



**Legislative Assembly  
Province of Alberta**

No. 14

**VOTES AND PROCEEDINGS**

Second Session

Twenty-Fifth Legislature

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Wednesday, March 20, 2002

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

**Speaker's Statement**

The Speaker made a statement in recognition of the 13th anniversary of 7 Members of the Legislative Assembly elected on March 20, 1989.

**Recognitions**

Mr. Shariff, Hon. Member for Calgary-McCall: International Day for the Elimination of Racial Discrimination, March 21, 2002, presented in Gujarati

Mr. Amery, Hon. Member for Calgary-East: International Day for the Elimination of Racial Discrimination, March 21, 2002, presented in Arabic

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs: International Day for the Elimination of Racial Discrimination, March 21, 2002, presented in Polish

Mr. Cao, Hon. Member for Calgary-Fort: International Day for the Elimination of Racial Discrimination, March 21, 2002, presented in Vietnamese

Mr. Broda, Hon. Member for Redwater: a variety of Ethnic cultures co-existing while maintaining individual culture, language, and traditions, presented in Ukrainian

Ms Carlson, Hon. Member for Edmonton-Ellerslie: Albertans for a Wild Chinchaga

Dr. Pannu, Hon. Member for Edmonton-Strathcona: Brian McKeever and Robin McKeever both of Canmore, medal winners at the 2002 Paralympic Games in Salt Lake City, Utah

## **Presenting Petitions**

The petition put forth by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, was not in order to be presented.

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

Notice having been given:

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

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

## **Tabling Returns and Reports**

Mr. Cao, Hon. Member for Calgary-Fort:

Report, undated, entitled "Lobbyist Report III" prepared by Allan P. Jobson, Lobbyist, regarding the Workers' Compensation Board  
Sessional Paper 155/2002

Ms Carlson, Hon. Member for Edmonton-Ellerslie:

2002 Canadian Business Leader Award program, sponsored by the University of Alberta, School of Business, honouring Brian F. MacNeill, Chairman, Petro-Canada  
Sessional Paper 156/2002

Report entitled "Building on our Strengths, Annual Review 2001" prepared by the University of Alberta, School of Business  
Sessional Paper 157/2002

Copy of a petition signed by over 1,500 Albertans requesting that the Chinchaga wilderness area be designated as a protected area  
Sessional Paper 158/2002

Ms Blakeman, Hon. Member for Edmonton-Centre:

Brochure entitled "Greetings from Edmonton's Downtown Churches" setting out details regarding six churches located in downtown Edmonton  
Sessional Paper 159/2002

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

20 recent letters from Albertans and British Columbia residents to Hon. Mr. Mar, Minister of Health and Wellness, and Dr. Taft, Hon. Member for Edmonton-Riverview, expressing concern regarding Government coverage rules surrounding the use of the drug “cyclosporine” as a treatment for aplastic anemia

Sessional Paper 160/2002

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

Power Pool of Alberta web page listing the actual and forecasted electricity prices for March 19, 2002

Sessional Paper 161/2002

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

Statement dated March 20, 2002, expressing concern regarding, and opposition to, the recent increase in health insurance premiums, and the effect on senior citizens and low income Albertans, prepared by Nicholas J. Chamchuk

Sessional Paper 162/2002

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

Letter dated February 28, 2002, from Virginia Engel, Q.C., President, Canadian Bar Association, Alberta Branch, to Hon. Mr. Klein, Premier, expressing concern regarding the lack of resources allocated to the Department of Justice

Sessional Paper 163/2002

Hon. Mr. Dunford, Minister of Human Resources and Employment, pursuant to the Veterinary Profession Act, cV-2, s7(4):

Alberta Veterinary Medical Association, Annual Report 2000

Sessional Paper 164/2002

Hon. Mr. Dunford, Minister of Human Resources and Employment, pursuant to the Engineering, Geological and Geophysical Professions Act, cE-11, s12(4):

The Association of Professional Engineers, Geologists and Geophysicists of Alberta, Annual Report 2000-2001

Sessional Paper 165/2002

### **Speaker’s Ruling - Point of Privilege - Contempt**

The Chair is prepared to rule on the purported question of privilege raised yesterday in the House by the Official Opposition House Leader. Before doing so, the Chair confirms that the Honourable Member has fulfilled the notice requirements under Standing Order 15(2) by providing 2 hours written notice to my office, which was received at 11:30 a.m. on Monday, March 18.

The Official Opposition House Leader alleges in her purported question of privilege that the Solicitor General has deliberately misled the House in connection with statements made on March 13 and 14 relating to reporting requirements for sex offenders. As was correctly pointed out yesterday by the Official Opposition House Leader in citing Erskine May (22nd edition at pages 111 and 112), the House may treat the making of a deliberately misleading statement as a contempt.

Members may recall from the Chair's ruling last week on a similar issue raised by the Member for Edmonton-Highlands that the authorities are very clear that a matter of contempt proceeds in the same manner as a question of privilege. If the Chair finds there is a prima facie question of privilege, any Member may bring forward a motion not later than the conclusion of the next sitting day. The matter then rests with the House as to how it wants to proceed.

