.

Second, as to the actual procedure used, the only authority which existed at that moment was section 16(1) of the Legislative Assembly Act and the Lieutenant Governor's request that a Speaker be elected. Our Standing Orders are silent on how the election is to be conducted. That being the case, we are required by Standing Order 2 to revert first, and I emphasize first, to the usages and precedents of the Assembly. The precedent which was then available was the manner in which the Deputy Chairman of Committees was elected on Tuesday, January 26, 1993. Nothing else could have been done. It is the Chair's understanding that that form of election had been agreed to by the House Leaders of the parties then present in the Assembly: the present Government House Leader, the then Member for Edmonton-Highlands, and the present Member for Edmonton-Gold Bar. Regardless, the people in this room on Monday, August 30, 1993, had no power to change the existing procedure or to adopt a new procedure. Everyone's hands were tied.

Finally, there may be some uncertainty as to the role that Beauchesne plays in the proceedings of this Assembly. Again, Standing Order 1 requires all proceedings to be conducted according to our Standing Orders. Beauchesne is based on the Standing Orders of the Canadian House of Commons, but it is often useful in interpreting our Standing Orders. When our Standing Orders differ from those in Ottawa, Beauchesne is not as useful. When our Standing Orders do not deal with a matter, Standing Order 2 requires us to look at our own usages and precedents. If an answer cannot be found there, Standing Order 2 requires us to look at parliamentary tradition. Beauchesne and Erskine May are very useful as sources of parliamentary tradition.

In Alberta, Standing Orders do not define the process for the election of the Speaker. We must rely on the precedents of the Assembly. In contrast, the Canadian House of Commons Standing Orders were amended in 1985 to specify the process by which a Speaker is elected, and Beauchesne describes those Standing Orders. Since we do not have those particular Standing Orders, Beauchesne is not relevant to our election process.

On Monday reference was made to Beauchesne 150, which states that points of order have been raised during the election process and dealt with by the Chair. This is possible because House of Commons Standing Order 3 specifies who was to take the Chair during the election process and the powers the Chair has to hear points of order. Again, we do not have the benefit of such a Standing Order. It would not have been possible legally or administratively for the Clerk to suddenly adopt the House of Commons Standing Orders as discussed in Beauchesne for that election.

ORDERS OF THE DAY

Written Questions

The following Written Questions were ordered to stand:

Q144, Q145, Q146, Q147, Q148, Q149, Q150, Q151, Q252, Q153, Q154, Q155, Q156, Q157, Q158, Q199.

Motions for Returns

The following Motions for Return were ordered to stand:

M159, M160, M161, M162, M163, M164, M165, M166, M167, M168, M169, M170, M171, M172, M173, M174, M175, M176, M177, M178, M179, M180, M181, M182, M183, M184, M185, M186, M186, M188, M189, M180, M191, M192, M193, M194, M195, M196, M197, M198.

Motions Other Than Government Motions

201. Moved by Mr. Severtson:

Be it resolved that the Legislative Assembly include a Member's Statement period in the Tuesday and Thursday Routine Proceedings.

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

Public Bills and Orders Other Than Government Bills and Orders

Hon. Mr. Evans, Deputy Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 73(1) to proceed with Second Reading of Bill 201, Freedom of Information and Protection of Personal Privacy Act.

Second Reading

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

Bill 201 Freedom of Information and Protection of Personal Privacy Act –
Mr. Decore

A debate followed.

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

For the motion: 44

Ady	Friedel	McFarland
Amery	Fritz	Mirosh
Black	Gordon	Oberg
Brassard	Haley	Renner
Burgener	Havelock	Rostad
Calahasen	Herard	Severtson
Cardinal	Hierath	Smith
Clegg	Hlady	Sohal
Coutts	Jacques	Tannas
Day	Jonson	Taylor (Cypress-Medicine Hat)
Doerksen	Kowalski	Thurber
Dunford	Laing	Trynchy
Evans	Lund	West
Fischer	Magnus	Woloshyn
Forsyth	Mar	

Against the motion: 30

Abdurahman	Germain	Percy
Beniuk	Hanson	Sapers
Bracko	Henry	Sekulic
Bruseker	Hewes	Soetaert
Carlson	Kirkland	Taylor (Redwater)
Chadi	Langevin	Van Binsbergen
Collingwood	Leibovici	Vasseur
Dalla-Longa	Massey	White
Decore	Mitchell	Zariwny
Dickson	Nicol	Zwozdesky

Adjournment

The Assembly adjourned at 5:40 p.m. until 8:00 p.m.

