



**Legislative Assembly
Province of Alberta**

No. 7

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Third Legislature

Monday, February 26, 1996

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

Presenting Petitions

Mr. Sapers, Hon. Member for Edmonton-Glenora, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Dalla-Longa, Hon. Member for Calgary-West, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Vasseur, Hon. Member for Bonnyville, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Bruseker, Hon. Member for Calgary-North West, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Germain, Hon. Member for Fort McMurray, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Dr. Nicol, Hon. Member for Lethbridge-East, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Van Binsbergen, Hon. Member for West Yellowhead, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Mr. Mitchell, Hon. Leader of the Official Opposition, presented a petition from 10,000 Albertans regarding the five basic principles upon which Medicare was built: accessibility, universality, portability, comprehensiveness and public administration.

Reading and Receiving Petitions

On request by Mr. Bracko, Hon. Member for St. Albert, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly to call for the Government to provide quality kindergarten education for our children by maintaining a minimum 400 hours of instruction per child per school year.

Notices of Motions

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

Be it resolved that the Legislative Assembly recognize and congratulate Team Calgary, winners of the 1996 Alberta Cup at the Alberta Winter Games held in Lethbridge.

Tabling Returns and Reports

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

Letter, dated February 21, 1996, from Kevin Bosch, Research Analyst, Alberta Liberal Caucus, to Bob Clark, Information and Privacy Commissioner, requesting a review be commenced, subject to section 62 of the Freedom of Information and Protection of Privacy Act, of the decision of the head of the Department of Federal and Intergovernmental Affairs not to release twenty pages of documentation regarding the Premier's November 1994 trade mission to Asia
Sessional Paper 640/96

Mr. Zwozdesky, Hon. Member for Edmonton-Avonmore:

Economic Value of AMPDC (Alberta Motion Picture Development Corporation) to Alberta Motion Picture Industry, Final Report, prepared by Nordicity Group Ltd., May 15, 1995

Sessional Paper 641/96

Hon. Mr. Dinning, Provincial Treasurer:

Straight Talk, Clear Choices, Reinvesting in Alberta, Government of Alberta
Sessional Paper 642/96

Budget '96, 1996-97 Budget Highlights and Consolidated Fiscal Summary,
Alberta Government, February 22, 1996
Sessional Paper 644/96

News release, fax-dated February 26, 1996, entitled "Chamber pleased with
prosperity budget," from the Calgary Chamber of Commerce
Sessional Paper 645/96

News release, fax-dated February 23, 1996, entitled "We're thrilled," from the
Edmonton Chamber of Commerce
Sessional Paper 646/96

Media release, entitled "Alberta's Chartered Accountants Applaud Budget '96,"
Institute of Chartered Accountants of Alberta
Sessional Paper 647/96

"Oil's Well in Alberta!" Budget Analysis, Nesbitt Burns, February 22, 1996
Sessional Paper 643/96

Provincial Budget Briefs, CIBC (Canadian Imperial Bank of Commerce) Wood
Gundy Economics, February 26, 1996
Sessional Paper 648/96

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

Privatization and Outsourcing, Laboratory Report, Health Sciences Association
of Alberta, prepared by Virtual Business Solutions, January 31, 1996
Sessional Paper 649/96

Oral Question Period

During Oral Question Period, Ms Burgener, Hon. Member for Calgary-Currie, filed the
following:

Letter, dated February 14, 1996, from Carol Anne Deane, President, Alberta
Union of Provincial Employees (AUPE), to Ms Burgener, Hon. Member for
Calgary-Currie, regarding Alberta Distance Learning Centre
Sessional Paper 650/96

During Oral Question Period, Mrs. Hewes, Hon. Member for Edmonton-Gold Bar, filed the following:

Letter, dated January 16, 1996, from Mrs. Hewes, Hon. Member for Edmonton-Gold Bar, to Hon. Mr. Dinning, Provincial Treasurer, and letter, dated February 7, 1996, from Hon. Mr. Dinning, Provincial Treasurer, to Mrs. Hewes, Hon. Member for Edmonton-Gold Bar, regarding a promised tax rebate for seniors

Sessional Paper 651/96

Motions Under Standing Order 40

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

Be it resolved that the Legislative Assembly recognize and congratulate Team Calgary, winners of the 1996 Alberta Cup at the Alberta Winter Games held in Lethbridge.

A debate followed.

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

Speaker's Ruling — Point of Order, Hon. Member for Fort McMurray

Last Thursday, February 22, 1996, the Hon. Member for Fort McMurray raised a point of order concerning comments made by the Hon. Minister of Transportation and Utilities on Wednesday, February 21, 1996 during second reading debate on Bill 202. At that time the Minister quoted from a letter he had received from the Member for Fort McMurray which dealt with concerns about video lottery terminals. The basis of the point of order was Standing Order 23(i), the well-known prohibition against imputing false or unavowed motives to another Member. The Hon. Member for Lethbridge-East joined in the point of order as the Minister had referred to a letter that Member had sent as well. The Minister's comments are found on page 131 of *Hansard*.

