



**Legislative Assembly  
Province of Alberta**

No. 35

**VOTES AND PROCEEDINGS**

Third Session

Twenty-Fifth Legislature

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Monday, April 28, 2003

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

The Speaker offered a prayer and a moment of silence was observed in recognition of workers who have been killed or injured in the workplace.

**Ministerial Statements**

Hon. Mr. Dunford, Minister of Human Resources and Employment, made a statement regarding the National Day of Mourning for Persons Killed or Injured in the Workplace, April 28, 2003.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, commented on the statement.

Mr. Mason, Hon. Member for Edmonton-Highlands, requested and received the unanimous consent of the Assembly to participate in this Ministerial Statement.

**Recognitions**

Mr. Lord, Hon. Member for Calgary-Currie: 200th anniversary of the Order of the Sisters of St. Louis, and Sister Norma Basso, Sister Theresa Tetrault, Sister Joan Flaherty, and Sister Rita Proulx who were recently killed in a motor vehicle accident in Calgary

Mrs. O'Neill, Hon. Member for St. Albert: World Irish Dance Championship recently held in Killarney, Ireland and Rebecca Bell from the Mattierin School of Irish Dancing in Edmonton who won a medal at the Championship

Mr. Graydon, Hon. Member for Grande Prairie-Wapiti: National Volunteer Week, April 27 to May 3, 2003

Mr. McClelland, Hon. Member for Edmonton-Rutherford: Fraser Institute's recent report on Alberta high schools, Old Scona Academic School which placed first for academic achievement, and teachers and schools who achieve excellence across diverse cultural interests and academic abilities

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

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar: Rosemary Brown, the first black woman elected to a Canadian legislature who passed away on April 2, 2003

Mr. Johnson, Hon. Member for Wetaskiwin-Camrose: Camrose Kodiaks junior A hockey team for winning the Alberta/British Columbia Doyle Cup on April 26, 2003

### **Presenting Petitions**

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 299 Calgary residents requesting the Government withdraw the draft management plan for the Evan-Thomas Provincial Recreation Area and disallow any further commercial or residential development of the Kananaskis Valley.

### **Notices of Motions**

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15.

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

Notice having been given:

Bill 38 Workers' Compensation Amendment Act, 2003 — Mr. Lougheed

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

Bill 38 Workers' Compensation Amendment Act, 2003 — Mr. Lougheed

## Tabling Returns and Reports

Hon. Mr. Norris, Minister of Economic Development:

TD Economics Special Report dated April 22, 2003, entitled “The Calgary-Edmonton Corridor, Take Action Now To Ensure Tiger’s Roar Doesn’t Fade” prepared by TD Bank Financial Group

Sessional Paper 412/2003

Mr. Lord, Hon. Member for Calgary-Currie:

Discover Magazine article dated May 2003, entitled “Technological savvy could turn 600 million tons of turkey guts and other waste into 4 billion barrels of light Texas crude each year” prepared by Brad Lemley

Sessional Paper 413/2003

Mr. Cenaiko, Hon. Member for Calgary-Buffalo:

51 letters, undated, from Edmonton and area residents to Mr. Cenaiko, Hon. Member for Calgary-Buffalo, expressing support for Bill 206, Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003

Sessional Paper 414/2003

Hon. Mr. Zwozdesky, Minister of Community Development:

News release dated April 28, 2003, entitled “Awards ceremony recognizes efforts of parks volunteers” prepared by Alberta Community Development

Sessional Paper 415/2003

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

Calendar of events taking place during the Edmonton May Week Festival to be held April 28 to May 10, 2003

Sessional Paper 416/2003

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

Several letters dated April 16-25, 2003, between Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, and Hon. Mr. Kowalski, Speaker of the Legislative Assembly, regarding a document found by Mr. MacDonald in a Legislative Assembly photocopier

Sessional Paper 417/2003

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

Document, undated, containing results from mould testing conducted at Foothills Medical Centre in Calgary

Sessional Paper 418/2003

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

Before the Honourable Member commences with his purported question of privilege, the Chair wants to caution all Members who may wish to participate in this debate about imputing false or unavowed motives to another Member or making allegations against another Member. This is prohibited under Standing Order 23(h) and (i). In short, the Chair will not tolerate any allegations impugning the reputation or motives of a Member.

On this subject the Chair would refer Members to the section in Chapter 3 of Marleau and Montpetit's House of Commons Practice and Procedure found at pages 83 to 95 of that work.

It is important to remember that only the Assembly itself can place limits on what is said in here as one of the great freedoms we enjoy as legislators in the British Parliamentary system is to be free from lawsuits for what is said in the Assembly. This means that it is the traditional and accepted role of the Chair to enforce the rules and practices concerning allegations against other Members as there is no other recourse.

## **Point of Privilege**

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, raised a purported question of privilege under Standing Order 15 regarding material circulated in the parliamentary precincts and observed in the possession of a Member of the Government caucus.

The Speaker heard from Hon. Mr. Hancock, Mr. Hutton, Ms Haley, Mr. Shariff, Rev. Abbott, Mr. Lukaszuk, Mr. Bonner, Dr. Taft, Mr. Horner, and Mr. McClelland.

