



**Legislative Assembly  
Province of Alberta**

No. 2

**VOTES AND PROCEEDINGS**

Third Session

Twenty-Fifth Legislature

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Wednesday, February 19, 2003

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

**Recognitions**

Mr. Tannas, Hon. Member for Highwood: Ben Albert, Daniel Arato, Scott Broshko, Alex Pattillo, Michael Shaw, Marissa Staddon, and Jeffrey Tricket, avalanche victims from Strathcona-Tweedsmuir School who passed away on February 1, 2003

Mr. Lougheed, Hon. Member for Clover Bar-Fort Saskatchewan: World's longest hockey game and cancer research fund-raiser achieved by Dr. Brent Saik and 40 other hockey players

Dr. Taft, Hon. Member for Edmonton-Riverview: Barb Tarbox and the sacrifice of her husband and daughter in sharing her remaining time through her public quit smoking campaign

Mr. Cenaiko, Hon. Member for Calgary-Buffalo: Pierre Lueders and Guilio Zardo, silver medal winners in the World Bobsled Championships

Ms Carlson, Hon. Member for Edmonton-Ellerslie and Dr. Massey, Hon. Member for Edmonton-Mill Woods: Calvary Community Church

Mr. Horner, Hon. Member for Spruce Grove-Sturgeon-St. Albert: Bellerose High School marathon hockey game and cancer research fund-raiser

Mr. Vandermeer, Hon. Member for Edmonton-Manning: Freedom to Read Week, February 23 to March 1, 2003

### **Presenting Petitions**

Mrs. Ady, Hon. Member for Calgary-Shaw, presented a petition from 2,600 Albertans requesting the Government consider allocating funds for schools as per the 2002-2003 Calgary Board of Education capital plan

### **Notices of Motions**

Dr. Massey, Hon. Member for Edmonton-Mill Woods, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, gave oral notice of his intention to move, pursuant to Standing Order 30, that the Assembly adjourn to discuss a matter of urgent importance, namely the genuine emergency faced by school boards as a result of the Government's failure to properly fund arbitrated salary settlements, operations and maintenance grants, and grade 10 credits.

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

Notice having been given:

- Bill 3 Electric Utilities Act — Mr. Knight
- Bill 4 Alberta Personal Income Tax Amendment Act, 2003 — Mr. Renner
- Bill 5 Line Fence Amendment Act, 2003 — Mr. Goudreau
- Bill 11 Auditor General Amendment Act, 2003 — Mr. Yankowsky

On motion by Hon. Mr. Hancock, Government House Leader, the following Bills were placed on the Order Paper under Government Bills and Orders:

- Bill 3 Electric Utilities Act — Mr. Knight
- Bill 4 Alberta Personal Income Tax Amendment Act, 2003 — Mr. Renner
- Bill 5 Line Fence Amendment Act, 2003 — Mr. Goudreau
- Bill 11 Auditor General Amendment Act, 2003 — Mr. Yankowsky

## **Tabling Returns and Reports**

Clerk of the Assembly on behalf of Hon. Dr. Oberg, Minister of Learning, pursuant to Standing Order 37.1(2):

Excerpt from the Alberta Teachers' Association Brief of General Argument submission to the Arbitration Tribunal under the Education Services Settlement Act

Sessional Paper 3/2003

Hon. Mr. Hancock, Minister of Justice and Attorney General:

Letter dated January 31, 2003, from His Worship Mayor Bill Smith, City of Edmonton, to Hon. Mr. Klein, Premier, expressing concern regarding the proposed recommendations of the Alberta Electoral Boundaries Commission and outlining a motion passed by Edmonton City Council on January 28, 2003

Sessional Paper 4/2003

Mr. Tannas, Hon. Member for Highwood:

Petition signed by 370 Albertans requesting that Special Constables be allowed to enforce provincial statutes on primary and secondary highways within the jurisdictional boundaries of towns and villages

