



**Legislative Assembly
Province of Alberta**

No. 69

VOTES AND PROCEEDINGS

First Session

Twenty-Eighth Legislature

Wednesday, November 20, 2013

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

Members' Statements

Ms Smith, Hon. Leader of the Official Opposition, made a statement regarding the role of the Speaker of the Legislative Assembly and the role of the opposition to scrutinize and hold the Government accountable.

Ms Notley, Hon. Member for Edmonton-Strathcona, made a statement regarding the delay by the Ministry of Environment and Sustainable Resource Development in issuing an environmental protection order relating to a containment pond spill into the Athabasca River.

Ms Calahasen, Hon. Member for Lesser Slave Lake, made a statement regarding the launch of the Ministry of Aboriginal Relations' publication entitled "Aboriginal Peoples of Alberta: Yesterday, Today and Tomorrow."

Mr. Casey, Hon. Member for Banff-Cochrane, made a statement regarding the Right From the Start project in the Bow Valley, part of the Mental Health Capacity Building in Schools Initiative led by Alberta Health Services in collaboration with Alberta Education.

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.

Mr. Luan, Hon. Member for Calgary-Hawkwood, made a statement regarding new Government initiatives to open markets and attract international investment in Alberta.

Mr. Hale, Hon. Member for Strathmore-Brooks, made a statement regarding the recent signing of an agreement between Alberta Health Services and the Wheatland and Adjacent Districts Emergency Medical Services Association to continue local ambulance service.

Speaker's Statement - Comments by the Hon. Member for Airdrie

Honourable Members, as all of you are likely aware, a very unique, if not somewhat unprecedented occurrence took place in this Assembly yesterday at approximately 2:41 p.m. The Member for Airdrie made very direct, and in my view, offensive comments that constitute very inappropriate comments and language about officers who serve Assemblies such as ours. He also in my view made inappropriate and very offensive comments that constitute challenging the Chair of this Assembly. At the conclusion of his statements I indicated that his comments were indeed very serious, possibly hinging on contempt, and that I was going to have a closer look at his words, obviously by reviewing Hansard to get it verbatim and also watching the televised replay of his statements.

Now, here is what happened. At approximately 2:41 p.m. the Honourable Member for Airdrie rose yesterday to seek a point of clarification from your Speaker. Among other things, he read from some prepared notes and stated the following:

What precedent in what country of the Commonwealth does not allow Her Majesty's opposition to be able to question decisions of government-appointed officers, which can be and often are corrupt?

For the benefit of all, let me first note that Airdrie's comments were stated in relation to the Ethics Commissioner and to questions which arose from the Honourable Member for Lac La Biche-St. Paul-Two Hills about an Ethics Commissioner ruling of recent past. The Ethics Commissioner is an Officer of this Legislative Assembly. Let me also clarify that as with any Officer of this Assembly, the Ethics Commissioner is not a government-appointed officer, nor is the Auditor General, the Chief Electoral Officer, the Child and Youth Advocate, the Information and Privacy Commissioner, and the Ombudsman. They are all chosen by committees of this Assembly, typically all-party committees.

Second, I want to state in the most definitive and emphatic terms that none of our chosen officers are corrupt, nor do I believe that others are who work and serve in other Commonwealth countries. That reference by Airdrie I find totally inappropriate.

Now, the Member for Airdrie then went on to say the following:

What precedent is there for a Speaker, frankly, dominating and wasting time of this Assembly with constant lectures and, frankly, self-righteous interruptions that are costing us question after question in this Assembly?

He then basically accused your Speaker of “showing gross favouritism,” and concluded his remarks by stating that your Speaker is, “interfering with this House.” Those comments by the Honourable Member for Airdrie can be found at page 2909 of yesterday’s Hansard and are a direct affront to this Speaker. They are also inaccurate and inappropriate.

Using such language in this Assembly is obviously personally insulting, but it also shows a lack of respect for this institution, for its heritage, for its traditions, all of which you took an oath to uphold. Authorities across the Commonwealth in this respect are quite clear. Erskine May, 24th edition, for example, states on page 61:

Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. His action cannot be criticised incidentally in debate or upon any form of proceeding except a substantive motion.

The rationale for this rule is found in turn in Beauchesne’s, sixth edition, at paragraph 167 on pages 48 and 49, which reads as follows:

The essential ingredient of the speakership is found in the status of the Speaker as a servant of the House. The Presiding Officer, while but a servant of the House, is entitled on all occasions to be treated with the greatest attention and respect by the individual Members because the office embodies the power, dignity, and honour of the House itself.

It is clear, Honourable Members, that language of the type used by this particular Member for Airdrie yesterday could be a contempt of the Assembly and could, indeed, give rise to a question of privilege. The language itself and the manner in which the words were delivered were certainly unparliamentary.

The Chair wonders what would occur if such language was used in another one of our institutions, such as the courts, for example. As a lawyer, the Member for Airdrie is undoubtedly well aware of the consequences of such language in the courts, which could easily be interpreted as contempt of the court. The Assembly in which we all serve, in which all of you serve, is deserving of equal respect and dignity, I would hope, and part of my job is to do my level best to ensure it is so.

That having been said, I want to extend to the Honourable Member for Airdrie an opportunity to apologize for the comments he made yesterday and to withdraw those comments.

Mr. Anderson, Hon. Member for Airdrie, withdrew his comments and apologized.

Presenting Reports by Standing and Special Committees

Mr. Rogers, Chair, Select Special Chief Electoral Officer Search Committee, presented the following report:

Select Special Chief Electoral Officer Search Committee, Report of the Committee, Twenty-Eighth Legislature, First Session, dated November 19, 2013
Sessional Paper 1135/2012-13

Notices of Motions

Hon. Mr. Hancock, Government House Leader, gave oral notice of the following motions:

Be it resolved that the Legislative Assembly concur in the report of the Select Special Chief Electoral Officer Search Committee and recommend that Glen Resler be appointed as Chief Electoral Officer for the Province of Alberta, effective December 9, 2013.

