



**Legislative Assembly  
Province of Alberta**

No. 53

**VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Fourth Legislature

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Wednesday, November 22, 2000

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 150 Albertans requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills, presented a petition from 4,700 Albertans requesting that the Government establish a hemodialysis satellite unit in the Olds/Didsbury area

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, presented a petition from 15 Albertans requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

Mrs. Burgener, Hon. Member for Calgary-Currie, presented a petition from 33 Calgary residents requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, presented a petition from 20 Edmonton residents requesting bathtubs in each wing at the Ottewell Place Seniors Lodge.

Mr. Yankowsky, Hon. Member for Edmonton-Beverly-Clareview, presented a petition from 483 Albertans requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

Ms Blakeman, Hon. Member for Edmonton-Centre, presented a petition from 58 Edmonton and area residents requesting the addition of newer and more effective medications and therapies to the Alberta drug list.

Mr. Broda, Hon. Member for Redwater, presented a petition from 215 Albertans requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

Mr. Dickson, Hon. Member for Calgary-Buffalo, presented a petition from 246 Calgary residents requesting that the Calgary Regional Health Authority reconsider the relocation of Unit 47 of the Foothills Hospital.

Mr. Sapers, Hon. Member for Edmonton-Glenora, presented a petition from 19 Edmonton residents requesting that the promotion of private health care and the undermining of public health care be stopped.

Ms Kryczka, Hon. Member for Calgary-West, presented a petition from 18 Albertans requesting that the Government introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow health professionals to opt out of certain medical procedures.

### **Reading and Receiving Petitions**

On request by Mrs. O'Neill, Hon. Member for St. Albert, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

On request by Dr. Nicol, Hon. Member for Lethbridge-East, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Alberta Government to introduce legislation requiring a minimum of two people on shifts from dark to daylight.

On request by Dr. Nicol, Hon. Member for Lethbridge-East, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

On request by Dr. Nicol, Hon. Member for Lethbridge-East, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Alberta Government to introduce legislation requiring a minimum of two people on shifts from dark to daylight.

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

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Alberta Government to take an enlightened preventative approach and add the newer and more effective medications and therapies to the Alberta drug list to ensure the health of an aging society.

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.

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

We, the undersigned, call upon the Legislative Assembly of Alberta to urge the Government:

1. to immediately disallow any further development of the Spray Valley of Kananaskis Country, including those proposals currently under consideration;
2. to maintain Kananaskis Country in a natural state that provides high quality wildlife habitat and nature-based recreational activities;
3. to create a wildland provincial park which protects the whole of the undeveloped parts of the Kananaskis and Spray Valleys.

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.

## **Introduction of Bills (First Reading)**

Notice having been given:

Bill 27 Miscellaneous Statutes Amendment Act, 2000 (No. 2)— Hon. Mr. Hancock

## **Tabling Returns and Reports**

Hon. Dr. Oberg, Minister of Learning:

Report dated November 22, 2000, entitled “Energy Agreement Brings Benefits to Health and Education” with attached backgrounder document dated November 22, 2000, entitled “Public Institutional Consumers Association of Alberta Electricity Aggregation Project,” both prepared by EPCOR

Sessional Paper 1178/2000

Hon. Dr. Taylor, Minister of Innovation and Science:

Booklet entitled “ASTech (Alberta Science and Technology) Awards 2000, Alberta Science and Technology Leadership Awards, Celebrating Innovation”

Sessional Paper 1179/2000

List of recipients of the ASTech (Alberta Science and Technology) 2000 Awards and Prizes recognized on October 20, 2000, in Edmonton

Sessional Paper 1180/2000

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

Brochure entitled “Meet the challenge, Alberta Youth Employment Strategy, Youth getting ready for the future” prepared by Alberta Human Resources and Employment and Alberta Learning

Sessional Paper 1181/2000

Mr. Mason, Hon. Member for Edmonton-Highlands:

