



**Legislative Assembly  
Province of Alberta**

No. 53

**VOTES AND PROCEEDINGS**

Second Session

Twenty-Third Legislature

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Tuesday, May 24, 1994

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

**ROUTINE**

**Presenting Petitions**

Mr. N. Taylor, Hon. Member for Redwater, presented a petition from 34 Albertans regarding the inclusion of the Sturgeon Hospital within the Edmonton region.

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, presented a petition from Albertans regarding the inclusion of the Sturgeon Hospital within the Edmonton region.

Mr. Bracko, Hon. Member for St. Albert, presented a petition from St. Albert and surrounding area residents regarding the inclusion of the Sturgeon Hospital within the Edmonton region.

Mr. Dalla-Longa, Hon. Member for Calgary-West, presented a petition from 318 Calgary residents regarding the maintenance of the Alberta Children's Hospital in Calgary as a full-service, active hospital.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, presented a petition from 173 southeast Edmonton residents regarding the maintenance of the Grey Nuns Hospital in Mill Woods as a full-service, active hospital.

## **Reading and Receiving Petitions**

On request by Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton region and to allow the Sturgeon General Hospital to serve its customers from the city of St. Albert, the Municipal District of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

On request by Mr. N. Taylor, Hon. Member for Redwater, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton region and to allow the Sturgeon General Hospital to serve its customers from the city of St. Albert, the Municipal District of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

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

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to amend the Individual Rights Protection Act (IRPA) to include "sexual orientation," thereby reflecting the Vriend decision and bringing the IRPA in line with Section 15 of the Canadian Charter of Rights and Freedoms.

On request by Dr. Massey, Hon. Member for Edmonton-Mill Woods, 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. 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 existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

## **Notices of Motions**

Pursuant to Standing Order 34(2)(a), Hon. Mrs. Black, Deputy Government House Leader, gave oral notice that on Wednesday, May 25, 1994, Written Questions and Motions for Returns appearing on the Order Paper for that day stand and retain their places.

Dr. L. Taylor, Hon. Member for Cypress-Medicine Hat, gave oral notice of the introduction of the following Bill:

Bill 39 Alberta Health Care Insurance Amendment Act, 1994 – Dr. L. Taylor

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

Be it resolved that the debate on Second reading of Bill 35, Seniors Benefit Act, shall not be further adjourned.

## **Introduction of Bills (First Reading)**

Notice having been given:

Bill 38 Professional Statutes Amendment Act, 1994 – Mr. Smith

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

Bill 38 Professional Statutes Amendment Act, 1994 – Mr. Smith

## **Tabling Returns and Reports**

Hon. Mr. Thurber, Minister of Public Works, Supply and Services:

Consulting Engineers of Alberta, Annual Report 1993-94  
Sessional Paper 1043/94

Hon. Mr. Dinning, Provincial Treasurer, pursuant to the Alberta Resources Railway Corporation Act, cA-36, s25(2):

Alberta Resources Railway Corporation Financial Statements, December 31, 1993  
Sessional Paper 133/94

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

Return to Order of the Assembly No. 176 asked for by Mr. Bruseker on March 23, 1994:

Copies of the loan guarantee agreements pertaining to the extension of a \$1.7 million guarantee by the Government to Skimmer Oil Separators Ltd. during the 1992/93 fiscal year for which all parties to this agreement allow release.

Sessional Paper 176/94

Communique No. 1, The Economy, Jobs and Infrastructure, 1994 Western Premiers' Conference, Gimli, Manitoba

Sessional Paper 1044/94

Hon. Dr. West, Minister of Municipal Affairs, pursuant to the Public Contributions Act, cP-26, s11(2):

Public Contributions Act, Annual Report 1993

Sessional Paper 121/94

Mr. Wickman, Hon. Member for Edmonton-Rutherford:

Fax, dated May 24, 1994, to Mr. Wickman, Hon. Member for Edmonton-Rutherford, from Elke Babiuk, Health Action Network Society, regarding the proposed Municipal Government Act

Sessional Paper 1045/94

Mr. Sapers, Hon. Member for Edmonton-Glenora:

"Don't cut education Ralph. Protect it!," 112 signed coupons in opposition to education cuts, Alberta Liberal Party advertisement

Sessional Paper 1046/94

## **Oral Question Period**

During Oral Question Period, Mr. Collingwood, Hon. Member for Sherwood Park, filed the following:

Joint Venture Agreement, dated 1986, for the construction, ownership and operation of a part of the Alberta Special Waste Management System between Alberta Special Waste Management Corporation and Bow Valley Resource Services Ltd.

