



**Legislative Assembly
Province of Alberta**

No. 9

VOTES AND PROCEEDINGS

Second Session

Twenty-Fifth Legislature

Tuesday, March 12, 2002

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

Speaker's Statement

The Speaker made a statement in recognition of the 1st anniversary of 23 Members of the Legislative Assembly elected on March 12, 2001.

Members' Statements

Mr. Cao, Hon. Member for Calgary-Fort, made a statement regarding his participation in the Calgary Regional Health Authority's Day with a Doc program.

Ms Carlson, Hon. Member for Edmonton-Ellerslie, made a statement regarding the importance of ministerial responsibility in a democracy.

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding Alan Anderton who passed away on March 10, 2002.

Mr. Jacobs, Hon. Member for Cardston-Taber-Warner, made a statement regarding the renovation of the Warner Civic Centre and the volunteers and businesses who made the renovation possible.

Introduction of Bills (First Reading)

Upon recommendation of Her Honour the Honourable the Lieutenant Governor, and notice having been given:

Bill 17 Appropriation (Interim Supply) Act, 2002 (\$) — Hon. Mrs. Nelson

Tabling Returns and Reports

Hon. Mr. Zwozdesky, Minister of Community Development:

Letter dated March 12, 2002, from Hon. Mr. Zwozdesky, Minister of Community Development, to Corinne Anderton of Red Deer expressing condolences on the loss of Mrs. Anderton's husband, Alan Anderton, Chair, Persons with Developmental Disabilities Provincial Board, who passed away on March 10, 2002

Sessional Paper 97/2002

Hon. Mr. Coutts, Minister of Government Services:

Alberta Real Estate Foundation, 2001 Annual Report, with attached report entitled "Building on the Foundation, Reflections on the First 10 Years, 1991-2001" prepared by the Alberta Real Estate Foundation

Sessional Paper 98/2002

Hon. Dr. Oberg, Minister of Learning:

Letter dated March 7, 2002, from Brad Wuetherick, President, Graduate Students' Association, University of Alberta, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 6, Student Financial Assistance Act

Sessional Paper 99/2002

2 web pages, undated, the first containing an excerpt from the Alberta Teachers' Association position papers index page, and the second containing Alberta Teachers' Association strike updates

Sessional Paper 100/2002

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

E-mail message dated November 19, 2001, from Clifford E. Hansen of Exshaw to Hon. Mr. Klein, Premier, requesting that the Evan Thomas area be designated as a wildland park

Sessional Paper 101/2002

E-mail message dated January 11, 2002, from David J. Parker of Edmonton to Hon. Mr. Cardinal, Minister of Sustainable Resource Development, requesting that the Chinchaga wilderness area be designated as a protected area

Sessional Paper 102/2002

Statement, undated, addressed to Hon. Mr. Cardinal, Minister of Sustainable Resource Development, expressing concern regarding clear-cut logging in the boreal forest, prepared by David Donahue, President, Society of Trappers and Hunters Conserving our Wilderness

Sessional Paper 103/2002

Letter dated January 27, 2002, from David Donahue, President, Society of Trappers and Hunters Conserving our Wilderness, to Ms Carlson, Hon. Member for Edmonton-Ellerslie, giving Ms Carlson permission to table Mr. Donahue's statement addressed to Hon. Mr. Cardinal, Minister of Sustainable Resource Development, and expressing concern regarding clear-cut logging in the boreal forest

Sessional Paper 104/2002

Dr. Taft, Hon. Member for Edmonton-Riverview:

Document, undated, setting out current Alberta Health Care premiums paid by teachers in each school division and total amounts of Alberta Health Care premiums based on a variety of potential increases in the premiums, and the impact on teachers

Sessional Paper 105/2002

Ms Blakeman, Hon. Member for Edmonton-Centre:

Document, undated, setting out current Alberta Health Care premiums paid by teachers in each school division and total amounts of Alberta Health Care premiums based on a variety of potential increases in the premiums, and the impact on school boards

Sessional Paper 106/2002

Point of Privilege

The Hon. Member for Edmonton-Highlands made additional comments to those made when raising his purported question of privilege on March 11, 2002. The Government House Leader responded to the comments by the Hon. Member for Edmonton-Highlands.

