



**Legislative Assembly
Province of Alberta**

No. 10

VOTES AND PROCEEDINGS

Second Session

Twenty-Third Legislature

Tuesday, March 1, 1994

The Speaker took the Chair at 1:30 p.m.

ROUTINE

Presenting Petitions

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 41 Calgarians regarding Government plans to restructure the educational system.

Mr. Doerksen, Hon. Member for Red Deer-South, presented a petition from 881 Albertans regarding literature in the educational system that is intolerant of any religion, including Christianity.

Mr. Henry, Hon. Member for Edmonton-Centre, presented a petition from 548 Albertans regarding Government plans to restructure the educational system.

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, presented a petition from 5,589 Albertans regarding the maintenance of the Misericordia Hospital as a full-service, active hospital.

Reading and Receiving Petitions

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

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to:

Maintain the current Early Childhood Services program and continue providing the necessary assistance to children with special needs.

Further, the undersigned also request the Legislative Assembly to urge the Government of Alberta to recognize the vital importance of this program by amending the School Act to guarantee Early Childhood Services for all children and early intervention and inclusion (integration) with the appropriate support services for all children with special needs.

On request by Mr. Bruseker, Hon. Member for Calgary-North West, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta not to implement the plan to restructure the educational system in Alberta, as proposed by the Minister of Education.

We also request the Assembly to urge the Government of Alberta to ensure that every Albertan will have the opportunity for input and involvement in future plans to restructure the educational system in Alberta.

On request by Mr. Dickson, Hon. Member for Calgary-Buffalo, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta not to implement the plan to restructure the educational system in Alberta, as proposed by the Minister of Education.

We also request the Assembly to urge the Government of Alberta to ensure that every Albertan will have the opportunity for input and involvement in future plans to restructure the educational system in Alberta.

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mrs. Black, Deputy Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with March 2, 1994:

Written Questions: Q144, Q145, Q147, Q148, Q149, Q150, Q151, Q166, Q167.

Motions for Returns: M156, M157, M158, M159, M160, M161, M162, M163, M164.

Tabling Returns and Reports

Hon. Mr. Kowalski, Minister of Economic Development and Tourism, pursuant to the Motion Picture Development Act, cM-19.1, s14(2):

Alberta Motion Picture Development Corporation, Annual Report 1992-93
Sessional Paper 41/94

Hon. Mrs. Mirosh, Minister responsible for the Alberta Tourism Education Council, pursuant to the Tourism Education Council Act, cT-6.3, s7(2):

Alberta Tourism Education Council, Annual Report 1993
Sessional Paper 43/94

Hon. Mr. Dinning, Provincial Treasurer, pursuant to the Alberta Heritage Savings Trust Fund Act, cA-27, s12(2) and s13(2):

Alberta Heritage Savings Trust Fund, Quarterly Investment Report, 1993-94,
September 30, 1993
Sessional Paper 843/94

Hon. Mr. Dinning, Provincial Treasurer:

Master Purchase and Sale Agreement, dated December 22, 1993, between Her Majesty The Queen In The Right Of Alberta as represented by the Minister of Energy, and Murphy Oil Company Ltd.
Sessional Paper 844/94

Hon. Mr. Evans, Minister of Environmental Protection:

Return to Order of the Assembly No. M205 asked by Mr. Collingwood on October 13, 1993:

With respect to the campground development situated on the south shore of Burnstick Lake, identified as Miscellaneous Lease Application No. MLL 910167, E1/2 2-35-7 W5M, for which the Letter of Intent-Stage III, under the Commercial Tourism and Recreations Leasing Process, was issued on June 16, 1992:

- (1) the consolidated Government response to the applicant at the conclusion of State I and Stage II of the Commercial Tourism and Recreations Leasing Process; and
- (2) any permits or licences submitted by the applicant to date in response to requirements stated in the letter of intent.

Sessional Paper 205A/94

Return to Order of the Assembly No. M214 asked by Mr. Collingwood on October 27, 1993:

Any studies pertaining to the Management Strategy for Exposed Bedshore in the North East and North West Regions of Alberta completed since 1990.