Sessional Paper 1047/94

During Oral Question Period, Mr. Wickman, Hon. Member for Edmonton-Rutherford, filed the following:

Letter, dated April 30, 1994, from Vincent Chauvet, President, The Edmonton Association of the Deaf, to Hon. Mr. Jonson, Minister of Education, regarding renovation plans for the Alberta School for the Deaf

Sessional Paper 1048/94

## **Members' Statements**

Mr. N. Taylor, Hon. Member for Redwater, made a statement regarding local government decision-making on taxes and health care.

Mr. Coutts, Hon. Member for Pincher Creek-Macleod, made a statement regarding the Old Man River Dam as a recreation facility.

Mr. Wickman, Hon. Member for Edmonton-Rutherford, made a statement regarding parliamentary reform and free votes in the Assembly.

## **Speaker's Ruling – Point of Order, Edmonton-McClung**

On Thursday, May 19, 1994, the Chair recessed the proceedings of Question Period for 3 minutes. The Opposition House Leader requested an explanation for the ruling pursuant to Standing Order 13(1).

An Assembly is constituted by elected representatives for the purpose of orderly debate. The Assembly cannot do its business without order. Question period, while not itself a process of debate, operates within that context.

Beauchesne says this about Question Period:

The primary purpose of Question Period is the seeking of information and calling the Government to account.

The greatest possible freedom should be given to Members consistent with the other rules and practices. (See Beauchesne, paragraphs 407 to 420.)

Nowhere does it state that Question Period is to be used for yelling, screaming, haranguing or the carrying on of personal arguments between Members. That is an abuse of the time. Certainly, as the Opposition House Leader said, the Opposition may call the Government to account in Question Period, but the disorder witnessed on Thursday cannot be considered calling Government to account. Furthermore, the behaviour witnessed on Thursday, in the view of the Chair, tends to call the whole House into disrepute.

Standing Order 13(1) states:

The Speaker shall preserve order and decorum and shall decide questions of order.

Beauchesne, paragraph 189 states:

A very important function of those persons in the Chair, either in the House or in committees, is the maintenance of order. In doing so, those who preside must be mindful of the rights of Members to speak freely, and the equally important right of the House to be free from obstruction and grave disorder.

Erskine May, at page 249, refers to a specific Standing Order of the British House of Commons which allows the Chair to adjourn the House in cases of grave disorder. The Australian House of Representatives also has a Standing Order (308) which allows the Speaker to adjourn or suspend proceedings in cases of grave disorder.

The Chair has to wonder whether it is better to spend 3 minutes of Question Period with the Members regaining their composure or spend it having Members yelling and catcalling and the Chair vainly trying to restore order. Perhaps the alternative is for the Chair to name Members who will not come to order. That would deprive those Members not only of Question Period but of the whole day. The obvious solution, as far as the Chair is concerned, would be for Honourable Members to come to order when the Chair calls for order, so that Members may proceed with their business.

The Chair is fully aware of the extreme seriousness of recessing the Assembly. It is done as a last resort and should not be used to the disadvantage of either side. A recess is only resorted to when the following conditions apply:

- there is grave disorder;
- the disorder exists in a significant portion of the House, not just between one or two Members;
- upon repeatedly being asked to do so by the Chair, the House will not come to order.

This has been the case in the past when recesses have been declared.

After due consideration therefore, the Chair remains of the opinion that it is in order for the Chair to call a brief recess when the Assembly is in disorder and the Chair feels it is unable to restore order. The Chair would add that it would be wrong, and possibly a breach of the privileges of the Assembly, for a recess to interfere with the order of business of the Assembly by lasting any more than a few minutes.

