



**Legislative Assembly
Province of Alberta**

No. 46

VOTES AND PROCEEDINGS

Second Session

Twenty-Third Legislature

Tuesday, May 10, 1994

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

ROUTINE

Presenting Petitions

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, presented a petition from 40 Albertans regarding the maintenance of the Grey Nuns Hospital in Mill Woods as a full-service, active hospital.

Mr. Dalla-Longa, Hon. Member for Calgary-West, presented a petition from 500 Albertans regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, pediatric health care facility.

Dr. Nicol, Hon. Member for Lethbridge-East, presented a petition from 6,202 Albertans regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, pediatric health care facility.

Reading and Receiving Petitions

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

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government not to amend the School Act in such a way that jeopardizes the economic structure of the Catholic school system.

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

We, the undersigned, petition the Legislative Assembly to urge the Government to reconsider the recommendation of the Hyndman report in regards to the relocation of the Alberta Children's Hospital.

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

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain the Alberta Children's Hospital in Calgary on its current site and as it currently exists as a full service pediatric health care facility.

On request by Dr. Nicol, Hon. Member for Lethbridge-East, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain the existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

Presenting Reports by Standing and Special Committees

Mr. Renner, Chairman, Standing Committee on Private Bills, presented the following report:

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 Pr1 Mandy Anderson Adoption Act – Mr. Jacques

Bill Pr4 Concordia College Amendment Act, 1994 – Mr. Sekulic

Bill Pr7 Scott Peter Lavery Adoption Act – Mr. Herard

Bill Pr12 Travis Trevor Purdy Adoption Act – Mr. Vasseur

Bill Pr14 Jody Anne van Overmeeren Adoption Act – Mr. Bruseker

The following Bill has been withdrawn by the petitioner:

Bill Pr5 Suk Yin Poon Adoption Act – Mr. Collingwood

Mr. Speaker, I request the concurrence of the Assembly in these recommendations.

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

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mrs. Black, Deputy Government House Leader, gave oral notice that on Wednesday, May 11, 1994, the Written Question and Motions for Returns appearing on the Order Paper for that day stand and retain their places.

Mr. Brassard, Hon. Member for Old-Didsbury, gave oral notice of his intention to move the following motion under Standing Order 40:

Be it resolved that the Legislative Assembly sends its congratulations to the Olds Grizzlies for winning the 1994 Centennial Cup, beating Kelowna in the final game 5-4 in overtime in Olds over the past weekend.

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, gave oral notice of her intention to move the following motion under Standing Order 40:

Be it resolved that the Legislative Assembly send its congratulations to two outstanding statesmen: Nelson Mandela and F.W. de Klerk, for achieving the "one person, one vote" election in South Africa which brought an end to apartheid in that country. Be it also resolved that the Legislative Assembly of Alberta send its further congratulations to Nelson Mandela on his inauguration as the first black president of South Africa.

Tabling Returns and Reports

Mr. Decore, Hon. Leader of the Official Opposition:

4,000 letters, variously dated, from a coalition of Alberta organizations regarding funding for education

Sessional Paper 1011/94

Letter, dated August 9, 1989, from Hon. Mr. Klein, Minister of the Environment, to Peter Hutton, General Manager, Opron Construction, regarding Opron Construction's ongoing litigation with Alberta Environment with respect to certain aspects of the Paddle River Dam

Sessional Paper 1012/94

Exhibit "D", Affidavit of Peter Hutton, April 3, 1990, Opron Construction vs Her Majesty the Queen, regarding an Alberta Environment memorandum, dated July 23, 1982, from J.W. Thiessen, P. Eng, Director, regarding the Paddle River Main Embankment

Sessional Paper 1013/94

Mr. Henry, Hon. Member for Edmonton-Centre:

Letter, dated May 9, 1994, from the Kindergarten Coalition to Members of the Legislative Assembly

Sessional Paper 1014/94

Hon. Mr. Rostad, Minister of Justice and Attorney General:

Response to Written Question No. 146, asked by Ms Soetaert on March 9, 1994:

In Maintenance Enforcement, how many files have had garnishees issued and what was the average duration of the garnishee demands for the periods April 1, 1990 to March 31, 1991; April 1, 1991 to March 31, 1992; April 1, 1992 to March 31, 1993; and April 1, 1993 to February 10, 1994?

