



**Legislative Assembly  
Province of Alberta**

No. 2

**VOTES AND PROCEEDINGS**

Third Session

Twenty-Seventh Legislature

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Monday, February 8, 2010

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 the death of former Members Mr. Ronald Armor Moore, Member for Lacombe, 1982 to 1993, who passed away on January 9, 2010; Mr. Harry Elliott Alger, Member for Highwood, 1982 to 1989, who passed away on January 27, 2010; and Mr. William John Yurko, Member for Strathcona-East and Edmonton-Gold Bar, 1969 to 1978, who passed away on January 28, 2010.

**Members' Statements**

Mr. Rogers, Hon. Member for Leduc-Beaumont-Devon, made a statement regarding the opening of the Leduc Recreation Centre in November 2009.

Mr. Horne, Hon. Member for Edmonton-Rutherford, made a statement regarding the Minister's Advisory Committee on Health.

Mr. Hehr, Hon. Member for Calgary-Buffalo, made a statement regarding the Optimist Club.

Mr. Jacobs, Hon. Member for Cardston-Taber-Warner, made a statement regarding several Raymond school accomplishments.

Mrs. Sarich, Hon. Member for Edmonton-Decore, made a statement regarding the 10th anniversary of the Alberta Initiative for School Improvement.

Mr. Johnston, Hon. Member for Calgary-Hays, made a statement regarding the 2010 Alberta Provincial Wheelchair Curling Championships.

## **Tabling Returns and Reports**

Hon. Mr. Oberle, Solicitor General and Minister of Public Security:

Report entitled "Victims Services Branch Status Report 2008-2009" prepared by Alberta Solicitor General and Public Security

Sessional Paper 2/2010

Mr. Horne, Hon. Member for Edmonton-Rutherford:

Report, undated, entitled "A Foundation for Alberta's Health System" prepared by the Minister's Advisory Committee on Health

Sessional Paper 3/2010

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

Letter dated November 12, 2009, from Chris Sheard, Interim Chair, Capital Region Board, to Willie Grieve, Chair, Alberta Utilities Commission, advising of the board's position relating to the Heartland Transmission Project proposed by EPCOR and AltaLink

Sessional Paper 4/2010

Hon. Mr. Hancock, Government House Leader, pursuant to Standing Order 59.01(3):

Final 2010 Main Estimates Schedule dated February 8, 2010

Sessional Paper 5/2010

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

Brochure entitled "Page Biographies, Legislative Assembly of Alberta, 27th Legislature, Third Session, Spring 2010"

Sessional Paper 6/2010

## **Tablings to the Clerk**

Clerk of the Assembly on behalf of Hon. Ms Redford, Minister of Justice and Attorney General, pursuant to the Legal Profession Act, cL-8, s5(4):

Law Society of Alberta, Annual Accountability Report 2008

Sessional Paper 7/2010

## **Speaker's Ruling - Oral Question Period Rotation**

Honourable Members, prior to Question Period today I indicated that the rotation we would use today would be that outlined in my memo to all Members dated February 1, 2010. I indicated that at the conclusion of the Routine I would make a statement with respect to the position taken by the Chair on the rotation of Question Period for the Third Session of the 27th Legislature, and I'm pleased to do that now. The Chair provided Members with notice of the rotation in the letter dated February 1, 2010, which is in the form sent at the start of every Session every year by this Speaker. The one variation that I made is that a week ago on February 1, I included in my letter, an operation letter that I send every year, a statement with respect to the rotation of Question Period. Normally statements made about Question Period are made on the first day of the Session but as a courtesy to all Members, one week ago I included that in my letter, and the Chair will now say for the record how the rotation has changed, why the changes are necessary, the rationale for these changes, and offer some comments about the development of Question Period.

The need to revisit the rotation of questions during Oral Question Period arose because of changes in the composition of the various groupings since the Assembly last met. Very early this year two Members of the government caucus joined the Wildrose Alliance caucus. As a result of this change in caucus composition, the standings in the Assembly at this time are as follows: Progressive Conservatives, 68, Liberals, nine, Wildrose Alliance, three, New Democrats, two, and one independent Member, who is an independent by himself, although the Members of the New Democrat caucus are also independents. The government caucus has been reduced in size by two Members and the Wildrose Alliance caucus increased by two Members, making them the third largest caucus in the Assembly. Accordingly, they are the third party. The Official Opposition has not changed in size nor have the New Democrats but they have lost their position as the third party, albeit by one Member.

