



**Legislative Assembly  
Province of Alberta**

No. 21

**VOTES AND PROCEEDINGS**

Fifth Session

Twenty-Seventh Legislature

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Wednesday, March 21, 2012

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 Member Mr. George Topolnisky, Member for Redwater-Andrew, 1971 to 1986, who passed away on March 19, 2012.

**Ministerial Statements**

Hon. Mr. Olson, Minister of Justice and Attorney General, made a statement recognizing March 21, 2012, as the International Day for the Elimination of Racial Discrimination.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, commented on the statement.

The Speaker requested and received the unanimous consent of the Assembly to allow additional Members to comment on the Ministerial Statement.

Mr. Anderson, Hon. Member for Airdrie-Chestermere, Ms Notley, Hon. Member for Edmonton-Strathcona, and Mr. Taylor, Hon. Member for Calgary-Currie, then commented on the statement.

**Speaker's Statement - Use of PDAs and Tablets During Oral Question Period**

Honourable Members, on January 27, 2012, I wrote a letter to all Members of the Legislative Assembly, and I'd like to just quote one paragraph.

“On a trial basis for the Spring Sitting and in recognition of the environmental impact of reducing paper use, I am allowing Members to use their tablets and PDAs during Oral Question Period only as virtual reading devices and not for sending or receiving messages. This will require Members to switch their tablets and PDAs to ‘airplane mode’ and to ensure that all sounds are muted during OQP.”

Well, this morning I received contact from several Members who basically said several other Members have violated that. In a matter of just a couple of minutes of research I see that their complaints were absolutely correct. Members in different caucuses have been doing this.

And I think it is because we had great discussion about the use of tablets and PDAs, and we accepted the recommendation of the Members to basically use them, and then the Members take it upon themselves to violate that. So I won’t name them today, and we’ll see what happens, but obviously there has to be some element of trust and decorum, a very minimal element that should be expected.

## **Members’ Statements**

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding a partnership between Covenant Health, Alberta Seniors, Alberta Health and Wellness, and Alberta Health Services to build the Villa Marie Continuing Care Centre in Red Deer.

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, made a statement regarding the leadership of Premier Redford.

Mr. Drysdale, Hon. Member for Grande Prairie-Wapiti, made a statement regarding the Alberta Association of Municipal Districts and Counties.

Mr. Groeneveld, Hon. Member for Highwood, made a statement regarding government investments in the constituency of Highwood and two candidates in the upcoming general election.

Mr. Lund, Hon. Member for Rocky Mountain House, made a statement regarding the Rural Integrated Community Clerkship for Physicians.

Mr. Snelgrove, Hon. Member for Vermilion-Lloydminster, made a statement regarding Brenda Lee Gardner, former Vermillion-Lloydminster Constituency and Legislative Assistant.

Hon. Mr. Hancock, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 7(7) in order to complete the Daily Routine.

## Tabling Returns and Reports

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

Petition signed by 29 Albertans requesting that the Government and Industry Canada audit the funding of CCI Wireless with respect to the terms and conditions regarding competition with private industry and clawback any infrastructure that has been deployed in defiance of the terms and conditions regarding competition

Sessional Paper 190/2012

Hon. Mr. Horner, President of Treasury Board and Enterprise:

E-mail message dated February 19, 2012, from Mr. Anderson, Hon. Member for Airdrie-Chestermere, to a recipient at Athabasca University extending an invitation to a dinner with Danielle Smith, Wildrose Party Leader, and Mr. Anderson on February 29, 2012, at the Airdrie Town and Country Centre

Sessional Paper 191/2012

Hon. Mr. Lukaszuk, Minister of Education:

Letter dated March 19, 2012, from Marilyn Sheptycki, President, Alberta School Councils' Association, to Hon. Mr. Lukaszuk, Minister of Education, expressing support for Bill 2, Education Act

Sessional Paper 192/2012

News release dated March 19, 2012, entitled "ASBA Urges Passage of Bill 2, Education Act" prepared by the Alberta School Boards Association

