



**Legislative Assembly  
Province of Alberta**

No. 10

**VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Fourth Legislature

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Tuesday, March 7, 2000

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

**Presenting Petitions**

Ms Olsen, Hon. Member for Edmonton-Norwood, presented a petition from 213 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Bonner, Hon. Member for Edmonton-Glengarry, presented a petition from 145 Calgary residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, presented a petition from 161 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Sapers, Hon. Member for Edmonton-Glenora, presented a petition from 116 Calgary residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, presented a petition from 245 Calgary residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 241 Albertans requesting the introduction of a bill banning the establishment of private for-profit hospitals in Alberta to maintain the integrity of the public, universal health care system.

Mr. Gibbons, Hon. Member for Edmonton-Manning, presented a petition from 182 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Dr. Massey, Hon. Member for Edmonton-Mill Woods, presented a petition from 192 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Blakeman, Hon. Member for Edmonton-Centre, presented a petition from 208 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

### **Reading and Receiving Petitions**

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

We, the undersigned, urge the Legislative Assembly to freeze tuition and institutional fees and increase support in the foundation of post-secondary education

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

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Mrs. MacBeth, Hon. Leader of the Official Opposition, the following petition was read and received:

We, the undersigned citizens of Alberta, petition the Legislative Assembly to urge the Government of Alberta to stop promoting private health care and undermining public health care.

On request by Dr. Pannu, Hon. Member for Edmonton-Strathcona, the following petition was read and received:

We, the undersigned residents of the Province of Alberta, hereby petition the Legislative Assembly to pass a bill banning private for-profit hospitals in Alberta so that the integrity of the public, universal health care system may be maintained.

## Notices of Motions

Pursuant to Standing Order 34(2)(a), Mr. Zwozdesky, Deputy Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with Wednesday, March 8, 2000:

Written Questions: WQ1, WQ2, WQ3, WQ4, WQ5, WQ6.

Motions for Returns: MR5, MR6, MR7, MR9.

## Tabling Returns and Reports

Hon. Mr. Klein, Premier:

Letter dated March 6, 2000, from Hon. Mr. Klein, Premier, to Lorne Sawula, Acting Head Coach, Pandas Volleyball Team, congratulating them on winning their sixth CIAU (Canadian Interuniversity Athletic Union) Women's Volleyball Championship

Sessional Paper 192/2000

Hon. Mr. Woloshyn, Minister of Community Development:

Information bulletin dated March 7, 2000, entitled "International Women's Day mobilizes people around the world" prepared by Alberta Community Development

Sessional Paper 193/2000

Agreement dated January 14, 2000, between the Blood Tribe, Peigan Nation, Siksika Nation, and the Glenbow-Alberta Institute, and Her Majesty the Queen in Right of Alberta, regarding the repatriation of certain articles of significant sacred value

Sessional Paper 194/2000

Hon. Mr. Jonson, Minister of Health and Wellness:

Pamphlet entitled "Here's your complete copy of Bill 11, Alberta's Health Care Protection Act - A stronger health system for the future" prepared by Alberta Health and Wellness

Sessional Paper 195/2000

News Release dated March 7, 2000, entitled "Albertans to Receive Copy of Bill 11 this Week" prepared by Alberta Health and Wellness

Sessional Paper 196/2000

Hon. Ms Evans, Minister of Children's Services:

Letter dated March 7, 2000, from Hon. Ms Evans, Minister of Children's Services, to Jake Kuilen, President, Alberta Association of Registered Social Workers, regarding National Social Work Week, March 5 - 11, 2000

Sessional Paper 197/2000

2 documents from the Child Welfare Review Steering Committee regarding a review of factors contributing to child welfare caseload growth  
Sessional Paper 198/2000

Mrs. MacBeth, Hon. Leader of the Official Opposition:

Report dated March 2000, entitled "Private Highway, One-Way Street: The Deklein and Fall of Canadian Medicare?" prepared by Robert G. Evans, Morris L. Barer, Steven Lewis, Michael Rachlis, and Greg L. Stoddart  
Sessional Paper 199/2000

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

11 letters from Edmonton and area residents to Hon. Mr. Klein, Premier, expressing their opposition to the proposal to allow Regional Health Authorities to enter into contractual agreements with private for-profit hospitals  
Sessional Paper 200/2000

Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Report dated January 8, 2000, from Allan P. Jobson to Hon. Mr. Dunford, Minister of Human Resources and Employment, requesting an investigation into actions taken by an employee of the Workers' Compensation Board  
Sessional Paper 201/2000

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

Petition from 283 Calgary residents supporting public health care in Alberta  
Sessional Paper 202/2000

Petition from 499 Albertans supporting public health care in Alberta  
Sessional Paper 203/2000

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

6 e-mail messages from Albertans to Hon. Mr. Klein, Premier, and Members of the Legislative Assembly expressing their opposition to the privatization of public health care  
Sessional Paper 204/2000

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

Transcript of confrontation between Andy Marshall, CEP (Communications, Energy, Paperworkers) local 115A, and Conrad Black, owner of the Calgary Herald, regarding the strike at the Calgary Herald  
Sessional Paper 205/2000