Sessional Paper 5/2003

Mr. Lougheed, Hon. Member for Clover Bar-Fort Saskatchewan:

Letter dated February 18, 2003, from Hon. Mr. Klein, Premier, to Dr. Brent Saik of Sherwood Park, congratulating Dr. Saik and his fellow athletes on playing the longest hockey game in history while raising funds for cancer treatment and research

Sessional Paper 6/2003

Ms Blakeman, Hon. Member for Edmonton-Centre:

News release dated November 29, 2002, entitled "New Awards Program for Alberta Artists Launched" prepared by the Office of the Lieutenant Governor of Alberta

Sessional Paper 7/2003

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

Letter dated November 14, 2002, from Olwen Livingstone of Edmonton to Dr. Taft, Hon. Member for Edmonton-Riverview, expressing concern regarding rent increases due to utility deregulation

Sessional Paper 8/2003

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

Petition signed by 1,500 Albertans requesting the Government reinstate natural gas rebates

Sessional Paper 9/2003

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

Alberta School Boards Association newsletter dated February 7, 2003, entitled "Hot News"

Sessional Paper 10/2003

Letter dated February 5, 2003, from Richard Grynas of Edmonton to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing displeasure with the Government over its lack of responsibility regarding public education funding

Sessional Paper 11/2003

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

Letter dated February 7, 2003, from Sheila Greer of Edmonton expressing disappointment with the behaviour of Hon. Dr. Oberg, Minister of Learning, regarding funding for school boards

Sessional Paper 12/2003

Mrs. Ady, Hon. Member for Calgary-Shaw:

855 recent letters from Albertans to Mrs. Ady, Hon. Member for Calgary-Shaw, Hon. Mr. Klein, Premier, and several unaddressed, expressing concern regarding the current level of provincial education funding and the negative effect the cutbacks are having on the programs and services of the Calgary Catholic School District

Sessional Paper 13/2003

Hon. Mr. Kowalski, Speaker of the Legislative Assembly:

Revised Members' Services Committee Orders No. 1/03 Constituency Services Amendment Order (No. 11)

Sessional Paper 14/2003

Hon. Mr. Kowalski, Speaker of the Legislative Assembly, pursuant to the Freedom of Information and Protection of Privacy Act, cF-25, s63(2) and the Health Information Act, cH-5, s95(2):

Office of the Information and Privacy Commissioner, 2001-2002 Annual Report  
Sessional Paper 15/2003

Hon. Mr. Kowalski, Speaker of the Legislative Assembly, pursuant to the Electoral Boundaries Commission Act, cE-3, s10:

Final Report to the Speaker of the Legislative Assembly of Alberta dated February 2003, entitled "Proposed Electoral Division Areas, Boundaries and Names for Alberta" prepared by the 2002/2003 Alberta Electoral Boundaries Commission

Sessional Paper 16/2003

## **Point of Privilege**

Dr. Massey, Hon. Member for Edmonton-Mill Woods, raised a purported question of privilege under Standing Order 15 regarding answers to questions provided by the Minister of Learning concerning the Alberta Teachers' Association.

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

The Chair has listened to the arguments made on this purported question of privilege brought by the Member for Edmonton-Mill Woods and is prepared to rule.

In brief, the Member alleges his ability to perform his duties was obstructed by the Minister of Learning's answers to certain questions concerning the Alberta Teachers' Association (ATA) on November 25 and December 3, 2002. The Member alleges that the Minister misled the Assembly in these responses which led to an alleged contempt of the Assembly.

The only way that this could be a prima facie question of privilege would be if the Chair found that the Minister of Learning had deliberately or intentionally misled the Assembly. In his January 30, 2003 letter giving notice of his intention, the Member for Edmonton-Mill Woods does not directly allege that the Minister deliberately or intentionally misled him or the Assembly. The parliamentary authorities are quite clear that for there to be a contempt, there must be a finding that there was some intention to mislead the House. Leading parliamentary authorities on this subject were canvassed in the Chair's March 20, 2002 ruling.

