



**Legislative Assembly
Province of Alberta**

No. 12

VOTES AND PROCEEDINGS

Second Session

Twenty-Fifth Legislature

Monday, March 18, 2002

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

Prince Michael of Kent, KCVO, Address to the Assembly

Following the singing of the National Anthem and pursuant to Government Motion 18 agreed to by the Assembly on March 14, 2002, the Speaker welcomed and invited Prince Michael of Kent, KCVO, onto the floor of the Assembly. His Royal Highness then addressed the Assembly.

Mr. Speaker,

I'd like to thank you and the Members of the Legislative Assembly of Alberta, for your kind invitation to address you today. I can assure you, Mr. Speaker, that I will convey to Her Majesty the loyal message of good wishes which you have expressed on behalf of the Assembly.

I have the fondest memories of my last visit to this Province nearly 10 years ago when I came to Edmonton for the Canadian Finals Rodeo, and subsequently I visited Calgary. I'm delighted to tell you that I was presented with my black hat before my white one.

This time my stay will be brief, but I'm happy to be meeting such a variety of Albertans. Yesterday, in Calgary, I reviewed a Joint Services Jubilee Parade of hundreds of Cadets. They, along with youth leaders from Edmonton area high schools whom I met at lunch today, promise a future for Alberta no less impressive than its past.

First thing this morning, I visited the Salvation Army Headquarters, and then spent time with volunteers and veterans at the Colonel Mewburn Pavilion. And later on I'll be fortunate to join with your distinguished Lieutenant Governor in honouring bravery and dedication at a Life Saving Canada Awards Ceremony. The common element of each of these stops on my tour is service.

Standing here at the heart of democratic institutions within Alberta, a Province named after Princess Louise Caroline Alberta, the fourth daughter of the Mother of Confederation, Queen Victoria, I am especially pleased to be addressing you in the year when a second Queen of Canada celebrates her Golden Jubilee.

Her Majesty The Queen is herself the great exemplar of service to others. And one of the themes of Jubilee celebrations throughout the Commonwealth this year centres on honouring our Sovereign. The unnumbered acts of kindness and the gift of volunteer hours may not be the stuff of headlines; but they are surely the basis of civil society, and of the peace of mind and heart that so characterizes this Maple Kingdom.

By happy coincidence, Canadians also celebrate this year the 50th Anniversary of the appointment of Canadian Governors General. The first such representative of Her Majesty, The Right Honourable Vincent Massey, wrote "that it is to the Crown we look to encourage the spirit of nationhood, and to warn against its neglect."

The distinct evolution of the Canadian Crown points to the capacity of the constitutional monarchy to be a system of government that is infinitely adaptable. In this federal system, the Crown is actually an eleven-fold diadem, assuring the provinces that they are as fully sovereign in their areas of jurisdiction as is the national government in its own compass of responsibility.

The Golden Jubilee is not only a time to pay tribute to The Queen to whom you and I are proud to give our allegiance. It also offers an opportunity for everyone to learn more about the way nation and province are governed, and so to bolster patriotic sentiment with a grounded knowledge of the basis of Canadian parliamentary democracy, institutions and symbols.

With identity rooted in knowledge, and heartened by the beauty of mountains, prairies and lakes, "Fortis et liber" - strong and free, as the Alberta motto reads, will surely continue to be the proud and true boast of this energetic and loyal Province.

Thank you Mr. Speaker.

The Speaker thanked Prince Michael.

The Speaker then invited Mr. Paul Lorieau to lead the Members of the Assembly and His Royal Highness in singing God Save the Queen.

Prince Michael then left the Chamber.

Recognitions

Mr. Ducharme, Hon. Member for Bonnyville-Cold Lake: Les Rendez-vous de la Francophonie, held March 11-14, 2002

Mr. Jacobs, Hon. Member for Cardston-Taber-Warner: W.R. Myers Rebels on winning the 2002 4A Boys' Provincial Basketball championship

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar: Randy Ferby, Dave Nedohin, Scott Pfeifer, and Marcel Rocque, on winning the 2002 Nokia Brier

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs: University of Alberta Golden Bears Basketball Team on winning their third Canadian Interuniversity Sport (CIS) championship

Mr. McClelland, Hon. Member for Edmonton-Rutherford: Randy Ferby, Dave Nedohin, Scott Pfeifer, and Marcel Rocque, on winning the 2002 Nokia Brier

Dr. Taft, Hon. Member for Edmonton-Riverview: University of Alberta Sports Teams on winning several recent championships

Notices of Motions

Mr. Mason, Hon. Member for Edmonton-Highlands, gave notice of his intention to raise a purported point of privilege prior to Orders of the Day today.

Ms Carlson, Official Opposition House Leader, gave notice of her intention to raise a purported contempt on March 19, 2002.