Be it resolved that:

1. Honourable David Alward, Premier of the Province of New Brunswick, be invited to the floor of this Chamber on Thursday, November 28, 2013, immediately following Prayers to address the Legislative Assembly;
2. This address be called for immediately after the Hon. Mr. Alward is introduced under Introduction of Visitors; and
3. The ordinary business of the Assembly resume upon the conclusion of the address;

And be it further resolved that Premier Alward's address become part of the permanent records of the Assembly.

Introduction of Bills (First Reading)

Notice having been given:

Bill 44 Notaries and Commissioners Act — Ms Olesen

Bill 209 Severance and Bonus Limitation Statutes Amendment Act, 2013 — Mr. Anderson

On motion by Hon. Mr. Hancock, Government House Leader, the following Bill was placed on the Order Paper under Government Bills and Orders:

Bill 44 Notaries and Commissioners Act — Ms Olesen

Tabling Returns and Reports

Hon. Mr. McIver, Minister of Transportation:

Copy of Supreme Court of Canada Decision, *Baron v. Canada*, [1993] 1 SCR 416, relating to comments made by Hon. Mr. McIver, Minister of Transportation, during debate on Bill 32, Enhancing Safety on Alberta Roads Act

Sessional Paper 1136/2012-13

Mr. Allen, Hon. Member for Fort McMurray-Wood-Buffalo:

Report entitled "Tobacco Use in Canada: Patterns and Trends, 2013 Edition," prepared by the Propel Centre for Population Health Impact, University of Waterloo

Sessional Paper 1137/2012-13

Mr. Eggen, Hon. Member for Edmonton-Calder:

Copies of 100 letters to Dr. John Cowell, Official Administrator, Alberta Health Services, and Hon. Mr. Home, Minister of Health, expressing concern regarding the centralization and privatization of medical laboratory services

Sessional Paper 1138/2012-13

Postcard prepared by Alberta's NDP Opposition, unaddressed, regarding the inclusion of the Alberta Human Rights Code or the Canadian Charter of Rights and Freedoms in the Education Act

Sessional Paper 1139/2012-13

Mr. Anglin, Hon. Member for Rimbey-Rocky Mountain House-Sundre:

Email message dated February 22, 2013, from Chris Wiese of Bentley to whom it may concern seeking funding for surgery she received in the United States that she was unable to obtain in Alberta or elsewhere in Canada

Sessional Paper 1140/2012-13

Mr. Saskiw, Hon. Member for Lac La Biche-St. Paul-Two Hills:

Email message dated October 25, 2013, from Kathleen Skjersven to Alberta Education requesting that no new government regulations be established for home schooling

Sessional Paper 1141/2012-13

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Johnson, Minister of Education, pursuant to the Legislative Assembly Act, cL-9, s45, and the Government Accountability Act, cG-7, s14:

Education, Annual Report Update, 2012-2013

Sessional Paper 1142/2012-13

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

The following Bills were read a Second time and referred to Committee of the Whole:

- Bill 33 Tobacco Reduction Amendment Act, 2013 — Hon. Mr. Rodney
Bill 39 Enhancing Consumer Protection in Auto Insurance Act — Hon. Mr. Horner
Bill 40 Settlement of International Investment Disputes Act — Mr. Quadri

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.

The following Bills were reported:

- Bill 35 Financial Administration Amendment Act, 2013 — Hon. Mr. Horner
Bill 37 Statutes Repeal Act (\$) — Hon. Mr. Denis
Bill 38 Statutes Amendment Act, 2013 (No. 2) (\$) — Hon. Mr. Denis

Mr. Amery, 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 37 (A1) (Hon. Member for Lac La Biche-St. Paul-Two Hills) — Defeated

Sessional Paper 1143/2012-13

Amendment to Bill 37 (A2) (Hon. Member for Lac La Biche-St. Paul-Two Hills) — Defeated

Sessional Paper 1144/2012-13

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 5:53 p.m. until 7:30 p.m.

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.

The following Bills were reported:

Bill 34 Building New Petroleum Markets Act (\$) — Hon. Mr. Hughes

Bill 43 Alberta Economic Development Authority Amendment Act, 2013 — Hon. Mr. Lukaszuk

Ms Kennedy-Glans, 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 34 (A1) (Hon. Member for Strathmore-Brooks) —
Defeated

Sessional Paper 1145/2012-13

Amendment to Bill 34 (A2) (Hon. Member for Strathmore-Brooks) —
Defeated

Sessional Paper 1146/2012-13

Amendment to Bill 34 (A3) (Hon. Member for Strathmore-Brooks) —
Defeated

Sessional Paper 1147/2012-13

Amendment to Bill 43 (A1) (Hon. Member for Cardston-Taber-Warner) —
Defeated

Sessional Paper 1148/2012-13

Amendment to Bill 43 (A2) (Hon. Member for Cardston-Taber-Warner) —
Defeated

Sessional Paper 1149/2012-13

Amendment to Bill 43 (A3) (Hon. Member for Cardston-Taber-Warner) —
Defeated

Sessional Paper 1150/2012-13

Amendment to Bill 43 (A4) (Hon. Member for Edmonton-Strathcona) —
Defeated

Sessional Paper 1151/2012-13

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 10:07 p.m. until Thursday, November 21, 2013, at 1:30 p.m.

Hon. Gene Zwozdesky,
Speaker

Title: Wednesday, November 20, 2013