In this case, before the matter can be dealt with, there must be a finding under Standing Order 15(6) that the purported question of privilege was raised at the earliest opportunity. Leaving aside the question of what circumstances would allow something done in a previous Session to be the subject of a question of privilege in the next Session, there is a very real issue about the timeliness of this application.

In his notice, the Member for Edmonton-Mill Woods indicates that this was the earliest he could raise the matter as "the Legislature had adjourned before I learned of the information which has caused me to take this action."

That information consisted of letters from Mr. Booi, President of the ATA and from Mr. David Jones, the head of the Government-appointed arbitration tribunal under the Education Services Settlement Act.

Of course, the Member could not have had this information as the letter from Mr. Jones was dated December 17, 2002. It cannot be overemphasized that Mr. Jones was responding to a December 11, 2002 letter from the Minister of Learning asking for clarification of the ATA's position which, in turn, was prompted by a December 5, 2002 letter from Mr. Booi questioning the Minister's interpretation which was the day after the Fall Sitting concluded. How could the Minister have "deliberately misled" the Assembly if he was not advised of the positions of the parties until after he had spoken?

At best, this is a dispute between Members as to facts or interpretations of facts. It would not necessarily be a point of order and I do not find that it gives rise to a prima facie question of privilege.

The Chair wants to take this opportunity to remind Members that an allegation of deliberately misleading the House is a very serious matter that is hardly ever made out. Members of a certain age may remember the Profumo affair in England in 1963 where a Minister was found to have deliberately misled the House or the Eggleton affair of February 2002 in the Canadian House of Commons, but these are extremely rare instances. The Member cited a 1978 ruling from the Canadian House of Commons involving the RCMP (Royal Canadian Mounted Police) and the then Solicitor General, but as Marleau and Montpetit state at page 87 of the House of Commons Procedure and Practice, there was a finding that the Minister had been deliberately misled by officials. There is no such allegation here.

While Members have a duty to be vigilant in their questions and answers, occasionally mistakes may occur. The Chair is not suggesting that such occurred in this case but wants to remind Members that our procedures provide Members with an opportunity to provide additional information following Oral Question Period. Certainly, the Chair will never deprive a Member of an opportunity to take the floor to indicate that he or she was wrong.

### **Motion for Adjournment for an Emergency Debate**

Dr. Pannu, Hon. Member for Edmonton-Strathcona, requested leave to move, pursuant to Standing Order 30, that the Assembly adjourn to discuss a matter of urgent public importance, namely the genuine emergency faced by school boards as a result of the Government's failure to properly fund arbitrated salary settlements, operations and maintenance grants, and grade 10 credits.

A debate followed on urgency.

The Speaker ruled that the request for leave was not in order.

## **ORDERS OF THE DAY**

### **Consideration of Her Honour the Lieutenant Governor's Speech**

Moved by Mr. Jacobs and seconded by Mr. VanderBurg:

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.

A debate followed.

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

### **Adjournment**

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:23 p.m. until 8:00 p.m.

WEDNESDAY, FEBRUARY 19, 2003 — 8:00 P.M.

### **Consideration of Her Honour the Lieutenant Governor's Speech**

Moved by Mr. Jacobs and seconded by Mr. VanderBurg:

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.

A debate followed.

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

## **Government Motions**

**4.** Moved by Hon. Mr. Hancock:

Be it resolved that the Assembly resolve itself into Committee of the Whole, when called, to consider certain Bills on the Order Paper.

The question being put, the motion was agreed to.

**5.** Moved by Hon. Mr. Hancock:

Be it resolved that, when the Assembly adjourns to recess the Spring Sitting of the 3rd Session of the 25th Legislature, it shall stand adjourned until a time and date as determined by the Speaker, after consultation with the Lieutenant Governor in Council.

The question being put, the motion was agreed to.

## **Adjournment**

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 9:18 p.m. until Thursday, February 20, 2003, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Wednesday, February 19, 2003