



**Legislative Assembly  
Province of Alberta**

No. 3

**VOTES AND PROCEEDINGS**

First Session

Twenty-Eighth Legislature

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Tuesday, May 29, 2012

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

**Members' Statements**

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, made a statement regarding the difficulty in finding staff-to-seniors ratios for continuing and long-term care in legislation.

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement congratulating the Red Deer Optimist Rebels on winning the Midget Triple A Telus Cup.

Mr. Bhardwaj, Hon. Member for Edmonton-Ellerslie, made a statement regarding the Skills Canada National Competition held in Edmonton from May 13-16, 2012.

Ms Jansen, Hon. Member for Calgary-North West, made a statement regarding the planned drilling of an oil well in the Calgary-North West constituency and the need for urban policies to govern the exploration and development of natural resources in densely populated areas.

Mr. Bikman, Hon. Member for Cardston-Taber-Warner, made a statement regarding overregulation in the Province citing examples in the food preparation and truck transportation industries.

## **Privilege – Deliberately Misleading the Assembly**

Mr. Saskiw, Hon. Member for Lac La Biche-St. Paul-Two Hills, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15 alleging that the Government's responses during Oral Question Period concerning the Chief Electoral Officer's recommendations deliberately misled the Assembly and as such breached the rights of Members of the Legislative Assembly.

## **Tabling Returns and Reports**

Hon. Mr. Denis, Minister of Justice and Solicitor General:

Letter dated May 29, 2012, from Hon. Mr. Denis, Minister of Justice and Solicitor General, to Brian Fjeldheim, Chief Electoral Officer, regarding recent comments in the media by Mr. Fjeldheim concerning the Election Act and contributions to political parties

Sessional Paper 12/2012

Ms Blakeman, Hon. Member for Edmonton-Centre:

Letter dated May 21, 2012, from Marilyn Marks, Founding Member, Alberta Grandparents Association, Calgary, to Hon. Ms Redford, Premier, regarding the need for changes to legislation to better facilitate grandparents seeing their grandchildren when access has been denied

Sessional Paper 13/2012

Ms Smith, Hon. Leader of the Official Opposition:

Letter dated April 30, 2012, from Hon. Mrs. Klimchuk, Minister of Culture, to Jeffrey Yang, Director, Falun Dafa Association of Calgary, regarding a letter dated April 13, 2012, from Mr. Yang to Hon. Mrs. Klimchuk and a media release concerning the Shen Yun Performing Arts Show at the Southern Alberta Jubilee Auditorium on April 8 and 9, 2012

Sessional Paper 14/2012

Document, undated, entitled "Chief Electoral Officer Duties and Powers"

Sessional Paper 15/2012

## **Privilege - Media Briefing**

Honourable Members, yesterday the Member for Edmonton-Strathcona raised a purported question of privilege regarding a media briefing that took place prior to the introduction of Bill 1 on Thursday, May 24.

I would like to thank the Honourable Member for bringing this matter to the attention of the Assembly for consideration. I have given it considerable consideration over the last 24 hours and I'm prepared to make a ruling in this regard.

For many Members this will be their first opportunity to observe a question of privilege being raised and the Chair's subsequent ruling in that regard. Standing Order 15, which guides this Assembly, sets out the procedure to be followed when a question of privilege is raised. Honourable Members will note that the Chair's role in making a ruling on a purported question of privilege is solely to determine whether the question raised is a prima facie (in the first instance), in other words breach of privilege. It is a threshold test. If it is found to be a prima facie question of privilege, it is appropriate for a Member to give notice of a motion, such as one referring the matter to a committee for disposition.

Technically the matter raised by the Member is a question of contempt, although it is treated in the same way as a question of privilege might be. The authors of House of Commons Procedure and Practice, second edition, note the following at page 82:

It is important to distinguish between a "breach of privilege" and "contempt of Parliament". Any disregard of or attack on the rights, powers and immunities of the House and its Members, either by an outside person or body, or by a Member of the House, is referred to as a "breach of privilege" and is punishable by the House. There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its Members, or its officers.