In the interest of providing certainty to Members, the Chair distributed the rotation schedule in the February 1, 2010, letter. Until that letter went out the Chair had no knowledge of any House Leaders' agreements or even meetings. It appears that the House Leaders have been discussing the rotation in Question Period and other matters related to the apportionment of business associated with relative caucus size. The Chair wants to encourage House Leaders and all of the independents to keep working towards an agreement that could work to the satisfaction presumably of all 83 Members of the Assembly. The Chair will always be guided by the advice provided by all Members in a consensus unanimous approach. At this time, however, there is no agreement from among the various parties and the Chair does not want to assume that what might be acceptable to one party or group or independents would be agreeable to others as well. The Chair is more than willing to revisit this issue of the rotation and related matters but is extremely reluctant to do so in the absence of an agreement.

For those who might be wondering why the answer is not found by looking in the Standing Orders, there is nothing in the Standing Orders about the rotation of questions. By convention, history, and practice the rotation of questions is not found in the Standing Orders nor should it be. This absence is due in part to a recognition that it is the Speaker's responsibility to recognize Members to participate in debate and in Question Period. The Chair is fully aware that it is the Members themselves who make the rules through the Standing Orders, and this Chair has given effect to House Leaders' Agreements, but it is ultimately up to the Chair to recognize Members during Question Period.

Parliamentary Practice in British Columbia (4th edition), just one of hundreds of different scholarly treatises published around the world, by one of the longest serving Clerks to follow the British parliamentary form of government in the world, Mr. George MacMinn, addresses this very point at page 140 where it states:

"The order in which Members are recognized in Oral Question Period is at the Speaker's discretion . . . and this discretion remains intact at all times. From Parliament to Parliament (and indeed, from Session to Session) informal agreements are proposed relative to the recognition of Members and the number of supplementaries, but such agreements have never been considered as binding the Chair to a rigid course of action on a particular day. In order for the Chair's historical authority to remain intact, his or her discretion must remain unfettered."

The Chair in recent days has been invited to apply the same rotation that existed following the provincial election in 1986. If one reviews Speaker Carter's ruling of June 13, 1986, found at page 7 of Alberta Hansard for that day, one will see that there are many differences between the operation of Question Period then and now. That ruling provided for the then Official Opposition New Democrats to have the first two main questions and up to three supplementary questions and the then third party Liberals, which had achieved recognized opposition party status, to be entitled to the third main question and three supplementaries while the two-Member Representative Party Leader or delegate was entitled to the fourth question. After those questions the Chair recognized Members from "all parties in the Legislative Assembly in a fair and representative manner." Each Member asking a main question could ask three supplementaries, and one supplementary could be asked by one Member in each of the other parties. One Member would ask a question, three supplementaries, then every other grouping in the Assembly, which in this case would have been four more, could ask supplementaries to the same question. I was there. We had about five Members recognized during the 50-minute Question Period. The Chair was implored to apply the 1986 precedent by the NDs in 2005, and the Chair rejected it for reasons Members can see at pages 90 and 91 of Alberta Hansard for March 8, 2005. Of course, in 1986 the third party had achieved recognized opposition party status, which is not the case with either the third or fourth party today.

In 1989 the first two questions went to the Official Opposition New Democrats, the third main question to the third party Liberals which had eight seats, and the fourth to a Member of the government caucus. Speaker Carter indicated in his June 2, 1989, ruling found at page 9 of Alberta Hansard for that day, that "the remainder of question period will be conducted on a random basis." That meant that after the first number of questions were identified, Members simply threw up their hands when they came into the Assembly, and the Speaker would sit here and look at 25 hands and make a list of the first 12 or 14. You can bet your bottom dollar that if 12 rose at the same time, he had to make a decision, and those 11 Members who weren't called were mad at the Speaker for being blind or not seeing them or a whole series of other things.

Some Honourable Members may recall that it was not until the House Leaders' Agreement of September 1993 that the practice of submitting lists was established. This measure gave greater certainty to Members and since then there has been no turning back to allowing the Speaker to randomly select Members wishing to ask questions.