The other issue is whether, when a recess occurs during Question Period, the clock should be stopped during such a recess. Precedent varies on this. Having given the matter a great deal of consideration, the Chair is of the view that since a recess only occurs when the whole House is in disorder, the whole House should lose the time and the further business of the House, Orders of the Day, should not be prejudiced by a recess. Therefore the clock should not be stopped if a recess is called during Question Period.

## 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 213 Loan Guarantees Statutes Amendment Act, 1994 – Ms Carlson

A debate followed.

Pursuant to Standing Order 8(2)(b), debate adjourned.

#### Motions Other Than Government Motions

515. Moved by Mr. Fischer:

Be it resolved that the Legislative Assembly urge the Government to develop an Alberta position on capital punishment by holding a provincial referendum on the following question: "Do you support amendments to the Criminal Code of Canada to allow capital punishment as a penalty for murder?"

A debate followed.

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

For the motion: 46

Ady	Forsyth	Mirosh
Amery	Friedel	Paszkowski
Black	Fritz	Percy
Bracko	Gordon	Pham
Brassard	Haley	Renner
Bruseker	Havelock	Severtson
Burgener	Herard	Smith
Calahasen	Hlady	Sohal
Clegg	Jacques	Stelmach
Coutts	Kowalski	Taylor (Cypress-Medicine Hat)
Dalla-Longa	Laing	Thurber
Day	Lund	Trynchy
Dinning	Magnus	Van Binsbergen
Dunford	McClellan	West
Evans	McFarland	Woloshyn
Fischer		

Against the motion: 17

Beniuk	Henry	Sapers
Carlson	Hewes	Taylor (Redwater)
Collingwood	Kirkland	White
Decore	Mar	Wickman
Doerksen	Nicol	Zwozdesky
Germain	Rostad	

## **Government Bills and Orders**

### **Committee of the Whole**

On motion by Hon. Mr. Day, Government House Leader, the Assembly agreed to resolve itself into Committee of the Whole, and the Speaker left the Chair.

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 31 Municipal Government Act – Mrs. Gordon

A debate followed.

Mr. Kirkland, Hon. Member for Leduc, moved adjournment of the debate, which was agreed to.

### **Adjournment**

The Committee recessed at 5:30 p.m. until 8:00 p.m.

TUESDAY, MAY 24, 1994 – 8:00 P.M.

## **Government Bills and Orders**

### **Committee of the Whole**

(Assembly in Committee)

And after sometime spent therein, the Acting Speaker resumed the Chair.

The following Bill was reported:

Bill 34 Alberta Housing Act – Mrs. Laing



The following Bill was reported (as amended):

Bill 30 Environmental Protection and Enhancement Amendment Act, 1994 –  
Hon. Mr. Evans

Progress was reported on the following Bill:

Bill 31 Municipal Government Act – Mrs. Gordon

Progress was reported on the following Bill (as amended):

Bill 20 Regional Health Authorities Act – Mr. Lund

Mr. Tannas, Chairman of Committees, 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 688/94

Amendment to Bill 20 (Hon. Member for Rocky Mountain House) – Agreed to  
Sessional Paper 689/94

Amendment to Bill 20 (Hon. Member for Edmonton-Glenora)  
Sessional Paper 690/94

Amendment to Bill 30 (Hon. Member for Sherwood Park) – Defeated  
Sessional Paper 691/94

Amendment to Bill 30 (Hon. Member for Sherwood Park) – Defeated  
Sessional Paper 692/94

Amendment to Bill 34 (Hon. Member for St. Albert) – Defeated  
Sessional Paper 693/94

Amendment to Bill 34 (Hon. Member for St. Albert) – Defeated  
Sessional Paper 694/94

## **Adjournment**

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly adjourned at 11:38 p.m. until Wednesday, May 25, 1994, at 1:30 p.m.

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Stanley S. Schumacher, Q.C.,  
Speaker

Title: Tuesday, May 24, 1994