



**Legislative Assembly  
Province of Alberta**

No. 20

**VOTES AND PROCEEDINGS**

Second Session

Twenty-Fifth Legislature

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Monday, April 15, 2002

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

**Recognitions**

Mr. Johnson, Hon. Member for Wetaskiwin-Camrose: Brandon Morris, Billy Staggs, Asher LaGrange, and Michelle Jensen, recipients of Leaders of Tomorrow Awards at a ceremony recently held in Camrose

Mr. Tannas, Hon. Member for Highwood: Nicholas Koch, Daniel Fuller, and Danny Doyle on receiving a Rescue Commendation Award for rescuing two people from drowning

Mr. Horner, Hon. Member for Spruce Grove-Sturgeon-St. Albert: Spruce Grove Junior B Regals hockey team on winning the provincial title

Mr. Bonner, Hon. Member for Edmonton-Glengarry: Pastoral letter written by Bishop Henry of Calgary and the determination of Albertans who stand up for what they believe in

Mr. Broda, Hon. Member for Redwater: Radway STARS Ambulance fund-raiser held on April 13, 2002

Mrs. Jablonski, Hon. Member for Red Deer-North: Air Spray Ltd. and the grand opening of the new hangar at the Red Deer Regional Airport

Dr. Taft, Hon. Member for Edmonton-Riverview: Emergency Medical Services Awareness Week and the people who provide emergency medical services

## **Presenting Petitions**

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 682 Albertans requesting the Government's support to establish the Chinchaga wilderness as a protected area.

Mr. Mason, Hon. Member for Edmonton-Highlands, presented a petition from 75 Edmonton residents requesting the Government not delist services, raise health care premiums, introduce user fees or further privatize health care.

## **Notices of Motions**

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, gave oral notice of his intention to raise a purported point of privilege prior to Orders of the Day.

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

Notice having been given:

Bill 24 Child Welfare Amendment Act, 2002 (No. 2) — Hon. Ms Evans

Bill 25 Alberta Corporate Tax Amendment Act, 2002 — Hon. Mr. Melchin

## **Tabling Returns and Reports**

Hon. Mrs. Nelson, Minister of Finance:

Letter dated April 12, 2002, from Hon. Mrs. Nelson, Minister of Finance, to Reverend F.B. Henry, D.D., Bishop of Calgary, Office of the Catholic Bishop of the Diocese of Calgary, offering an apology for her comments made during Oral Question Period on April 11, 2002

Sessional Paper 227/2002

Copy of Section 42 of the Financial Administration Act

Sessional Paper 228/2002

Copy of the Special Waste Management Corporation Act

Sessional Paper 229/2002

Copy of the Special Waste Management Corporation Act Repeal Act

Sessional Paper 230/2002

Hon. Mr. Zwozdesky, Minister of Community Development:

Letter dated April 15, 2002, from Hon. Mr. Zwozdesky, Minister of Community Development, to Randy Ferbey and team members Dave Nedohin, Scott Pfiefer, Marcel Rocque, and Dan Holowaychuk on winning the 2002 Men's World Curling Championship on April 14, 2002, held in Bismarck, North Dakota

Sessional Paper 231/2002

Letter dated April 15, 2002, from Hon. Mr. Zwozdesky, Minister of Community Development, to Carolyn Dawn Johnston, Oscar Lopez, Jann Arden, and members of Nickelback, Chad Kroeger, Mike Kroeger, Ryan Peake, and Ryan Vikedal on winning a Juno Award on April 14, 2002, in St. John's, Newfoundland

Sessional Paper 232/2002

Hon. Dr. Oberg, Minister of Learning:

Letter dated April 15, 2002, from Hon. Dr. Oberg, Minister of Learning, to Reverend F.B. Henry, D.D., Bishop of Calgary, Office of the Catholic Bishop of the Diocese of Calgary, responding to Reverend Henry's statement to his parishioners regarding the Government's handling of the teachers' labour dispute and offering further information to Reverend Henry

Sessional Paper 233/2002

Ms Carlson, Hon. Member for Edmonton-Ellerslie on behalf of Dr. Nicol, Hon. Leader of the Official Opposition:

Letter dated April 15, 2002, from Dr. Nicol, Hon. Leader of the Official Opposition, to Randy Ferbey, congratulating Mr. Ferbey and his team members, Dave Nedohin, Scott Pfiefer, Marcel Rocque, and Dan Holowaychuk, on winning the 2002 Men's World Curling Championship on April 14, 2002, held in Bismarck, North Dakota