In 1993 there were only two parties represented in the Assembly, so after the third main question, which was asked by the Official Opposition, the rotation was quite simple. It was not until 1997, with the return of the New Democrats, that a more complete rotation had to be developed to provide Members with the certainty they desired as represented by the 1993 agreement. The Chair, I was Government House Leader at the time, was one of the signatories to that agreement and wants to indicate that there was a strong desire at that time to avoid what some believed to be the arbitrary nature of selecting Members to ask questions by submitting lists. In other words, it was not to be the caucus whip or anybody else who would say: you are a good boy or girl today, so you can be on our list. It hopefully would be a caucus workout to allow everybody, and there was a great number of people within the various caucuses, to basically have an opportunity to have a chance to a question.

This simply serves as background and a way of saying that examples even from this Assembly prior to 1997 are not particularly helpful as the practices were different from what exists today. The Chair wants to assure Members that he conducted extensive research on this subject and is more than happy to discuss the history with Members at a different time. But I can assure you that for ten days in the month of January, I scoured my memory and book and book and book coming up with the conclusion that I reached on Monday of last week.

Based on the historical analysis and a sincere determination of what would be fair for all parties based on their size relative to the other groupings in the Assembly, the Chair communicated the following rotation to Members. The Leader of the Official Opposition or his delegate is entitled to the first three main questions, including two supplementaries, each day. As a note to that point, the Official Opposition has had the first three main questions since September 1993 despite the size of its caucus or that of the third party and the presence or absence of other groupings of Members.

With respect to the rotation on days one and three, the Wildrose Alliance Deputy Leader or his delegates will be entitled to the fourth main question and supplementaries. A Member of the government caucus will be entitled to the fifth main question, the Official Opposition the sixth, and it would then alternate between Official Opposition and government Members until the 11th question which would be asked by the fourth party New Democrats. Members of the government caucus will be entitled to the 12th, 14th, and 16th questions while Members of the Official Opposition will be entitled to the 13 and 15th questions. The third party Wildrose Alliance would be entitled to the 17th question and the New Democrats the 18th. In recognition of their size, Members of the government caucus can ask any questions past the 18th. That's what happened today, exactly the way it was outlined.

On day two, which is tomorrow, the positions of the Wildrose Alliance and the New Democrats will be reversed. The Leader of the New Democrats or his delegate will be entitled to the fourth main question. As on days one and three a Member of the government caucus will be entitled to the fifth, seventh and ninth questions, while the Official Opposition can ask the sixth, eighth, and tenth main questions. The Wildrose Alliance will be entitled to the 11th and 18th questions. The New Democrats can ask the 17th question. Members of the government caucus will be entitled to the 12th, 14th, and 16th questions and the Official Opposition would, like on days one and three be entitled to the 13th and 15th questions. Members of the government caucus will be entitled to ask any questions past the 18th.

Day four will be a bit different as the independent Member for Fort McMurray-Wood Buffalo would factor into the mix. On day four, like on day two, the New Democrats will be entitled to ask the fourth question. The independent Member, although members of the Wildrose Alliance and Members of the New Democrats are also independents, in this case this is the independent Member, will be recognized for the fifth main question and supplementaries. The Official Opposition, like on every other day, would be entitled to the sixth, eighth, and tenth questions. Government Members would be entitled to fewer questions on day four as they would not have their first opportunity to ask a question until the seventh main question and the next opportunity would be the ninth question. The Wildrose Alliance would be entitled to the 11th and 18th questions and the New Democrats would be entitled to the 17th. Government Members would be entitled to ask the 12th, 14th, and 16th questions and the Official Opposition the 13th and 15th questions. Once again, Members of the government caucus would be entitled to questions after the 18th.

Assuming that the Assembly reaches the level of 18 main questions, and this is not a wild assumption; we have accomplished it on many, many occasions, and I'll provide graphs and information to you a little later showing where this has become very frequent, the Official Opposition would have 32 questions a week, the same as in the last Session. No change. The New Democrats would have eight questions which is also the same as last Session. The Wildrose Alliance would also have eight questions a week, which is a dramatic increase from the last Session. The number of questions asked by Members of the government caucus would drop from 29 in the last Session to 23 in this Session, so the only party that actually has a reduction in questions is the government. The Official Opposition and the independent from Fort McMurray-Wood Buffalo would remain with the same. The New Democrats remain the same as well. The Wildrose Alliance has that increase.

The Chair does not believe that it is unreasonable to expect that there will be 18 main questions a day. Members will recall that on April 16, 2008, the Chair indicated to the Assembly that there would be a 35-second time limit on questions and answers. For the first Session there were 18 questions or more in many Question Periods and one day there were 21 main questions. The average was 17.5 main questions. That was in the year 2008. Roughly speaking, there were 18 or more questions on two-thirds of the sitting days. The Chair will be circulating a series of graphs to Members to demonstrate the number of questions asked in the First and Second Sessions of this Legislature.