Letter dated April 25, 2000, from Arlene A. Chapman, Provincial Coordinator, Alberta Council of Women’s Shelters, to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concerns regarding Bill 211, Alberta Taxpayer Bill of Rights

Sessional Paper 1182/2000

Letter dated May 10, 2000, from Shelley Williams, Executive Director, Bissell Centre, to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concerns regarding Bill 211, Alberta Taxpayer Bill of Rights, and suggesting that it not be approved

Sessional Paper 1183/2000

Letter dated April 25, 2000, from Yvonne Schmitz, MSW, RSW, Executive Board Member, Calgary and District Labour Council, to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concerns regarding Bill 211, Alberta Taxpayer Bill of Rights, and requesting that Dr. Pannu oppose this Bill

Sessional Paper 1184/2000

Letter dated April 27, 2000, from Brian Bechtel, Executive Director, ESPC (Edmonton Social Planning Council), to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing opposition to Bill 211, Alberta Taxpayer Bill of Rights

Sessional Paper 1185/2000

Edmonton Journal article dated April 5, 2000, entitled "Liberal bill is a stupid tax stunt" referring to Bill 211, Alberta Taxpayer Bill of Rights

Sessional Paper 1186/2000

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

Document, undated, entitled "The Crisis for Alberta Graduate Students" regarding concerns faced by graduate students due to the cost of tuition

Sessional Paper 1187/2000

Document, undated, entitled "Why Tuition is the Problem" regarding the underfunding of universities

Sessional Paper 1188/2000

Document, undated, entitled "How Much Would it Cost" outlining what it would cost the Government to impose a 2% cap on tuition for post-secondary education in Alberta

Sessional Paper 1189/2000

Document, undated, entitled "The Failure to Address Graduate Student Debt" expressing concerns and suggestions regarding debt incurred by graduate students

Sessional Paper 1190/2000

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

Report dated October 2000, entitled "HungerCount 2000, A Surplus of Hunger, Canada's Annual Survey of Emergency Food Programs" prepared by Beth Wilson with Carly Steinman for the Canadian Association of Food Banks

Sessional Paper 1191/2000

131 letters from Fort McMurray residents to Mrs. MacBeth, Hon. Leader of the Official Opposition, expressing concern over the lack of affordable housing in the Wood Buffalo Region

Sessional Paper 1192/2000

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

Letter dated November 13, 2000, from Manfred Lohka, Calgary, to Hon. Mr. Klein, Premier, expressing concerns regarding the inability of Alberta universities to participate in research due to restricted funding

Sessional Paper 1193/2000

Document, undated, entitled “ACT (Advanced Coronary Treatment) High School CPR Program - Edmonton” listing questions and answers regarding the program, with an attached brochure entitled “ACT Now to Save a Life, The ACT Foundation’s High School CPR Initiative” prepared by the ACT (advanced coronary treatment) Foundation

Sessional Paper 1194/2000

Document, undated, entitled “Analysis of Sessional Paper 1155: The Day/Klein Alberta Flat Tax”

Sessional Paper 1195/2000

Document, undated, entitled “Tabling Commentary” outlining a comparison of commentaries made during Tablings which were or were not interrupted by the Speaker

Sessional Paper 1196/2000

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

Report dated May 2000, entitled “Youth Justice Report, Views of Youth on the Justice System” prepared by Market Response Inc

Sessional Paper 1197/2000

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

Letter dated November 6, 2000, from Margaret Coutts, President, Red Deer River Naturalists, to the Chairperson, Subdivision and Development Appeal Board, Kneehill County, expressing opposition to a proposal for a hog farm operation near the Red Deer River by Sunterra Farms Ltd.

