



**Legislative Assembly
Province of Alberta**

No. 47

VOTES AND PROCEEDINGS

Third Session

Twenty-Third Legislature

Monday, May 15, 1995

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

Presenting Petitions

Mr. Bruseker, Hon. Member for Calgary-North West, presented a petition from 789 Albertans regarding the maintenance of the Bow/Crow Forest Headquarters in Calgary.

Mr. Bruseker, Hon. Member for Calgary-North West, presented a petition from 349 Calgary and area residents regarding the rights of Catholic taxpayers.

Dr. Massey, Hon. Member for Edmonton-Mill Woods, presented a petition from 430 Edmonton and area residents regarding hours of kindergarten instruction.

Reading and Receiving Petitions

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

We, the undersigned, petition the Legislative Assembly to urge the Government to hold a plebiscite under the Local Authorities Act, in accordance with Section 3 of the Alberta Hospitals Act, with regards to: the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of new facilities within a district or proposed district affected by such changes.

On request by Mr. Langevin, Hon. Member for Lac La Biche-St. Paul, 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 make sexual orientation a part of the Individual Rights Protection Act (IRPA).

Notices of Motions

Mr. Hierath, Chairman, Standing Committee on Legislative Offices, gave oral notice of the following motion:

Be it resolved that the Legislative Assembly, as required by Section 26(3) of the Conflicts of Interest Act, deal with the reports of the Ethics Commissioner dated April 28, 1993, August 26, 1993, October 28, 1993, November 7, 1994, December 15, 1994 and April 5, 1995 by receiving them.

Mr. Herard, Hon. Member for Calgary-Egmont, gave oral notice of his intention to move the following motion under Standing Order 40:

Be it resolved that the Legislative Assembly of Alberta congratulate the Calgary Canucks Hockey Team and coach, Mr. Don Phelps, on their first time ever win of the Centennial Cup.

Introduction of Bills (First Reading)

Notice having been given:

Bill 42 Miscellaneous Statutes Amendment Act, 1995 — Hon. Mr. Evans

Tabling Returns and Reports

Hon. Mr. Thurber, Minister of Municipal Affairs:

Information Provided in Response to Questions Raised in Committee of Supply,
March 8, 1995, Alberta Municipal Affairs

Sessional Paper 992/95

Hon. Mr. Day, Minister of Labour:

Response to Written Question No. Q183 asked by Mr. Kirkland on March 15,
1995:

Any reports or data compiled for or by the Government pertaining to the privatization of the Workers' Compensation Board between January 1, 1991 and January 15, 1995.

Sessional Paper 183/95

Hon. Mr. Evans, Minister of Justice and Attorney General, pursuant to the Legislative Assembly Act, cL-10.1, s52:

Alberta Justice, Annual Report 1993-94

Sessional Paper 84/95

Hon. Mrs. McClellan, Minister of Health:

Alberta Health news release, dated May 15, 1995, entitled "Albertans Voice Confidence in Health System" and Results of a Public Survey on Health and the Health System in Alberta, May 8, 1995, The Advisory Group, Marketing and Management Consulting

Sessional Paper 993/95

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

Letter, dated May 9, 1995, from Leona Hume, Calgary, to Hon. Mr. Lund, Minister of Environmental Protection, regarding the closure of the Bow/Crow Forestry Headquarters in Calgary

Sessional Paper 994/95

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert:

Letter, dated November 5, 1994, from Karen Kennedy, Parent Advisory Council, Bertha Kennedy Community School, to Mr. Bracko, Hon. Member for St. Albert, concerning a resolution passed by the council regarding hours of kindergarten instruction

Sessional Paper 995/95

Mr. Bracko, Hon. Member for St. Albert:

Letter, dated March 15, 1995, from Joyce Boutette, St. Albert, to Mr. Bracko, Hon. Member for St. Albert, regarding young people and job creation

Sessional Paper 996/95

Mr. N. Taylor, Hon. Member for Redwater:

