



**Legislative Assembly  
Province of Alberta**

No. 32

**VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Fourth Legislature

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Thursday, April 20, 2000

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

**Presenting Petitions**

Mr. Broda, Hon. Member for Redwater, presented a petition from 70 Albertans urging the Government to reinstate front license plates on all vehicles in Alberta.

Mrs. Sloan, Hon. Member for Edmonton-Riverview, presented a petition from 272 Edmonton and area residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Sapers, Hon. Member for Edmonton-Glenora, on behalf of Mr. White, Hon. Member for Edmonton-Calder, presented a petition from 276 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 274 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mrs. MacBeth, Hon. Leader of the Official Opposition, presented a petition from 281 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Leibovici, Hon. Member for Edmonton-Meadowlark, presented a petition from 119 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Wickman, Hon. Member for Edmonton-Rutherford, presented a petition from 269 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 235 Albertans 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 265 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 219 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 255 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, presented a petition from 1,800 Banff, Canmore, and Calgary residents urging the Government to maintain Kananaskis in a natural state, deny development approval to any intensive recreational developments, and create a Wildland Provincial Park

Ms Carlson, Hon. Member for Edmonton-Ellerslie, presented a petition from 276 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Olsen, Hon. Member for Edmonton-Norwood, presented a petition from 276 Albertans 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 218 Albertans requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 133 Calgary residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 212 Albertans 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 1,020 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.

### **Reading and Receiving Petitions**

On request by Ms Blakeman, Hon. Member for Edmonton-Centre, 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. Massey, Hon. Member for Edmonton-Mill Woods, 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. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, 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 Mr. Bonner, Hon. Member for Edmonton-Glengarry, 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 Ms Carlson, Hon. Member for Edmonton-Ellerslie, 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 Ms Olsen, Hon. Member for Edmonton-Norwood, 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 Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, 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. Sloan, Hon. Member for Edmonton-Riverview, 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 Mr. Sapers, Hon. Member for Edmonton-Glenora, 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 Ms Leibovici, Hon. Member for Edmonton-Meadowlark, 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 Mr. Wickman, Hon. Member for Edmonton-Rutherford, 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.

## Tabling Returns and Reports

Hon. Ms Calahasen, Associate Minister of Aboriginal Affairs:

Metis Settlements Appeal Tribunal (MSAT), Annual Report 1999  
Sessional Paper 702/2000

Hon. Mr. Dunford, Minister of Human Resources and Employment:

Memorandum dated April 20, 2000, from Hon. Mr. Dunford, Minister of Human Resources and Employment, to all Members of the Legislative Assembly, recognizing April 28, 2000 as Alberta's National Day of Mourning and the fifth National Day of Mourning

Sessional Paper 703/2000

Technology Professionals in Alberta, Annual Report 1999

Sessional Paper 704/2000

Hon. Mrs. McClellan, Minister of International and Intergovernmental Relations:

Responses to questions raised on March 22, 2000, by Mrs. Sloan, Hon. Member for Edmonton-Riverview, during Department of International and Intergovernmental Relations, 2000-2001 Committee of Supply consideration

Sessional Paper 705/2000

Responses to questions raised on March 22, 2000, by Mr. Dickson, Hon. Member for Calgary-Buffalo, during Department of International and Intergovernmental Relations, 2000-2001 Committee of Supply consideration

Sessional Paper 706/2000

Hon. Mr. Stelmach, Minister of Infrastructure:

Lease and sale documents, and environmental assessment reports, relating to the sale of Gainers property, Edmonton

Sessional Paper 707/2000

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

Document, undated, containing statements regarding Bill 11, Health Care Protection Act, prepared by Hannah Noerenberg

Sessional Paper 708/2000

E-mail message dated April 19, 2000, from Dennis Rusinak to Alberta Health Information e-mail address, requesting the withdrawal of Bill 11, Health Care Protection Act

Sessional Paper 709/2000

Letter dated April 12, 2000, from Ted Knowler, Calgary, to all concerned, expressing concerns with the medicare system

