



**Legislative Assembly
Province of Alberta**

No. 43

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Seventh Legislature

Wednesday, November 30, 2011

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

Members' Statements

Mrs. Leskiw, Hon. Member for Bonnyville-Cold Lake, made a statement regarding the need to take action to stop impaired driving.

Mr. Hehr, Hon. Member for Calgary-Buffalo, made a statement regarding the work of Donna Hunter and other parents in the greater St. Albert region for securing a secular education option for their children.

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding Alberta grade eight students' performance in the Pan-Canadian assessment program.

Mr. Hinman, Hon. Member for Calgary-Glenmore, made a statement regarding the government's decision-making processes.

Mr. Prins, Hon. Member for Lacombe-Ponoka, made a statement regarding Alberta grain producers benefiting from the House of Commons passing Bill C-18, Marketing Freedom for Grain Farmers Act, on November 28, 2011.

Mrs. Fritz, Hon. Member for Calgary-Cross, made a statement regarding the Alberta Secretariat for Action on Homelessness' implementation of the Plan for Alberta - Ending Homelessness in Ten Years.

Presenting Petitions

Ms Notley, Hon. Member for Edmonton-Strathcona, presented a petition from 654 Albertans urging the Government to consider increasing the funding to the Ministry of Education so that sustainable and adequate funding is provided to address the needs of every student, every day, no exceptions.

Tabling Returns and Reports

Mr. Blackett, Chair, Standing Committee on Legislative Offices:

Office of the Information and Privacy Commissioner of Alberta, Report on the Use of “Paramount” Clauses in Acts and Regulations to Override the Freedom of Information and Protection of Privacy Act, with attached news release dated November 30, 2011, entitled “Commissioner worries FOIP Act is facing ‘death by a thousand cuts’ ” prepared by the Office of the Information and Privacy Commissioner of Alberta

Sessional Paper 559/2011

Alberta Information and Privacy Commissioner Report on the Government of Alberta’s Management of Ministerial Emails (Investigation #F5924) dated November 30, 2011, with attached news release dated November 30, 2011, entitled “Commissioner makes Recommendations on Ministers’ use of Secondary Email Addresses” prepared by the Office of the Information and Privacy Commissioner of Alberta

Sessional Paper 560/2011

Hon. Mr. Hancock, Minister of Human Services:

Ending Homelessness in Alberta: Together we’re making it happen, 2010/11 Report to the Minister, Alberta Secretariat for Action on Homelessness

Sessional Paper 561/2011

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

Document, undated, entitled “Persons with Developmental Disabilities Appeal Panel Statement of Mandate and Roles” prepared by Alberta Seniors and Community Supports

Sessional Paper 562/2011

Letter dated October 21, 2011, from Joanne Fredericks, for Clerk of the Court, to Janet L. Hutchison, with attached Court of Queen’s Bench of Alberta Reasons for Judgement of the Honourable Mr. Justice Peter Michalyshyn dated October 20, 2011, between P.W., G.W., and K.W. and Persons with Developmental Disabilities Appeal Panel, and Persons with Developmental Disabilities Edmonton Community Region Board

Sessional Paper 563/2011

Ms Blakeman, Hon. Member for Edmonton-Centre, on behalf of Dr. Sherman, Hon. Leader of the Official Opposition:

Minutes from a Town of Hardisty regular council meeting held on February 28, 2007

Sessional Paper 564/2011

Agenda from a Holy Spirit Catholic Schools board meeting held on September 23, 2009, with attached board agenda action item

Sessional Paper 565/2011

Ms Blakeman, Hon. Member for Edmonton-Centre:

E-mail message dated November 25, 2011, from Doug Battaglia to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing concern regarding Alberta building codes

Sessional Paper 566/2011

E-mail message dated November 27, 2011, from Anna Davidson to Ms Blakeman, Hon. Member for Edmonton-Centre, attaching an e-mail message dated November 27, 2011, from Anna Davidson to Hon. Mrs. Klimchuk, Minister of Culture and Community Services, expressing support for Theatre Alberta's Artstrek Program

Sessional Paper 567/2011

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

CBC news web site article dated October 13, 2011, entitled "Alberta town official used office email to solicit votes in Tory race"

Sessional Paper 568/2011

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

News release dated November 30, 2011, entitled "MLA Compensation and Benefits to Undergo Independent Review" prepared by the Legislative Assembly of Alberta, with attached mandate for the review

Sessional Paper 569/2011

Ms Notley, Hon. Member for Edmonton-Strathcona:

E-mail message dated June 8, 2011, from Doug Bowes to several recipients regarding a CAPP/CSUG meeting on June 9, 2011

Sessional Paper 570/2011

ORDERS OF THE DAY

Government Motions

27. Moved by Hon. Mr. Hancock:

Be it resolved that, pursuant to Standing Order 3(9), the schedule for the 2011 Fall Sitting (as outlined in the calendar published pursuant to Standing Order 3) be modified to allow for the Fall Sitting to be extended beyond the first Thursday in December until such time as, or when, the Government House Leader advises the Assembly that the business for the sitting is concluded and at such time the Assembly stands adjourned.

The question being put, the motion was agreed to.

28. Moved by Hon. Mr. Hancock:

Be it resolved that the following changes to the Standing Committee on Education be approved:

that Ms Pastoor replace Mr. Zwozdesky,
that Ms Pastoor replace Mr. Zwozdesky as Chair.

