



**Legislative Assembly
Province of Alberta**

No. 27

VOTES AND PROCEEDINGS

First Session

Twenty-Sixth Legislature

Monday, April 25, 2005

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

Speaker's Comment

The Speaker commented that on this day in 1914, CPR (Canadian Pacific Railway) President Thomas Shaughnessy formally opened the Bassano Dam on the Bow River, a project to provide water for the Eastern Irrigation District, an area of over 600,000 hectares. The earthen dam has a 107 metre wide base and extends over 2,150 metres beyond the spillway which can handle a flow of 3,000 cubic metres of water through the sluice gates. Almost 300,000 cubic metres of earth were moved to build the dam, which in 1914 was referred to by Scientific American magazine as "America's Greatest Irrigation Project."

Members' Statements

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs, made a statement regarding the establishment of the Lois Hole Centennial Provincial Park on April 22, 2005, which surrounds the Big Lake natural area in St. Albert.

Mr. Amery, Hon. Member for Calgary-East, made a statement regarding Samuel Ian Seright of Calgary, one of Alberta's Centennial Ambassadors, who passed away on April 20, 2005.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, made a statement regarding 35 public schools in the Edmonton area eligible for closure based on the requirements of Alberta Infrastructure's school space utilization rate.

Mr. Johnson, Hon. Member for Wetaskiwin-Camrose, made a statement regarding the announcement by Advanced Education to increase RAP (registered apprenticeship program) scholarships to 10 times the current level.

Mr. Liepert, Hon. Member for Calgary-West, made a statement regarding Wes Montgomery, Edmonton radio broadcaster, who passed away on April 25, 2005.

Mr. Taylor, Hon. Member for Calgary-Currie, made a statement regarding the Mayor's Luncheon for Business and the Arts held on April 21, 2005 in Calgary.

Presenting Petitions

Mr. Backs, Hon. Member for Edmonton-Manning, presented a petition from 101 Albertans urging the Government to prohibit the importation of temporary foreign workers in oil sands facilities and on pipelines until several Albertan and Canadian groups have been accessed.

Mr. Martin, Hon. Member for Edmonton-Beverly-Clareview, presented a petition from 100 Albertans urging the Legislative Assembly to not pass Bill 15, Workers' Compensation Amendment Act, 2005.

Introduction of Bills (First Reading)

Notice having been given:

Bill 206 Alberta Pharmaceutical Savings Commission Act — Mr. Mason

Bill 207 Alberta Association of Former M.L.A.s Act — Mr. Johnson

Tabling Returns and Reports

Mr. Martin, Hon. Member for Edmonton-Beverly-Clareview,:

Letter dated April 23, 2005, from Stan I. Buell, P.Eng., President, Small Investors' Association, to Hon. Mrs. McClellan, Minister of Finance, expressing concern regarding the recent dismissal of Grahame Newton from his position as Director of Administrative Services, Alberta Securities Commission

Sessional Paper 359/2005

E-mail message dated March 31, 2005, from Paul Pomerleau (address struck out) to Mr. Mason, Hon. Leader of the New Democrat Opposition, expressing concern regarding a variety of issues related to apprenticeship training, the use of temporary foreign workers in the Alberta labour force, and union versus non-union labour practices

Sessional Paper 360/2005

Mr. Chase, Hon. Member for Calgary-Varsity:

E-mail message dated April 15, 2005, from Mark Hambridge of Calgary to Hon. Mr. Klein, Premier, expressing opposition to the Legislative Assembly's decision to allow smoking in certain public places

Sessional Paper 361/2005

Program from the Mayor's Luncheon for Business and the Arts held on April 21, 2005 in Calgary

Sessional Paper 362/2005

Speaker's Statement

The Speaker invited suggestions from Hon. Members concerning comments made related to an officer of the Assembly during Oral Question Period on April 21, 2005. Hon. Mr. Hancock, Ms Blakeman, Mr. Martin, and Mrs. Tarchuk responded to the Speaker's invitation.

