



**Legislative Assembly
Province of Alberta**

No. 44

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Seventh Legislature

Thursday, December 1, 2011

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

Members' Statements

Ms Woo-Paw, Hon. Member for Calgary-Mackay, made a statement regarding her appointment as Chair of Alberta's Youth Secretariat and the work of Alberta's Youth Advisory Panel.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, made a statement regarding fundraising for political leadership campaigns.

Ms Evans, Hon. Member for Sherwood Park, made a statement recognizing December 3, 2011, as the International Day of Persons with Disabilities.

Mr. Sandhu, Hon. Member for Edmonton-Manning, made a statement recognizing December 10, 2011, as Human Rights Day.

Mr. Benito, Hon. Member for Edmonton-Mill Woods, made a statement regarding the Edmonton Southside Primary Care Network.

Ms Notley, Hon. Member for Edmonton-Strathcona, made a statement regarding the need for more government support for the homeless and low-rental housing.

Mr. Elniski, Hon. Member for Edmonton-Calder, made a statement regarding interfaith dialogue, the Harmony Dialogue Group, and the Intercultural Dialogue Institute.

Notices of Motions

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, gave notice of his intention to raise a purported question of privilege under Standing Order 15 regarding the government's consistent use of late-evening sittings this fall interfering with the ability of Members to fulfill their duties.

Hon. Mr. Olson, Deputy Government House Leader, gave oral notice of Written Questions and Motions for Returns to be accepted or otherwise dealt with, pursuant to Standing Order 34(3):

Motions for Returns

To be accepted: MR21

To be dealt with: MR18, MR19, MR20, MR22

Tabling Returns and Reports

Hon. Mr. Hancock, Minister of Human Services:

Letter dated November 29, 2011, from Hon. Mr. Hancock, Minister of Human Services, to Mr. Chase, Hon. Member for Calgary-Varsity, providing further information as a follow-up to Motion for a Return MR17, asked for by Mr. Chase on November 17, 2011, with attached report entitled "Cancer in Alberta: A Regional Picture 2006" prepared by the Alberta Cancer Board

Sessional Paper 572/2011

Hon. Mr. Horne, Minister of Health and Wellness, pursuant to the Mental Health Act, cM-13, s47(2):

Alberta Mental Health Patient Advocate Office, 2010-2011 Annual Report

Sessional Paper 573/2011

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

630 CHED web site article dated December 1, 2011, entitled "Oilers estimated value \$212 million: Forbes"

Sessional Paper 574/2011

Forbes.com web site article, undated, entitled "Edmonton Oilers on the Forbes NHL Valuation List"

Sessional Paper 575/2011

Mr. Anderson, Hon. Member for Airdrie-Chestermere:

CanLii.org reprint of the Provincial Court of Alberta ruling of Honourable Judge G.M. Meagher dated September 17, 2009, between Her Majesty the Queen and Mark Daniel Howell

Sessional Paper 576/2011

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

E-mail message dated November, 3, 2011, from Gail Wilkinson of Edmonton to “Liberal Correspondence” requesting a review of a decision of the Persons with Developmental Disabilities Appeal Panel

Sessional Paper 577/2011

Mr. Hinman, Hon. Member for Calgary-Glenmore:

AltaLink September 2011 Progress Report, Western Alberta Transmission Line, Version 1

Sessional Paper 578/2011

AltaLink September 2011 Progress Report, Heartland Transmission Project, Version 1

Sessional Paper 579/2011

Report dated October 24, 2011, entitled “September 2011 Progress Report for East DC Project” prepared by Ray Boven and Gordon Lithgow

Sessional Paper 580/2011

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

3 documents, undated, entitled “Alberta PC Party Constituency Association Annual Expenses 2006-2010,” Alberta NDP Party Constituency Association Annual Expenses 2006-2010,” and Alberta Liberal Party Constituency Association Annual Expenses 2006-2010”

Sessional Paper 581/2011

Letter dated September 9, 2011, from Hon. Mr. Lukaszuk, Minister of Employment and Immigration, to Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, regarding the Workers’ Compensation Board-Alberta 2010 special dividend to Alberta employers

Sessional Paper 582/2011

Ms Blakeman, Hon. Member for Edmonton-Centre:

7 pieces of correspondence expressing concern regarding Bill 26, Traffic Safety Amendment Act, 2011

Sessional Paper 583/2011

E-mail message dated November 30, 2011, from Inger Bartram of Edmonton to Ms Blakeman, Hon. Member for Edmonton-Centre, requesting that the government discuss life lease arrangements

Sessional Paper 584/2011

Tabling report dated November 30, 2011, regarding the future of Catholic education in Alberta, prepared by Ms Blakeman, Hon. Member for Edmonton-Centre

Sessional Paper 585/2011

Mr. Hehr, Hon. Member for Calgary-Buffalo:

Letter dated November 17, 2011, from Mr. Hehr, Hon. Member for Calgary-Buffalo, to Hon. Dr. Morton, Minister of Energy, regarding the Incremental Ethane Extraction Program and full public disclosure of documents
Sessional Paper 586/2011

Immanuel Christian Elementary School web page providing information about the school
Sessional Paper 587/2011

Package of information, undated, entitled "Freedom of Choice for Safe Schools, Health Risks Associated with WiFi use in Schools"
Sessional Paper 588/2011