Sessional Paper 193/2012

News release dated March 19, 2012, entitled "The Education Act is an Act that will benefit Alberta's children. PSBAA urges government to pass Bill 2 this Session." prepared by the Public School Boards' Association of Alberta

Sessional Paper 194/2012

Alberta Teachers' Association web site article dated March 19, 2012, entitled "Alberta's teachers call for inclusive comprehensive public education"

Sessional Paper 195/2012

Mr. Hehr, Hon. Member for Calgary-Buffalo, on behalf of Dr. Sherman, Hon. Leader of the Official Opposition:

CBC News web site article dated March 21, 2012, entitled "Alberta colleges, universities made illegal donations to Tories"

Sessional Paper 196/2012

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

Report dated July 2011 entitled "Financial Procedures Handbook" prepared by Wetaskiwin Regional Public Schools

Sessional Paper 197/2012

Buffalo Trail Public Schools web site article dated June 16, 2010, entitled “IN Student Fees Admin Procedures”

Sessional Paper 198/2012

Excerpt from the Grande Yellowhead Public School Division No. 77 Administrative Procedures Manual dated January 14, 2009, entitled “Administrative Procedure 505, School Fees”

Sessional Paper 199/2012

Elk Island Public Schools web site article dated 2011 entitled “FAQs about School Fees”

Sessional Paper 200/2012

Memorandum dated May 3, 2011, from Tim Monds, Superintendent, Parkland School Division No. 70, to the Board of Trustees regarding business and finance information for 2010-2011

Sessional Paper 201/2012

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

20 recent e-mail messages from North Americans to Mr. Chase, Hon. Member for Calgary-Varsity, expressing concern regarding the clear cutting of the Castle Special Management Area

Sessional Paper 202/2012

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

Orders in Council O.C. 128/2012 dated March 15, 2012, O.C. 526/2011 dated December 15, 2011, and O.C. 450/2011 dated October 21, 2011, all regarding MLA remuneration

Sessional Paper 203/2012

Document, undated, entitled “AIMCo Christmas Party” prepared by Alberta Investment Management Corp.

Sessional Paper 204/2012

Ms Notley, Hon. Member for Edmonton-Strathcona:

188 utility bills from Alberta residents, with accompanying 18 e-mail messages and 17 letters

Sessional Paper 205/2012

## **Tablings to the Clerk**

Clerk of the Assembly on behalf of Hon. Mr. VanderBurg, Minister of Seniors:

Responses to questions raised by Mr. Chase, Hon. Member for Calgary-Varsity, Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, and Ms Notley, Hon. Member for Edmonton-Strathcona, on February 21, 2012, Department of Seniors, Main Estimates debate

Sessional Paper 206/2012

Clerk of the Assembly on behalf of Hon. Mr. Denis, Solicitor General and Minister of Public Security:

Responses to questions raised by Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, and Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, on March 5, 2012, Department of Solicitor General and Public Security, Main Estimates debate

Sessional Paper 207/2012

Clerk of the Assembly on behalf of Hon. Dr. Morton, Minister of Energy:

Responses to questions raised by Mr. Hehr, Hon. Member for Calgary-Buffalo, Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, and Mr. Hinman, Hon. Member for Calgary-Glenmore, on February 22, 2012, Department of Energy, Main Estimates debate

Sessional Paper 208/2012

## **Privilege – Comments by the Minister of Education**

### **Speaker's Statement**

Honourable Members, yesterday the Honourable Deputy Speaker was in the Chair and a purported question of privilege was raised in the Assembly and a debate ensued on it. I am going to remove myself from the Chair at this point in time and invite the Honourable Deputy Speaker to come forward and provide his ruling on this matter.

### **Deputy Speaker's Ruling**

As the Speaker said, yesterday afternoon while I chaired the Assembly there was a question of privilege raised. I allowed several Members representing each party to bring their points forward on the subject matter. I listened to those points attentively and at length. Today as the Chair I am prepared to rule on the purported question of privilege raised by the Member for Airdrie-Chestermere yesterday, March 20, 2012.