Introduction of Bills (First Reading)

Notice having been given:

Bill 211 Marriage (Preparation Course) Amendment Act, 2002 — Mr. Yankowsky

Bill 212 Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2002 — Mr. Cenaiko

Bill 214 Environmental Protection and Enhancement (Residential Land Disclosure) Amendment Act, 2002 — Mr. Cao

Bill 215 Fair Trading (Cost of Credit) Amendment Act, 2002 — Rev. Abbott

Bill 216 False Claims Act — Mr. Lord

Bill 220 Water (Transfer Prohibition) Amendment Act, 2002 — Ms Carlson

Tabling Returns and Reports

Clerk of the Assembly, pursuant to Standing Order 37.1(2):

Return to Order of the Assembly MR2, asked for by Ms Blakeman on behalf of Mr. MacDonald on May 9, 2001, Hon. Mr. Smith, Minister of Energy
Sessional Paper 128/2002

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

Copies of 180 postcards signed by Albertans expressing support for increasing AISH (Assured Income for the Severely Handicapped) benefits while keeping medical benefits intact
Sessional Paper 129/2002

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

Letter, undated, unsigned, to Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, expressing opposition to funding cutbacks for people with disabilities
Sessional Paper 130/2002

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

Letter dated December 3, 2001, from George Ghitan, Executive Director, Hull Child and Family Services, to an unknown addressee, advising of the termination of services under the Cottage Seven Day program due to cost containment measures
Sessional Paper 131/2002

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

Response to Written Question WQ5 asked for by Mr. Mason on November 21, 2001
Sessional Paper 132/2002

Ms Blakeman, Hon. Member for Edmonton-Centre:

Letter dated February 21, 2002, from Brian Harvey, General Manager, Brandt Tractor Ltd., to Dr. Taft, Hon. Member for Edmonton-Riverview, advising that Brandt Tractor Ltd. will lose revenue and therefore be forced to lay off employees due to a reduction in Government funding for highway work
Sessional Paper 133/2002

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

Letter dated February 2, 2002, from Alex Lockton, President, Top Notch Construction Ltd. to Dr. Taft, Hon. Member for Edmonton-Riverview, advising that Top Notch Construction Ltd. will not be able to re-hire previously terminated employees due to a reduction in Government funding for highway work
Sessional Paper 134/2002

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

Letter dated February 15, 2002, from Mervyn Pidherney, of Pidherney's, to Whom it May Concern, enclosing a list of 87 people whose employment was terminated in 2001 who will not be re-hired due to a reduction in Government funding for highway work

Sessional Paper 135/2002

Point of Privilege

Mr. Mason, Hon. Member for Edmonton-Highlands, raised a question of privilege under Standing Order 15 regarding the membership of the Electoral Boundaries Commission announced on March 14, 2002.

The Speaker also heard from Dr. Nicol, Hon. Leader of the Official Opposition, and Hon. Mr. Stevens, Deputy Government House Leader.

Speaker's Ruling - Point of Privilege

The Chair would like to thank Members for their contributions on this issue.

To review the matter, last Thursday, March 14, 2002, the Chair issued a news release appointing four individuals to the Electoral Boundaries Commission.

Section 2(1) of the Electoral Boundaries Commission Act stipulates that a Commission is to consist of a Chair appointed by the Lieutenant Governor in Council, two persons appointed by the Speaker on the nomination of the Executive Council and, in clause (b):

“2 persons, who are not members of the Legislative Assembly, appointed by the Speaker of the Legislative Assembly on the nomination of the Leader of Her Majesty's loyal opposition in consultation with the leaders of the other opposition parties represented in the Legislative Assembly...”

Mr. Robert C. Clark was appointed Chair by Order in Council 99/2002 issued March 12, 2002. The Chair wrote the Leader of the Official Opposition and the Premier on March 13, 2002, asking for their nominees and reciting the appropriate sections of the Act. The names of the nominees were received and those individuals were appointed on March 14.

It should be pointed out that the Chair assumes that Members are aware of their responsibilities and does not want to start a practice of cross-examining Members on whether they have met the necessary preconditions on this or any other matter.

On the same day as the appointments were announced, the Member for Edmonton-Highlands stood in this Assembly and raised his purported question of privilege based on his understanding that the New Democrat Opposition was not consulted about the nominees to the Commission as required by section 2(1)(b) of the Act.

As recorded at page 374 of Hansard for that day, the Chair invited the Member and his Leader to have certain discussions about whether there was any consultation, and if not, to provide the appropriate notice two hours before the opening of the Assembly today as required by Standing Order 15(2) which he did.

The Chair must first consider whether the objection falls within the scope of parliamentary privilege. This is a very, very difficult question on which long articles will surely and can be written about.

The question focuses on whether the Leader of the Official Opposition's statutory duty to consult before nominating individuals to the Speaker falls within the accepted categories of privilege or whether it constitutes a contempt. Let there be no doubt that in the Chair's mind this is a very serious matter, whether it is technically a prima facie question of privilege or not.