Sessional Paper 1198/2000

2 letters dated July 27, 2000, from Anne R. Watson and Dale L. Watson, both of Red Deer, to Hon. Mr. Klein, Premier, expressing opposition to plans by the Alberta Forest Service to permit logging west of Nordegg

Sessional Paper 1199/2000

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

Letter dated November 1, 2000, from Shirley Tajcna, Kananaskis Coalition, to Hon. Mr. Jonson, Minister of Environment, congratulating the Government on the designation of the Spray Valley Provincial Park, and expressing concerns regarding development in adjacent areas, with an attached petition signed by 180 Canadians requesting protection for Kananaskis Country

Sessional Paper 1200/2000

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

Report dated October 11, 2000, entitled “The Impact of Increasing Fuel Costs” prepared by the Sturgeon School Division No. 24

Sessional Paper 1201/2000

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

15 postcards, 6 addressed to Hon. Mr. Klein, Premier, and 9 addressed to Hon. Dr. Oberg, Minister of Learning, requesting a 2% cap on tuition increases  
Sessional Paper 1202/2000

Ms Blakeman, Hon. Member for Edmonton-Centre:

Alberta Council of Women's Shelters research report dated April 2000, untitled, regarding women and children receiving Supports for Independence (SFI) allowances from the Government, prepared by Patricia Lawrence, South Peace Social Planning Council

Sessional Paper 1203/2000

Letter dated November 22, 2000, from Ms Blakeman, Hon. Member for Edmonton-Centre, to Mr. White, Hon. Member for Edmonton-Calder, Chairman, Public Accounts Committee, requesting that the Public Accounts Committee summon witnesses pursuant to Standing Order 66

Sessional Paper 1204/2000

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

Letter dated June 2, 1999, from the President, Alberta Home Builders' Association, to Hon. Mr. Paszkowski, Minister of Municipal Affairs, in response to a request made by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, under the Freedom of Information and Protection of Privacy Act, requesting a meeting to discuss untreated pine shakes and other issues affecting the residential construction industry in Alberta

Sessional Paper 1205/2000

Letter dated January 25, 1999, from Sheryl Burns, Director, Scheduling and Appointments, Premier's Office, in response to a request made by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, under the Freedom of Information and Protection of Privacy Act, acknowledging receipt of a letter regarding pine shakes, and advising that the letter has been forwarded to Hon. Mr. Smith, Minister of Labour

Sessional Paper 1206/2000

Letter dated January 8, 1999, to Hon. Mr. Klein, Premier, in response to a request made by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, under the Freedom of Information and Protection of Privacy Act, expressing concerns regarding rotting, untreated pine shakes

Sessional Paper 1207/2000

Letter dated October 13, 1998, from Hon. Mr. Smith, Minister of Labour, to Karen Bernard, Strathcona County Councillor, in response to a request made by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, under the Freedom of Information and Protection of Privacy Act, responding to Ms Bernard's letter of September 8, 1998, expressing concerns regarding pine shake roofing

Sessional Paper 1208/2000

Mr. Gibbons, Hon. Member for Edmonton-Manning:

10th Annual Art Calendar (2001) themed “Our Rural and Urban Alberta” featuring artwork by elementary students from Edmonton public, separate, and neighbouring school boards

Sessional Paper 1209/2000

Mr. White, Hon. Member for Edmonton-Calder:

Letter dated February 14, 2000, from Robin White, MCIP, Calgary, to Ms Carlson, Hon. Member for Edmonton-Ellerslie, opposing major development in the Spray Lakes area of Kananaskis Country, with an attached letter from Mr. White to Hon. Mr. Klein, Premier, and an attached review of the Genesis development application

Sessional Paper 1210/2000

Hon. Mr. Kowalski, Speaker of the Legislative Assembly, pursuant to the Ombudsman Act, cO-7, s27(1):

Office of the Ombudsman, 33rd Annual Report for the period January 1, 1999 to March 31, 2000, and the Financial Statements as at March 31, 2000

Sessional Paper 1211/2000

## **Ministerial Statements**

Hon. Mr. Mar, Minister of Health and Wellness, made a statement recognizing November as National Diabetes Awareness Month, commenting on the seriousness of the disease, particularly that diabetes is the leading cause of death by disease in Canada, announcing that two new diabetes therapy drugs, Actos and Avandia, have been added to Alberta’s drug benefit list, and commending the University of Alberta and the University of Calgary for their ground-breaking research into treating and curing diabetes.