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Berger, Minister of Agriculture and Rural Development, pursuant to the Farm Implement Act, cF-7, s42(2):

2010/2011 Farmer's Advocate Office Annual Report and Farm Implementation Board Financial Statements
Sessional Paper 589/2011

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 December 5 to December 8, 2011:

Monday, December 5	Eve.	- Government Bills and Orders Committee of the Whole Bill 21, 24, 26 And as per the Order Paper
Tuesday, December 6	Aft.	- Government Bills and Orders Committee of the Whole Bill 21, 24, 26 And as per the Order Paper

	Eve.	-	Government Bills and Orders Committee of the Whole Bill 21, 24, 26 And as per the Order Paper Third Reading Bill 21, 22, 23, 24, 25, 26 And as per the Order Paper
Wednesday, December 7	Aft.	-	Government Bills and Orders Third Reading Bill 21, 22, 23, 24, 25, 26 And as per the Order Paper
	Eve.	-	Government Bills and Orders Third Reading Bill 21, 22, 23, 24, 25, 26 And as per the Order Paper
Thursday, December 8	Aft.	-	Government Bills and Orders Third Reading Bill 21, 22, 23, 24, 25, 26 And as per the Order Paper

Privilege - Evening Sitings

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, raised a purported question of privilege under Standing Order 15 regarding the government's consistent use of late-evening sittings this fall interfering with the ability of Members to fulfill their duties.

The Speaker heard from Mr. Mason, Ms Blakeman, Mr. Chase, Ms Notley, Mr. Anderson, Mr. Taylor, and Hon. Mr. Hancock.

Speaker's Ruling

Honourable Members, the Chair is prepared to rule on the purported question of privilege brought by the Member for Edmonton-Highlands-Norwood. Notice of this particular question of privilege application was received in the Speaker's office at 11:07 a.m. this morning so the requirements of Standing Order 15(2) have been met.

As the Chair understands the submission made by the Member, he is arguing that his ability to perform his duties as a Member has been hindered by the late-night sittings of the Assembly. The argument put forward by the Member is unique as the Chair does not recall hearing a similar question of privilege in his 32 years as a Member.

On the issue raised by the Member, the Chair agrees that there have been evening sittings of the Assembly. For instance, the Votes and Proceedings for yesterday, November 30, 2011, indicate that the Assembly adjourned at 11:52 p.m. Honourable Members, Standing Order 10 is clear that “Every member is bound to attend the service of the Assembly.” The Canadian House of Commons has a similar Standing Order as discussed in *House of Commons: Procedure and Practice* (Second edition) at page 213.

Under Standing Order 3, sittings of the Assembly conclude at 6 p.m. Monday to Wednesday and at 4:30 p.m. on Thursdays. The Standing Orders provide for the possibility of a Government Motion for meetings of the Assembly on Monday, Tuesday, and Wednesday evenings.

The Government brought forward Government Motion 26 which provided for evening sittings on Mondays, Tuesdays, and Wednesdays for the remainder of the Fall Sitting. This motion was approved by the Assembly on November 23, 2011. Accordingly, the Assembly passed a motion to sit three evenings a week for the remainder of the Fall Sitting as permitted by the Standing Orders.

In order to find a prima facie question of privilege, the Chair would have to find that the decision of the Assembly to have night sittings was somehow a violation of the Member’s rights and immunities. The Chair cannot imagine how sittings of the Assembly could be found to violate a Member’s rights. In doing so the Chair would have to find that Government Motion 26 somehow violated the Member’s privileges and perhaps the Standing Orders as they allow for evening sittings.

The Chair acknowledges that the Member had an opportunity to express his views and frustrations, but there is no prima facie question of privilege which concludes the matter.

I would like to add several additional statements. Many other Parliaments count evening sittings as a separate day of sitting, so when we say that we sit 70 days a year but if we sit 30 evenings per year as well, in their jurisdiction, their nomenclature that would be 100 days a year. We sell ourselves short in this Assembly by counting an afternoon sitting and an evening sitting as only one, and with that definition we must be very, very careful when Members meet with parliamentarians from other jurisdictions in the country of Canada.

Number two, I listened very attentively to what the Members were saying here in this discussion, and I know that I've had many, many other discussions with other Members. I actually implore you, before we return in the spring, to basically take a good look at this question because the question of fatigue is an important one. The question of clarity of mind is an important one. The question of family is an important one. The question of travel is an important one. We all know, within all of the groups that Members may belong to, there are some who say: well, listen; if we could be here a few days shorter, that's better, so can't we just sit a few hours longer? But I would suspect that most would conclude that the brain probably functions best earlier in the day than later in the day. I'm just guessing out loud on this one. I can't quantifiably say that for certain, but I would suspect that the more time there is to think and to read and to be prepared, the better off we all are as legislators in the province of Alberta.

The matter is now concluded.

ORDERS OF THE DAY

Government Bills and Orders

Third Reading

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

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

A debate followed.

Pursuant to Standing Order 64(5), at 4:15 p.m. the Acting Speaker interrupted the proceedings and immediately put the question on the Appropriation Bill standing on the Order Paper for Third Reading.

The following Bill was read a Third time and passed:

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

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 4:16 p.m. until Monday, December 5, 2011, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Thursday, December 1, 2011