The Chair undertook to review the letters to which the Minister referred during debate and to review *Hansard*. In reviewing the matter, the Chair would note that it is not the Chair's responsibility to pass judgment on the factual accuracy of statements made during debate. It is true that the Hon. Minister used the term "hypocrisy" but that term was not directed specifically at the Members. The Minister may have taken some liberty in characterizing the letter from the Hon. Member for Fort McMurray but that is a matter for debate. He quoted the letter from the Honourable Member for Lethbridge-East almost verbatim.

It appears to the Chair that when the Member for Fort McMurray raised the matter last Thursday, he was trying to clarify what were the views of his constituents as, by his own admission, he was not present for the debate owing to advice from the Ethics Commissioner. The issues raised by both Members appear to fall into the category of a dispute about facts which is not properly a point of order. The Member for Fort McMurray and the Member for Lethbridge-East have had the opportunity to put their positions on the record. That ends the matter.

ORDERS OF THE DAY

Government Motions

9. Moved by Hon. Mr. Dinning:

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

A debate followed.

During debate, Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan, filed the following:

Brochure, Job Action Team

Sessional Paper 652/96

Debate continued.

Mr. White 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, at 5:20 p.m. it was agreed that when the Assembly reconvened it would be in Committee of Supply and the Speaker left the Chair.

MONDAY, FEBRUARY 26, 1996 — 8:00 P.M.

Committee of Supply (Day 1 — Supplementary Estimates)

(Assembly in Committee)

During Committee of Supply consideration of a motion introduced by Hon. Mr. Day, Government House Leader, proposing the establishment of subcommittees of the Committee of Supply pursuant to Standing Order 57(1), Mr. Mitchell, Hon. Official Opposition House Leader, raised a purported point of privilege relevant to the proposed motion.

Pursuant to Standing Order 62(3), Mr. Tannas, Chairman, adjourned the Committee and reported the matter to the Assembly.

A debate followed.

Mr. Speaker advised he would take the matter under consideration and left the Chair. The Assembly again met in Committee of Supply.

(Assembly in Committee)

And after some further time spent therein, the Speaker resumed the Chair and Mr. Tannas reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the 1995-96 Supplementary Supply Estimates (No. 2) of the General Revenue Fund (Advanced Education and Career Development, Community Development, Education, Energy, Environmental Protection, and Health) for the fiscal year ending March 31, 1996, reports progress thereon, and requests leave to sit again.

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

Speaker's Ruling — Question of Privilege Concerning Establishment of Subcommittees of Supply

The Honourable Leader of the Official Opposition has raised a question of privilege in the Committee of Supply about the motion introduced by the Government House Leader to establish subcommittees. In accordance with Standing Order 62(3), the Chairman of the Committee adjourned and reported to the Assembly.

The Leader of the Official Opposition did not make clear how the motion to establish subcommittees of supply was a contempt of the House as distinct from a breach of privilege. It appears to the Chair that the "contempt" focussed on the fact that 2 subcommittees may meet at the same time and that Members may not be able to speak at both subcommittees. This situation appeared to be at the root of the Leader of the Official Opposition's question of privilege as supported by the Honourable Members for Fort McMurray and Sherwood Park.

When a question of privilege is raised in the Assembly it is the Chair's role to determine whether a prima facie question of privilege exists. After considering the matter the Chair finds that there is not a prima facie case of privilege.

In addressing the substance of the motion, the Chair wants to make clear that the motion does not amend or in any way alter the Standing Orders. Clearly the Committee of Supply has no jurisdiction to amend the Standing Orders. The Chair would also like to point out to Members that Standing Order 57(4) expressly provides that any Member who is not a member of a subcommittee is entitled to attend and participate in the meeting although he or she may not vote.

It was suggested that as the provisions of the Standing Orders concerning subcommittees have not been used for some time, they have fallen into disuse. While it is true that subcommittees of supply have not been established since 1979, Standing Orders 57 and 58 are still valid parts of our Standing Orders. Indeed, it appears that when the Standing Orders were revised in 1993 those provisions were amended to account for the existence of Designated Supply Subcommittees.

With respect to the arguments raised about there being 2 meetings at which Members may wish to participate, the Chair refers to Beauchesne's at paragraph 77 where it is stated:

"Freedom of speech does not mean that Members have an unlimited or unrestrained right to speak on every issue. The rules of the House impose limits on the participation of Members and it is the duty of the Speaker to restrain those who abuse the rules."