The Speaker then made the following statement:

Well, then, Hon. Members on Thursday last the Chair was very, very dismayed by the tone of the questions, so then looked in Hansard on Friday to make sure that, again, this was not a mistake and looked at Hansard again on Sunday and then looked at Hansard again today, and after those four reviews still comes to the conclusion by looking at Hansard on page 947 and quoting the following, the Hon. Member for Edmonton-Riverview:

"We need someone who will get to the bottom of these problems. My questions are to the Minister of Finance. Given that the Alberta Auditor General has been the auditor of record for the Securities Commission and has repeatedly given the commission unqualified auditor approval, will she do the right thing in bringing a genuinely, independent, out-of-province investigator?"

Further, next question:

"To the same Minister: will she admit that the Alberta Auditor General has no credibility on this issue given that year after year his office has given the commission a clear audit report?"

Go on to the next question. The Hon. Member, once again, for Edmonton-Riverview:

"Again to the same Minister: will she admit that the only reason she has asked the Auditor General to prepare one report for her and a separate one for the Legislature and the public is to keep the public in the dark about the real goings-on at the Alberta Securities Commission?"

Now, I am a pretty imaginative person, but I cannot believe that we are talking about any person other than the Alberta Auditor General in any of this, and there is only one Alberta Auditor General, and the Member for Banff-Cochrane has clearly identified who that Auditor General is and the process in which the Auditor General is among us.

Now, I do want to expand upon some of those comments that were made last Thursday, especially reflecting officers of the Legislature, and it is on the point of officers of the Legislature that I make my comments. I started off by saying that perhaps this was still early in the life of the 26th Legislature, but the fact is this is not early in the life of the 26th Legislature. This is Day 27, I believe. Including the evening sittings, it probably makes it 54.

So the time for inexperience and the time for being a novice and the time for being a rookie is behind us. That is not an excuse anymore. So the Chair wants to identify for Members that the officers of the Legislature are the Auditor General, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, and the Ombudsman. These individuals are all appointed or reappointed on the recommendation of a special search committee or the Standing Committee on Legislative Offices. Each and every appointment is the subject of a motion in this Assembly and all are debatable and all are amendable. These five officers occupy positions that by statute are independent of Government. The fact that the sums required to run these offices are not part of the Government's estimates but those of the Legislative Assembly reflects this principle of independence from the Government.

Last Thursday the Chair referred Members to paragraph 493 of Beauchesne's and page 524 of Marleau and Montpetit House of Commons Procedure and Practice. The same principle of not reflecting on certain persons in debate is found in Erskine May, the 23rd edition, at pages 438-39. If there is any doubt after reading those authorities, it is the Chair's view that the officers of the Legislature in the Province of Alberta occupy positions of "high official status," as the term is used in Beauchesne 493(3), similar to judges and senior public servants even though they are not specifically mentioned. To be absolutely clear, this Chair will not tolerate personal attacks against officers of the Legislature.

Hon. Members, so that there is no misunderstanding, the Chair is not attempting in any way to become involved with questions on the grounds that they deal with sensitive issues. This was not the reason for the Chair's comment last Thursday. The Chair intervened because it was the Chair's view that there were allegations or innuendos about the individuals who serve as officers of the Legislature. This Chair takes very seriously the rights of Members to freedom of speech in this Assembly. However, it is the Chair's role to ensure that this important right is exercised fairly and within the limits that have been recognized in this and other Assemblies over many years.

The Chair also wants to take this opportunity to say that for the most part the use of language in this Chamber and the decorum of Members is of a high standard amongst jurisdictions in Canada. The Hon. Member for Edmonton-Beverly-Clareview

cautioned us about having to deal with this on a regular basis. The fact is, Hon. Members, we deal with this on a very infrequent basis. And if Hon. Members want to go back in Hansard, Hon. Members can go back to 1999 when to the chagrin of most of us on November 23, 1999, when one Hon. Member was providing to the Assembly the report of the information and privacy committee the then Member for Edmonton-Riverview said, "Whose pocket is he in?" in reference to an officer of this Assembly. That created quite a commotion in this Assembly on that day in 1999 and led to considerable anxiety amongst the various Members. And it led to a retraction, and the retraction came before further serious damage could have been done to a particular individual.

Then from 1999 we switch to March 23, 2005. Hardly a frequent occurrence; a very infrequent occurrence. And on March 23, 2005, another Member for Edmonton-Riverview used the following phrase in saying this about another Member: "Who is she trying to protect?" That led to a discussion, was dealt with by a two-line retraction on behalf of the Hon. Member for Edmonton-Riverview.

