



**Legislative Assembly  
Province of Alberta**

No. 21

**VOTES AND PROCEEDINGS**

Third Session

Twenty-Sixth Legislature

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Thursday, April 19, 2007

The Speaker took the Chair at 1:00 p.m.

**Members' Statements**

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding the annual recognition and commemoration of the Armenian Genocide on April 24, 2007.

Mr. Lukaszuk, Hon. Member for Edmonton-Castle Downs, made a statement recognizing the accomplishments of Taddes Korris, Speaker's Page.

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, made a statement recognizing April 22-28, 2007, as National Victims of Crime Awareness Week.

Mr. Prins, Hon. Member for Lacombe-Ponoka, made a statement regarding the 2007 Baker to Vegas Challenge Cup Relay.

Mr. Martin, Hon. Member for Edmonton-Beverly-Clareview, made a statement regarding the need for first contract arbitration legislation.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, made a statement regarding electricity deregulation and its effects on farmers.

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

Notice having been given:

Bill 32 Animal Health Act — Mr. Mitzel on behalf of Hon. Mr. Groeneveld

Bill Pr1 CyberPol - The Global Centre for Securing Cyberspace Act — Mr. Cenaiko

Bill Pr2 Crest Leadership Centre Act — Mr. Marz

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

Bill 32 Animal Health Act — Hon. Mr. Groeneveld

## **Tabling Returns and Reports**

Mr. Eggen, Hon. Member for Edmonton-Calder:

Letter dated April 3, 2007, from John Cross, A7 Ranche, and Joe Obad, Canadian Parks Wilderness Society, also signed by 11 other individuals, to Hon. Mr. Stelmach, Premier, expressing concern regarding the environmental sustainability of the south-eastern slopes

*Sessional Paper 275/2007*

Ms Blakeman, Hon. Member for Edmonton-Centre:

E-mail message dated April 16, 2007, from Robert Halldorson of Edmonton to Ms Blakeman, Hon. Member for Edmonton-Centre, requesting the Alberta Liberals to endeavour to implement rent controls and increase the minimum wage

*Sessional Paper 276/2007*

Letter dated April 2, 2007, from John Zyp of Edmonton to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing concern regarding the treatment he received before and after his recent hip replacement surgery

*Sessional Paper 277/2007*

E-mail message dated March 5, 2007, from Clyde B. Freeman of Calgary to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing concern regarding Bill 31, Mental Health Amendment Act, 2007

*Sessional Paper 278/2007*

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

E-mail message dated April 16, 2007, from Nicole Dodds, Executive Associate, Capital Health, to Corinne Dacyshyn, Committee Clerk, Standing Committee on Public Accounts, confirming that Capital Health will meet with the Standing Committee on Public Accounts on September 12, 2007

*Sessional Paper 279/2007*

Dr. Swann, Hon. Member for Calgary-Mountain View:

Letter, undated, unaddressed, unsigned, from Joe Anglin regarding the status of an Alberta Energy and Utilities Board hearing

Sessional Paper 280/2007

Mr. Elsalhy, Hon. Member for Edmonton-McClung:

Copy of a petition signed by 2 Edmonton residents urging the Government to work with the City of Edmonton to ensure that traffic noise from the Edmonton ring road near Wedgewood is evaluated immediately and again in six months

Sessional Paper 281/2007

Mr. Backs, Hon. Member for Edmonton-Manning:

Copy of a petition signed by 10 Albertans who would like the accused killer of Joshua Hunt tried and sentenced as an adult

Sessional Paper 282/2007

### **Tablings to the Clerk**

Clerk of the Assembly on behalf of Hon. Ms Tarchuk, Minister of Children's Services, pursuant to the Social Care Facilities Review Committee Act, cS-11, s16(2):

Social Care Facilities Review Committee, Annual Report 2005/2006

Sessional Paper 283/2007

### **Projected Government Business**

Pursuant to Standing Order 7(6), Ms Blakeman, Official Opposition House Leader, asked a question pertaining to the order of Government Business to be brought before the Assembly for the following week.

Hon. Mr. Hancock, Government House Leader, gave notice of projected Government Business for the week of April 30 to May 3, 2007:

Tuesday, May 1

#### **Government Motions**

Motion 17

Opposition Response

And as per the Order Paper

Wednesday, May 2

#### **Committee of Supply (Hours 1 to 3)**

Health and Wellness

And as per the Order Paper

Thursday, May 3

**Committee of Supply** (Hours 4 to 6)

Energy, Children's Services

And as per the Order Paper

## **Point of Privilege**

Honourable Members, yesterday, the Minister of Finance raised a purported question of privilege in response to statements made by the Leader of the Third Party, the Hon. Member for Edmonton-Highlands-Norwood. Questions of privilege are very serious matters and should arise infrequently. This is a serious matter. The Chair will give it the attention it deserves.