Sessional Paper 234/2002

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

6 letters dated February 5, 2002, from Ted Mann, Katheryn Pennington, Janet Pennington, Ava Morasch and Ian Farbis of Calgary, and Nora Maidman of Dalemead to Ms Carlson, Hon. Member for Edmonton-Ellerslie, requesting the Government designate the Bighorn Wildland Recreation Area as a wildland park

Sessional Paper 235/2002

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

Petition signed by 13 Albertans expressing concerns regarding, and opposition to, the Government's public emergency declaration forcing teachers back to work

Sessional Paper 236/2002

Document dated April 11, 2002, stating the Legislative Assembly's policy regarding Members' access to Alberta Hansard audio tapes

Sessional Paper 237/2002

Ms Blakeman, Hon. Member for Edmonton-Centre:

Information package from the Zebra Child Protection Centre, prepared by the Zebra Child Protection Centre Society

Sessional Paper 238/2002

Edmonton Federation of Community Leagues (EFCL) newsletter dated April 2002, entitled "The Federation News"

Sessional Paper 239/2002

E-mail message dated April 10, 2002, from Lisa J. Sierra of Calgary to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing support for the Calgary Community Lottery Board

Sessional Paper 240/2002

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

Copy of a petition signed by 60 Calgary residents requesting the Government alleviate funding constraints and budget deficits that are undermining services to persons with developmental disabilities

Sessional Paper 241/2002

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

Letter dated April 15, 2002, from Dr. Pannu, Hon. Member for Edmonton-Strathcona, to Hon. Mr. Klein, Premier, regarding comments made by Hon. Mrs. Nelson, Minister of Finance, in the Assembly on April 11, 2002, and notifying Mr. Klein that he will be raising a point of order on April 15, 2002, regarding those comments

Sessional Paper 242/2002

E-mail message dated April 13, 2002, from Phillip and Eileen Walker of Edmonton to Members of the Legislative Assembly regarding comments made by Hon. Mrs. Nelson, Minister of Finance, concerning Reverend Henry, Bishop of Calgary, and demanding Mrs. Nelson's resignation

Sessional Paper 243/2002

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

E-mail message dated April 14, 2002, from Dr. David Fleiger, Ph.D., of Edmonton to the Edmonton Journal and forwarded to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing opposition to Bill 12, Education Services Settlement Act, and to comments made by Hon. Mr. Klein, Premier, and Hon. Mrs. Nelson, Minister of Finance, regarding Bishop Henry

Sessional Paper 244/2002

## **Point of Privilege -Contempt**

The Speaker heard comments from Ms Carlson, Official Opposition House Leader, and Hon. Mrs. Nelson, Minister of Finance, concerning the purported question of privilege -contempt raised by Ms Carlson on April 11, 2002. The Speaker indicated he would review the comments and make a statement on April 16, 2002.

## **Point of Privilege**

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, raised a purported question of privilege under Standing Order 15 regarding his being denied access to audio recordings of Assembly proceedings and the accuracy of written transcripts from Alberta Hansard.

The Speaker also heard from Mr. Mason.

## **Speaker's Ruling - Point of Privilege**

The Speaker thanked the 2 Members who participated in the purported question of privilege. He then ruled as follows.

The Hon. Member for Edmonton-Gold Bar provided written notice to the Speaker's Office more than the 2 hours prior to the start of this afternoon's sitting, and proper notice was therefore given pursuant to Standing Order 15(2). The notice is quite succinct in citing the issues to be raised which are: one, the right of all Members to access the audio recordings of this Assembly's deliberations, and two, the accuracy of written transcripts from Alberta Hansard. As the Member pointed out, these purported questions of privilege related to certain comments that were allegedly made on Thursday, April 12, 2002, which do not appear in Alberta Hansard.

With respect to the first point, Standing Order 107(1) clearly states that Alberta Hansard "shall be compiled, edited, printed, distributed and administered under the direction and authority of the Speaker". Furthermore, Standing Order 107(4) states:

The Speaker shall be responsible for recording the deliberations and proceedings of the sittings of the Assembly, committees of the whole Assembly and such other committees as request recordings to be made, and for the custody of those recordings.

