



**Legislative Assembly  
Province of Alberta**

No. 4

**VOTES AND PROCEEDINGS**

First Session

Twenty-Eighth Legislature

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Wednesday, May 30, 2012

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

**Members' Statements**

Mr. Anderson, Hon. Member for Airdrie, made a statement regarding the Chief Electoral Officer's investigation into prohibited donations to political parties.

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, made a statement regarding the role of the Opposition and the need for the Government to foster a better working relationship with the Opposition.

Ms Johnson, Hon. Member for Calgary-Glenmore, made a statement recognizing May 2012 as MS (Multiple Sclerosis) Month.

Mr. Fraser, Hon. Member for Calgary-South East, made a statement recognizing the vital work of emergency services workers and the Provincial Operations Centre.

Ms Kubinec, Hon. Member for Barrhead-Morinville-Westlock, made a statement regarding the 4-H program.

Mr. Stier, Hon. Member for Livingstone-Macleod, made a statement regarding the need for the Government to implement the recommendations of the 2005 report of the Alberta Flood Management Committee.

## **Introduction of Bills (First Reading)**

Notice having been given:

Bill 201 Scrap Metal Dealers and Recyclers Identification Act — Mr. Quest

## **Tabling Returns and Reports**

Ms Smith, Hon. Leader of the Official Opposition:

Letter dated March 9, 2012, from Mr. Boutilier, Hon. Member for Fort McMurray-Wood Buffalo, to Hon. Mr. Kowalski, Speaker of the Legislative Assembly, regarding Mr. Boutilier's assignment to the Standing Committee on Privileges and Elections, Standing Orders and Printing, and reimbursement of four months' stipend

Sessional Paper 16/2012

Document dated May 30, 2012, entitled "PC Members of Standing Committee on Privileges and Elections, Standing Orders and Printing Re-elected on May 23, 2012" on the letterhead of Ms Smith, Hon. Leader of the Official Opposition

Sessional Paper 17/2012

Memorandum dated April 26, 2012, from Cheryl Scarlett, Director, Human Resources, Information Technology, and Broadcast Services, Legislative Assembly of Alberta, to Paul Hinman (former Member for Calgary-Glenmore) listing Mr. Hinman's appointments to committees of the Assembly for the 27th Legislature and stating that Mr. Hinman did not receive compensation for service on the Standing Committee on Privileges and Elections, Standing Orders and Printing

Sessional Paper 18/2012

Document, undated, untitled, listing Legislative committee assignments for Mrs. Forsyth, Hon. Member for Calgary-Fish Creek

Sessional Paper 19/2012

Letter dated May 10, 2012, from Jeremy Duffin, Information Management and Privacy Advisor, Mount Royal University, with the addressee's name blocked out, responding to a request for information regarding reimbursements to board members and executives for attendance at specific Progressive Conservative Party events within the past seven years

Sessional Paper 20/2012

Ms Blakeman, Hon. Member for Edmonton-Centre:

Letter dated May 3, 2012, from Freda Bisset of Edmonton to Ms Blakeman, Hon. Member for Edmonton-Centre, requesting the reinstatement of the Alberta dental fee schedule

Sessional Paper 21/2012

Series of recent e-mail messages between Ms Blakeman, Hon. Member for Edmonton-Centre, and Chantele Theroux regarding a special assessment to the Parkside Court condominiums in 2011

Sessional Paper 22/2012

Mr. Anderson, Hon. Member for Airdrie:

Copy of a petition signed by approximately 2,000 Albertans urging the Premier to reinstate the Shen Yun show dates in 2013 at the Northern Alberta Jubilee Auditorium and to ensure the concerns raised by the Falun Dafa Association of Calgary are addressed so that Shen Yun will return to Calgary

Sessional Paper 23/2012

### **Tablings to the Clerk**

Clerk of the Assembly on behalf of Hon. Mr. Lukaszuk, Deputy Premier:

Globe and Mail website article dated May 28, 2012, entitled “Clark to miss Western premiers meeting”

Sessional Paper 24/2012

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

I would like to rule on the issue of privilege. Honourable Members, the Chair is prepared, now, to do so with respect to the purported question of privilege that was raised by the Member for Lac La Biche–St. Paul–Two Hills, in the Assembly yesterday afternoon.