Speaker's Ruling - Point of Privilege

The Chair is prepared to rule on the purported question of privilege raised by the Hon. Member for Edmonton-Highlands.

As the Chair understands it, the Member's purported question of privilege is that the Premier deliberately misled the Assembly in connection with comments he made about what would or would not be in Bill 12, Education Services Settlement Act.

The Hon. Member for Edmonton-Highlands raised this purported question of privilege yesterday, March 11, following the division on Second Reading of his Bill 203. At page 235 of Hansard he indicates that he had just “perused” Bill 12 and was raising the matter at the first opportunity under Standing Order 15(5).

The Chair invited the Member to provide fuller written notice prior to today’s proceedings and to give the notice to the Premier if he was to be the subject of the purported question of privilege, which the Member has done. The thrust of the Member’s letter, which he elaborated on today in the Assembly, is that there were deliberately misleading statements giving rise to a prima facie breach of privilege.

First, the Chair wants to emphasize that deliberately misleading the House is one of the most serious charges that can be leveled against another Member. The authorities are clear that such a charge proceeds like a contempt which in turn proceeds like a question of privilege.

Erskine May (22nd Edition) at pages 111-112 discusses this issue and states:

“The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.”

More senior Members in this House may recall that the Profumo affair in the United Kingdom is the basis for the reference.

The Chair has also reviewed recent allegations in the Canadian House of Commons on similar charges and found that they were advanced as matters of contempt.

As the Chair indicated, an allegation of deliberately misleading the House is a very, very serious matter which should not be made lightly or for purely partisan reasons. In this case, the allegation made by the Hon. Member for Edmonton-Highlands focuses on a certain subjective interpretation of Bill 12.

Such an allegation is at best a disagreement between Members and hardly meets the test of a point of order, let alone a contempt of the Assembly.

Differing interpretations of Bills are properly the subject of debate. It should not be necessary for the Chair to remind Members that it is the Assembly, not the Government, that passes the laws of this Province and where the debates on those laws take place.

Accordingly, there is no prima facie question of privilege. As the Chair has indicated before, questions of privilege should not be raised lightly. The rights and immunities as well as the responsibilities of Members are matters that should be treated with the utmost seriousness and respect.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

A debate followed.

Debate adjourned, Dr. Nicol speaking.

Adjournment

Pursuant to Standing Order 4(3), the Assembly adjourned at 5:30 p.m. until 8:00 p.m.

TUESDAY, MARCH 12, 2002 — 8:00 P.M.

Government Bills and Orders

Second Reading

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

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

A debate followed.

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

For the motion: 38

Abbott	Hancock	O'Neill
Ady	Herard	Ouellette
Cao	Horner	Renner
Cenaiko	Johnson	Shariff
Coutts	Knight	Smith
Danyluk	Kryczka	Snelgrove
DeLong	Lord	Stelmach
Ducharme	Lougheed	Stevens
Dunford	Lund	Strang
Evans	Masyk	VanderBurg
Forsyth	McClelland	Vandermeer
Friedel	McFarland	Zwozdesky
Fritz	Oberg	

Against the motion: 8

Blakeman	MacDonald	Pannu
Bonner	Mason	Taft
Carlson	Massey	

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)

The following Bill was taken under consideration:

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

A debate followed.

Mr. Mason, Hon. Member for Edmonton-Highlands, on behalf of Dr. Pannu, Hon. Member for Edmonton-Strathcona, moved the Bill be amended as follows:

- A. Section 2 is amended by striking out subsection (3);
- B. Section 23 is struck out.

Debate continued on the amendment.

