



**Legislative Assembly  
Province of Alberta**

No. 22

**VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Third Legislature

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Thursday, March 21, 1996

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

**Notices of Motions**

Mr. Renner, Chairman, Select Standing Committee on Private Bills, gave oral notice of his intention to introduce the following Bills, Monday, March 25, 1996:

Bill Pr1 Alberta Wheat Pool Amendment Act, 1996

Bill Pr2 Covenant Bible College Tax Exemption Act

Bill Pr3 Evangel Bible College Act

Bill Pr4 Bethesda Bible College Act

Bill Pr5 Farmers' Union of Alberta Amendment Act, 1996

Mr. Zwozdesky, Hon. Member for Edmonton-Avonmore, gave oral notice of his intention to move the following motion under Standing Order 40:

Be it resolved that the Legislative Assembly recognize March 21 as the International Day for the Elimination of Racial Discrimination.

**Introduction of Bills (First Reading)**

Oral notice having been given Wednesday, March 20, 1996:

Bill 25 Alberta Corporate Tax Amendment Act, 1996 — Hon. Mr. Dinning

## Tabling Returns and Reports

Hon. Mr. Dinning, Provincial Treasurer:

Response to Written Question No. Q235 asked for by Mr. Sekulic on October 18, 1995:

What are the projections for the following revenue indicators, as the Government may have prepared, for the 1996-97 and 1997-98 fiscal years, underlying the budget plan on page 15 of the 1995 provincial budget from personal income taxes; corporate income taxes; non-renewable resource revenues; revenue payments by the Government of Canada; investment income; premiums, licenses and fees; other taxes and other revenues?

Sessional Paper 235A/96

Response to Motion for Returns No. M237 asked for by Mr. Sekulic on October 18, 1995:

A detailed list of loans, loan guarantees, indemnities, advances, or long-term investments authorized by the Government between April 1, 1992 and April 25, 1995, by Treasury Board minute or Provincial Treasurer's directive, specifying company name, date of authorization, and approving authority.

Sessional Paper 237A/96

Response to Written Question No. Q241 asked for by Mr. Sekulic on October 25, 1995:

What are the Government's projections for the following economic indicators which underlie the fiscal projections of the 1996-97 and 1997-98 fiscal years, as set out on page 15 of the 1995 provincial budget:

- (1) 90-day Alberta Treasury bill rates;
- (2) 10-year Alberta bond rates;
- (3) Canada-U.S. exchange rates;
- (4) Alberta unemployment rate;
- (5) Alberta natural gas sales;
- (6) Alberta natural gas reference price;
- (7) West Texas Intermediate (WTI) crude oil price;
- (8) Alberta real manufacturing exports;
- (9) Alberta retail sales;
- (10) Alberta housing starts;
- (11) Alberta real business investments;
- (12) Alberta corporate registrations;
- (13) Alberta average weekly earnings; and
- (14) Alberta realized net farm income?

Sessional Paper 241A/96

Response to Written Question No. Q242 asked for by Mr. Sekulic on October 25, 1995:

What are the projections for valuation adjustments and other provisions for the 1996-97 and 1997-98 fiscal years by general provision for accounts receivable, obligations under guarantee and indemnity, and other, as set out on page 52 of the 1995 provincial budget?

Sessional Paper 242A/96

Hon. Mr. Thurber, Minister of Municipal Affairs:

Alberta Municipal Affairs, Responses to Questions, Committee of Supply, February 29 and March 12, 1996

Sessional Paper 761/96

Hon. Mrs. McClellan, Minister of Health:

Chart, total visits to emergency unit, Holy Cross Hospital, Calgary, 1981-82 to 1993-94

Sessional Paper 762/96

## **Ministerial Statements**

Hon. Mr. Mar, Minister of Community Development, announced that March 21, 1996, is the International Day for the Elimination of Racial Discrimination.

Mr. Zwozdesky, Hon. Member for Edmonton-Avonmore, commented on the statement.