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

I think we are going to come to a conclusion with respect to this matter. Two separate strains seem to have come through here. First of all, there was a tabling in the Assembly of correspondence between the Speaker and a Member. That is highly irregular, very irregular. Members convey thoughts to the Chair or the Speaker. As the impartial, nonpartisan Chair of the Assembly the Chair recognizes the privileged information he is receiving, and it is very irregular for Members to make public, then, correspondence that the Speaker would give to that particular Honourable Member. But having done that, we now have these documents to play with, so let us just deal with the involvement of the Chair in this matter first.

The Member for Edmonton-Gold Bar sent the Chair a memo – and I believe it was April 15 – and basically took exception to finding a photocopied document in the Legislative Assembly that afternoon. The Member for Edmonton-Gold Bar has his own opinions with respect to the piece of paper. I responded back to the Honourable Member the following day saying the following:

Thank you for your letter of April 16, 2003, and the attached document, regarding the photocopied document which you found in the west corridor leading into the Chamber on April 15, 2003.

This is indeed a very disturbing matter and this document is certainly inappropriate material to be in the Legislature Building, grounds or Annex.

I appreciate you bringing this matter to my attention.

I have put a handwritten note: "I will have the Sergeant-at-Arms investigate." Copies were sent to the Government House Leader, the Official Opposition House Leader, and the Third Party House Leader. The matter was investigated, and a report was provided to the Chair.

On April 25, 2003, in a memo from myself to the Honourable Member for Edmonton-Gold Bar I write the following:

Further to your letter of April 16, 2003 I can advise that an extensive investigation was conducted by the Sergeant-at-Arms.

While it is not our practice to discuss the operational details of the Sergeant's inquiries, please be assured that the exercise was complete, thorough and consistent with the seriousness of the matter.

Regrettably, we were unable to determine who may have placed the documents within the precincts on April 15, 2003.

Again, I appreciate you bringing your concerns to my attention.

Copies went to the Government House Leader, the Official Opposition House Leader, the Third Party House Leader, the Clerk, and the Sergeant-at-Arms.

Now, hand-delivered to my office at approximately 11 o'clock this morning was a letter that the Honourable Member for Edmonton-Gold Bar alluded to earlier. Then we heard what happened at 2:35, when the Honourable Member for Edmonton-Gold Bar got up and identified the Member and some aspersions, suspect, that were taking place. Let me make it very, very clear that my involvement in this matter had simply to do with the administrative duties of the Chair with respect to the utilization of photocopy machines in and about the precincts. There seems to be general agreement, at least with the Chair and for other people who have spoken, on words such as "vile," "inappropriate," "offensive" material and no ascribing to anyone about belief with respect to the validity of the document itself. Most of us appear to have simply discarded it. It is just another piece of paper among the hundreds and thousands that Members of the Legislative Assembly will receive at any given time.

Now, what is really important in here is the statement. I think that if there was an allegation made by the Honourable Member for Edmonton-Gold Bar and ascribing motives, when identifying the Honourable Member for Edmonton-Glenora and in hearing from the Honourable Member for Edmonton-Glenora, at least what the Chair heard was that the Member for Edmonton-Glenora had basically found no merit in the document whatsoever, discarded it. The Chair has heard nothing and knows nothing further beyond that in terms of what anybody would think about it, would feel about, would want to think about it. As far as the Chair understands, the Member for Edmonton-Glenora discarded the paper, and even if he had not discarded the paper, what would the point have been? All Members receive countless numbers of documents. There is nothing in the document with respect to a certain group that is identified in there, and the Member for Edmonton-Gold Bar raised it, and then the Honourable Member for Edmonton-Glenora raised it. It was this Assembly who basically passed very important legislation with the Holocaust Memorial Day, and this is a very important part of our history that we want to commemorate. That disturbs the Chair. That very, very much disturbs the Chair with respect to this.

I am reminded as well that one has to be very, very careful about imputing motives to anyone. That is a very serious matter. I would also like to remind Honourable Members that there is an old saying – and I forget who it was who said it – that gentlemen do not read other gentlemen's mail. It always strikes me as funny how what an Honourable Member may have on his or her desk should become the purview of other Honourable Members. It strikes me that one of the great safeguards we have as legislators is the responsibility, coupled with the need to have availability of whatever documentation or paper we want, to arrive at the best conclusions that we have. I would hate to think that certain documents, certain books would be burned. We have certainly gone far beyond the McCarthyism times of the early 1950s. I do not like the document, but that is not the point. Simply because it is someplace, how can one ascribe a motive to anyone who may be near it? Heaven knows that in the 23 years that I have been a privileged Member of this Assembly, I have received papers from people that I am 180 degrees away from and 12,500 miles away from. If the circumference of the Earth is 25,000, that puts me at the exact opposite side of the equator, yet we get them.

I heard what the Honourable Member for Edmonton-Glenora said. I think he is truly shocked by what has transpired here today. I think he is truly embarrassed by what has transpired here today. This is not a point of privilege, and the Chair regrets that he even entertained opening this subject-matter as a point of privilege.

