



**Legislative Assembly
Province of Alberta**

No. 44

VOTES AND PROCEEDINGS

Second Session

Twenty-Fourth Legislature

Tuesday, April 21, 1998

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

Presenting Petitions

Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills, presented a petition from 1,702 constituents expressing support for invoking the Canadian Charter of Rights and Freedoms' "notwithstanding clause" to exclude sexual orientation from the Alberta Bill of Rights.

Mr. Lougheed, Hon. Member for Clover Bar-Fort Saskatchewan, presented a petition from 260 members of the medical profession and patients expressing concern regarding Bill 29, Medical Professions Amendment Act, 1997 (24th Legislature, 1st Session).

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 114 Albertans regarding the prohibition of discrimination based on sexual orientation, and expressing opposition to the utilization of the Canadian Charter of Rights and Freedoms' "notwithstanding clause."

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 54 members of the medical profession and patients expressing concern regarding Bill 29, Medical Professions Amendment Act, 1997 (24th Legislature, 1st Session).

Mr. Friedel, Hon. Member for Peace River, presented a petition from 342 members of the medical profession and patients expressing concern regarding Bill 29, Medical Professions Amendment Act, 1997 (24th Legislature, 1st Session).

Ms O'Neill, Hon. Member for St. Albert, presented a petition from 26 Albertans regarding access through the Alberta Health Drug Benefit List to Betaseron, Rebif and Copaxone drug therapies for treatment of multiple sclerosis.

Reading and Receiving Petitions

On request by Ms Blakeman, 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 prohibit discrimination on the basis of sexual orientation and commit never to use the "notwithstanding clause," or any other means, to override the fundamental human rights of Albertans.

On request by Mr. Dickson, Hon. Member for Calgary-Buffalo, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to move immediately to elect the Boards of Alberta's Regional Health Authorities. We further urge that the elections take place in all Regional Health Authorities during the 1998 municipal elections.

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mrs. Black, Deputy Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with Wednesday, April 22, 1998:

Written Questions: WQ92, WQ93.

Motions for Returns: MR84, MR85, MR86, MR87, MR88, MR89,
MR90, MR91, MR94, MR95.

Tabling Returns and Reports

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

Petition signed by 1,210 Peace River, Grimshaw, Fairview and area residents expressing concern regarding privatization initiatives involving parks and recreation areas

Sessional Paper 610/98

Hon. Mr. Dunford, Minister of Advanced Education and Career Development:

Responses to questions and comments raised during Second reading debate of Bill 35, Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998

Sessional Paper 611/98

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

Fact sheet entitled "Why do we need a Royal Commission of the privatization of Canada's medicare system?"

Sessional Paper 612/98

Dr. Massey, Hon. Member for Edmonton-Mill Woods:

Notices of a Written Question and a Motion for Returns submitted by Dr. Massey, Hon. Member for Edmonton-Mill Woods, to the Legislative Assembly of Alberta

Sessional Paper 613/98

Ms Barrett, Hon. Member for Edmonton-Highlands:

Five letters dated April 16 to 20, 1998, to Hon. Mr. Jonson, Minister of Health, and Hon. Mr. Klein, Premier, from Albertans expressing opposition to Bill 37, Health Statutes Amendment Act, 1998, and private for-profit health care (sample of over 500 letters received)

Sessional Paper 614/98

199 postcards addressed to Hon. Mr. Klein, Premier, from Albertans expressing opposition to Bill 37, Health Statutes Amendment Act, 1998, and private for-profit health care

Sessional Paper 615/98

181 postcards addressed to Hon. Mr. Jonson, Minister of Health, from Albertans expressing opposition to Bill 37, Health Statutes Amendment Act, 1998, and private for-profit health care

Sessional Paper 616/98

Mr. Dickson, Hon. Member for Calgary-Buffalo:

Letter dated April 21, 1998, from Phylis Matousek, Chair, S.A.L.T. (Seniors Action and Liaison Team) and a member of the Coalition for Medicare, to all Members of the Legislative Assembly of Alberta expressing opposition to Bill 37, Health Statutes Amendment Act, 1998, and private for-profit health care, with attached article entitled "For Our Patients, Not for Profits: A Call to Action" published in JAMA (Journal of the American Medical Association), volume 278, number 21, December 3, 1997, and a May 30, 1997 Wall Street Journal article
Sessional Paper 617/98

Hon. Mrs. McClellan, Minister of Community Development:

Letter dated April 21, 1998, from Hon. Mrs. McClellan, Minister of Community Development, to Ms Cathy Borst offering congratulations on winning the bronze medal on April 20, 1998 at the World Curling Championships
Sessional Paper 618/98

Letter dated April 21, 1998, from Hon. Mrs. McClellan, Minister of Community Development, to Mr. Frank King, President, Metropolitan Investment Corporation, offering congratulations for being awarded the Canadian Olympic Order for his efforts as Chair of the 1988 Olympic Winter Games held in Calgary
Sessional Paper 619/98

Members' Statements

Mr. Klapstein, Hon. Member for Leduc, made a statement recognizing Mrs. Gwen Hooks, author receiving the Black Achievement Award for stories of Keystone, Alberta (now Breton) settlers published in the book "Keystone Legacy: Recollections of a Black Settler."

Ms Blakeman, Hon. Member for Edmonton-Centre, made a statement in support for domestic violence legislative initiatives: Bill 214, Victims of Domestic Violence Act (24th Legislature, 4th Session); and Bill 19, Protection Against Family Violence Act, of the current legislative Session now at Third reading.

Ms Forsyth, Hon. Member for Calgary-Fish Creek, made a statement recognizing National Organ and Tissue Donor Awareness Week, April 19 to 25, 1998, and the important role of those involved in organ donation.

ORDERS OF THE DAY

Speaker's Ruling — Duplication of Bills (Bill 214 and Bill 35)

As this is the time in the business of the House to address Private Members' Bills, the Chair would like to make a statement concerning Bill 214, Post-Secondary Statutes Amendment Act, 1998, which is sponsored by the Honourable Member for Edmonton-Mill Woods. In essence this Bill attempts to place a limit on the amount that can be charged for tuition fees under three Acts which is the object of Bill 35, Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998. Bill 35 received Second reading on April 9, 1998 and Bill 214 has not yet come up for debate at Second reading.

It is a well-established principle of parliaments that the same question is not to be raised twice during the same Session. Beauchesne's (sixth edition) is quite clear on this subject at paragraph 653 where it is stated:

“There is no rule or custom which restrains the presentation of two or more bills related to the same subject, and containing similar provisions. But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions.”

This section of Beauchesne's has been relied on by former Speakers of the Legislative Assembly of Alberta to rule Bills out of order at Second reading on October 15, 1973 and October 26, 1994.

Members are also referred to Erskine May (21st edition) at pages 468-470 which outlines the historical evolution since 1610 of the prohibition against two Bills on the same subject.

Accordingly, Bill 214 will not proceed to debate at Second reading and will be removed from the Order Paper.

The Chair would also like to remind Members that the principle prohibiting the same matter from being debated twice during the same Session applies to all Bills. Accordingly, the situation could arise some day where a decision on a Private Member's Bill at Second reading could affect a Government Bill.

Public Bills and Orders Other Than Government Bills and Orders

Second Reading

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

Bill 213 School (Computer Instruction) Amendment Act, 1998 — Mrs. Gordon

On the motion that the following Bill be now read a Second time:

Bill 215 Highway Traffic Amendment Act, 1998 — Mr. Broda

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

Motions Other Than Government Motions

511. Moved by Ms Forsyth:

Be it resolved that the Legislative Assembly urge the Government to strongly encourage the Federal Government to move the drug flunitrazepam (Rohypnol) and its related drug family from Schedule 4 of the Controlled Drugs and Substances Act to Schedule 1 in light of its use as a sedative to render a person unconscious for the purpose of sexual assault; properly educate the general public, targeting high school and post-secondary students, about its effects, and the need to seek medical and police attention if it is believed they were a victim of an assault; provide detailed information about this drug to travellers leaving Canada for destinations where this drug is currently legal; and work cooperatively with other governments to ban the use, distribution, and manufacture of this drug.

