



**Legislative Assembly
Province of Alberta**

No. 22

VOTES AND PROCEEDINGS

Second Session

Twenty-Fifth Legislature

Wednesday, April 17, 2002

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

Recognitions

Mrs. O'Neill, Hon. Member for St. Albert: 20th anniversary of the passage of the Charter of Rights and Freedoms, April 17, 2002, and the John Humphrey Centre for Peace and Human Rights

Mr. Masyk, Hon. Member for Edmonton-Norwood: Thelma Melnichuk and Ed Feihle, members of the Edmonton North District Area Council Two

Ms Carlson, Hon. Member for Edmonton-Ellerslie: 20th anniversary of the passage of the Charter of Rights and Freedoms, April 17, 2002, and the establishment of the Des Pardes Times newspaper

Mr. Ducharme, Hon. Member for Bonnyville-Cold Lake: Herb and Orval Belcourt, Georges Brosseau, and the Edmonton Community Foundation

Ms Blakeman, Hon. Member for Edmonton-Centre: 20th anniversary of the passage of the Charter of Rights and Freedoms, April 17, 2002, and the 86th anniversary of women being allowed to vote in Alberta, April 19, 2002

Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills: Cheyenne Price of Swalwell on winning a 2002 Great Kids Award

Mr. Knight, Hon. Member for Grande Prairie-Smoky: Dan McLean, an elder of the Sturgeon Lake Cree Nation, who passed away on April 9, 2002

Presenting Petitions

Mr. Mason, Hon. Member for Edmonton-Highlands, presented a petition from 104 Albertans requesting the Government not delist services, raise health care premiums, introduce user fees or further privatize health care.

Tabling Returns and Reports

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

E-mail message dated March 21, 2002, from David Gainer of Seattle, Washington to Hon. Mr. Klein, Premier, commenting on the education system in Alberta and expressing concerns regarding the Government's handling of the teachers' labour dispute

Sessional Paper 267/2002

E-mail message dated March 20, 2002, from Theo van Vugt of Calgary to Hon. Dr. Oberg, Minister of Learning, indicating he would be withdrawing his volunteer work at G.P. Vanier Junior High School and expressing opposition to Bill 12, Education Services Settlement Act

Sessional Paper 268/2002

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

Letter dated March 16, 2002, from Jeff Goth, to Mr. Mason, Hon. Member for Edmonton-Highlands, detailing the kind of volunteer services Mr. Goth provides to his students and school and expressing concerns regarding the Government's handling of the teachers' labour dispute

Sessional Paper 269/2002

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

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

Sessional Paper 270/2002

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

Letter dated March 21, 2002, from Diane Tilma of Ponoka to Whom It May Concern, expressing concerns regarding the Department of Children's Services' handling of a case involving Ms Tilma's step-children

Sessional Paper 271/2002

55 letters from parents of children attending Hillhurst Community Elementary School in Calgary, to Hon. Dr. Oberg, Minister of Learning, expressing opposition to Bill 12, Education Services Settlement Act, and its impact on the schooling of their children

Sessional Paper 272/2002

Ms Blakeman, Hon. Member for Edmonton-Centre:

Letter dated April 11, 2002, from Tunde Dawodu, Administrative Director, African Festival and Presentation Society of Calgary, to Hon. Mr. Stevens, Minister of Gaming, expressing opposition to the closure of the Community Lottery Boards and requesting the decision be reversed

Sessional Paper 273/2002

Letter dated April 5, 2002, from Ellen Busby, General Manager, PanCanadian WordFest, to Mr. Cenaiko, Hon. Member for Calgary-Buffalo, describing the ways in which funding from the Calgary Community Lottery Board assisted PanCanadian WordFest, expressing concerns regarding its closure and requesting the program be reinstated

Sessional Paper 274/2002

Letter dated April 8, 2002, from Shauna Kennedy, Production Coordinator, Emmedia Gallery and Production Society, to Hon. Mr. Klein, Premier, describing the ways in which funding from the Calgary Community Lottery Board assisted a variety of local organizations, expressing concerns regarding its closure and requesting the decision be reversed