Sessional Paper 214A/94

Hon. Mr. Evans, Minister of Environmental Protection, pursuant to the Wilderness Areas, Ecological Reserves and Natural Areas Act, cW-8, s2(9):

Advisory Committee on Wilderness Areas and Ecological Reserves, Annual Report 1992-93

Sessional Paper 62/94

Hon. Mr. Evans, Minister of Environmental Protection, pursuant to the Land Surface Conservation and Reclamation Act, cL-3, s32(2):

Surface Reclamation Fund, Annual Report 1992-93

Sessional Paper 58/94

Mr. Dickson, Hon. Member for Calgary-Buffalo:

28 letters, dated February 1994, to Hon. Mr. Klein, Premier, from Calgary residents regarding the reinstatement of funding to the Community School Program

Sessional Paper 845/94

Oral Question Period

During Oral Question Period, Hon. Mr. Kowalski, Deputy Premier, filed the following:

Edmonton Journal correction to a story Saturday, February 26, 1994, regarding the Alberta Distance Learning Centre in Barrhead

Sessional Paper 846/94

Members' Statements

Mr. Yankowsky, Hon. Member for Edmonton-Beverly-Belmont, made a statement regarding seniors' literacy.

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, made a statement regarding the treatment of young teachers by the Alberta Teachers' Association.

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, made a statement regarding seniors' programs.

Privilege

Last Wednesday, February 23, 1994, there were two points of privilege raised concerning access to or release of information allegedly related to the budget; one by the Member for Edmonton-Centre and one by the Member for Calgary North-West. In both cases, the Chair was provided with notice in compliance with Standing Order 15(2). Debate on the points of privilege was adjourned until February 28th when the Members to whom the points of privilege were directed, the Member for Medicine Hat and the Minister for Transportation and Utilities, would be present in the House.

The point of privilege raised by the Member for Edmonton-Centre concerned information that was provided by the Member for Medicine Hat to a school district in that Member's constituency outlining the school district's grants for 1994-95. It was alleged that the information provided by the Member for Medicine Hat constituted a breach of privilege as a release of budget information or a contempt of the House on the grounds that the information was not available to all Members.

In response to the point of privilege, the Member for Medicine Hat stated that he had requested a breakdown of the grants to school boards in his constituency from the Department of Education after the provincial education grants were announced by the Minister of Education on January 18, 1994. He requested that the Department apply the announcement about provincial education grants to the grants for the school districts in his constituency. He obtained the information and provided it to the school boards in his constituency the following weekend.

It is clear to the Chair that this release of information to the school boards did not involve a release of budget information. Even if it was a violation of budget secrecy, the Chair would refer to Beauséjour paragraph 31(5) where it is stated that budget secrecy is a political convention and not appropriate for a question of privilege.

The Member for Edmonton-Centre submitted, in the alternative, that the release of information by the Member for Medicine Hat was a contempt of the House similar to the situation that led to a finding of contempt by Speaker Carter on May 13, 1993. Contempts of the House differ from breaches of privilege in that the powers, privileges and immunities of Parliament are well settled while contempts, which may not be issues of privilege, are evolving. The Chair would refer Members to the statement of a contempt found in *Erskine May* at page 115 where it is stated:

"Generally speaking, any 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 ruling by Speaker Carter in May 1993 related to the breakdown of capital spending on a constituency basis that was made available by a Minister to members of the government caucus only. The point raised by the Member for Edmonton-Centre is not the same since, in this case, it is the Chair's understanding that the information was available and was being discussed between the Department and school boards from January 18, 1994 onwards. The information in question was requested by the Member for Medicine Hat from the Department and not gratuitously provided by a Minister to some Members and not to others. There is no evidence that the information requested by the Member for Medicine Hat was not available to any member who requested it or that any member was denied it.

Accordingly I find that there is no prima facie question of privilege and no contempt of the House.