The question being put, the amendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the amendment: 5

Bonner	Mason	Pannu
Carlson	Massey	

Against the amendment: 37

Abbott	Fritz	McFarland
Ady	Hancock	Oberg
Broda	Herard	O'Neill
Cao	Horner	Ouellette
Cenaiko	Kryczka	Renner
Coutts	Lord	Shariff
Danyluk	Lougheed	Smith
DeLong	Lukaszuk	Stelmach
Ducharme	Lund	Stevens
Dunford	Maskell	VanderBurg
Evans	Masyk	Vandermeer
Forsyth	McClelland	Zwozdesky
Friedel		

Hon. Mr. Hancock moved that the Committee rise and report progress. The question being put, the motion was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 37

Abbott	Hancock	Oberg
Ady	Herard	O'Neill
Cao	Horner	Ouellette
Cenaiko	Kryczka	Renner
Coutts	Lord	Shariff
Danyluk	Lougheed	Smith
DeLong	Lukaszuk	Snelgrove
Ducharme	Lund	Stelmach
Dunford	Maskell	Stevens
Evans	Masyk	VanderBurg
Forsyth	McClelland	Vandermeer
Friedel	McFarland	Zwozdesky
Fritz		

Against the motion: 5

Bonner	Mason	Pannu
Carlson	Massey	

During Committee of the Whole consideration of Bill 12, Education Services Settlement Act, pursuant to Standing Order 32(2.1), Hon. Mr. Hancock, Government House Leader, requested and received the unanimous consent of the Committee to reduce the time between division bells from ten minutes to one minute.

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

Progress was reported on the following Bill:

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

Mr. Shariff, Deputy Chair of Committees, tabled copies of an amendment considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 12 (Hon. Member for Edmonton-Highlands on behalf of Hon. Member for Edmonton-Strathcona) — Defeated on division
Sessional Paper 107/2002

Government Motions

16. Oral notice having been given Monday, March 11, 2002, Hon. Mr. Hancock moved the following motion:

Be it resolved that, when further consideration of Bill 12, Education Services Settlement Act, is resumed, not more than 1 (one) hour shall be allotted to any further consideration of the Bill at Committee of the Whole, at which time every question necessary for the disposal of this stage of the Bill shall be put forthwith.

Pursuant to Standing Order 21(3), Hon. Mr. Hancock, Government House Leader, and Ms Carlson, Official Opposition House Leader, commented on the time allocation motion.

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

For the motion: 38

Abbott	Fritz	Oberg
Ady	Hancock	O'Neill
Broda	Herard	Ouellette
Cao	Horner	Renner
Cenaiko	Kryczka	Shariff
Coutts	Lord	Smith
Danyluk	Lougheed	Snelgrove
DeLong	Lukaszuk	Stelmach
Ducharme	Lund	Stevens
Dunford	Maskell	VanderBurg
Evans	Masyk	Vandermeer
Forsyth	McClelland	Zwozdesky
Friedel	McFarland	

Against the motion: 5

Bonner	Mason	Pannu
Carlson	Massey	

Government Bills and Orders

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole at 11:28 p.m., and the Deputy Speaker left the Chair.

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

Dr. Massey, Hon. Member for Edmonton-Mill Woods, moved the Bill be amended in section 1(1)(f) by striking out subclause (iii).

Debate continued on the amendment.

The question being put, the amendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the amendment: 5

Bonner	Mason	Pannu
Carlson	Massey	

Against the amendment: 35

Abbott	Fritz	McFarland
Ady	Hancock	Oberg
Broda	Herard	O'Neill
Cao	Horner	Ouellette
Cenaiko	Kryczka	Renner
Coutts	Lord	Smith
Danyluk	Lougheed	Snelgrove
DeLong	Lukaszuk	Stevens
Ducharme	Lund	VanderBurg
Dunford	Maskell	Vandermeer
Evans	Masyk	Zwozdesky
Friedel	McClelland	

Mr. Mason, Hon. Member for Edmonton-Highlands, on behalf of Dr. Pannu, Hon. Member for Edmonton-Strathcona, moved the Bill be amended in section 3(2) by striking out clause (c) and substituting the following:

- (c) appoint one additional member as chair of the tribunal whose appointment has been agreed to by the ATA and ASBA members of the tribunal, and

Debate continued on the amendment.