Sessional Paper 710/2000

E-mail message dated April 17, 2000, from Robert Lee, MD, Calgary, to the Alberta Liberal Caucus, expressing support for the Liberal opposition to Bill 11, Health Care Protection Act, with attached letter dated April 17, 2000, to Hon. Mr. Klein, Premier, urging the withdrawal of Bill 11

Sessional Paper 711/2000

Ms Blakeman, Hon. Member for Edmonton-Centre:

2 letters dated October 21, 1999, from Amanda Vollmer and David Greenshield, both of Lethbridge, expressing concerns regarding the clear cut logging of old growth and ancient forest in the Snowshoe Creek area of southern Alberta

Sessional Paper 712/2000

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

Letter dated December 16, 1999, from Monika Shaefer, Chair, Jasper Environmental Association, to Hon. Mr. Klein, Premier, expressing opposition to the Government decision to allow toxic wastes to be imported into Alberta for treatment at the Swan Hills Waste Treatment Facility

Sessional Paper 713/2000

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

E-mail message dated April 19, 2000, from Elke Blodgett, St. Albert, to Mrs. O'Neill, Hon. Member for St. Albert, expressing concern about the way she was treated when she attended the Legislature to listen to Committee of the Whole consideration of Bill 11, Health Care Protection Act

Sessional Paper 714/2000

Ms Leibovici, Hon. Member for Edmonton-Meadowlark:

Letter dated April 17, 2000, from Ms Leibovici, Hon. Member for Edmonton-Meadowlark, to Hon. Mr. Jonson, Minister of Health and Wellness, setting out questions that remain outstanding from the Department of Health and Wellness, 2000-2001, Committee of Supply consideration

Sessional Paper 715/2000

Report dated October 1999, entitled "Standards for Non-hospital Surgical Facilities" prepared by the College of Physicians and Surgeons of Alberta

Sessional Paper 716/2000

Grande Prairie Daily Herald Tribune advertisement dated April 8, 2000 entitled "For Rent - Operating Room"

Sessional Paper 717/2000

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

Edmonton City Council motion dated April 11, 2000, stating that the Mayor of the City of Edmonton will write a letter to Hon. Mr. Klein, Premier, expressing concern regarding and urging the withdrawal of Bill 11, Health Care Protection Act

Sessional Paper 718/2000

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

Letter dated April 17, 2000, with associated attachment, from Sian M.E. Barraclough to Mr. Sapers, Hon. Member for Edmonton-Glenora, expressing concern regarding the Provincial health care system

Sessional Paper 719/2000

Mrs. Sloan, Hon. Member for Edmonton-Riverview:

3 letters, one undated, from L. Sifton, Calgary, and dated February 8, 2000, from Shirley Mushy and Lena Shellian, both of Canmore, to Hon. Mr. Klein, Premier, expressing concern regarding the Genesis Land Development Corporation's plan to develop the Spray Lakes area of Kananaskis Country

Sessional Paper 720/2000

## **Ministerial Statements**

Hon. Dr. Oberg, Minister of Learning, made a statement regarding the shooting at the W.R. Myers High School in Taber on April 28, 1999, resulting in the death of 17-year old Jason Lang, commenting that one year later we are still trying to understand and come to terms with this tragedy, and suggesting that Albertans come together to improve the quality of life for all, especially our children.

Dr. Massey, Hon. Member for Edmonton-Mill Woods, commented on the statement.

## **Oral Question Period**

During Oral Question Period, Hon. Mr. Klein, Premier, tabled the following:

Excerpts of statements made by Mrs. MacBeth, Hon. Leader of the Official Opposition, as Minister of Health, regarding access and waiting lists for surgery  
Sessional Paper 721/2000

Web page of the Alberta Liberal Caucus dated April 13, 2000, entitled "Fighting for Public Health Care" outlining the Liberal Caucus opposition to Bill 11, Health Care Protection Act

Sessional Paper 722/2000

## Members' Statements

Mr. Broda, Hon. Member for Redwater, made a statement regarding National Organ and Tissue Donor Awareness Week, April 23-30, 2000, the need for organ donation, and that one critical reason the need is so high is because often times the family is unaware of the wishes of a potential organ donor.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, made a statement regarding the recent Bill 11, Health Care Protection Act protest rallies.