It is the Assembly that has written these rules. It is the Assembly that has delegated to the Speaker the responsibility to produce Hansard. It has made the Speaker responsible for the custody of the recordings from which Hansard is produced. The purported question of privilege raised a matter of the administration of the Assembly, and, quite frankly, is not a prima facie question of privilege. Having said that, the Chair will review the policy and access to recordings used in the production of Hansard.

This Assembly has had Hansard since 1972, and when Hansard was invented for this Assembly in 1972 a major report was written, which is available to any citizen in the province of Alberta. The Chair would have believed that Hon. Members who are Members of this Assembly would have availed themselves of the opportunity to understand the history of this Assembly and to find out what the historical precedents were with the formulation of any particular document we have.

Secondly, the Hansard people that we have work hand in hand with the Hansard people from around the world, those who use the British form of parliamentary debating, and the history is there.

The proceedings of this Assembly are recorded to enable the editor of Hansard and those employed by the director to produce Hansard. That's the purpose of the recording. As all Members are aware, the unedited transcripts of Hansard are known as the Blues and are available to Members so that they can suggest minor edits, and the Blues starting at Question Period and the Routine we had this afternoon are probably available now for review of all Hon. Members. Walk out of this room and you will find a document that's available to you, your first opportunity right here and the precincts associated with this.

As Marleau and Montpetit in their book House of Commons Procedure and Practice indicated on page 969: "A Member may correct the record of his or her statement, but may not correct that of another Member." That is the historical precedence with respect to the promotion and the conduct of Hansard. In keeping with underlying rationale, the policy with respect to access to the recordings held by Hansard is, and this is not a new policy contrary to the position put forward by the Hon. Member for Edmonton-Gold Bar which appears to be rather fictitious. This policy has been in place in this Assembly for nearly three decades, not invented in somebody's imagination in the last few days. Number one in the policy: "Members may listen to the audiotape of their own remarks any time after the Blues are posted." Members own remarks. Number two: "At no time can Members listen to somebody else's remarks without the authorization of the Speaker." I want to point out that the Chair would point out this permission would only be granted under the most exceptional of circumstances, and not once since I have been the Speaker since 1997 has that been provided to anyone. Thirdly: "At no time can Members listen to somebody else's remarks, again, without authorization." and the same policy applies to Members' authorized staff. Fourth: "Blues may not be released to anyone, with the exception of the Table Officers, until they are posted." They are here, they are reviewed, they are posted, they are available to you to accept at any time.

The electronic version of what transpires in this Assembly is available on the Internet. It is several years ago we moved to this massive - It is live. It is real. It is available to anyone. All the feeds go into the Internet live. It's there at the Assembly's web site and are kept, and we even keep them in storage for several weeks on time for the availability of anyone. After 2 weeks, the electronic record is transferred to CD-ROM and is available in the Legislature Library. There is instant, instant access to all of the recordings of this Assembly, now. What I said one minute ago is available to anyone,

anywhere. The video portion. Live television. The video portion of the daily proceedings is also recorded by the Legislature Library and it is too available in the Library.

The Chair also wants to note that when Members are involved in some investigation of a policy they should first address that request to the Speaker. The Chair will not tolerate, and I repeat, the Chair will not tolerate any attempt by a Member to seek second opinions from an Officer of the Assembly or an employee of the Legislative Assembly. These individuals serve the Assembly and any attempt to cast aspersions on their conduct in the Assembly will be dealt with swiftly by the Chair. There will be no harassment, no intimidation, and no second-guessing of what any Table Officer said to any Member, and Table Officers advise me that what the Hon. Member for Edmonton-Gold Bar has stated is totally erroneous and incorrect, and this is a great difficulty for the Chair, and this is a great difficulty, I believe, for the Hon. Member from Edmonton-Gold Bar as well.

In keeping with the subject of Hansard, it is a well established principle that Hansard does not report interventions unless they elicit a response from the person who is recognized by the Chair. Such interjections are out of order. As Speaker Schumacher commented on a similar point on April 17, 1996, at pages 1184/85 of Hansard. These are the guidelines used at every other Assembly in this country, and to our knowledge, most of the Assemblies follow in the British form of parliamentary democracy, and, of course, as repeated earlier today, the Chair cannot comment on interjections when the Chair doesn't hear.