Ms Blakeman, Hon. Member for Edmonton-Centre, commented on the statement.

## **Recognitions**

Ms Kryczka, Hon. Member for Calgary-West: Calgary’s Ernest Manning High School annual awards ceremony on November 20, 2000, and 27 recent graduates who received a total of \$36,500 in Government of Alberta Alexander Rutherford scholarships

Dr. Pannu, Hon. Member for Edmonton-Strathcona: White Ribbon Week beginning November 25, 2000, the organizers and the millions of participants who wear white ribbons as a show of support to end violence against women, culminating with Canada’s National Day of Remembrance and Action on Violence against Women on December 6, 2000



Mrs. O'Neill, Hon. Member for St. Albert: Passing away of Frank Spinelli of Edmonton, well known owner of the Italian Centre Shop and generous supporter of Italian immigrants

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert: St. Albert White Sox, an age 55-plus men's slow pitch team, on winning the 2000 Canadian slow pitch championships held in Whitehorse, Yukon, as well as the 1994, 1995, and 1998 championships

Mr. Broda, Hon. Member for Redwater: newly formed Advisory Council on Alberta-Ukraine Relations and its members

Ms Carlson, Hon. Member for Edmonton-Ellerslie: Sierra Youth Coalition of Calgary, which initiates and participates in environmental issues and actions, and its October conference entitled "Bridging the gaps, understanding and acting towards sustainability" offering youth an opportunity to explore many perspectives of sustainability through an open forum environment

Mr. Ducharme, Hon. Member for Bonnyville-Cold Lake: Canadian Telework Day, November 22, 2000, which is an internet-based conference showcasing Canadian telework initiatives and supporters, used to develop technology enabling many employees to work away from the usual office setting, usually from their homes

## **ORDERS OF THE DAY**

### **Written Questions**

The following Written Questions were ordered to stand:

WQ26, WQ27, WQ28, WQ29, WQ30, WQ31, WQ32, WQ33, WQ34, WQ35, WQ36, WQ37.

### **Motions for Returns**

The following Motions for Returns were ordered to stand:

MR51, MR52, MR53, MR54, MR55, MR56, MR57, MR58.

### **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 210 Traffic Safety Amendment Act, 2000 — Mr. Doerksen

## 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 Acting Speaker resumed the Chair.

Progress was reported on the following Bill:

Bill 209 Employment Standards (Parental Leave) Amendment Act, 2000 — Mr Cao

## Adjournment

On motion by Hon. Mr. Havelock, Deputy Government House Leader, the Assembly adjourned at 5:07 p.m. until 8:00 p.m.

WEDNESDAY, NOVEMBER 22, 2000 — 8:00 P.M.

## Speaker's Statement

Honourable Members, before starting Second reading debate on Bill 29, Protection of Children Involved in Prostitution Amendment Act, 2000, the Chair would like to make a statement about the scope of debate for this particular bill and the *sub judice* rule. As Members are aware there was a challenge to the constitutionality of the *Protection of Children Involved in Prostitution Act* last summer. The decision by the Provincial Court of Alberta was the subject of a judicial review application in the Court of Queen's Bench which has been argued but has not been decided upon yet. The Minister of Justice and Attorney General may wish to comment on the status of the case if the Chair's understanding is not correct or accurate.