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

5 letters from Albertans to Hon. Mr. Klein, Premier, and Hon. Mr. Jonson, Minister of Health and Wellness, expressing their opposition to the proposal to allow Regional Health Authorities to enter into contractual agreements with private for-profit hospitals

Sessional Paper 206/2000

## **Members' Statements**

Ms Graham, Hon. Member for Calgary-Lougheed, made a statement regarding the death of Sandra Schmirler on March 2, 2000, her courageous battle against cancer and acknowledging her successful combination of marriage, motherhood, a working career and a successful curling career

Dr. Massey, Hon. Member for Edmonton-Mill Woods, made a statement recognizing the MCARFA (Millwoods Cultural and Recreational Facility Association) for their efforts in developing Jackie Parker Park

Mr. Lougheed, Hon. Member for Clover Bar-Fort Saskatchewan, made a statement regarding allegations made against him by the Official Opposition Environment Critic during Tablings of Returns and Reports on March 2, 2000

## **Point of Privilege - Contempt**

The Speaker made the following ruling:

The Chair is now prepared to rule on the purported question of privilege raised by the Honourable Opposition House Leader last Thursday, March 2 and argued yesterday, March 6. As the Chair understands the matter, the Opposition House Leader's purported question of privilege is two-fold: one, that Bill 11, the Health Care Protection Act, was released to the public, or at least the media, before it was presented in the House and two, that the Leader of the Opposition was not allowed to remain in a meeting with the media referred to as a "technical briefing session" which was held very early in the afternoon of March 2 and just prior to the introduction of Bill 11 in the House. This briefing session took place in the "Press Conference Room" which is found on the first floor of the Legislature Building next to the press gallery offices. Last Thursday, there was a third point about a possible assault on the Leader of the Opposition but it is the Chair's impression from what was said yesterday that the Opposition House Leader is not pursuing this matter any further at least in this forum.

At the outset, the Chair notes that the Opposition House Leader provided notice of his question of privilege during the Daily Routine on March 2. He did not provide written notice two hours before the start of sitting as required under Standing Order 15(2) but the events giving rise to the purported question of privilege did not occur until an hour or so before the House commenced that day. Accordingly, the Chair finds that notice was provided at the earliest opportunity.

On the issue of the purported release of Bill 11 prior to its introduction in the Assembly, presumably the Opposition House Leader is alleging that there is a contempt of the House. To refresh Member's memories, breaches of privilege and contempts of the Assembly are treated in the same manner. Both are referred to in section 10 of the Legislative Assembly Act. These similarities were discussed in the Chair's February 24, 1999 ruling found at page 161 of *Hansard* on another purported contempt brought forward by the Opposition House Leader. A contempt is defined in Erskine May (22nd edition) at page 108 and I quote:

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 even though there is no precedent of the offence.

In this case, there was no supporting precedent referred to by the Opposition House Leader or anyone else who entered the debate. The Chair has reviewed a ruling by Speaker Francis in the Canadian House of Commons on January 19, 1984, with facts very similar to those now before this House. The 1984 incident involved some Members of the Opposition being excluded from a media lock-up where it was alleged that a copy of a Bill was released prior to first reading. In ruling against the purported question of privilege Speaker Francis said that, and I quote from *Hansard* for January 19, 1984 at page 563:

There are any number of situations where drafts of Bills have been circulated and no further action has been taken with regard to them. Surely the Chair cannot be placed in a position of determining whether a document or a piece of paper, or whatever it is – is certainly not a document of the House – can or cannot be circulated, or that the Speaker in some way should regulate the persons to whom such a document could be circulated.

In this case, the Government House Leader and the Member for Calgary-Glenmore both indicated yesterday in the House that the media were provided with copies marked "Draft" so it could not have been the Bill introduced in the House.

The Chair has scoured the authorities and has not found any instance where the purported release of a Bill has constituted a valid question of privilege. As pointed out by the Opposition House Leader, the issue of the early release of a Bill was raised as recently as a few weeks ago in the Canadian House of Commons. On February 21, 2000 at pages 3666-7 of *Hansard*, Speaker Parent found that there was no question of privilege with respect to the purported early release of Bill C-23. The Chair would specifically note that he found four instances of this question arising in the Saskatchewan Legislature, in 1993, 1991, 1988 and 1975 and in each case the Speaker has found there was no breach of privilege.

Although there is no *prima facie* question of privilege on this point, the Chair echoes the comments of various Speakers that it is in keeping with the role of the Assembly and the respect that it should be accorded that Bills in their final form should first be reviewed by the Assembly after first reading. In the Chair's experience, this is the accepted practice in Alberta and would expect it to continue.