Sessional Paper 146/94

Hon. Mr. Rostad, Minister of Justice and Attorney General, pursuant to the Legal Profession Act, cL-9.1, s120(2) (cL-9.1, s5(4)):

Law Society of Alberta, Annual Report 1993

Sessional Paper 84/94

Mr. Vasseur, Hon. Member for Bonnyville:

Minutes, April 23, 1991, Firehall Committee, Town of Bonnyville, regarding construction of a proposed firehall, with attached related contract documents

Sessional Paper 1015/94

Oral Question Period

During Oral Question Period, Hon. Mr. Thurber, Minister of Public Works, Supply and Services, filed the following:

Summary of Public Works, Supply and Services' Tendering Procedures
Sessional Paper 668/94

Members' Statements

Mr. Sapers, Hon. Member for Edmonton-Glenora, made a statement that May 9 to 15, 1994 is Nurses Week in Alberta.

Mr. Dunford, Hon. Member for Lethbridge-West, made a statement regarding free votes.

Mr. Langevin, Hon. Member for Lac La Biche-St. Paul, made a statement regarding budget cuts and the daily cost of operating the Legislative Assembly during session.

Motions Under Standing Order 40

Mr. Brassard, Hon. Member for Old-Didsbury, requested and received the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that the Legislative Assembly sends its congratulations to the Olds Grizzlies for winning the 1994 Centennial Cup, beating Kelowna in the final game 5-4 in overtime in Olds over the past weekend.

A debate followed.

The question being put, the motion was agreed to unanimously.

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, requested and received the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that the Legislative Assembly send its congratulations to two outstanding statesmen: Nelson Mandela and F.W. de Klerk, for achieving the "one person, one vote" election in South Africa which brought an end to apartheid in that country. Be it also resolved that the Legislative Assembly of Alberta send its further congratulations to Nelson Mandela on his inauguration as the first black president of South Africa.

A debate followed.

The question being put, the motion was agreed to unanimously.

Speaker's Statements – Tabling of Documents Pursuant to Beauchesne 495(5)

During Oral Question Period yesterday, in answer to a question on government contracts, the Minister of Public Works, Supply and Services stated:

... I would just like to indicate that that's kind of an example right there of some 51, I won't say interferences, but recommendations, by Members of the Opposition over the last few years as to what should be done in a great group of different processes that the Government was involved in, contracts, hiring contracts, and a whole bunch of things. (Hansard, page 1766).

The Minister had a bundle of papers in his hand as he made the statement. The Opposition House Leader raised a point of order at the end of that Question Period to the effect that the documents the Minister had should be tabled pursuant to Beauchesne, paragraph 495(5). The Chair said it would review what was said and rule on the matter today.

Beauchesne 495(1) states:

A Minister is not at liberty to read or quote from a despatch or other state paper not before the House without being prepared to lay it on the Table.

Beauchesne 495(2) states:

It has been admitted that a document which has been cited ought to be laid upon the Table of the House, if it can be done without injury to the public interest. The same rule cannot be held to apply to private letters or memoranda.

Beauchesne 495(5) states:

To be cited, a document must be quoted or specifically used to influence debate. The admission that a document exists or the reading of a salutation or address of a letter does not constitute citing.

Beauchesne 495(7) states:

When a letter, even though it may have been written originally as a private letter, becomes part of a record of a department, it becomes a public document and if quoted by a Minister in debate, must be tabled on request.

The Chair has reviewed the statements made yesterday and the documents themselves. The Chair is of the opinion that these documents need not be tabled for two reasons:

The documents do not appear to the Chair to be "public documents". However, even if there is an argument under Beauchesne 495(7) that they have become public documents, and the Chair does not believe this to be the case, the documents were not "cited or quoted" by the Minister according to Beauchesne 495(3) and (5).