The rule about matters that are *sub judice* is found in our Standing Order 23(g) which states:

- 23 A member will be called to order by the Speaker if, in the Speaker's opinion, that member
- (g) refers to any matter pending in a court or before a judge for judicial determination
    - (i) of a criminal nature from the time charges have been laid until passing of sentence and from the date of the filing of a notice of appeal until the date of a decision by an appellate court, or
    - (ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding until judgment or from the date of filing a notice of appeal until judgment by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate;

This Standing Order was amended effective February 14, 1995, based on the 1993 Report of the Select Special Committee on Parliamentary Reform which was concurred in by the Assembly on November 8, 1993. Appendix A of that report states, "It is widely held that the rule does not apply to bills, as the right of Parliament to legislate must not be limited."

There is broad support for this view. As *Beauchesne's* (6th edition) states at paragraph 508(3), "The convention applies to motions, references in debate, questions and supplementary questions, but does not apply to bills." Furthermore paragraph 510 states: "The Speaker has pointed out 'that the House has never allowed the *sub judice* convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House.'"

In the book edited by Marleau and Montpetit, *House of Commons: Procedure and Practice*, the position of the Canadian House is put forward quite clearly at page 535:

"The convention has been applied to motions, references in debates, questions and supplementary questions. It has also been applied consistently in criminal cases. However, the convention does not apply to bills, as the right of Parliament to legislate must not be limited. If the *sub judice* convention were to apply to bills, the whole legislative process could be stopped simply by the initiation of a writ of legal proceedings in one or other of the courts of Canada."

A point of order was raised on the subject of *sub judice* and a bill then before the Assembly on May 11, 1995. Speaker Schumacher ruled at pages 1740 and 41 of *Hansard* for that day in favour of the bill proceeding. He relied on the principle that the *sub judice* rule cannot prevent consideration of a bill.

As the Chair indicated, the matter involving the constitutionality of the *Protection of Children Involved in Prostitution Act* has been argued before the Court of Queen's Bench but there is no decision. In considering the question of prejudice, the Chair notes that the 1977 Special Committee of the Canadian House of Commons on the Rights and Immunities of Members found at page 727 of the Journals for April 29, 1977 that "It is very unlikely that a judge would be influenced by what is said in the House. Presumably the convention is concerned with the protection of juries and witnesses from undue influence."

To summarize, the *sub judice* rule is a self-imposed limit on the freedom of speech which Assemblies have adopted out of respect for the judicial branch of our system of government and for the rights of litigants. However, the authorities reviewed by the Chair make it very, very clear that the rule is not meant to restrict the ability of Assemblies to proceed with their vital duty of considering legislation and making law. In this case, and after reviewing numerous authorities, the Chair must rule in favour of freedom of speech and against the application of the *sub judice* rule not out of any disrespect for the judicial branch but in support of the fundamental principle that the Assembly must be able to legislate. Application of the *sub judice* rule would, in the Chair's view, unduly restrict Members in considering Bill 29.

The Chair would like to remind Members that the other rules of debate, such as relevance, the restrictions on unparliamentary language and the other rules of decorum and order apply. The Chair would specifically remind Members that it is inappropriate to criticize or impute motives to a specific judge. The Chair would refer Members to paragraph 493 (3) of *Beauchesne's* on this point.

## **Government Bills and Orders**

### **Second Reading**

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

Bill 29 Protection of Children Involved in Prostitution Amendment Act, 2000 —  
Mrs. Forsyth

### **Committee of the Whole**

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

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 28 Appropriation (Supplementary Supply) Act, 2000 (No. 2) (\$) — Hon.  
Dr. West

Pursuant to Standing Order 61(4), at 11:45 p.m. the Chairman interrupted the proceedings and immediately put the question on the Appropriation Bill standing on the Order Paper referred to Committee of the Whole, which was agreed to.

The Acting Speaker assumed the Chair.

The following Bill was reported:

Bill 28 Appropriation (Supplementary Supply) Act, 2000 (No. 2) (\$) — Hon.  
Dr. West

## **Adjournment**

On motion by Hon. Mr. Havelock, Deputy Government House Leader, the Assembly adjourned at 11:48 p.m. until Thursday, November 23, 2000, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Wednesday, November 22, 2000