Beauchesne's paragraph 486(4) addresses this point. From this vantage point, there are 82 Members in this Assembly. When Members speak out of order and out of turn and when they turn their heads away from the Chair, the voices go in different directions. There is no conceivable way that the Chair, from this vantage point, can hear and particularly when the Chair is speaking and recognizing a particular Member. The Chair would also point out that Erskine May 22nd edition states on page 230 that, and I quote "the official record that is their version of Hansard remains the authoritative record of what is said in the Commons, and the Speaker has stated that the tapes cannot be used for the purposes of casting doubts on the validity of the Official Report." That is a time-honoured tradition in Erskine May going back years and years and years.

Finally, the Chair has cautioned Members many times about the sensitivity of the recording devices used in this Assembly, and the most recent document I have provided to all Members before we reconvened here in this spring session pointed out again the sensitivity of the machines and the microphones in this particular Assembly. There is no question of a prima facie case of privilege, and the Chair is quite concerned about some of the statements made by one Member that are incorrect.

And the last one, the Hon. Member from Edmonton-Gold Bar in correspondence to me dated April 15, 2002, quotes “This question of privilege arises from dealings I had with the Speaker’s Office.” The Hon. Member from Edmonton-Gold Bar had no dealings with the Speaker’s Office any time in the last several days in this matter. That is nonsense. There is no point.

### **Point of Privilege**

Hon. Mrs. McClellan, Deputy Premier raised a purported question of privilege under Standing Order 15 regarding accusations made by Dr. Nicol, Hon. Leader of the Official Opposition, today during Oral Question Period.

The Speaker advised that he would hear comments on this matter on April 16, 2002.

## **ORDERS OF THE DAY**

### **Written Questions**

The following Written Questions were ordered to stand:

WQ1, WQ2, WQ3, WQ4.

### **Motions for Returns**

The following Motions for Returns were ordered to stand:

MR1, MR2, MR3, MR4, MR5, MR6, MR7, MR8, MR9.

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

#### **Second Reading**

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

Bill 205 School Trustee Statutes Amendment Act, 2002 — Mrs. O’Neill

A debate followed.

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: 32

Abbott	Goudreau	Masyk
Ady	Graham	O'Neill
Amery	Haley	Rathgeber
Broda	Hlady	Renner
Cao	Hutton	Snelgrove
Cenaiko	Jablonski	Stelmach
Danyluk	Kryczka	Stevens
DeLong	Lord	Taylor
Doerksen	Lougheed	Vandermeer
Fritz	Lund	Zwozdesky
Gordon	Marz	

Against the motion: 11

Blakeman	Graydon	Melchin
Bonner	MacDonald	Pannu
Carlson	Mason	Taft
Friedel	Massey	

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

Bill 206 Fisheries (Alberta) Amendment Act, 2002 — Mr. Danyluk

A debate followed.

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

## **Adjournment**

On motion by Hon. Mr. Zwozdesky, Deputy Government House Leader, that it be called 5:30, the Assembly adjourned at 5:25 p.m. until 8:00 p.m.

MONDAY, APRIL 15, 2002 — 8:00 P.M.

## **Motions Other Than Government Motions**

**504.** Moved by Mr. Snelgrove:

Be it resolved that the Legislative Assembly urge the Government to study the student loan system in place in Alberta.

A debate followed.

The question being put, the motion was agreed to.

**505.** Moved by Mrs. Gordon:

Be it resolved that the Legislative Assembly urge the Government to review and re-evaluate the delivery of provincial achievement testing.

A debate followed.

Pursuant to Standing Order 8(3), debate adjourned, Mr. Lord speaking.

## **Government Motions**

**23.** Moved by Hon. Mr. Zwozdesky on behalf of Hon. Mr. Hancock:

Be it resolved that the Legislative Assembly concur in the April 8, 2002 Part One Report of the Select Special Auditor General and Information and Privacy Commissioner Search Committee and recommend to the Lieutenant Governor in Council that Frederick James Dunn be appointed Auditor General for an 8-year term, commencing June 1, 2002.

The question being put, the motion was agreed to.

## **Government Bills and Orders**

### **Second Reading**

The following Bills were read a Second time and referred to Committee of the Whole:

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

Bill 20 Justice Statutes Amendment Act, 2002 — Hon. Mr. Hancock

Bill 22 Tobacco Tax Amendment Act, 2002 — Hon. Mr. Melchin

## **Adjournment**

On motion by Hon. Mr. Zwozdesky, Deputy Government House Leader, the Assembly adjourned at 10:51 p.m. until Tuesday, April 16, 2002, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Monday, April 15, 2002