The question being put, the motion was agreed to.

29. Oral notice having been given November 29, 2011, moved by Hon. Mr. Hancock:

Be it resolved that the following change to the Standing Committee on Privileges and Elections, Standing Orders and Printing be approved:

that Mr. Zwozdesky replace Dr. Brown.

The question being put, the motion was agreed to.

30. Oral notice having been given, November 29, 2011, moved by Hon. Mr. Hancock:

Be it resolved that the Legislative Assembly concur in the Select Special Information and Privacy Commissioner Search Committee report and recommend to the Lieutenant Governor in Council that Jill Clayton be appointed Information and Privacy Commissioner for the Province of Alberta for a 5-year term commencing February 1, 2012.

The question being put, the motion was agreed to.

Government Bills and Orders

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)

Chair's Statement - Comments made concerning Holodomor

Honourable Members, yesterday during Committee of the Whole consideration of Bill 23, Land Assembly Project Area Amendment Act, 2011, the Honourable Minister of Education raised a point of order concerning comments made by the Member for Calgary-Glenmore. The comments and exchange can be found at pages 1465 -1468 of Alberta Hansard for November 29, 2011.

At page 1466 of Hansard for yesterday, the Member for Calgary-Glenmore references atrocities in Europe, especially the Ukrainian Holodomor, and attempts to compare them with a perceived threat to property rights in this province. He states at page 1466: "many of the acts that were taken in Europe during World War II and other times very much were brutal acts that didn't respect property rights." His next sentence is "There are many areas in these Bills that have no respect for property rights." The Chair believes that a reasonable person would conclude that the Member is trying to compare legislation concerning land assembly to the Holodomor although the Member does not say this expressly.

It is the Chair's responsibility to rule on this matter in the Committee where it occurred as stated in Standing Order 65(2)(a) and House of Commons Procedure and Practice Second Edition at page 922.

In the Chair's view, comparing some of the greatest tragedies in history to legislation concerning protections of property rights in Alberta would trivialize those horrific events. The Chair can well understand that Members and members of the public may find the rhetoric offensive and insensitive.

With the great privileges that we as Members enjoy permitting freedom of speech in this Assembly, comes great responsibility. Members have shown their respect for the victims of the atrocities in Europe. It reflects on all Members when one Member can be viewed as trivializing those horrific events.

My personal note here is that as recently as 1954 my family suffered from the harsh communist rule and the deadly collectivization programs. My grandmother died of starvation and sickness during the social re-engineering enforcement of a communist government. In my view, the communication is to say things for others to hear and listen to. It's not about what one says, but about what others hear and feel or understand.

While the Chair finds it difficult given the context in which the words were spoken in this case to find a point of order, the Chair will give the Member for Calgary-Glenmore the opportunity to do the honourable thing and briefly clarify his comments yesterday, should he choose to do so.

The Chair would also like to note that a similar incident occurred May 16, 2006, when a now former Member during debate on a Bill used terms like “Nazi,” “Stalinism,” and “fascist” - Alberta Hansard for that day, page 1633. The next day, the Member apologized to the Assembly and withdrew the words - Hansard page 1649 for May 17, 2006.

The Hon. Member for Calgary-Glenmore commented on the statement.

The Chair then continued with his statement.

I just want to conclude by saying that in our long respected parliamentary law-making process the committee stage of a Bill is for speaking, debating on its details, namely the title, the preamble, and the clauses of the Bill. If we focus on the principle of the committee stage, then we will make our law-making more effective, efficient, and show respect for our constituents who elected us to the task.

Committee of the Whole consideration then proceeded.

Adjournment

Pursuant to Standing Order 4(4), the Committee recessed at 6:00 p.m. until 7:30 p.m.

WEDNESDAY, NOVEMBER 30, 2011 — 7:30 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

And after sometime spent therein, pursuant to Standing Order 64(4), at 10:15 p.m. the Chair interrupted the proceedings and immediately put the question on the Appropriation Bill standing on the Order Paper referred to Committee of the Whole.

The Deputy Speaker assumed the Chair.

The following Bill was reported:

Bill 27 Appropriation (Supplementary Supply) Act, 2011 (No. 2) (\$) — Hon. Mr. Horner

Progress was reported on the following Bills:

Bill 21 Election Amendment Act, 2011 — Hon. Mr. Olson

Bill 26 Traffic Safety Amendment Act, 2011 — Hon. Mr. Danyluk

Mr. Rogers, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 21 (A2) (introduced by the Hon. Member for Edmonton-Strathcona on behalf of the Hon. Member for Edmonton-Highlands-Norwood on November 29, 2011) — Defeated

Sessional Paper 558/2011

Amendment to Bill 21 (A3) (Hon. Member for Calgary-Fish Creek) — Adjourned debate

Sessional Paper 571/2011

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 Acting Speaker assumed the Chair.

Progress was reported on the following Bill:

Bill 24 Health Quality Council of Alberta Act — Hon. Mr. Horne

Mr. Rogers, 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.

Subamendment to Bill 24 (SA1) (introduced by the Hon. Member for Calgary-Mountain View on November 29, 2011) — Adjourned debate

Sessional Paper 557/2011

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 11:52 p.m. until Thursday, December 1, 2011, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Wednesday, November 30, 2011