THURSDAY, SEPTEMBER 2, 1993 – 8:00 P.M.

Hon. Mr. Kowalski, Government House Leader, requested and received the unanimous consent of the Assembly to revert to Notices of Motions.

Notices of Motions

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

Be it resolved that when the Assembly adjourns on Friday, September 3, 1993, at 1:00 p.m. it shall stand adjourned until Wednesday, September 8, 1993 at 2:30 p.m.

Committee of Supply

(Assembly in Committee)

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

The Deputy Speaker assumed the Chair and Mr. Clegg reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions relating to the Interim Supply Estimates of the General Revenue Fund, the Capital Fund, and the Alberta Heritage Savings Trust Fund, Capital Projects Division, for the fiscal year ending March 31, 1994, reports progress thereon, and requests leave to sit again.

Adjournment

On motion by Hon. Mr. Day, Deputy Government House Leader, the Assembly adjourned at 10:00 p.m. until Friday, September 3, 1993, at 10:00 a.m.

NOTICES

Leave to Introduce a Bill

- | | | |
|------|-----|--|
| Bill | 2 | Appropriation (Interim Supply) Act, 1993 – Hon. Mr. Dinning |
| Bill | 3 | Appropriation (Alberta Capital Fund) Interim Supply Act, 1993 – Hon. Mr. Dinning |
| Bill | 4 | Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Interim Supply Act, 1993 – Hon. Mr. Dinning |
| Bill | 216 | Motor Vehicle Administration Amendment Act, 1993 – Mr. Woloshyn |
| Bill | 236 | Legal Profession Amendment Act, 1993 – Ms Burgener |
| Bill | 241 | Public Service Pay Equity Act – Mrs. Soetaert |
| Bill | 246 | Marketing of Agricultural Products Amendment Act, 1993 – Dr. L. Taylor |
| Bill | 247 | Police Amendment Act, 1993 – Mrs. Gordon |
| Bill | 248 | Amusement Amendment Act, 1993 – Mr. Zwozdesky |
| Bill | 249 | Employment Standards Code Amendment Act, 1993 – Ms Leibovici |
| Bill | 250 | Legislative Assembly (Annual Election of the Speaker) Amendment Act, 1993 – Mr. Decore |
| Bill | 251 | Water Resources Amendment Act, 1993 – Mrs. Gordon |
| Bill | 252 | Fatal Accidents Amendment Act, 1993 – Mr. Dickson |
| Bill | 253 | Legal Profession Amendment Act, 1993 (No. 1) – Mr. Dickson |
| Bill | 254 | Alberta Youth Conservation Corps Act – Mr. Collingwood |
| Bill | 255 | Establishment and Dissolution of Francophone Education Regions Act – Mr. Henry |
| Bill | 256 | Vulnerable Persons Protection Act – Mr. Tannas |
| Bill | 257 | Retirement Savings Plan Act – Mr. Hlady |
| Bill | 258 | Tobacco Control Act – Mr. Lund |
| Bill | 259 | Labour Relations Code Amendment Act, 1993 – Mr. Doerksen |

- Bill 260 Native Peoples Representation Statutes Amendment Act, 1993 – Mr. N. Taylor
- Bill 261 Mental Health Amendment Act, 1993 – Mr. Sapers
- Bill 262 Livestock and Livestock Products Amendment Act, 1993 – Mr. Hierath
- Bill 263 Government Open Contract Act – Mr. Chadi
- Bill 264 Emblems of Alberta Amendment Act, 1993 – Mr. Lund
- Bill 265 Child Welfare Amendment Act, 1993 (No. 1) – Ms Hanson
- Bill 266 Alberta Advisory Council on Women's Issues Amendment Act, 1993 – Mrs. Soetaert
- Bill 267 Telemarketing Act – Mr. Bruseker
- Bill 268 School Amendment Act, 1993 – Mr. Henry
- Bill 269 Environmental Ombudsman Act – Mr. Langevin
- Bill 270 Motor Vehicle Accident Claims Amendment Act, 1993 – Ms Burgener
- Bill 271 Small Power Research and Development Amendment Act, 1993 – Mr. Hlady
- Bill 272 Uniform Building Standards Amendment Act, 1993 – Mr. Collingwood
- Bill 273 Surface Rights Amendment Act, 1993 – Mr. Stelmach
- Bill 274 Volunteer Tax Credit Amendment Act, 1993 – Mr. Havelock

Stanley S. Schumacher, Q.C.,
Speaker

Title: Thursday, September 2, 1993