Dealing first with a preliminary issue, as the Chair noted yesterday, the Member for Edmonton-Strathcona did meet the requirement in Standing Order 15(2) of providing a minimum of two hours' notice prior to the commencement of the Sitting. Notice of the question of privilege was received in the Speaker's office yesterday at 10:57 a.m.

In making representations in the Assembly during yesterday's proceedings, the Member for Edmonton-Strathcona referred to a press conference held by the Premier and the Government House Leader at 1:30 p.m. on Thursday, May 24 in which both the Speech from the Throne and Bill 1, the Workers' Compensation Amendment Act, 2012, were discussed. The Member was advised by her staff that when they had attempted to attend the conference, opposition staff were specifically denied access.

The basis of the purported question of privilege is that the Member's ability to discharge her parliamentary duties was impeded when information about a Government Bill was provided to the media prior to the Bill's introduction in this Assembly.

In response, the Honourable Government House Leader noted that during the press conference Bill 1 was discussed only in general terms and that no specific wording was provided to those in attendance. The Government House Leader acknowledged the importance of ensuring that Members are the first to see proposed legislation in its final form before a Bill is disclosed to outside parties.

On March 5, 2003, Speaker Kowalski ruled that there was a prima facie case of contempt in circumstances where information on the contents of a Bill on notice on the Order Paper were provided in a media briefing prior to the Bill's introduction in the Assembly. The Speaker held at page 304 of Hansard for that day that "the department briefing provided to the media concerning (the Bill) when the Bill was on notice but before it was introduced constitutes a prima facie case of privilege as it offends the dignity and the authority of this Assembly."

By convention, no notice is required for the introduction of Bill 1, which is the first Bill of a Session and is introduced as a part of opening day ceremonies to assert the Assembly's independence from the Crown. However, the Chair is of the view that this has no bearing on the particular matter. At the time the relevant press conference took place, Bill 1 most certainly would have been in final form and ready for introduction, I would expect.

The Chair would like to make all Members aware of a recent ruling from the Canadian House of Commons concerning the early release of details contained in Government estimates. In his March 22, 2011, ruling Speaker Milliken stated the following at page 9113 in the House of Commons Debates for that day:

The Member . . . is certainly not misguided in his expectation that members of the House, individually and collectively, must receive from the government particular types of information required for the fulfillment of their parliamentary duties before it is shared elsewhere. However, in such instances when there is a transgression of this well-established practice, the Chair must ascertain whether, as a result, the member was impeded in the performance of parliamentary duties.

While in the matter before us there may be a legitimate grievance, as admitted even by the President of the Treasury Board, there has been no specific evidence to suggest that any member was impeded in the performance of his or her parliamentary duties, and thus there can be no finding of prima facie privilege. Further, the minister has recognized the seriousness of this matter and given his assurance that measures will be in place to prevent a recurrence.

An earlier ruling by the same Speaker is also on point. On November 5, 2009, Speaker Milliken concluded that the Minister of Public Safety in a press conference had not disclosed the details of a Bill yet to be introduced and had only discussed in broad terms the policy initiative proposed in the Bill. On this basis, the Speaker found that there was no prima facie question of privilege.

In conclusion, and on a matter related to the purported point of privilege, the Chair acknowledges and appreciates the Government House Leader's apology for the apparent inability of opposition staff to gain access to the aforementioned press conference of May 24, 2012. The Chair also notes the Government House Leader's submission that the Bill was neither circulated, nor was the specific content of the Bill disclosed. Given the circumstances of this particular case the Chair finds that the Member's ability to perform her functions has not been impeded, and accordingly the Chair is unable to find a prima facie case of contempt and considers this matter now closed.

The Chair does want to thank Members for their attention to this matter.

### **Privilege – Deliberately Misleading the Assembly**

Mr. Saskiw, Hon. Member for Lac La Biche-St. Paul-Two Hills, raised a purported question of privilege under Standing Order 15 alleging that the Government's responses during Oral Question Period concerning the Chief Electoral Officer's recommendations deliberately misled the Assembly and as such breached the rights of Members of the Legislative Assembly.

The Speaker heard from Mr. Saskiw, Hon. Mr. Denis, Mr. Hehr, Ms Blakeman, and Mr. Anderson.

