



**Legislative Assembly
Province of Alberta**

No. 37

VOTES AND PROCEEDINGS

Second Session

Twenty-Third Legislature

Monday, April 25, 1994

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

ROUTINE

Presenting Petitions

Mr. Dunford, Hon. Member for Lethbridge-West, presented a petition from 2,100 Albertans regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, active hospital.

Dr. Nicol, Hon. Member for Lethbridge-East, presented a petition from 2,300 Albertans regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, active hospital.

Mr. Tannas, Hon. Member for Highwood, presented a petition from 125 Drumheller residents regarding benefits to seniors.

Mr. Dalla-Longa, Hon. Member for Calgary-West, presented a petition from 329 Albertans regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, active hospital.

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

Reading and Receiving Petitions

On request by Mr. Decore, Hon. Leader of the Official Opposition, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

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

We, the undersigned, respectfully request that the Legislative Assembly urge the Government of Alberta to refrain from introducing legislation which would enable the provincial appointment of superintendents and the seizure of locally levied school residential taxes.

On request by Ms Carlson, Hon. Member for Edmonton-Ellerslie, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a full-service, active hospital and continue to serve the South-east end of Edmonton and surrounding area.

On request by Mr. Kirkland, Hon. Member for Leduc, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a full-service, active hospital and continue to serve the South-east end of Edmonton and surrounding area.

Notices of Motions

Dr. Nicol, Hon. Member for Lethbridge-East, gave oral notice of his intention to move the following motion under Standing Order 40:

Be it resolved that the Legislative Assembly urge the Government to assign Government representatives to visit the United States federal and state governments, as well as the Canadian Federal Government, to explain the urgency for a solution to the current trade dispute between the U.S. and Canada. These representatives should stress the potential damaging impact of a tariff war on Alberta farmers and their desire to see a tariff war avoided through negotiations.

Introduction of Bills (First Reading)

Notice having been given:

Bill 23 Provincial Offences Procedure Amendment Act, 1994 – Mrs. Fritz

On motion by Hon. Mr. Evans, Deputy Government House Leader, the following Bill was placed on the Order Paper under Government Bills and Orders:

Bill 23 Provincial Offences Procedure Amendment Act, 1994 – Mrs. Fritz

Tabling Returns and Reports

Hon. Mrs. McClellan, Minister of Health:

Response to Written Question 180 asked by Mr. Mitchell on March 23, 1994:

What is the annual amount spent by Alberta Health to administer the collection and processing of Alberta Health Care premiums?

Sessional Paper 180/94

Mr. Bruseker, Hon. Member for Calgary-North West:

"Don't cut education Ralph. Protect it!," 500 signed coupons in opposition to education cuts, Alberta Liberal Party advertisement

Sessional Paper 952/94

Mr. Jacques, Chairman, Northern Alberta Development Council, pursuant to the Northern Alberta Development Council Act, cN-9, s8:

Northern Alberta Development Council, Annual Report 1992-93

Sessional Paper 63A/94

Mr. Smith, Hon. Member for Calgary-Varsity:

225 signatures in opposition to funding cuts to Advanced Education

Sessional Paper 953/94

Ministerial Statements

Hon. Mr. Mar, Minister of Community Development, announced that April 24 to 30, 1994 is Professional Secretaries Week.

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

Oral Question Period

During Oral Question Period, Mr. Germain, Hon. Member for Fort McMurray, filed the following:

Copy of an envelope, postmarked April 15, 1994, from P.O. Box 4576, Barrhead, Alberta, T7N 1A4

Sessional Paper 954/94

During Oral Question Period, Hon. Mr. Kowalski, Minister of Economic Development and Tourism, filed the following:

Information related to the 8th Annual Ken Kowalski Family-Charity-Fundraising Golf Tournament, Saturday, June 25, 1994

Sessional Paper 955/94

During Oral Question Period, Hon. Mr. Dinning, Provincial Treasurer, filed the following:

Letter, dated April 19, 1994, from Hon. Mr. Dinning, Provincial Treasurer, to Gary Campbell, Chairman and Chief Executive Officer, North West Trust Company, regarding privatization of North West Trust and severance packages for the company's senior officials, with an attached response from Gary Campbell, dated April 19, 1994