Before ruling, the Chair would like to remind Members that alleging another Member deliberately misled the House is a very grave matter. The Chair takes an allegation of deliberate dishonesty very seriously. The test for determining whether a prima facie case has been made that a Member has deliberately misled the House as outlined in Joseph Maingot's work, *Parliamentary Privilege in Canada* (2nd edition at page 234) and the Chair quotes:

"....before the House will be permitted by the Speaker to embark on a debate in such circumstances (i.e. find a prima facie case and permit a motion to be moved), an admission by someone in authority, such as a Minister of the Crown or an officer of a department, an instrument of government policy, or a government agency, either that a Member of the House of Commons was intentionally misled or an admission of facts that leads naturally to the conclusion that a Member was intentionally misled, and a direct relationship between the misleading information and a proceeding in Parliament, is necessary."

To be clear Members, it is not the Chair's role to scrutinize the accuracy of every word and statement uttered in this House. When statements made by a Member are so inconsistent as to lead to the natural conclusion that the Member has deliberately misled the House, then the Chair must find a prima facie case of privilege.

The Chair has carefully reviewed the Hansard transcripts for Question Period from March 13 and 14 and would like to highlight the following excerpts:

On March 13, in response to a question from the Member from Edmonton-Centre as to whether her department was planning to reduce the reporting requirements for convicted sex offenders, the Solicitor General made the following statement to the House as part of her reply (at page 316 of Hansard):

".....No, we are not letting sex offenders out early. They still will be considered a high-risk offender, number one. The probation officers determine what they will do and where they will go."

On March 14 the Solicitor General made the following comment on the same issue (at page 364 of Hansard):

"...First of all, most of the sex offenders in this province that are on probation, not parole, are considered high-risk or high-profile offenders. That categorization has not changed."

AND

"The sex offenders designated as high risk or high profile will be reporting with the same standards as they always have. Let me repeat that it's the probation officers that make that determination, not the Solicitor General."

It is clear that the answer offered on March 13 indicates that sex offenders are considered high risk offenders and will not be let out early; whereas the answer offered on March 14 states that most sex offenders are considered high risk, and there would be no change in reporting requirements for those sex offenders who have that classification.

Clearly there is a distinction between the two statements. The question then becomes whether this distinction amounts to the Solicitor General deliberately misleading the House.

It would be difficult for the Chair to conclude that a contempt of the House arises every time a Minister misspeaks or misstates department policy. Exactness in all answers to questions in Question Period would also require exactness in all questions. This would seem to amount to an impossible standard of perfection that would certainly go beyond the standard expected in any Westminster-style Parliament.

It is the Chair's view that the statements on March 13 and 14 are inconsistent and it would appear that the answer on March 13 was a misstatement regarding department policy. However, it is difficult to conclude that this amounts to a case of deliberate dishonesty so as to meet the test of a charge of deliberately misleading the House, particularly given that we have the word of the Honourable Minister yesterday in this House that this was not her intent. Accordingly, the Chair does not find that this matter constitutes a prima face case of contempt.

Before we proceed to Orders of the Day, the Chair would like to remind the Members of this House of a few basic parliamentary principles that seem appropriate in light of what has transpired over the past few days.

First, one of the practices of this Assembly is to allow for Ministers to supplement or to provide clarification to answers in Question Period at a later date. It is unfortunate that the Solicitor General did not avail herself of this opportunity before the matter led to a charge of contempt.

Finally, the Chair would like to remind the Members of this Assembly that there is a concept of ministerial responsibility in the Westminster model of Parliament. This principle is fundamental to our notion of responsible government where the actions of the Executive are scrutinized every day in this Assembly. The Chair would like to quote the following passage from page 29 of the House of Commons Procedure and Practice:

"The principle of individual ministerial responsibility holds that Ministers are accountable not only for their own actions as department heads, but also for the actions of their subordinates; individual ministerial responsibility provides the basis for accountability throughout the system. Virtually all departmental activity is carried out in the name of a Minister who, in turn, is responsible to Parliament for those acts. Ministers exercise power and are constitutionally responsible for the provision and conduct of government; Parliament holds them personally responsible for it."

The Chair is continually hopeful that Members of Executive Council will continue to heed this principle in responding to questions regarding their areas of responsibility.

## **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 Seniors 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 1 — 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 Acting Speaker assumed the Chair and Mr. Lougheed 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 Departments and purposes indicated:

**Support to the Legislative Assembly**

\$34,930,000 Operating Expense

**Office of the Auditor General**

\$16,716,000 Operating Expense and Capital Investment

**Office of the Ombudsman**

\$1,829,000 Operating Expense

**Office of the Chief Electoral Officer**

\$1,760,000 Operating Expense

**Office of the Ethics Commissioner**

\$372,000 Operating Expense

**Office of the Information and Privacy Commissioner**

\$3,220,000 Operating Expense

**Seniors**

\$275,654,000 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, the Assembly adjourned at 5:19 p.m. until 8:00 p.m.

WEDNESDAY, MARCH 20, 2002 — 8:00 P.M.

**Committee of Supply** (Day 2 — 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. Lougheed 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:

**Transportation**

\$893,282,000      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, the Assembly adjourned at 9:38 p.m. until Thursday, March 21, 2002, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Wednesday, March 20, 2002