The point of privilege raised by the Member for Calgary-North West relates to statements allegedly made by the Minister of Transportation and Utilities concerning the construction of a hospital in the Minister's constituency. The Chair would once again refer to paragraph 31(5) of Beaudesne concerning questions of privilege related to budget secrecy. In this instance, there was no funding designated in the Budget for the construction of the hospital in the Minister's constituency as evidenced on page 66 of the document entitled "1994-95 Government Estimates: Supplementary Information Element Details". Therefore, the statements allegedly made by the Minister of Transportation and Utilities did not reflect what was found in the Budget. There was nothing raised in the House that would indicate that the Minister had access to information, in his capacity as MLA for Whitecourt Ste-Anne, that was not available to other Members or that he released such information.

Accordingly I find that there was no breach of privilege or contempt of the House as alleged.

I would like to take this opportunity to remind all Members that questions of privilege are extremely serious matters. When raising such questions Members should exercise care about the information they rely on as the basis for their allegations.

ORDERS OF THE DAY

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 and referred to the Committee of the Whole:

Bill 203 Citizen's Initiative Act – Mr. Havelock

A debate followed.

Pursuant to Standing Order 8(2)(b), debate adjourned with Dr. Massey speaking.

Motions Other Than Government Motions

503. Ms Soetaert moved the following motion:

Be it resolved that the Legislative Assembly urge the Government to improve the system of maintenance enforcement in Alberta by examining enforcement procedures and payment schedules in other jurisdictions and implementing those procedures best suited to Alberta.

A debate followed.

During debate, Dr. Oberg, Hon. Member for Bow Valley, filed the following:

Letter to the editor of the Edmonton Sun on February 28, 1994, by Ted Turgeon regarding maintenance enforcement and a father's rights to access to his children

Sessional Paper 847/94

Debate continued.

Pursuant to Standing Order 8(4), the question being put, the motion was defeated. The names being called for were taken as follows:

For the motion: 32

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

Against the motion: 40

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

Government Motions

7. Moved by Hon. Mr. Dinning:

Be it resolved that the Assembly approve in general the fiscal policies of the Government.

A debate followed.

Consideration of His Honour the Lieutenant Governor's Speech

Pursuant to Standing Order 19(1)(b), at 5:15 p.m., the Speaker interrupted the proceedings to put the question on the amendment to the following motion.

Mr. Friedel moved the following motion seconded by Mr. Hierath:

That an humble address be presented to His Honour the Honourable the Lieutenant Governor as follows:

To His Honour the Honourable Gordon Towers, Lieutenant Governor of the Province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

Mr. Decore, Hon. Leader of the Official Opposition, moved (Monday, February 14, 1994) the motion be amended by the addition of the following:

But since the Klein Government has embarked on an education restructuring program without the input or approval of Albertans, it is our duty to respectfully submit to Your Honour that Your Honour's present Government does not have the confidence of the House.

The question being put, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 32

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

Against the amendment: 43

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

Government Motions

7. Moved by Hon. Mr. Dinning:

Be it resolved that the Assembly approve in general the fiscal policies of the Government.

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

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, at 5:30 p.m., it was agreed that when the Assembly reconvened at 8:00 p.m. they would be in Committee of Supply, and the Speaker left the Chair.

TUESDAY, MARCH 1, 1994 – 8:00 P.M.

Committee of Supply

(Day 2 of Main Estimates Consideration)

(Assembly in Committee)

And after sometime spent therein, the Deputy Speaker resumed the Chair and Mr. Clegg reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Economic Development and Tourism, reports progress thereon, and requests leave to sit again.

Mr. Speaker, I wish to file copies of documents tabled and filed by the Minister of Economic Development and Tourism on this date for the official records of the Assembly:

"Tomorrow . . . the day for Mexico?", Report on Economic Development and Trade Opportunities in the Mexican Market, February 15, 1994

Sessional Paper 608/94

Alberta International Trade Review, 1992

Sessional Paper 848/94

Telecommunications Research Laboratories, Annual Report 1993

Sessional Paper 849/94

Centre for Frontier Engineering Research, Annual Report 1992

Sessional Paper 850/94

Alberta Microelectronic Centre, Annual Report 1992-93

Sessional Paper 851/94

The Laser Institute, brochure and overview

Sessional Paper 852/94

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly adjourned at 10:05 p.m. until Wednesday, March 2, 1994 at 1:30 p.m.

Title: Tuesday, March 1, 1994