To put it briefly, the purported question of privilege is that the Honourable Minister of Education interfered with the Member's ability to perform his duties or interfered with his ability to perform his parliamentary work by making certain comments during a telephone conference, with people other than the Member, on March 19, 2012.

The Honourable Member for Airdrie-Chestermere provided notice to the Speaker's office at 11:22 a.m. yesterday before he raised the matter in the Assembly, so the requirements of Standing Order 15(2) were met.

The Honourable Member raising the purported question of privilege read in the Assembly yesterday the exchange that the Honourable Minister had with an individual in this March 19th teleconference. It is found on page 677 of Alberta Hansard. The Minister's statement was, and I quote,

“You know what? I’m really itching to say it, so I will, even though I know I shouldn’t, but the first thing you can do is, actually, in Airdrie call your MLA and ask him not to oppose me in the Legislature every day on considering new ways for funding infrastructure because, you know, that really is the problem.”

In his comments, the Honourable Minister of Education referred to a later part of the conversation with the same person. The Minister indicated at page 680 of the March 20th Alberta Hansard that the parent asked how the Minister’s relationship with the Member for Airdrie-Chestermere affected parents in the community and the need for extra schools, to which the Minister responded, “Not at all.”

In his argument yesterday, the Honourable Member for Airdrie-Chestermere cited House of Commons Procedure and Practice (2nd edition) at page 108 where it states, “Speakers have consistently upheld the right of the House to the services of the Members free from intimidation, obstruction and interference.” Speakers of the Canadian House of Commons have said in this regard that it is necessary to review the effect the incident or event had on the Member’s ability to fulfill his or her parliamentary responsibilities. As stated on page 111 of the same book, “If in the Speaker’s view, the Member was not obstructed in the performance of his or her parliamentary duties and functions, then a prima facie breach of privilege cannot be found.” Page 109 of the same text states, “While frequently noting that Members raising such matters have legitimate grievances, Speakers have consistently concluded that Members have not been prevented from carrying out their parliamentary duties.”

Honourable Members may also wish to refer to a December 13, 2011, ruling by the Speaker of the Canadian House of Commons concerning possible interference in a Member’s duties by an organized telephone campaign survey concerning an impending by-election that was not actually planned. This ruling is found at pages 4396 to 4398 of Commons Debates for that day. Speaker Scheer quoted his predecessor in finding that there was no prima facie question of privilege. In this regard he quoted Speaker Fraser at page 4397 who stated, “Past precedents are highly restrictive ... and generally require that clear evidence of obstruction or interference with a Member in the exercise of his or her duty be demonstrated in order to form the basis for a claim of a breach of privilege.”

In this case, in our Assembly, strictly on the context of the parliamentary work of our Members, the Chair cannot see how the Minister’s comments would constitute a clear threat to the Member performing his parliamentary duties so as to constitute intimidation or molestation. The Minister never indicated that the constituency would be deprived of funding should the Member continue asking questions. The Chair does not even find that there was a threat made and certainly no threat to the Member.

Accordingly, the Chair finds that the Member’s ability to fulfill his parliamentary duties has not been interfered with and therefore there is no prima facie question of privilege. That concludes this matter.

# ORDERS OF THE DAY

## Government Bills and Orders

### 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 Deputy Speaker resumed the Chair.

Progress was reported on the following Bill:

Bill 2 Education Act — Hon. Mr. Lukaszuk

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 2 (A6) (introduced by the Hon. Member for Airdrie-Chestermere on March 20, 2012) — Defeated

Sessional Paper 189/2012

Amendment to Bill 2 (A7) (Hon. Member for Edmonton-Strathcona) — Agreed to

Sessional Paper 209/2012

## Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:43 p.m. until Thursday, March 22, 2012, at 1:30 p.m.

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Hon. Ken Kowalski,  
Speaker

Title: Wednesday, March 21, 2012