Sessional Paper 956/94

During Oral Question Period, Mr. Bracko, Hon. Member for St. Albert, filed the following:

Letter, dated April 7, 1994, from Anita Ratchinsky, Mayor of the City of St. Albert, to Hon. Mrs. McClellan, Minister of Health, regarding proposed health care regions for Alberta

Sessional Paper 957/94

Letter, dated February 24, 1994, from Lionel Cherniwchan, Chairman, Board of Trustees, Athabasca General and Auxiliary Hospital, to Mr. Heinen, Health Plan Co-ordination Project Steering Committee, regarding proposed regional health care boundaries

Sessional Paper 958/94

Letter, dated February 28, 1994, from Anita Ratchinsky, Mayor of the City of St. Albert, to the Health Plan Co-ordination Project Steering Committee, regarding a proposal for a health region

Sessional Paper 959/94

Letter, dated April 8, 1994, from Bruce Deal, Mayor, Town of Hinton, to Hon. Mrs. McClellan, Minister of Health, regarding proposed health regions

Sessional Paper 960/94

Letter, dated April 11, 1994, from Jackie Heitzman, President, St. Albert Chamber of Commerce, to Hon. Mrs. McClellan, Minister of Health, regarding proposed boundaries for 15 regional health authorities

Sessional Paper 961/94

Letter, dated April 7, 1994, from Frank Schonenberger, Reeve, Municipal District of Sturgeon No. 90, to Hon. Mrs. McClellan, Minister of Health, regarding proposed health regions

Sessional Paper 962/94

Motions Under Standing Order 40

Dr. Nicol, Hon. Member for Lethbridge-East, requested the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that the Legislative Assembly urge the Government to assign Government representatives to visit the United States federal and state governments, as well as the Canadian Federal Government, to explain the urgency for a solution to the current trade dispute between the U.S. and Canada. These representatives should stress the potential damaging impact of a tariff war on Alberta farmers and their desire to see a tariff war avoided through negotiations.

Unanimous consent to proceed was not granted.

Speaker's Ruling – Point of Order, Minister of Energy

On April 21, 1994, the Member for Redwater made the following statement while asking the Minister of Energy a question (Hansard page 1379).

"In a letter to the Liberal caucus dated April 12, which I'm now tabling, Mr. Speaker, the Minister of Energy refused to release the agreements dealing with the funding on operating shortfalls. However, there was light. I have copies of the agreement, which I've obtained through the federal Freedom of Information Act."

He then tabled the documents referred to.

The Minister of Energy obtained copies of the documents tabled and raised a point of order as follows:

"I think it is inappropriate for the Hon. Member for Redwater to stand up in this House and say that he received information from another government that he has received time and time again in this House, file a document with pages whited out, Mr. Speaker, and mislead, I believe, this House and the people of Alberta."

The Chair would refer Members to Beauchesne, paragraph 26, which states:

A question of order concerns the interpretation to be put upon the rules of procedure and is a matter for the Speaker or, in a committee, for the Chairman to determine.

Points of order relate to procedural matters then.

In this case, the issue does not appear to be one of procedure but of accuracy and interpretation. The Member for Redwater tabled something he said was an agreement dealing with a certain matter. The Minister of Energy stated that there were so many deletions and white outs in the document that it was misleading for the Member for Redwater to use the documents as he did.

The Member for Redwater did not breach any Standing Order or customary mode of proceeding. The Chair has neither the authority nor the knowledge to say whether the documents are what they were purported to be or not.

For the information of all Members, the charge that a Member has misled the Assembly is a very serious one and would have to be dealt with as a matter of privilege and a question of contempt of the Assembly. Beauchesne, again in paragraph 26, says:

A question of privilege on the other hand is a question partly of fact and partly of law - the law of contempt of Parliament - and is a matter for the House to determine.

There is no point of order.

– Point of Order, Edmonton-Glenora

On April 21, 1994, the Chair would not allow the Minister of Health to answer a question put by the Member for Edmonton-Glenora: Hansard, page 1379. The Chair felt that the question was improper under the rules of this Assembly.