## **Oral Question Period**

During Oral Question Period, Mr. Kirkland, Hon. Member for Leduc, filed the following:

Workers' Compensation Board (WCB) Memo, dated May 8, 1990, regarding Edmonton Journal newspaper carriers

Sessional Paper 763/96

Exhibit H referred to in the Affidavit of Gordon Ian McMullan, sworn before Barry W. McMullan, Barrister and Solicitor, regarding newspaper carriers

Sessional Paper 764/96

Exhibit G referred to in the Affidavit of Gordon Ian McMullan, sworn before Barry W. McMullan, Barrister and Solicitor, regarding newspaper carriers

Sessional Paper 766/96

Workers' Compensation Board (WCB) Memo, dated January 14, 1995, from D.V. Holmes, Assessment Management to K.W. Coull, regarding taxi cab drivers and newspaper carriers

Sessional Paper 765/96

Schedule A, Exempted Industries, Worker's Compensation Alta. Reg. 427/81, Alberta Gazette, December 31, 1981

Sessional Paper 767/96

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

Pamphlet entitled, "Alberta Advantage"

Sessional Paper 768/96

During Oral Question Period, Hon. Dr. West, Minister of Transportation and Utilities, filed the following:

Response to Written Question No. Q163, asked for by Mr. Wickman, Hon. Member for Edmonton-Rutherford, regarding payout levels of video lottery terminals (VLTs) (previously tabled, March 11, 1996)

Sessional Paper 769/96

## **Members' Statements**

Mr. Coutts, Hon. Member for Pincher Creek-Macleod, made a statement regarding the benefits of communities hosting sports events in general and in particular Pincher Creek and Fort Macleod's recent hosting of two major provincial sports events, Provincial A Boys Basketball and Provincial Atom B Hockey respectively.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, made a statement regarding Alberta Registered Dietitians and their education program, and announcing that March is Nutrition Month.

Ms Haley, Hon. Member for Three Hills-Airdrie, made a statement regarding the deaths by act of terrorism of Harvey and Leah Uffelman of Beiseker and the bringing to justice in the United States of the Abu Nadel terrorist responsible.

## **Projected Government Business**

Pursuant to Standing Order 7(5), Mr. Bruseker, Hon. Member for Calgary-North West, asked a question pertaining to the order of Government Business to be brought before the Assembly for the following week.

Hon. Mr. Day, Government House Leader, gave notice of projected Government Business for the week of March 25 to March 28, 1996:

Monday, March 25

- Aft. - **Government Bills and Orders**
- Committee of the Whole**
- Bill 1, Agent-General Act Repeal Act
- Bill 2, Alberta Economic Development Authority Act
- Bill 3, Lloydminster Hospital Act Repeal Act
- Bill 4, Glenbow-Alberta Institute Amendment Act, 1996
- Bill 5, Racing Corporation Act
- Second Reading**
- Bill 15, Hospitals Amendment Act, 1996
- Bill 16, Economic Development and Tourism Statutes Repeal Act
- Bill 17, Financial Administration Amendment Act, 1996

- Eve. - **Committee of Supply**
- Lottery Fund Estimates
- Revert to Introduction of Bills**
- Bill 22, Appropriation Act, 1996

Tuesday, March 26

- (4:30 p.m.) - **Government Bills and Orders**
- Second Reading**
- Bill 15, Hospitals Amendment Act, 1996
- Bill 16, Economic Development and Tourism Statutes Repeal Act
- Bill 17, Financial Administration Amendment Act, 1996
- Bill 18, Energy Statutes Amendment Act, 1996
- Bill 20, Fuel Tax Amendment Act, 1996

Bill 21, Financial Institutions  
Statutes Amendment Act, 1996

Bill 25, Alberta Corporate Tax  
Amendment Act, 1996

Eve. - **Government Bills and Orders**  
**Second Reading**

As per Order Paper, including:  
Bill 22, Appropriation Act, 1996

Wednesday, March 27

Eve. - **Government Bills and Orders**  
**Committee of the Whole**

As per Order Paper, including:  
Bill 22, Appropriation Act, 1996

Thursday, March 28

Aft. - **Government Bills and Orders**  
**Second Reading or**  
**Committee of the Whole**

As per Order Paper

**Third Reading**

Bill 22, Appropriation Act, 1996

## **Privilege**

### **Speaker's Ruling - Question of Privilege Raised by Hon. Member for Calgary-North West Concerning Threatening a Member**

On Tuesday, March 19, 1996 the Hon. Opposition House Leader raised a question of privilege on behalf of the Leader of the Opposition. The basis for the question of privilege is a letter dated March 16, 1996 from a Mr. Robert Burgener, a lawyer in the City of Edmonton, on behalf of his client, a Mr. Robert Talbot, to the Leader of the Opposition.

As a preliminary matter, the Chair finds that the matter was raised at the earliest opportunity and that sufficient notice was provided.

The March 16, 1996 letter from Mr. Burgener states in the first sentence that his client has been informed by a local media outlet that Mr. Mitchell intends to "raise issues in the Legislature concerning him personally." The letter then states "I am instructed to inform you that Mr. Talbot shall pursue his legal remedies in the event that he considers any statements made by yourself or your party to be defamatory."