As I indicated yesterday at page 60 of Hansard, notice was provided by the Member and received in the Speaker’s office at 11:18 a.m., so the requirements of Standing Order 15(2) with respect to notice have been met, although the Chair will have a few words about the notice later.

The basis of the Member’s question of privilege concerned comments made by the Minister of Justice and Solicitor General on May 28 during Question Period about a former Chief Electoral Officer’s recommendations on amendments to legislation concerning improper contributions to political parties. The exchange giving rise to the question of privilege is found at page 17 of Hansard for that day.

As was the case with the purported question of privilege that the Chair ruled on yesterday, the allegation raised by the Honourable Member for Lac La Biche–St. Paul–Two Hills actually falls into the category of a contempt of the Assembly, which is treated as a question of privilege. As the Chair also explained yesterday at page 58 of Hansard, any act or omission which tends to impede the House in the performance of its functions, or obstructs or impedes any Member or officer in the discharge of their duties may be treated by the Assembly as a contempt.

Honourable Members, the test for finding a prima facie question of privilege on deliberately misleading the Assembly is a very high bar. A question of privilege on this subject was brought forward last fall. On November 24, 2011, Speaker Kowalski stated at page 1367 of Hansard, “Deliberately misleading the Assembly is an extremely serious allegation, which seldom satisfies the test for constituting a prima facie question of privilege.”

As stated by the Member for Lac La Biche–St. Paul–Two Hills yesterday in his submission, the test is referred to at page 86 in House of Commons Procedure and Practice, second edition. The test was articulated by David McGee, a former Clerk of the New Zealand House of Representatives and is found in the third edition of his book, Parliamentary Practice in New Zealand, 2005, at pages 653–654 where he states:

There are three elements to be established when it is alleged that a member is in contempt by reason of a statement that the member has made: the statement must, in fact, have been misleading; it must be established that the member making the statement knew at the time the statement was made that it was incorrect; and, in making it, the member must have intended to mislead the House.

This was, in fact, the test used by Speaker Kowalski in the purported question of privilege last fall and also in his ruling of November 7, 2007, which is recorded at pages 1860-1861 of Hansard for that day.

In his submissions yesterday, the Minister of Justice and Solicitor General was very clear that, in his view, his statements on this subject during Monday’s Question Period were not misleading. He stated at pages 59 and 60 of yesterday’s Hansard that, “I stand by them completely.” Given the strength of his convictions on this point, it could not be said that he intended to mislead the Assembly, and even if the Minister was mistaken, there is no evidence that anyone was actually misled. At best, this is a disagreement about interpretation between Members which occurs not infrequently in this Chamber. At best, some might say this is even less infrequent between two lawyers. As Beauchesne’s sixth edition states at paragraph 494:

It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted. It is not unparliamentary temperately to criticize statements by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident.

In short, this matter would not have given rise to a successful point of order let alone a prima facie question of privilege. Accordingly, the Chair finds that there is no prima facie question of privilege, and the matter is thereby concluded. However, the Chair would like to make a few additional comments. Questions of privilege are the most serious matters that can be considered by this Assembly and should not be taken lightly. A charge of deliberately misleading the Assembly is very serious and could damage a person's reputation forever. This Speaker adopts the comment made by Speaker Kowalski in his November 24, 2011, ruling at page 1368 of Hansard:

However, the chair would ask Members to carefully consider bringing forward matters that call into question the integrity of other Members when the evidence is less than convincing.

Your Chair wanted to grant the Member bringing the purported question of privilege forward the greatest leeway, but frankly, I was concerned when the notice for the serious charge did not even contain the name of the Member against whom the allegation was to be brought. So, in the interest of fairness and parliamentary tradition, Members should ensure that their notices contain sufficient information to allow for a proper response by the person against whom they are brought. This is especially true where the issue is as serious as the allegation brought forward yesterday and on which I have just ruled today.

## **ORDERS OF THE DAY**

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

(Day 2)

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.

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

## **Adjournment**

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:49 p.m. until Thursday, May 31, 2012, at 1:30 p.m.

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Hon. Gene Zwozdesky,  
Speaker

Title: Wednesday, May 30, 2012