The basis for the question of privilege is found at page 638 of Alberta Hansard for April 18, 2007. In the preamble to his main question the Leader of the Third Party alleged that the Minister of Finance, "has failed to disclose his campaign donations for his PC leadership bid and has broken his own deadlines for doing so."

At that point the Minister of Finance indicated that he wished to raise a question of privilege. Undeterred, the Leader of the Third Party engaged in some unparliamentary behaviour when he said, "Bring it on, Mr. Speaker, bring it on." This attitude does absolutely nothing but lower the respect and dignity of this Assembly.

The Leader then went on in the remainder of his 45 second allotment to make another allegation against the Minister when he said "Worse, the Minister has continued to fund raise even while preparing tomorrow's provincial budget." His question to the Premier was "Why does the Premier think it is acceptable for a Finance Minister to be seeking financial donations from the very same corporations and individuals who may benefit from his budget?"

Before dealing with the merits of this purported question of privilege, the Chair reiterates that the Minister of Finance gave oral notice of his intention to raise a question of privilege during the question and presented his arguments later in the afternoon. Under Standing Order 15(2), written notice of a question of privilege is to be provided to the Speaker at least two hours before the opening of a sitting. However, under Standing Order 15(5), a Member may raise a question of privilege immediately after the words are uttered or the events occur that give rise to the question, in which case the written notice required under suborder (2) is not required. That is what occurred yesterday. Privilege is such an important issue that any delay in raising the matter may serve to deny the request. In this case there is no doubt that the issue was raised at the earliest possible opportunity.

The Speaker's role is to determine whether the matter raised constitutes a prima facie question of privilege. In this case the Chair can rely on a similar question of privilege that was raised against the same Member by the then Minister of Environment and is found in Hansard for May 28, 2001, at pages 808-809.

It is the Speaker's role to ensure that Members, all Members, are allowed the greatest latitude to express themselves in line with centuries of tradition attesting to a Member's freedom of speech. The fundamental right carries a corresponding duty to act responsibly consistent with the Assembly's rules and traditions.

The general rule on issues of this nature is found in Joseph Maingot's book, *Parliamentary Privilege in Canada* (2nd edition) at page 254, where he states "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." This passage was quoted by the Chair in the above-noted May 28, 2001, ruling and in a November 17, 1998, ruling on a similar issue which is found at page 1909 of *Alberta Hansard*.

In his arguments yesterday the Minister of Finance read from page 76 of the *House of Commons: Practice and Procedure* (edited by Marleau and Montpetit). The passage quoted by the Minister was from a May 5, 1987, ruling by former House of Commons Speaker John Fraser. As was the case in 2001, the Chair examined that ruling which is found at pages 5765-5766 of the *House of Commons Debates*. In that case allegations were made against the then Minister of Fitness and Amateur Sport, Hon. Otto Jelinek, concerning a purported conflict of interest. Speaker Fraser found that while the allegations were serious, they did not amount to a prima facie question of privilege as the Member's ability to perform his functions was not impaired.

On that point it is important to remember that despite what the Minister argued yesterday, parliamentary privilege is concerned with the rights of Members in their capacity as Members in their parliamentary work and not in their capacity as Ministers, and the Chair would refer Members to Maingot's book at page 224 for an elaboration of that point.

In this case the comments raised could have given rise to a legitimate point of order. The Chair does not, however, believe that this is a case that falls into that very small category of comments that would impede a Member in performing his or her parliamentary duties.

As done in 2001 the Chair would like to draw Members' attention to Speaker Fraser's 1987 ruling, as he made some very good points. One is that the absolute privilege that was extended to Members for what they say in the House came about in the British House of Commons in a different age when things said in the House probably would not be heard "throughout the length and breadth of the kingdom." He then said "Today, as a consequence of television and electronic broadcasts, anything said in this place is said on the street right across this country, and that must be borne in mind." He also reminded Members to take the greatest care in framing questions relating to conflicts of interest.

The Chair is not unmindful as to what might lie behind these questions, which is to use innuendo to create a certain atmosphere. In some respects this is part of the process of holding the Government to account or just politics but, as the Chair has commented earlier this session, it is unseemly to cast aspersions on Members without any specific allegations.

Perhaps one day the Leader of the Third Party will be able to tell his grandchildren what the phrase "this at least creates the perception of a potential conflict of interest" means, and when doing so, he might want to explain the meaning of these words in that phrase: "at least," "the perception," "a potential," and "conflict of interest."