Letter, dated April 24, 1995, from George Kozub, Smoky Lake, Alberta, to Members of the Legislative Assembly, regarding the Town of Smoky Lake Gas Utility Act

Sessional Paper 997/95

Town of Smoky Lake By-Laws Nos. 183, 273, and 631-91

Sessional Paper 998/95

Letter, dated April 18, 1995, from Brian Quickfall, Executive Director, Local Development Branch, Alberta Municipal Affairs, to Harvey Prockiw, Secretary Treasurer, Town of Smoky Lake, regarding the repeal of The Town of Smoky Lake Gas Utility Act

Sessional Paper 999/95

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

Resolution, signed by A. Marshall, President, Stettler Home and School Association, regarding hours of kindergarten instruction

Sessional Paper 1000/95

Oral Question Period

During Oral Question Period, Mr. Mitchell, Hon. Leader of the Official Opposition, filed the following:

Letter, dated April 27, 1995, from Hon. Mrs. McClellan, Minister of Health, to Christa Christensen, Edmonton, regarding Christa's son Nathan and his access to pediatric heart transplant programs at the University of Alberta and in the United States

Sessional Paper 1001/95

Affidavit, dated May 4, 1995, between Christa Christensen and Nathan Dziwenka, (Applicants) and Shirley McClellan, The Honourable Minister of Health for the Government of the Province of Alberta (Respondent)

Sessional Paper 1002/95

Speaker's Rulings — Reports for Consideration by the Assembly

The Honourable Member for Taber-Warner has given notice of a motion to deal with certain reports of the Ethics Commissioner. Section 26(3) of the Conflicts of Interest Act requires that this be done.

This is a novel piece of business for this Assembly in 2 respects:

First, while reports of Legislative Officers are often tabled in the Assembly, normally there is no legislative requirement that they be dealt with and dealt with within a certain time period, as there is in this case. Section 26(3) of the Conflicts of Interest Act not only requires that a report be tabled but that it be "dealt with" by the Assembly. That section and section 27 mean that something more than the tabling of a report in the Assembly is necessary.

Second, reports from other Officers, such as the Auditor General, may indicate action by the Government. The Ethics Commissioner makes a report, which contains his advice, to the Assembly. He reports to the Assembly because his reports relate to Members of the Legislative Assembly and the Assembly alone can deal with its Members. Parliament is supreme in managing its own affairs. This is a fundamental aspect of parliamentary privilege and it operates without regard to party, caucus or Government standing in the Assembly.

Clearly then this business must be attended to by the Assembly and it cannot be said to be either Government business or private member's business. The responsibility belongs to the Assembly as a whole, as required by section 26(3) of the Conflicts of Interest Act.

Standing Order 2 states:

In all contingencies unprovided for, the question shall be decided by the Speaker and, in making a ruling, the Speaker shall base any decision on the usages and precedents of the Assembly and on parliamentary tradition.

This being an unprovided for situation, the Chair will order this matter set down under the heading "Reports for Consideration by the Assembly" for Tuesday immediately upon the calling of Orders of the Day. Debate, if any, should be concluded and all questions to dispose of the matter put by 4:15 that afternoon.

— Answering Questions on Behalf of Government

On Thursday, May 11, 1995, the Member for Edmonton-Whitemud asked the Member for Calgary-Shaw, in his capacity as Chairman of the Alberta Special Waste Management Corporation, 3 questions about the Special Waste Management Corporation. This raises, again, an issue about the ability of Members who are not in Cabinet, to answer on behalf of Government. In his last answer, Hansard page 1737, the Member for Calgary-Shaw said "I'd be happy on behalf of Government to make that commitment (to having a fairness opinion prepared)." No point of order was raised with respect to either the questions or the answers. It may be that Calgary-Shaw was saying that if the question was differently worded, he would be happy to make such a commitment.