The Member for Edmonton-Glenora made a request of the Chair under Standing Order 13(2) for an explanation of the ruling: Hansard page 1382.

At the time, the Chair heard the Member's question as:

"How many dollars is it worth to save a life in rural Alberta?"

The Chair was of the view that that question was out of order as being argumentative and designed to create disorder in breach of Standing Orders 23(j) and Beauchesne 409 (1) and (3) which state:

It must be a question, not an expression of opinion, representation, argumentation, or debate.

The question ought to seek information and therefore ... must not suggest its own answer, be argumentative or make representations.

The Member for Edmonton-Glenora alleged that the Chair got the question wrong. The Chair said that it would review Hansard and see if any further comment was needed.

Having reviewed Hansard, further comment is needed. What the Member for Edmonton-Glenora actually asked was:

"Have you determined how much is too much to spend to save a life in rural Alberta?"

This is even more argumentative, insulting and abusive than what the Chair originally thought it heard. This question did not seek information. It was designed solely to create disorder. Such questions will not be allowed. The question clearly alleges that the Minister can and has put a price on human life.

Furthermore, the Chair notes at Hansard page 1379, that when the Chair did not allow the Minister to answer, the Member for Edmonton-Glenora said:

"That's bias. She was going to answer it."

This is clearly a challenge to the Chair. It is an affront to the Speaker of this Assembly and hence to this Assembly. This Assembly is reminded of what Erskine May writes at page 180:

When the Speaker rises to preserve order or to give a ruling on a doubtful point he must always be heard in silence and no Member may stand when the Speaker is on his feet. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. His action cannot be criticized incidentally in debate or upon any form of proceeding except a substantive motion.

If this, or any other Member believes that the Chair is biased, the recourse is to move that the Chair no longer has the confidence of the Assembly. The Chair will obviously abide by that decision of the House. Until then, the Chair has every right to demand, and receive, the respect and deference of the Members of this Assembly.

Does the Member have anything to say?

Mr. Sapers, Hon. Member for Edmonton-Glenora, apologized to the Chair.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

On the motion that the following Bill be now read a Second time and referred to Committee of the Whole:

Bill 15 Alberta Energy and Utilities Board Act – Mr. Smith

A debate followed.

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mrs. Black, Deputy Government House Leader, that it be called 5:30 p.m., it was agreed at 5:29 p.m. that when the Assembly reconvened at 8:00 p.m. they would be in Committee of Supply, and the Speaker left the Chair.

MONDAY, APRIL 25, 1994 – 8:00 P.M.

Committee of Supply

(Day 1 of Alberta Lottery Fund 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 a certain resolution of the Alberta Lottery Fund, reports as follows and requests leave to sit again:

Resolved that there be granted to Her Majesty for the fiscal year ending March 31, 1995, a sum from the Alberta Lottery Fund, not exceeding the following for the purposes indicated:

\$ 125,974,000 Lottery Fund Payments

Mr. Speaker I wish to table the resolution voted on this date by the Committee of Supply for the official records of the Assembly

Sessional Paper 655/94

Mr. Speaker, I also wish to file copies of documents tabled by the Minister responsible for Lotteries on this date for the official records of the Assembly:

1994-95 Lottery Fund Commitments, list of expenditure commitments for the fiscal year 1994-95, as of April 1, 1994

Sessional Paper 653/94

Lottery Fund Charts, 1994-95 Estimates, 1993-94 Forecast and 1992-93 Actual

Sessional Paper 654/94

On motion by Hon. Mr. Day, Government House Leader, the Assembly granted unanimous consent to revert to Introduction of Bills.

Introduction of Bills (First Reading)

Upon recommendation of His Honour the Honourable the Lieutenant Governor, and notice having been given:

- Bill 24 Appropriation Act, 1994 – Hon. Mr. Dinning
- Bill 25 Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1994 – Hon. Mr. Dinning
- Bill 26 Appropriation (Lottery Fund) Act, 1994 – Hon. Mr. Dinning

Adjournment

On motion by Hon. Mr. Day, Government House Leader, the Assembly adjourned at 10:26 p.m. until Tuesday, April 26, 1994 at 1:30 p.m.

Stanley S. Schumacher, Q.C.,
Speaker

Title: Monday, April 25, 1994