The question being put, the amendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the amendment: 5

Bonner	Mason	Pannu
Carlson	Massey	

Against the amendment: 35

Abbott	Hancock	Oberg
Ady	Herard	O'Neill
Broda	Horner	Ouellette
Cao	Kryczka	Renner
Cenaiko	Lord	Smith
Coutts	Lougheed	Snelgrove
Danyluk	Lukaszuk	Stelmach
DeLong	Lund	Stevens
Ducharme	Maskell	VanderBurg
Dunford	Masyk	Vandermeer
Evans	McClelland	Zwozdesky
Friedel	McFarland	

Debate continued.

Mr. Mason, Hon. Member for Edmonton-Highlands, on behalf of Dr. Pannu, Hon. Member for Edmonton-Strathcona, moved the Bill be amended in section 6 by striking out subsection (2).

Debate continued on the amendment.

Pursuant to Government Motion 16, agreed to on March 12, 2002, and Standing Order 21(1), at 12:28 a.m., the question was immediately put on the amendment to Bill 12, Education Services Settlement Act.

The amendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the amendment: 5

Bonner	Mason	Pannu
Carlson	Massey	

Against the amendment: 36

Abbott	Fritz	McFarland
Ady	Hancock	Oberg
Broda	Herard	O'Neill
Cao	Horner	Ouellette
Cenaiko	Kryczka	Renner
Coutts	Lord	Smith
Danyluk	Lougheed	Snelgrove
DeLong	Lukaszuk	Stelmach
Ducharme	Lund	Stevens
Dunford	Maskell	VanderBurg
Evans	Masyk	Vandermeer
Friedel	McClelland	Zwozdesky

Pursuant to Government Motion 16, agreed to on March 12, 2002, and Standing Order 21(1), at 12:33 a.m., the question was immediately put on the remaining clauses of Bill 12, Education Services Settlement Act, which was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 35

Abbott	Fritz	Oberg
Ady	Hancock	O'Neill
Broda	Herard	Ouellette
Cao	Horner	Renner
Cenaiko	Kryczka	Smith
Coutts	Lord	Snelgrove
Danyluk	Lougheed	Stelmach
DeLong	Lukaszuk	Stevens
Ducharme	Lund	VanderBurg
Dunford	Masyk	Vandermeer
Evans	McClelland	Zwozdesky
Friedel	McFarland	

Against the motion: 5

Bonner	Mason	Pannu
Carlson	Massey	

Pursuant to Government Motion 16, agreed to on March 12, 2002, and Standing Order 21(1), at 12:38 a.m., the question was immediately put on the title and preamble to Bill 12, Education Services Settlement Act, the motion was agreed to.

Pursuant to Government Motion 16, agreed to on March 12, 2002, and Standing Order 21(1), at 12:39 a.m., the question was immediately put that Bill 12, Education Services Settlement Act, be reported, the motion was agreed to.

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

The following Bill was reported:

Bill 12 Education Services Settlement Act — Hon. Dr. Oberg

Mr. Lougheed, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 12 (Hon. Member for Edmonton-Mill Woods) —
Defeated on division

Sessional Paper 108/2002

Amendment to Bill 12 (Hon. Member for Edmonton-Highlands on behalf
of Edmonton-Strathcona) — Defeated on division

Sessional Paper 109/2002

Amendment to Bill 12 (Hon. Member for Edmonton-Highlands on behalf
of Edmonton-Strathcona) — Defeated on division

Sessional Paper 110/2002

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned
at 12:41 a.m. until Wednesday, March 13, 2002, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Tuesday, March 12, 2002