A debate followed.

During debate, Ms Olsen, Hon. Member for Edmonton-Norwood, tabled the following:

Brochure entitled "Sexual Assault and Drug Misuse," prepared by Hoffmann-La Roche Limited in collaboration with the Faculty of Nursing, University of Toronto and Ontario Network of Sexual Assault Care and Treatment Centres
Sessional Paper 620/98

Debate continued.

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

At 4:18 p.m. Hon. Mrs. Black, Deputy Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 8(2) to proceed to Third reading of Government Bills and Orders.

Government Bills and Orders

Third Reading

The following Bills were read a Third time and passed:

- Bill 20 Fair Trading Act — Mr. Ducharme
- Bill 23 Railway Act — Mr. Boutilier
- Bill 28 Drainage Districts Act — Mr. McFarland
- Bill 29 Students' Financial Assistance Statutes Amendment Act, 1998 — Mr. Johnson
- Bill 30 Cemeteries and Funeral Services Statutes Amendment Act, 1998 — Mrs. Laing
- Bill 33 Environmental Protection and Enhancement Amendment Act, 1998 — Hon. Mr. Lund

Adjournment

On motion by Hon. Mrs. Black, Deputy Government House Leader, the Assembly adjourned at 5:29 p.m. until 8:00 p.m.

TUESDAY, APRIL 21, 1998 — 8:00 P.M.

Speaker's Statement — Title changes within the Official Opposition

The Speaker advised the Members of the Legislative Assembly that pursuant to the Legislative Assembly Act, section 47, effective immediately Mr. Sapers, Hon. Member for Edmonton-Glenora, would be titled the Acting "Hon. Leader of the Official Opposition." As well Dr. Nicol, Hon. Member for Lethbridge-East, would assume the position of Official Opposition House Leader, effective immediately.

Government Bills and Orders

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole, and the Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker assumed the Chair.

The following Bills were reported:

Bill 35 Colleges, Technical Institutes and Universities Statutes Amendment Act, 1998 — Hon. Mr. Dunford

Bill 41 Agriculture Statutes (Livestock Identification) Amendment Act, 1998 — Hon. Mr. Stelmach

Mr. Shariff, 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 35 (Introduced by the Hon. Member for Edmonton-Glenora on April 20, 1998) — Defeated

Sessional Paper 621/98

Amendment to Bill 35 (Acting “Hon. Leader of the Official Opposition”) — Defeated

Sessional Paper 622/98

Amendment to Bill 35 (Hon. Member for Edmonton-Strathcona) — Defeated

Sessional Paper 623/98

Amendment to Bill 35 (Hon. Member for Edmonton-Mill Woods on behalf of the Acting “Hon. Leader of the Official Opposition”) — Defeated

Sessional Paper 624/98

Amendment to Bill 35 (Hon. Member for Edmonton-Mill Woods on behalf of the Acting “Hon. Leader of the Official Opposition”) — Defeated

Sessional Paper 625/98

Amendment to Bill 35 (Hon. Member for Edmonton-Mill Woods on behalf of the Acting “Hon. Leader of the Official Opposition”) — Defeated

Sessional Paper 626/98

Second Reading

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

Bill 21 Alberta Health Care Insurance Amendment Act, 1998 — Hon. Mr. Jonson

Adjournment

On motion by Hon. Mr. Havelock, Government House Leader, the Assembly adjourned at 12:05 a.m. Wednesday, April 22, 1998, until 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Tuesday, April 21, 1998