The second paragraph of the letter states:

"Mr. Talbot believes you may feel unaccountable for any statements that you make in the Legislature. Mr. Talbot requests that I make it absolutely clear that he will pursue his legal remedies in the event that you make any misleading or derogatory statements which may impugn his character or reputation."

It seems that Mr. Burgener is only concerned with comments that may be made in the Assembly. There may be some ambiguity over what is meant when he says that his client will "pursue his legal remedies" but this is fairly well known legal language which includes the possibility of initiating a court action.

The basis of the question of privilege brought by the Hon. Opposition House Leader, as reported at page 662 of Hansard is that the letter is "a clear threat to the Member for Edmonton-McClung."

The Chair notes the references by the Opposition House Leader and the Member for Calgary-Buffalo. The classic statement on contempts is found in Erskine May (21st edition) at 115 where it is stated:

"Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt."

Griffith and Ryle, in their book *Parliament: Functions, Practice and Procedures* state the following at page 92, after citing the above-noted quotation from Erskine May:

"Such obstruction or impedance is essentially restricting freedom of speech in the House (for example by intimidation of those who might speak) or freedom of its proceedings."

The prohibition against threatening Members is clearly a contempt or a breach of privilege in Alberta. Section 10(2)(b) of the Legislative Assembly Act lists as one of the acts that constitutes a contempt or a breach of privilege:

"(b) obstructing, threatening or attempting to force or intimidate a Member in any matter relating to his office."

The issue becomes then whether the letter from Mr. Burgener to the Leader of the Opposition was a threat. In this regard, the Chair has some hesitation. The letter from Mr. Burgener could be classified as putting Mr. Mitchell on notice but of course, the question is, on notice for what? Under the protection of freedom of speech, statements made in the House cannot be questioned in any court. Not only has that been part of Parliament's privileges at least since the English Bill of Rights in 1689, but it is codified in section 13 of the Legislative Assembly Act. To take a proceeding against a Member for what is said in the House is a breach of privilege or contempt of the House as demonstrated by section 10 (1)(k) of that Act.

The Chair would note that the Statement of Claim that has been filed in this matter does not directly refer to comments made in the House, nor could it. The Chair tabled a letter from Mr. Burgener in the House yesterday that indicates that it was not his or his client's intention to stifle free debate in the Legislature. If, however, that was the intention, then the March 16, 1996, letter could have referred to comments that might have been made outside the House. There was no such reference.

The Chair has been concerned for some time that while freedom of speech is perhaps the most cherished of parliamentary privileges, there must be a correlative duty for Members to act responsibly in exercising that privilege.

As the Opposition House Leader indicated on March 19, 1996, Erskine May states at page 126 that threatening a Member with trial at some future time for a question asked in the House has been held to be a contempt of the House of Commons in the United Kingdom.

Reference was made to a Speaker's ruling in Saskatchewan on April 26, 1984, where there was held to be a prima facie question of privilege. In that case, a lawyer had written a letter to a Member and issued a statement of claim which referred explicitly to comments made in the Assembly. In that case the Member claimed that the letter and the statement of claim were threatening to the Member and served to obstruct him in the carrying out of his duties.

It should be added that the Chair has been unable to locate any previous Speaker's ruling in Alberta on this matter.

The Chair finds that there is technically a prima facie question of privilege.

The Chair would add the Assembly may wish to consider the subsequent documentation by Mr. Burgener and that it appears there is no allegation in the statement of claim about remarks in the House. The Chair would also note that the Saskatchewan matter was essentially cleared up when the lawyer sent a letter which was considered an apology for his offending letter.

The Chair would like to make two other points. This ruling does not affect the action that has been launched against certain Members as it is the Chair's understanding that the action relates to comments made outside the House. As Joseph Maingot states in his book *Parliamentary Privilege in Canada* at page 96:

"While it is clear that the member is afforded absolute privilege in law for acts done and words said during a parliamentary proceeding, he speaks outside the House at his peril without the protection of parliamentary privilege."



The Chair would refer Members to a ruling in the House of Commons on June 10, 1993, where it was said at page 20694 of Hansard that:

"What a member says outside the House about anyone is subject to the laws of the land relating to libel and slander as it would be for any other Canadian - if indeed the comments are actionable."

Finally, the Chair wants to stress to all Members that the protections that have been developed over the centuries to ensure freedom of speech in legislatures are really a gift from the electorate to ensure that Members can effectively represent their interests. Members must be aware that the extraordinary privilege that we have in this Assembly carries a duty to act responsibly. Any misuse of the privilege of free speech may cause people to question its necessity which would be a sad day for all legislators and the people of the Province.