The Speaker advised that he would provide a ruling the following day.

## **ORDERS OF THE DAY**

### **Government Motions**

7. Moved by Hon. Mr. Hancock:

Be it resolved that, pursuant to Standing Order 3(9), the 2012 Spring Sitting of the Assembly shall stand adjourned upon the Government House Leader advising the Assembly that the business for the Sitting is concluded.

The question being put, the motion was agreed to.

4. Moved by Hon. Mr. McIver on behalf of Hon. Mr. Hancock:

Be it resolved that the Legislative Assembly resolve into Committee of the Whole, when called, to consider certain Bills on the Order Paper.

The question being put, the motion was agreed to.

5. Moved by Hon. Mr. McIver on behalf of Hon. Mr. Hancock:

Be it resolved that the Legislative Assembly resolve itself into Committee of Supply, when called, to consider supply to be granted to Her Majesty.

The question being put, the motion was agreed to.

6. Moved by Hon. Mr. Hancock:

Be it resolved that, pursuant to Standing Order 4(1), the Assembly shall meet in the evening on Tuesday, May 29, 2012, and Wednesday May 30, 2012, for consideration of Government business unless, on motion by the Government House Leader made before 6:00 p.m., which may be made orally and without notice, the Assembly is adjourned to the following sitting day.

The question being put, the motion was agreed to.

11. Moved by Hon. Mr. Hancock:

A. Be it resolved that the Assembly approve in principle the recommendations of the Review of Compensation of Members of the Legislative Assembly of Alberta (“the Report”) submitted by the Honourable J.C. Major, CC, QC, and refer the Report to the Special Standing Committee on Members’ Services (“the Committee”) for implementation where possible by June 30, 2012, subject to the following exceptions:

- a) that Recommendation 4 regarding salary for the Premier not be implemented but that the Committee implement a salary that reflects a differential of +25% between the Premier’s salary and that of a Minister with Portfolio;
- b) that Recommendation 10 concerning the expense portion of a Member’s remuneration, known as the tax-free allowance, not be implemented and that the amount of that expense allowance be set at zero, pending an amendment to the Legislative Assembly Act to eliminate it;
- c) that Recommendation 11 regarding the implementation of a new Transition Allowance be rejected and that no further amounts shall be accumulated beyond those accrued by eligible Members prior to the commencement of the 28th Legislature;
- d) that the Committee examine alternatives to the pension plan for Members proposed in Recommendation 12 and discussed in section 3.5 of the Report, including defined contribution plans, and report to the Assembly with its recommendations;

B. Be it resolved that nothing in this Motion shall limit the Committee’s ability to report to the Assembly on any other matter arising from the Report.

A debate followed.

The question being put, the motion was agreed to. With Mrs. Jablonski in the Chair, the names being called for were taken as follows:

For the motion: 47

Anderson	Hale	Quadri
Barnes	Hancock	Quest
Bikman	Horner	Sandhu
Calahasen	Jeneroux	Sarich
Campbell	Johnson (Calgary-Glenmore)	Saskiw
Cusanelli	Kennedy-Glans	Scott
Denis	Kubinec	Smith
Donovan	Lemke	Starke
Dorward	Leskiw	Stier
Fawcett	Luan	Towle
Fenske	Lukaszuk	VanderBurg
Forsyth	McAllister	Webber
Fox	McDonald	Wilson
Fritz	Oberle	Xiao
Goudreau	Olesen	Young
Griffiths	Pedersen	

Against the motion: 7

Anglin	Eggen	Rowe
Bilous	Notley	Strankman
Blakeman		

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

(Day 1)

Moved by Ms Olesen and seconded by Mr. Luan:

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

To His Honour Colonel (Retired) the Honourable Donald S. Ethell, OC, OMM, AOE, MSC, CD, LLD, 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. Dorward moved adjournment of the debate, which was agreed to.

## **Adjournment**

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:47 p.m. until Wednesday, May 30, 2012, at 1:30 p.m.

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Hon. Gene Zwozdesky,  
Speaker

Title: Tuesday, May 29, 2012