Additionally, what does "an enormous cloud over the budget" mean? Especially when these words follow "is continuing to fund raise." Let me remind all Members that all 83 Members of this Assembly fund raise whether by selling memberships in their party, accepting donations and tickets for events such as party dinners, or accepting donations in cash or kind for election campaigns. Further, it is all 83 Members of this Assembly who participate in the debate on the budget, advocate for causes or projects during and outside of the budget process, and finally, vote on and approve the budget. It is not the Minister of Finance who presents and votes on the budget. In the narrowest sense it could be interpreted by some that none of the 83 Members of this Assembly may be able to participate in the budget process and vote on the budget estimates.

It is the Chair's impression that the recently passed changes to the Standing Orders represent efforts to achieve democratic reform. At the same time and almost in a parallel track, this Assembly has been uncharacteristically mired in borderline allegations and innuendo that, in the Chair's view, do nothing to elevate the role of the Assembly with the public. The Chair notes that this unfortunate development appears to correspond with the 45 second time limit for asking questions. The Chair hopes the Standing Committee examining the Standing Order revisions will inquire to see if there is a correlation.

To conclude, the Chair finds that there is no prima facie question of privilege. However, the Chair is in no way condoning the comments that were the subject of the purported question of privilege. The Chair sincerely hopes that Members reflect on these matters over the constituency week. We can do better Members.

## **ORDERS OF THE DAY**

### **Government Motions**

**18.** Oral notice having been given Wednesday, April 18, 2007, Hon. Mr. Hancock moved the following motion:

Be it resolved that the following Members be appointed to the Assembly's four new Standing Committees:

**Standing Committee on Community Services (11 Members)**

Ady (Chair)	Flaherty	Lukaszuk
Mather (Deputy Chair)	Johnson	Pannu
Abbott	Johnston	Shariff
Backs	Lougheed	

**Standing Committee on Managing Growth Pressures (11 Members)**

Dunford (Chair)	Martin	Rogers
Taylor (Deputy Chair)	Miller (Edmonton-Glenora)	Webber
Doerksen	Prins	Zwozdesky
Herard	Rodney	

**Standing Committee on Resources and Environment (11 Members)**

Ducharme (Chair)	Graydon	Miller (Edmonton-Rutherford)
Swann (Deputy Chair)	Griffiths	Mitzel
Calahasen	Hinman	Oberle
Eggen	Lund	

**Standing Committee on Government Services (11 Members)**

Cenaiko (Chair)	Coutts	Mason
Elsalhy (Deputy Chair)	DeLong	Pastoor
Amery	Forsyth	VanderBurg
Brown	Marz	

A debate followed.

The question being put, the motion was agreed to.

**Temporary Recess**

The Speaker recessed the Assembly at 2:39 p.m. until 3:30 p.m.

**Budget Address**

Hon. Mr. Snelgrove, President of the Treasury Board, delivered certain Messages from His Honour the Honourable the Lieutenant Governor.

The Speaker read the Messages to the Assembly (the Members standing).

## Government Motions

Prior to moving Government Motion 16, Hon. Mr. Snelgrove, President of the Treasury Board, tabled the following budget-related documents:

Pursuant to the Government Accountability Act, cG-7, s3, s4:

2007-08 Offices of the Legislative Assembly Estimates, General Revenue Fund  
Sessional Paper 284/2007

2007-08 Government Estimates, General Revenue Fund, Lottery Fund  
Sessional Paper 285/2007

**16.** Moved by Hon. Mr. Snelgrove:

Be it resolved that the Messages from His Honour, the Honourable the Lieutenant Governor, the 2007-08 Offices of the Legislative Assembly Estimates, the 2007-08 Government Estimates, and all matters connected therewith, be referred to Committee of Supply.

The question being put, the motion was agreed to.

Hon. Mr. Stelmach, Premier, then tabled the following budget-related document, pursuant to the Government Accountability Act, cG-7, s3, s7, s9, s13:

Budget 2007 Business Plans  
Sessional Paper 286/2007

Prior to moving Government Motion 17, Hon. Dr. Oberg, Minister of Finance, tabled the following budget-related document:

Budget 2007 Fiscal Plan  
Sessional Paper 287/2007

**17.** Moved by Hon. Dr. Oberg:

Be it resolved that the Assembly approve in general the business plans and fiscal policies of the Government.

Ms Blakeman moved adjournment of the debate, which was agreed to.

## Adjournment

Pursuant to Standing Order 3.1(3), and on motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 4:10 p.m. until Monday, April 30, 2007, at 1:00 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Thursday, April 19, 2007