Following the Speaker's ruling, Mr. Bruseker, Hon. Member for Calgary-North West, gave oral notice of his intention to move a motion under Standing Order 15(6).

### **Motions Under Standing Order 40**

Mr. Zwozdesky, Hon. Member for Edmonton-Avonmore, requested the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that the Legislative Assembly recognize March 21 as the International Day for the Elimination of Racial Discrimination.

Unanimous consent to proceed was not granted.

## **ORDERS OF THE DAY**

### **Committee of Supply** (Day 20 — Main Estimates)

(Assembly in Committee)

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

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions, reports as follows and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 1997, for the Department and purposes indicated:

**Advanced Education and Career Development**

\$1,033,213,000	Operating Expenditure
1,025,000	Capital Investment
<u>60,458,000</u>	Non-Budgetary Disbursements
<b>1,094,696,000</b>	

**Community Development**

\$200,003,000	Operating Expenditure
<u>50,000</u>	Capital Investment
<b>200,053,000</b>	

**Education**

\$1,520,134,000	Operating Expenditure
996,000	Capital Investment
<u>119,868,000</u>	
<b>1,640,998,000</b>	

**Energy**

\$71,538,000	Operating Expense
<u>11,079,000</u>	Capital Investment
<b>82,617,000</b>	

**Environmental Protection**

\$286,840,000	Operating Expenditure
<u>9,824,000</u>	Capital Investment
<b>296,664,000</b>	

**Executive Council**

\$21,860,000	Operating Expenditure
<u>180,000</u>	Capital Investment
<b>22,040,000</b>	

**Family and Social Services**

\$1,363,925,000	Operating Expenditure
<u>275,000</u>	Capital Investment
<b>1,364,200,000</b>	

**Federal and Intergovernmental Affairs**

\$5,084,000	Operating Expenditure
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**Health**

\$3,693,930,000	Operating Expenditure
<u>335,000</u>	Capital Investment
<b>3,694,265,000</b>	

**Justice and Attorney General**

\$333,211,000	Operating Expenditure
<u>280,000</u>	Capital Investment
<b>333,491,000</b>	

**Labour**

\$31,455,000	Operating Expense
<u>436,000</u>	Capital Investment
<b>31, 891,000</b>	

**Municipal Affairs**

\$304,562,000	Operating Expenditure
5,099,000	Capital Investment
<u>67,000,000</u>	Non-budgetary Disbursements
<b>376,661,000</b>	

**Public Works, Supply and Services**

\$437,235,000	Operating Expenditure
<u>45,135,000</u>	Capital Investment
<b>482,370,000</b>	

**Science and Research**

\$20,925,000	Operating Expenditure
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**Transportation and Utilities**

\$615,822,000	Operating Expenditure
<u>127,812,000</u>	Capital Investment
<b>743,634,000</b>	

The Committee of Supply has had under consideration certain other resolutions, reports as follows and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 1997, for the Department and purposes indicated:

## Legislative Assembly

\$20,974,401	Support to the Legislative Assembly Operating Expenditure
9,834,280	Office of the Auditor General Operating Expenditure
608,581	Office of the Auditor General Capital Investment
1,046,100	Office of the Ombudsman Operating Expenditure
9,539,420	Office of the Chief Electoral Officer Operating Expenditure
161,576	Office of the Ethics Commissioner Operating Expenditure
<u>758,417</u>	Office of the Information and Privacy Commissioner Operating Expenditure
<b>42,922,775</b>	

Mr. Speaker I wish to file a list of those resolutions voted upon by the Committee of Supply for the official records of the Assembly.

Sessional Paper 770/96

Mr. Speaker, I also would like to table copies of documents tabled by Hon. Mr. Evans, Minister of Justice and Attorney General, and by Hon. Mr. Day, Minister of Labour, during Committee of Supply consideration of the Estimates of the Departments of Justice and Attorney General; and Labour:

Responses to Questions Raised during Committee of Supply consideration of the Estimates of the Department of Justice and Attorney General, March 14, 1996

Sessional Paper 771/96

Pursuant to the Government Accountability Act, cG-5.5, s13:

Occupational Health and Safety Business Plan 1996-97 to 1998-99

Sessional Paper 100/96

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

## Adjournment

On motion by Hon. Mr. Day, Government House Leader, the Assembly adjourned at 5:18 p.m. until Monday, March 25, 1996, at 1:30 p.m.

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Title: Thursday, March 21, 1996