Sessional Paper 275/2002

E-mail message dated April 11, 2002, from Danielle French of Okotoks to Betty Hushlak and Ms Blakeman, Hon. Member for Edmonton-Centre, explaining how the Community Lottery Boards funding cuts affect Ms French

Sessional Paper 276/2002

Mr. Horner, Hon. Member for Spruce Grove-Sturgeon-St. Albert:

Letter dated April 11, 2002, from Rick Curtis of St. Albert to Mr. Horner, Hon. Member for Spruce Grove-Sturgeon-St. Albert, expressing concerns regarding the closure of the Community Lottery Boards and requesting the decision be reconsidered

Sessional Paper 277/2002

Point of Privilege

The Speaker heard comments from Dr. Nicol, Hon. Leader of the Official Opposition, concerning the purported question of privilege raised by Hon. Mrs. McClellan, Deputy Premier, notice of which was given on April 15, 2002.

The Speaker also heard from Hon. Mr. Hancock, Government House Leader, Mr. Mason, Hon. Member for Edmonton-Highlands, and Hon. Mr. Stevens, Deputy Government House Leader.

Speaker's Ruling - Point of Privilege

The Chair is prepared to rule on the purported question of privilege that was raised by the Deputy Premier yesterday afternoon.

The Chair confirms that proper notice was given by the Deputy Premier on Monday afternoon shortly after the incident in question transpired and, therefore, the requirements in Standing Order 15(5) have been met.

The Leader of the Official Opposition has had an opportunity over the last 24 hours to review the Deputy Premier's comments from yesterday where she clarifies the nature of her statements that were the focus of the Leader's questions on Monday afternoon. The Chair would like to say at the outset how it is regrettable that this matter has not already been resolved.

The events giving rise to this purported question of privilege stem from the Leader of the Official Opposition's third set of questions during Oral Question Period on Monday. During his preamble, the Leader stated "we believe" certain statements were made by the Minister of Finance and the Deputy Premier during Question Period on April 11, 2002.

The Deputy Premier unequivocally denied making the statements alleged by the Leader of the Official Opposition as reported in the April 15 Hansard at page 667. This reply to the first question should have ended the matter. However, the Leader of the Official Opposition ignored the Deputy Premier's response when he asked the question, "How do statements like that reflect policy decisions made by the Government?"

Typically in this Assembly one accepts the word of an Honourable Member. To quote from Beauchesne's 6th Edition at paragraph 494:

"It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted."

I emphasize the word "must."

The Chair is reluctant to report the exact words that the Leader attributed to the Deputy Premier. Had the Deputy Premier or any Member stated those words on the record, the Chair would have intervened as they most definitely impugn the reputations of individuals outside the House and would be out of order. The Leader of the Official Opposition used the device of asking the Deputy Premier, "Did she use the phrase?"

It is a well-established parliamentary principle that Members cannot do something indirectly that cannot be done directly. This is well stated in Erskine May at page 387 22nd Edition:

“A Member is not allowed to use unparliamentary words by the device of putting them in somebody else’s mouth.”

There was no doubt in the Chair’s mind that the Leader of the Official Opposition’s first supplementary question was a breach of the rules of this Assembly. This is a clear violation of Standing Order 23(h).

Now, whether this amounts to a prima facie question of privilege is another matter. The question is whether the words constituted an improper obstruction to the Member in performing her parliamentary work.

The Chair listened very attentively yesterday to the Deputy Premier’s comments that the Leader’s allegations have affected the dignity of the House and have called her reputation into question. These appeared to be heartfelt comments and the Chair takes this matter very seriously.

However, the Chair faces some difficulty in concluding that this constitutes a prima facie question of privilege. First, the alleged comments that were the subject of the Leader of the Official Opposition’s question were not recorded in the official records of the Assembly, nor did the Chair hear the remarks. As noted in paragraph 486 of Beauchesne’s and at page 526 of the House of Commons Procedure and Practice, private conversations not heard by the Chair do not invite the intervention of the Speaker. This may address the point made by the Member for Edmonton-Highlands yesterday.