So this is not a frequent thing. This is an infrequent thing, and the House is not wasting its time in dealing with these Members. The House time is well used in terms of dealing with this. And I repeat, for the most part – this is the 99th year of history of this Assembly – the use of language in this Chamber and the decorum of Members is of a high standard amongst jurisdictions in Canada. In fact, I believe the highest standard of decorum of any jurisdiction in Canada is found in this Assembly, and that is good. However, Members may have recently noted that the tone and content of proceedings in other Assemblies in this land may not today be of the similar high standard that they were accustomed to seeing even in those Assemblies.

There has been a deterioration in two Assemblies, for sure. That deterioration is not the tradition, and it is not the practice in this Assembly.

I believe that the people of Alberta expect Members to conduct themselves in the best traditions of parliamentary democracy. This Chair intends to meet those expectations for the good of this institution and for the good of all of its Members.

The Chair views the question of what constitutes proper parliamentary language in an Assembly in the 21st century as such an important matter that I am now going to make a suggestion to the Assembly. Regardless of whether or not a motion for privilege is proceeded with, and I would hope, in fact, that on the basis of what I have said, that we have now entered a new century, perhaps there is an important time every once in a while to stop and review everything that we are doing and ask ourselves the question: Is this appropriate for the time that we are now in?

I am going to ask the Hon. Members to the various House leaders to consider a motion to refer this whole matter to the Standing Committee on Privileges and Elections, Standing Orders and Printing or by creating a special select committee to look at this and other parliamentary issues. That was done in 1993 when the Chair was the Government House Leader and to review in particular the language, such things as put

forward by the Hon. Member for Edmonton-Beverly-Clareview, the specific identification, even though the Chair has already indicated that in his mind the officers of the Legislative Assembly are those people who need those offices of high standard and are generally taught to review this whole question of decorum and decorum in our Assembly.

We will soon be entering our 100th year, and I believe that there is a caution that must be given to all Members that we have to be better than what some Members would see us be on any given day, and I think the people of Alberta expect that of us. I think that if there is any gift we can give to the people of Alberta on our 100th anniversary of this Legislative Assembly, it is to recognize that the highest calling in the land is to be an elected person, and we should be expected to act in the highest possible standard.

I want all Members to know that if there are questions such as the type that were raised in this Assembly last Thursday, there will be an immediate intervention from the Chair henceforth, and that means that that time is now lost in the Question Period. That is the way it will be, and if those questions are ruled out of order, the Member will also be told that is it for his or her participation in the Question Period on that day. There will be a vigilance. I will not allow people who are officers of this Assembly to be chastised in this Assembly.

Thank you.

ORDERS OF THE DAY

Written Questions

The following Written Questions were ordered to stand:

WQ24, WQ25, WQ26, WQ27, WQ28, WQ29, WQ30, WQ31, WQ32.

Motions for Returns

The following Motions for Returns were accepted:

MR25. Moved by Mr. MacDonald:

That an Order of the Assembly do issue for a Return showing:
The salaries of contracted employees and/or consultants employed by the Ministry and Department of Energy during the 2003-04 fiscal year, broken down by amount and position title.

MR26. Moved by Mr. MacDonald:

That an Order of the Assembly do issue for a Return showing:
A detailed breakdown of all expenses incurred by the Minister of Energy, his staff, and/or designate on non-international trips during the 2003-04 fiscal year.

The following Motion for Returns was rejected:

MR24. Moved by Mr. Backs:

That an Order of the Assembly do issue for a Return showing:
Copies of any and all documents pertaining to the June 2004 Memorandum
of Understanding between the Government and the Federal Government
regarding foreign temporary workers.