In this instance, the House has given the power to the Committee of Supply to create subcommittees under Standing Order 57 to consider the estimates. There are no restrictions in the Standing Orders as to how many subcommittees may be established or when they may meet. It is the Chair's understanding that the last time subcommittees were established in 1979, two subcommittees met at the same time.

While attention was devoted during the argument to the privileges of Members, there was little mention of the corporate or collective privileges of the Assembly, one of which is to regulate its own internal affairs free from interference. Beauchesne's states at paragraph 33:

"The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them."

In this regard Members are referred to Maingot's book Parliamentary Privilege in Canada at page 15 and also Chapter 11.

Furthermore, Members are referred to the 21st edition of Erskine May's Parliamentary Practice where it states at page 90 with respect to the British Houses of Parliament:

"Nevertheless, the right of both Houses to be the sole judge of the lawfulness of their own proceedings, or to settle - and depart from - their own codes of procedure is fully established."

In this instance, if the Chair was to find that a prima facie question of privilege existed or that a contempt had been committed, the Chair would, in effect, have to find that the Standing Orders violated the privileges of the Members. To make such a finding could cast doubt upon the House's ability to control its own proceedings, which the Chair is not about to do.

It is the Chair's view that the motion to establish the subcommittees is being done in accordance with the Standing Orders. Accordingly, there is no prima facie question of privilege or a contempt.

(Assembly in Committee)

And after some further time spent therein, the Speaker resumed the Chair and Mr. Tannas reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration a motion proposing the establishment of four (4) subcommittees of the Committee of Supply, reports progress thereon, and requests leave to sit again.

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

Mr. Tannas also tabled a copy of the motion considered by the Committee of Supply proposing the establishment of four (4) subcommittees of the Committee of Supply for the official records of the Assembly:

Moved by Hon. Mr. Day:

Be it resolved that:

1. Pursuant to Standing Order 57(1), four (4) subcommittees of the Committee of Supply be established by the Committee of Supply with the following names:

Subcommittee A
Subcommittee B
Subcommittee C
Subcommittee D

2. The membership of the respective subcommittees be as follows:

Subcommittee A

Clegg (Chair)	Hierath	Pham
Magnus (Deputy Chair)	Jacques	Renner
Ady	Jonson	Rostad
Burgener	Kirkland	Sekulic
Doerksen	Massey	Wickman
Havelock	Mitchell	Zariwny
Henry	Percy	

Subcommittee B

Tannas (Chair)	Forsyth	Sapers
Haley (Deputy Chair)	Germain	Shariff
Amery	Hanson	Soetaert
Brassard	Hewes	Yankowsky
Cardinal	Laing	Zariwny
Dickson	Mar	Zwozdesky
Evans	Oberg	

Subcommittee C

Tannas (Chair)	Fischer	Thurber
McFarland (Deputy Chair)	Fritz	Trynchy
Abdurahman	Gordon	Vasseur
Beniuk	Kowalski	West
Bracko	Nicol	White
Dickson	Paszkowski	Wickman
Dunford	Severtson	

Subcommittee D

Clegg (Chair)	Dalla-Longa	Leibovici
Calahasen (Deputy Chair)	Day	Lund
Black	Friedel	Mirosh
Bruseker	Germain	Smith
Chadi	Hlady	Taylor (Cypress-Medicine Hat)
Collingwood	Kirkland	Sekulic
Coutts	Langevin	

3. The following portions of the main estimates (The "Main Estimates") of expenditure for the fiscal year ending March 31, 1997, unless previously designated by the Leader of the Opposition to be considered by the Designated Supply Subcommittees, be referred to the subcommittees for their reports to the Committee of Supply as follows:

Subcommittee A

Advanced Education and Career Development
Education
Executive Council
Federal and Intergovernmental Affairs
Provincial Treasurer

Subcommittee B

Community Development
Family and Social Services
Health
Justice and Attorney General

Subcommittee C

Agriculture, Food and Rural Development
Municipal Affairs
Public Works, Supply and Services
Transportation and Utilities

Subcommittee D

Economic Development and Tourism
Energy
Environmental Protection
Labour
Science and Research

Sessional Paper 653/96

Mr. Clegg also tabled a copy of a letter from Mr. Mitchell, Hon. Leader of the Official Opposition, designating the estimates for consideration of 5 (five) departments by the Designated Supply Subcommittees pursuant to Standing Order 56(2)(a):

Health

Environmental Protection

Education

Economic Development and Tourism

Family and Social Services

Sessional Paper 654/96

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

Adjournment

On motion by Hon. Mrs. Black, Deputy Government House Leader, the Assembly adjourned at 10:56 p.m. until Tuesday, February 27, 1996, at 1:30 p.m.

Title: Monday, February 26, 1996