Mr. Hierath, Hon. Member for Cardston-Taber-Warner, made a statement regarding the shooting at the W.R. Myers High School in Taber on April 28, 1999, resulting in the death of 17-year old Jason Lang, the anniversary of the shooting which was marked by a memorial service held April 18, 2000, in Taber, and the contributions of certain individuals who provided support and counselling for the students and staff at the time of the shooting.

## Projected Government Business

Pursuant to Standing Order 7(5), Mr. Dickson, Official Opposition House Leader, asked a question pertaining to the order of Government Business to be brought before the Assembly for the following week.

Hon. Mr. Hancock, Government House Leader, gave notice of projected Government Business for the week of May 1 to May 5, 2000:

|               |      |  |
|---------------|------|--|
| Monday, May 1 | Aft. | - <b>Government Bills and Orders</b><br><b>Second Reading</b><br>Bill 13, 14, 15<br><b>Committee of the Whole</b><br>Bill 3, 7, 11<br>And as per Order Paper |
|               | Eve. | - <b>Government Bills and Orders</b><br><b>Second Reading</b><br>Bill 16, 17, 18, 19<br><b>Committee of the Whole</b><br>Bill 11<br>And as per Order Paper   |



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| Tuesday, May 2   | (4:30) | <ul style="list-style-type: none"> <li>- <b>Government Bills and Orders</b></li> <li><b>Second Reading</b></li> <li>Bill 22, 23</li> <li><b>Committee of the Whole</b></li> <li>Bill 11</li> <li>And as per Order Paper</li> </ul>     |
|                  | Eve.   | <ul style="list-style-type: none"> <li>- <b>Government Bills and Orders</b></li> <li><b>Second Reading</b></li> <li>Bill 22, 23, 20</li> <li><b>Committee of the Whole</b></li> <li>Bill 11</li> <li>And as per Order Paper</li> </ul> |
| Wednesday, May 3 | Eve..  | <ul style="list-style-type: none"> <li>- <b>Government Bills and Orders</b></li> <li><b>Committee of the Whole</b></li> <li>Bill 10, 13, 14, 15, 11</li> <li>And as per Order Paper</li> </ul>   |
| Thursday, May 4  | Aft.   | <ul style="list-style-type: none"> <li>- <b>Government Bills and Orders</b></li> <li><b>Second Reading</b></li> <li>Bill 20, 23</li> <li><b>Third Reading</b></li> <li>Bill 5</li> <li>And as per Order Paper</li> </ul>               |

### **Point of Privilege**

The Speaker made the following ruling.

Yesterday, April 19 the Leader of the Third Party rose on a purported question of privilege under Standing Order 15. The Chair would note that proper notice of this matter was provided in accordance with Standing Order 15(2). The purported question of privilege concerns the ability of the Member to access the Legislature Building on the evening of Tuesday, April 18.

At the outset the Chair would like to state that there is no doubt that Tuesday night was an out of the ordinary incident in the history of the Legislative Assembly of the Province of Alberta. The Chair would also like to emphasize to all Members that obstructing a Member from attending the House is a very grave matter and in most circumstances would give rise to a prima facie case of privilege. The Chair wants to assure all Members that this matter is taken very, very seriously. The events on Tuesday night and the week in general, bring to the forefront some of the most fundamental issues in a parliamentary democracy. It is fundamental... fundamental to any parliament based on the Westminster model that Members have access to the Assembly.

To emphasize this principle the Chair wants to quote from page 176 of Joseph Maingot's text, *Parliamentary Privilege in Canada* [2<sup>nd</sup> edition]:

No impediment should be placed on the Member in going about his or her parliamentary business, whether in the House, on his or her way to the House, or while on his or her way home. On the contrary, Members are 'to have free and unimpeded access to the Parliament buildings'.