## ORDERS OF THE DAY

### Written Questions

The following Written Questions were accepted:

**WQ13.** Moved by Dr. Massey on behalf of Ms Blakeman:

What were the total sales numbers, broken down by individual game, for the sports lottery products Pro Line, Over/Under, and Point Spread, for the calendar years 2000 through 2002 inclusive?

**WQ14.** Moved by Dr. Massey on behalf of Ms Blakeman:

What was the total payout to customers in the form of winnings from tickets purchased, broken down individually by game, from the sports lottery products Pro Line, Over/Under, and Point Spread, for the fiscal years 1999-2000 to 2001-2002 inclusive?

The following Written Questions were ordered to stand:

None appearing on the Order Paper.

### Motions for Returns

The following Motion for Returns was accepted as amended:

**MR14.** Moved by Dr. Pannu:

That an Order of the Assembly do issue for a Return showing:  
A copy of the financial audit of the Alberta Career Computer Centre Inc. prepared in late 2002 or early 2003 for the Ministry of Human Resources and Employment by Doug Courts, Chartered Accountant.

Hon. Mr. Dunford, Minister of Human Resources and Employment, moved the motion be amended to read:

That an Order of the Assembly do issue for a Return showing:  
A copy *of those portions* of the financial audit of the Alberta Career Computer Centre Inc. prepared in late 2002 or early 2003 for the Ministry of Human Resources and Employment by Doug Courts, Chartered Accountant, *that may be disclosed under the Freedom of Information and Protection of Privacy Act.*

The following Motions for Returns were ordered to stand:

None appearing on the Order Paper.

## **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 Citizens' Empowerment Act — Dr. Nicol

A debate followed.

The question being put, the motion was defeated.

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

Bill 206 Traffic Safety (Seizure of Vehicles in Prostitution Related Offences)  
Amendment Act, 2003 — Mr. Cenaiko

A debate followed.

Debate adjourned, Mr. Pham speaking.

### **Adjournment**

Pursuant to Standing Order 4(1), the Acting Speaker adjourned the Assembly at 5:30 p.m. until 8:00 p.m.

MONDAY, APRIL 28, 2003 — 8:00 P.M.

### **Notices of Motions**

Mr. Hutton, Hon. Member for Edmonton-Glenora, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15.

### **Motions Other Than Government Motions**

**507.** Moved by Mr. Broda (amended):

Be it resolved that the Legislative Assembly urge the Government to sell or dispose of *lands that are declared surplus to the needs of the Province*.

A debate followed.



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

For the motion: 33

Abbott	Griffiths	O'Neill
Boutilier	Hlady	Pham
Broda	Horner	Snelgrove
Calahasen	Hutton	Stelmach
Cenaiko	Johnson	Strang
DeLong	Kryczka	Tarchuk
Doerksen	Magnus	Taylor
Ducharme	Marz	VanderBurg
Dunford	McClelland	Woloshyn
Evans	Melchin	Yankowsky
Goudreau	Oberg	Zwozdesky

Against the motion: 3

Blakeman	Carlson	Taft
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**508.** Moved by Mr. Cenaiko:

Be it resolved that the Legislative Assembly urge the Government to work with Criminal Intelligence Service Alberta to enhance collaborative partnerships and coordinated programs with various levels of government, policing agencies, and the public to effectively combat organized crime and terrorism.

A debate followed.

Pursuant to Standing Order 8(3), debate adjourned, Rev. Abbott speaking.

## **Private Bills**

### **Second Reading**

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

Bill Pr1 Sisters of St. Joseph of the Province of Alberta Statutes Repeal Act — Mr. Griffiths

Bill Pr2 Forest Lawn Bible College Act — Mr. Pham

### **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 Deputy Speaker assumed the Chair.

The following Bill was reported:

Bill Pr1 Sisters of St. Joseph of the Province of Alberta Statutes Repeal Act —  
Mr. Griffiths

The following Bill was reported with some amendments:

Bill Pr2 Forest Lawn Bible College Act — Mr. Pham

Mr. Johnson, Acting 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 Pr2 (Hon. Member for Calgary-Montrose) — Agreed to  
Sessional Paper 419/2003

## **Government Bills and Orders**

### **Second Reading**

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

Bill 33 Insurance Amendment Act, 2003 — Rev. Abbott

A debate followed.

Dr. Taft moved adjournment of the debate, which was agreed to.

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

Bill 34 Livestock Industry Diversification Amendment Act, 2003 — Rev. Abbott

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

Bill 36 Environmental Protection and Enhancement Amendment Act, 2003 — Hon.  
Dr. Taylor

A debate followed.

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

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

Bill 37 Climate Change and Emissions Management Act (\$) — Hon. Dr. Taylor

A debate followed.

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

## **Adjournment**

On motion by Hon. Mr. Zwozdesky, Deputy Government House Leader, the Assembly adjourned at 10:41 p.m. until Tuesday, April 29, 2003, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Monday, April 28, 2003