On October 7, 1993, the Chair ruled, following debate in this Assembly on the matter, that Members who Chair either Governmental Standing Policy Committees or who perform executive duties under a statute, such as the member for Calgary-Shaw, may not be asked questions about matters for which Government is accountable. The range of questions which they can be asked is very narrow and limited to procedural issues. Without repeating the previous ruling, the reason for this is that such Members are not part of Government, ie Cabinet, and therefore do not have the same accountability as Government. It follows that, if they did have the authority to answer such questions, they would not have the right to ask questions in Question Period.

The Member for Edmonton-Whitemud should have put his questions to the responsible Minister. Failing that, the Member for Calgary-Shaw should have deferred to the responsible Minister in his answer. The Chair foresees some serious problems arising respecting accountability in Question Period if this principle is not adhered to. The Chair would urge all Members to review the ruling of October 7, 1993, which is at Hansard page 772 and follow it.

Motions Under Standing Order 40

Mr. Herard, Hon. Member for Calgary-Egmont, requested and received the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that the Legislative Assembly congratulate the Calgary Canucks Hockey Team and coach, Mr. Don Phelps, on their first time ever win of the Centennial Cup.

A debate followed.

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

ORDERS OF THE DAY

Government Bills and Orders

Committee of the Whole

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

(Assembly in Committee)

Adjournment

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

MONDAY, MAY 15, 1995 — 8:00 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 37 School Amendment Act, 1995 — Hon. Mr. Jonson

A debate followed.

Dr. Massey, Hon. Member for Edmonton-Mill Woods, moved that section 30(2) be amended by striking out

is deemed to have come into force on February 15, 1994.

and substituting

comes into force on Proclamation.

A debate followed on amendment.

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

For the amendment: 15

Beniuk	Germain	Nicol
Bracko	Henry	Percy
Bruseker	Kirkland	Sapers
Decore	Massey	White
Dickson	Mitchell	Zariwny

Against the amendment: 35

Amery	Gordon	McFarland
Brassard	Havelock	Oberg
Burgener	Herard	Pham
Calahasen	Hierath	Renner
Cardinal	Hlady	Severtson
Coutts	Jacques	Shariff
Day	Jonson	Smith
Doerksen	Laing	Stelmach
Evans	Langevin	Thurber
Fischer	Magnus	Woloshyn
Forsyth	Mar	Yankowsky
Friedel	McClellan	

And after some further time spent therein the Deputy Speaker resumed the Chair.

The following Bill was reported:

Bill 37 School Amendment Act, 1995 — Hon. Mr. Jonson

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

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1003/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1004/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1005/95

Amendment to Bill 37 (Hon. Member for Calgary-North West) —
Defeated

Sessional Paper 1006/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1007/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1008/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1009/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1010/95

Amendment to Bill 37 (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 1011/95

Amendment to Bill 37 (Hon. Member for Edmonton-Mill Woods) —
Defeated (on division)

Sessional Paper 1012/95

On motion by Hon. Mr. Evans, Deputy Government House Leader, unanimous consent was granted to waive Standing Order 73(1) in order for Second Reading to proceed on Bill 42, Miscellaneous Statutes Amendment Act, 1995.

Government Bills and Orders

Second Reading

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 42 Miscellaneous Statutes Amendment Act, 1995 — Hon. Mr. Evans

Committee of the Whole

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

(Assembly in Committee)

And after some time spent therein the Deputy Speaker resumed the Chair.

The following Bill was reported:

Bill 42 Miscellaneous Statutes Amendment Act, 1995 — Hon. Mr. Evans

On motion by Hon. Mr. Evans, Deputy Government House Leader, unanimous consent was granted to waive Standing Order 73(1) in order for Third Reading to proceed on Bill 42, Miscellaneous Statutes Amendment Act, 1995.

Third Reading

The following Bill was read a Third time and passed:

Bill 42 Miscellaneous Statutes Amendment Act, 1995 — Hon. Mr. Evans

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, the Assembly adjourned at 11:14 p.m. until Tuesday, May 16, 1995 at 1:30 p.m.

Title: Monday, May 15, 1995