The Assembly is the forum where democratically elected Members represent the views of their constituents. No function is more sacred. In order for a Member to discharge his or her parliamentary duties that Member should not be obstructed or intimidated in speaking or attending. Several Members indicated during yesterday's discussion on the purported question of privilege that they felt intimidated by the demonstrations in the Building on Monday night. While there were no violent confrontations that night, it could have deteriorated into a most regrettable situation. Those events on Monday night led to the implementation of Tuesday's security measures in order to protect the ability of Members to represent the views of their constituents. However, as the Minister of Justice and Attorney General intimated, events unfolded rather quickly and the security service had to put a program in place quickly without knowing what circumstances would be encountered.

The Honourable Leader of the Third Party was aware of the general approach on Tuesday afternoon at the House Leaders' meeting in the Speaker's Office. As the Chair emphasized yesterday, it is most regrettable that the Member was not advised of the specifics of the security measures but it seems clear that other Members were escorted in or went through the pedway to gain access to the Building. The Honourable Member volunteered that he did not have his security card with him.

The Chair would also like to point out to Members that it is a well accepted principle that the members of the public, as opposed to Members, do not have access to Legislative Assemblies as of a right. This principle was established in 1904 in the Supreme Court of Canada's decision in *Payson v. Hubert*. It is very interesting that a case from Nova Scotia that was decided just before Alberta became a province could have so much relevance to the life of a Legislature in the next millennium. Mr. Justice Davies said this at pages 212-13:

The true rule which must guide the Speaker and the offices of the House in the exercise of their duty of preserving order and decorum is, in my judgment, that the public have access to the Legislative Chamber and to the precincts of the House as a matter of privilege only, and under either express or tacit license, which can at any time be withdrawn or revoked when in the interest of order and decorum it is judged to be necessary.

This 1904 case was referred to and cited with approval by the majority of the Supreme Court of Canada in their 1993 decision in *New Brunswick Broadcasting v. Speaker of the Nova Scotia Assembly* which established that the inherent privileges of Assemblies enjoy constitutional status. One of those privileges is the ability to exclude strangers.

Of course, and the Chair wants to stress, that the Legislative Assembly of Alberta has attempted to ensure the greatest possible access to the galleries consistent with the security of Members, staff, and the preservation of order.

It is most regrettable that the Member was delayed in attending the Assembly on Tuesday evening. In the Chair's view, a delay in accessing the building does not constitute a denial, especially in this case where the Member indicated that he was without his security card and he did not point to anyone who specifically denied him access. Accordingly, there is no prima facie question of privilege. The Chair would note that in the Canadian House of Commons on May 25, 1970, Speaker Lamoureux found that a delay in accessing the Parliament Buildings did not give rise to a prima facie question of privilege.

The Chair certainly wants to encourage a practice of giving all Members adequate notice of any security measures in a timely fashion so that this matter does not arise again. The Sergeant-at-Arms has worked closely with Justice staff to ensure that Members have access to the building while preserving the safety of Members and staff and that procedure and process will be continued.

## **ORDERS OF THE DAY**

### **Government Bills and Orders**

#### **Third Reading**

The following Bill was read a Third time and passed:

Bill 21 Appropriation Act, 2000 (\$) — Hon. Mr. Day

#### **Second Reading**

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

Bill 13 Energy Statutes Amendment Act, 2000 — Mr. Hlady

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

Bill 14 Alberta Treasury Branches Amendment Act, 2000 — Hon. Mr. Day

A debate followed.

Mr. Bonner moved adjournment of the debate, which was agreed to.

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

Bill 15 Business Corporations Amendment Act, 2000 — Mr. Melchin

Mrs. Sloan moved adjournment of the debate, which was agreed to.

## **Adjournment**

Pursuant to Motion No. 7 agreed to by the Assembly on March 7, 2000, and on motion by Hon. Mrs. Nelson, Acting Government House Leader, the Assembly adjourned at 4:02 p.m. until Monday, May 1, 2000, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Thursday, April 20, 2000