Secondly, the weight of parliamentary authority indicates that allegations against a Member are very rarely held to be a breach of privilege. In previous rulings that have involved allegations against Members, on November 17, 1998 and on May 28, 2001, the Chair has cited the following passage from Joseph Maingot’s work, *Parliamentary Privilege in Canada* 2nd Edition at page 254:

“Language spoken during a parliamentary proceeding that impugns the integrity of Members would be unparliamentary and a breach of order contrary to the Standing Orders, but not a breach of privilege.”

The Chair would also take note of the ruling from the House of Commons of former Speaker Fraser from May 5, 1987, where he held that an allegation of a purported conflict of interest against the Minister of Fitness and Amateur Sport, the Honourable Otto Jelinek, did not amount to a prima facie question of privilege as the Member’s ability to perform his functions had not been impaired.

Finally, given that the Deputy Premier has had the opportunity to clarify her comments in the official records of this Assembly, it is very clear what in fact transpired last Thursday. As this is now part of the official records of this Assembly, it is difficult to see that this situation now falls into the group of rare examples where an allegation has impeded a Member’s parliamentary duties.

Although the Chair has not found a prima facie case of privilege, the Chair is very concerned about the statements in this Assembly that have given rise to the points of order and privilege over the last few days. As all Honourable Members know, points of privilege should arise very rarely in our Assembly. However, recent events in this House would suggest otherwise as this is the third privilege ruling in three days. What transpires in this Assembly receives wide attention and unsubstantiated accusations or allegations not only impugn the integrity of the particular Member but tend to diminish the respect and dignity that is given to the institution of Parliament. The Chair realizes that this is a serious place where serious words are used. The stakes are high, but at the end of the day, Members have to work together to do the work that the people of Alberta have elected them to do. Unsubstantiated allegations and accusations only serve to poison the environment we must all work in and bring no credit to the Member raising the unsubstantiated allegations and accusations.

The bottom line is that this is very clearly a violation of Standing Order 23(h) and failure by the Leader of the Official Opposition to withdraw his comments or apologize will result in the Chair calling the Member to order. The Chair would now call on the Leader of the Official Opposition who may wish to resolve this matter now or wait until this time Thursday to respond.

Dr. Nicol apologized and withdrew the question that gave rise to the purported point of privilege.

Hon. Mrs. McClellan accepted Dr. Nicol's apology.

ORDERS OF THE DAY

Government Bills and Orders

Unanimous Consent - Standing Order 58(4)

Hon. Mr. Hancock, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 58(4) to allow the afternoon's consideration of the estimates for the Department of Energy to go beyond two hours, with the vote on those estimates to take place no later than 5:15 p.m., or sooner if no one wished to speak.

Committee of Supply (Day 11 — Main Estimates)

According to Order, the Assembly resolved itself into Committee of Supply.

(Assembly in Committee)

And after some time spent therein, and pursuant to the unanimous consent of the Assembly agreed to prior to calling Committee of Supply, at 5:15 p.m., the Committee of Supply adjourned to rise and report, the Deputy Speaker assumed the Chair and Mrs. Jablonski reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2003, for the Department and purposes indicated:

Energy

\$101,993,000 Operating Expense and Capital Investment

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, it was agreed at 5:19 p.m. that when the Assembly reconvened at 8:00 p.m. it would be in Committee of Supply and the Deputy Speaker left the Chair.

WEDNESDAY, APRIL 17, 2002 — 8:00 P.M.

Committee of Supply (Day 12 — Main Estimates)

(Assembly in Committee)

And after some time spent therein, the Acting Speaker assumed the Chair and Mr. Danyluk reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again:

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2003, for the Department and purposes indicated:

Agriculture, Food and Rural Development

\$305,290,000 Operating Expense and Capital Investment

The question being put, the report and the request for leave to sit again were agreed to.

Government Bills and Orders

Second Reading

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

Bill 21 Alberta Personal Income Tax Amendment Act, 2002 — Hon. Mrs. Nelson

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

Bill 24 Child Welfare Amendment Act, 2002 (No. 2) — Hon. Mr. Cardinal on behalf of Hon. Ms Evans

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

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 10:06 p.m. until Thursday, April 18, 2002, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Wednesday, April 17, 2002