During the debate on this purported matter, few relevant citations were provided as to how this matter would breach a Member's individual privilege or the collective privileges of the Assembly. In fact, the Assembly is not involved in the appointment process. The Assembly, through the Act, has delegated that responsibility to the Speaker, who appoints people on the recommendation of the Premier and the Leader of the Official Opposition. A condition precedent for the nominations of the Leader of the Official Opposition is that they must be done "in consultation" with the opposition parties represented in the Assembly. This as has been identified today by the Leader of Her Majesty's Official Opposition was not done.

The Assembly itself is not involved in the appointment process. Actors in the Assembly are definitely involved by virtue of their offices. Accordingly, while it is difficult to see how this would constitute a prima facie question of privilege, it is something that is appropriate to be brought to the attention of the Speaker and there is no better place to do this than in the Assembly itself. In fact, the Chair welcomes the opportunity for these matters to be brought forward in an open and transparent manner. Furthermore, if the Chair did not address this issue then it might invite the courts to become involved in the matter and in matters that seem more appropriate for the Assembly to consider.

On this specific issue, the Chair is not convinced that the omission by the Leader of the Official Opposition constitutes a prima facie question of privilege but this does not end the matter.

As the statutory requirement for the Leader of the Official Opposition to nominate individuals in consultation with the Leader of the other official parties was, by his own admission, not met, the Chair will today rescind the appointments of Ms Bauni McKay and Mr. Ernie Patterson made last Thursday. These appointments are therefore a nullity. The Chair sincerely regrets any inconvenience or embarrassment to those individuals and to the Chair and other members of the Commission. However, in the interest of fairness and compliance with legislation, the Chair must do so. In the interests of ensuring that the Commission can commence its work on a timely basis, the Chair invites the Leader of the Official Opposition to follow the statutorily required process and nominate two individuals at the earliest possible opportunity and to advise the Speaker as soon as convenient.

ORDERS OF THE DAY

Written Questions and Motions for Returns

The Speaker advised the Assembly that, pursuant to Standing Order 8(1), Written Questions and Motions for Returns would normally be addressed at this time, however, these items could not be dealt with today as they had not met the notice requirement of Standing Order 38.

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 Acting Speaker assumed the Chair.

The following Bill was reported with some amendments:

Bill 202 Environmental Protection and Enhancement (Clean-up Instructions)
Amendment Act, 2002 — Mrs. Jablonski

Mr. Marz, 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 202 (Hon. Member for Red Deer-North) — Agreed to
Sessional Paper 136/2002

Amendment to Bill 202 (Hon. Member for Calgary-Cross) — Agreed to
Sessional Paper 137/2002

Second Reading

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

Bill 204 Traffic Safety (Cellular Phone) Amendment Act, 2002 — Mrs. Gordon

A debate followed.

Mrs. O'Neill moved adjournment of the debate, which was agreed to.

Consideration of Her Honour the Lieutenant Governor's Speech (Day 10)

Pursuant to Standing Order 19(1)(c), at 5:15 p.m. the Acting Speaker immediately put the question on the following motion which was agreed to:

Moved by Mr. Horner and seconded by Mr. Cenaiko:

That an humble address be presented to Her Honour the Lieutenant Governor as follows:

To Her Honour Mrs. Lois E. Hole, C.M., the Lieutenant Governor of the Province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

Government Motions

19. Moved by Hon. Mr. Stevens on behalf of Hon. Mr. Klein:

Be it resolved that the Address in Reply to the Speech from the Throne be engrossed and presented to Her Honour the Honourable the Lieutenant Governor by such Members of the Assembly as are Members of Executive Council.

The question being put, the motion was agreed to.

Adjournment

On motion by Hon. Mr. Stevens, Deputy Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:16 p.m. until 8:00 p.m.

Motions Other Than Government Motions

502. Moved by Ms Kryczka:

Be it resolved that the Legislative Assembly urge the Government to take on a leadership role to encourage Albertans of all ages to assume personal responsibility for planning their financial security in retirement.

A debate followed.

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

503. Moved by Mrs. O'Neill:

Be it resolved that the Legislative Assembly urge the Government to offer free admission to Albertans one day each month to the Province's museums and historic sites.

A debate followed.

Pursuant to Standing Order 8(3), debate adjourned, Ms Carlson speaking.

Government Motions

20. Moved by Hon. Mr. Stevens on behalf of Hon. Mr. Hancock:

Be it resolved that, when the Assembly adjourns on Thursday, March 21, 2002, at the regular hour of 5:30 p.m., it shall stand adjourned until Monday, April 8, 2002, at 1:30 p.m.

The question being put, the motion was agreed to.

Government Bills and Orders

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)

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

The following Bill was reported:

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

Second Reading

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

Bill 14 Gaming and Liquor Amendment Act, 2002 (\$) — Hon. Mr. Stevens

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

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

Bill 16 Racing Corporation Amendment Act, 2002 — Hon. Mr. Stevens

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

Adjournment

On motion by Hon. Mr. Stevens, Deputy Government House Leader, the Assembly adjourned at 9:42 p.m. until Tuesday, March 19, 2002, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, March 18, 2002