The Chair admits that there was a slippage in this past Session, that is 2009, where the average dropped to an average of 16.5 main questions a day. The 18-question mark, however, was reached roughly one-fifth of the time. In order to achieve at least 18 questions a day, which the Chair assumes is the will of the Assembly, there will be a more vigilant watch of the clock to ensure that questions and answers do not run past 35 seconds.

The Chair wants to assure Members of the commitment to fairness in the proceedings of the Assembly. The role of Speaker is to balance the competing and strongly held beliefs of Members. In preparing the rotation, the Chair was mindful that neither the third nor the fourth party have the requisite number of Members to constitute a recognized opposition party within the meaning of the Legislative Assembly Act. There is no direct correlation between the number of questions and that number but there is little doubt that it enhances the position of the party reaching that milestone.

Some have and may further draw references to the Canadian House of Commons. The Chair wants to advise Members that those caucuses that failed to reach the required number of seats have little role to play in Question Period. Members interested in this point may wish to review page 499 of House of Commons Procedure and Practice (2nd edition) where it states:

“Members of a political party not officially recognized in the House and independent Members are permitted to ask questions, although not as frequently as those Members belonging to recognized parties. During the Thirty-Fifth Parliament (1994-97), when their numbers climbed as high as 17 over the life of the Parliament, the Speaker attempted to recognize at least one of them every other Question Period, if not every day, generally towards the end of the proceedings.”

The number of Members required to be a recognized political party in the House of Commons is 12 Members. However, as the Chair indicated in the March 8, 2005, ruling:

"While this Chair will always welcome advice on procedures in other jurisdictions, it is fair to say that after 99 years of being a province, the Legislative Assembly of Alberta has developed its own practices and traditions which we can draw upon. As the Chair has noted, the practice across Canada with respect to Question Periods varies widely with the length running from 15 minutes to one hour."

Some of these things have changed since I made that 2005 ruling. As a result of the extensive research conducted on the practices in other Canadian jurisdictions, times have changed with respect to Question Periods and they now vary across the country of Canada from 25 minutes in the Question Period in Saskatchewan to 90 minutes in Nova Scotia one day a week on Wednesday. The other days of the week in Nova Scotia it's 60 minutes. In most Assemblies parties not having official status would not have as many questions as the third or fourth parties here. However, the Chair is mindful and respectful of the history and traditions of Alberta which have seen several small caucuses over the years. As indicated above, the Chair has attempted to strike a balance between the interests of the minority and those of the majority, and, as always, the Chair would welcome the collective views of the House Leaders on this issue.

Before closing the Chair wants to be clear that it is a tradition in Alberta for all Private Members to be granted the ability to ask questions, and that includes Members of the government caucus. The practice of this Assembly has been for Private Members on the government side to be recognized during Oral Question Period but certainly not in proportion to their numbers. The Chair does not believe that he can or should depart from that tradition or the principle that all Members elected to this Assembly and not serving in the Executive Council have the right to hold the government of the day to account by asking questions. The Chair is not willing to depart from this basic tenet of representative democracy in Alberta.



Honourable Members, since I put this out last week, in essence this statement, I've received a number of pieces of correspondence from Members. I'm not sure I have to table them in the House or even refer much to them, but I did say on Wednesday last in a written statement to the Member of the New Democrats and the Member of the Wildrose that I would be amenable to an agreement being reached by all the parties and providing it to me by Monday morning of this week. That was the request asked of me. I waited and waited and waited. I have not received such an agreement. The position that I hold is the one I've outlined. If the Members want to continue working together to find an alternate to this, I'm open to that. I'm amenable to that. But it has to be in a kind of unanimous situation.

## **ORDERS OF THE DAY**

Hon. Mr. Hancock requested and received the unanimous consent of the Assembly to waive Standing Order 8(1) to allow for consideration of His Honour the Lieutenant Governor's Speech.

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

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

That an humble address be presented to His Honour the Lieutenant Governor as follows:

To His Honour the Honourable Norman L. Kwong, CM, AOE, 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.

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

### **Adjournment**

On motion by Hon. Mr. Renner, Deputy Government House Leader, the Assembly adjourned at 5:40 p.m. until Tuesday, February 9, 2010, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Monday, February 8, 2010