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

For the motion: 14

Backs	Hinman	Miller (Edmonton-Rutherford)
Blakeman	MacDonald	Pastoor
Bonko	Martin	Swann
Elsalhy	Mason	Taylor
Flaherty	Mather	

Against the motion: 34

Boutilier	Johnson	Oberle
Cao	Johnston	Pham
Coutts	Knight	Renner
DeLong	Liepert	Rodney
Evans	Lougheed	Snelgrove
Forsyth	Magnus	Stelmach
Graydon	Mar	Stevens
Griffiths	Marz	Strang
Groeneveld	McClellan	Tarchuk
Herard	Mitzel	VanderBurg
Horner	Morton	Zwozdesky
Jablonski		

The following Motions for Returns were ordered to stand:

MR27, MR28, MR29, MR30, MR31, MR32, MR33, MR34, MR35, MR36, MR37,
MR38, MR39, MR40, MR41, MR42, MR43.

Unanimous Consent

Prior to consideration of Motion for Returns MR24, Ms Blakeman, Official Opposition
House Leader, requested the unanimous consent of the Assembly to waive Standing
Order 32(2) to shorten the time between division bells from ten minutes to one minute.

Unanimous consent to proceed was not granted.

Following consideration of Motion for Returns MR24, Hon. Mr. Zwozdesky, Deputy Government House Leader, requested the unanimous consent of the Assembly to waive Standing Order 32(2) to shorten the time between division bells from ten minutes to one minute.

Unanimous consent to proceed was not granted.

Public Bills and Orders Other Than Government Bills and Orders

Third Reading

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

Bill 201 Smoke-free Places Act — Mr. Rodney

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, moved that the motion be amended by deleting all the words after “that” and substituting the following:

Bill 201, Smoke-free Places Act, be not now read a Third time but that it be recommitted to Committee of the Whole for the purpose of reconsidering section 5(3).

A debate followed on the amendment.

The question being put, the amendment was defeated. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the amendment: 17

Backs	MacDonald	Pastoor
Bonko	Mar	Rodney
Elsalhy	Martin	Swann
Evans	Mason	Taft
Flaherty	Mather	Taylor
Forsyth	Miller (Edmonton-Rutherford)	

Against the amendment: 26

Cao	Johnston	Pham
Coutts	Knight	Renner
Graydon	Liepert	Snelgrove
Griffiths	Lougheed	Stelmach
Groeneveld	Magnus	Stevens
Herard	Marz	Strang
Horner	Mitzel	Tarchuk
Jablonski	Morton	Zwozdesky
Johnson	Oberle	

The question being put on the motion for Third Reading of Bill 201, Smoke-free Places Act, the motion was agreed to. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the motion: 33

Agnihotri	Jablonski	Morton
Bonko	Johnson	Oberle
Cao	Johnston	Pham
Coutts	Knight	Renner
Evans	Liepert	Rodney
Forsyth	Lougheed	Snelgrove
Graydon	Magnus	Stelmach
Griffiths	Mar	Stevens
Groeneveld	Marz	Strang
Herard	Mather	Tarchuk
Horner	Mitzel	Zwozdesky

Against the motion: 12

Backs	Martin	Pastoor
Elsalhy	Mason	Swann
Flaherty	Miller (Edmonton-Rutherford)	Taft
MacDonald	Pannu	Taylor

The following Bill was read a Third time and passed:

Bill 201 Smoke-free Places Act — Mr. Rodney

Adjournment

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

MONDAY, APRIL 25, 2005 — 8:00 P.M.

Motions Other Than Government Motions

506. Moved by Mr. Chase:

Be it resolved that the Legislative Assembly urge the Government to introduce amendments to the Traffic Safety Act to prohibit the use of hand-held cellular phones while operating a motor vehicle.

A debate followed.

The question being put, the motion was defeated.

Committee of Supply (Day 8 — Main Estimates)

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

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker resumed the Chair and Mr. Oberle 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, 2006, for the Department and purpose indicated:

Economic Development

Expense	\$79,750,000
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The question being put, the report and the request for leave to sit again were 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 37 Financial Statutes Amendment Act, 2005 (\$) — Hon. Mrs. McClellan

Second Reading

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

Bill 35 Employment Pension Plans Amendment Act, 2005 — Dr. Brown

A debate followed.

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

Third Reading

The following Bill was read a Third time and passed:

Bill 5 Family Law Amendment Act, 2005 — Hon. Mr. Stevens

Adjournment

On motion by Hon. Mr. Zwozdesky, Deputy Government House Leader, the Assembly adjourned at 11:36 p.m. until Tuesday, April 26, 2005, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, April 25, 2005