Tabling of Documents from a Committee in the Assembly

The Chair would like to comment on an event that occurred in the Assembly yesterday, May 9, 1994. The Honourable Opposition House Leader tabled in the Assembly a May 2, 1994 letter from the Deputy Minister of Health to Parliamentary Counsel concerning Bill Pr 6, Gimbel Foundation Act. It is to be noted that this Bill is under consideration by the Standing Committee on Private Bills. It appears that this letter was provided to or leaked to the media late last week. The Opposition House Leader is not a member of that Committee.

The Chair would refer Members to paragraph 877 of Beauchesne which contains a quotation from a resolution of the United Kingdom House of Commons which states,

That the evidence taken by any select committee of this House and the documents presented to such committee and which have not been reported to the House, ought not to be published by any member of such committee or by any other person.

Our own Standing Orders provide in Order 65(3) that:

All documents which come into the possession of a committee or which are prepared by or for a committee belong to the committee until the committee reports or ceases to exist, whichever first occurs, after which they belong to the Assembly.

Whether the release of the document or its tabling constitutes a question of privilege is now a moot point as it was not raised at the time. Historically, it appears that one difficulty such questions of privilege raise is that the identity of the Committee member who releases the document is generally unknown. Members are referred to Erskine May at pages 122-24 on this point.

The Chair would like to caution all Members about releasing or tabling documents relating to the proceedings of Committees of the Legislature prior to the Committee's report being made. These Committees are established by this House and their rights and proceedings should be accorded respect by all Members.

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 211 Economic Strategy Act – Mr. Bruseker

A debate followed.

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

Motions Other Than Government Motions

513. Moved by Mr. Mitchell:

Be it resolved that the Legislative Assembly urge the Government to take a leadership role in developing a coherent health care delivery plan to reduce costs and increase the quality of health care delivery, to include an increased emphasis on:

- (1) home care and community-based care;
- (2) proper community-based mental health delivery;
- (3) preventive health care;
- (4) regionalized governance;
- (5) community input and control;
- (6) demands and outcomes assessments; and
- (7) work force adjustment plan.

A debate followed.

Pursuant to Standing Order 8(4), the question being put, the motion was defeated.

At 4:28 p.m., unanimous consent of the Assembly was granted to proceed to Government Bills and Orders.

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 20 Regional Health Authorities Act – Mr. Lund

A debate followed.

Mr. Bruseker, Hon. Member for Calgary-North West, moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mr. Day, Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:25 p.m. until 8:00 p.m.

TUESDAY, MAY 10, 1994 – 8:00 P.M.

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 20 Regional Health Authorities Act – Mr. Lund

A debate followed.

Mr. Collingwood, Hon. Member for Sherwood Park, moved that the motion for Second reading be amended to read:

that Bill 20, the Regional Health Authorities Act, be not now read a second time because the Assembly finds that passage of this Bill would result in a two-tiered health care system because the Bill allows for the implementation of user fees and a voucher system.

Debate continued (on amendment).

Hon. Mr. Evans, Deputy Government House Leader, moved adjournment of the debate (on amendment), which was agreed to.

Committee of the Whole

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly agreed to resolve itself into Committee of the Whole.

(Assembly in Committee)

And after some time spent therein, the Acting Speaker resumed the Chair.

The following Bill was reported:

Bill 27 Rural Gas Act – Ms Haley

Progress was reported on the following Bills:

Bill 31 Municipal Government Act – Mrs. Gordon

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

Mr. Tannas, Chairman of Committee, tabled copies of all amendments considered by the Committee of the Whole this date for the official records of the Assembly.

Amendment to Bill 31 (Hon. Member for Leduc) – Defeated
Sessional Paper 669/94

Amendment to Bill 23 (Hon. Member for Calgary-Buffalo) – Debate adjourned
Sessional Paper 670/94

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly adjourned at 10:25 p.m. until Wednesday, May 11, 1994 at 1:30 p.m.

Stanley S. Schumacher, Q.C.,
Speaker

Title: Tuesday, May 10, 1994