On the second issue raised by the Opposition House Leader that the Leader of the Opposition was denied access to the "technical briefing session" the Chair notes that he does not have control over the "Press Conference Room." It is not booked through the Speaker's office nor does the Speaker exercise any control over its use. It is not part of the precincts. This would be distinguishable from the office of the Clerk Assistant, which the Opposition House Leader alluded to yesterday, who is, in her own right, an officer of the Assembly. Even in the federal Parliament where the Speakers of the Commons and the Senate exercise control over the entire building, it has been held that restricting attendance at a media "lock-up" does not constitute a question of privilege. To quote Speaker Francis's 1984 ruling at page 593:

The Chair obviously recognizes that the parties represented in this House may from time to time request rooms. They may or may not choose to invite members of the press. They may choose to invite their own supporters or include or exclude their own supporters. They may on occasion include members of other Parties or not include them. This is not a matter for the Speaker to decide.

Allowing or not allowing a Member to attend a media briefing does not constitute an impediment or obstruction to the Member performing his or her parliamentary duties which, presumably, is the privilege that the Opposition House Leader alleges were breached. Accordingly, the Chair finds that there is no *prima facie* question of privilege on this point either.

The Chair wishes to thank all Members who participated in this debate.

## **ORDERS OF THE DAY**

### **Public Bills and Orders Other Than 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.

Progress was reported on the following Bill:

Bill 202 Marriage Amendment Act, 2000 — Mr. Doerksen

Mrs. Gordon, Deputy Chairman of Committees, tabled copies of an amendment considered by the Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 202 (Hon. Member for Calgary-Buffalo) — Adjourned debate on amendment.

Sessional Paper 133/2000

## Motions Other Than Government Motions

**502.** Moved by Mr. Shariff:

Be it resolved that the Legislative Assembly urge the Government to reaffirm its commitment to the five principles of the Canada Health Act and ensure that all provincial healthcare legislation continues to comply with these principles.

A debate followed.

The question being put, with Hon. Mr. Kowalski in the Chair, the motion was agreed to. The names being called for were taken as follows:

For the motion: 59

Blakeman	Hlady	Olsen
Broda	Jacques	Paul
Burgener	Johnson	Pham
Cao	Jonson	Renner
Cardinal	Klapstein	Sapers
Day	Klein	Severtson
Dickson	Kryczka	Shariff
Doerksen	Laing	Smith
Ducharme	Langevin	Soetaert
Dunford	Leibovici	Stelmach
Fischer	Lougheed	Strang
Forsyth	Lund	Tannas
Friedel	MacBeth	Tarchuk
Fritz	MacDonald	Taylor
Gibbons	Mar	Trynchy
Gordon	McFarland	West
Graham	Melchin	White
Haley	Nelson	Woloshyn
Havelock	Nicol	Yankowsky
Herard	Oberg	

Against the motion: 0



**503.** Moved by Mrs. Forsyth:

Be it resolved that the Legislative Assembly urge the Government to introduce a pilot project to examine the feasibility of a school uniform policy in Alberta schools, as current research gathered from other jurisdictions shows a correlation between the requirement to wear school uniforms and a decrease in school violence.

A debate followed.

Pursuant to Standing Order 8(2)(c), debate adjourned, Ms Olsen speaking.

## **Government Motions**

**5.** Moved by Hon. Mr. Havelock on behalf of Hon. Mr. Hancock:

Be it resolved that, when the Assembly adjourns to recess the current sitting of the Fourth Session of the 24th Legislature, it shall stand adjourned until a time and date, as determined by the Speaker after consultation with the Lieutenant Governor in Council.

A debate followed.

The question being put, the motion was agreed to.

**6.** Moved by Hon. Mr. Havelock on behalf of Hon. Mr. Hancock:

Be it resolved that, when the Assembly adjourns on Thursday, March 23, 2000, at the regular hour of 5:30 p.m., it shall stand adjourned until Monday, April 3, 2000, at 1:30 p.m.

The question being put, the motion was agreed to.

**7.** Moved by Hon. Mr. Havelock on behalf of Hon. Mr. Hancock:

Be it resolved that, when the Assembly adjourns on Thursday, April 20, 2000, at the regular hour of 5:30 p.m., it shall stand adjourned for three sitting days until Monday, May 1, 2000, at 1:30 p.m.

The question being put, the motion was agreed to.

## **Adjournment**

On motion by Hon. Mr. Havelock, Deputy Government House Leader, that it be called 5:30 p.m., it was agreed at 5:17 p.m. that when the Assembly reconvened at 8:00 p.m. it would be in Committee of Supply, and the Speaker left the Chair.

TUESDAY, MARCH 7, 2000 — 8:00 P.M.

**Committee of Supply** (Days 8 and 9 — Main Estimates)

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker assumed the Chair and Mrs. Gordon reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Agriculture, Food and Rural Development for the fiscal year ending March 31, 2001 (Subcommittee C), reports progress thereon, and requests leave to sit again.

The Committee of Supply has had under consideration certain resolutions of the Department of Innovation and Science for the fiscal year ending March 31, 2001 (Subcommittee D), 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.

**Government Bills and Orders**

**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 12 Appropriation (Supplementary Supply) Act, 2000 (\$) — Hon. Mr. Day

**Adjournment**

On motion by Hon. Mr. Havelock, Deputy Government House Leader, the Assembly adjourned at 10:28 p.m. until Wednesday, March 8, 2000, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Tuesday, March 7, 2000