



**Legislative Assembly
Province of Alberta**

No. 7

VOTES AND PROCEEDINGS

Second Session

Twenty-Eighth Legislature

Wednesday, March 12, 2014

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

Speaker's Statement – Members' Anniversaries

The Speaker made a statement in recognition of the 13th anniversary of the election of five Members of the Legislative Assembly, who were elected to the Legislative Assembly on March 12, 2001.

Members' Statements

Mr. Fox, Hon. Member for Lacombe-Ponoka, made a statement regarding Government expenditures related to Executive Council travel and Department of Health executive employee benefits.

Mr. Eggen, Hon. Member for Edmonton-Calder, made a statement regarding the Government's proposed changes to public sector pension plans.

Ms Cusanelli, Hon. Member for Calgary-Currie, made a statement recognizing the end of Canada's 12-year mission in Afghanistan and the lowering of the province's flags in commemoration of the commitment and sacrifice of the Canadian Armed Forces troops.

Mr. Quadri, Hon. Member for Edmonton-Mill Woods, made a statement recognizing the success of MacEwan University and the Government's announcement on March 12, 2014, regarding a \$30 million contribution towards its Centre for Arts and Culture.

Ms Johnson, Hon. Member for Calgary-Glenmore, made a statement recognizing the benefits of the public education system and the importance of the Government's proposed curriculum redesign.

Mr. Pedersen, Hon. Member for Medicine Hat, made a statement regarding the need for a sustainable and predictable funding model for post-secondary institutions and students.

Privilege - Oral Question Period Responses by the Minister of Health

Mr. Wilson, Hon. Member for Calgary-Shaw, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15 regarding the Minister of Health's responses during Oral Question Period on March 11, 2014, concerning a Government flight to Grande Prairie.

Tabling Returns and Reports

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

Email message dated February 13, 2014, from Rob Kroetsch to Hon. Ms Redford, Premier, expressing frustration with current Government policies
Sessional Paper 42/2014

Mr. Bikman, Hon. Member for Cardston-Taber-Warner:

Email message dated February 21, 2014, from Mandy Bretzke, Cardston-Taber-Warner constituency assistant, to Mr. Bikman, Hon. Member for Cardston-Taber-Warner, regarding a constituent's concerns with respect to workers who assisted in the rebuilding efforts following the flood in High River not being paid by the companies by whom they were employed
Sessional Paper 43/2014

Email message dated March 8, 2014, from Brian Hildebrand to Mr. Bikman, Hon. Member for Cardston-Taber-Warner, expressing several concerns regarding the Progressive Conservative Party of Alberta
Sessional Paper 44/2014

Email message dated March 10, 2014, from Dale Stuart of Red Deer to several Members of the Legislative Assembly expressing concern regarding answers given by Hon. Ms Kennedy-Glans, Associate Minister – Electricity and Renewable Energy, to questions during Oral Question Period regarding electricity companies
Sessional Paper 45/2014

Mr. Bilous, Hon. Member for Edmonton-Beverly-Clareview:

Copies of 50 postcards from Albertans to Hon. Mr. Lukaszuk, former Deputy Premier, regarding post-secondary education funding cuts
Sessional Paper 46/2014

Mr. Bilous, Hon. Member for Edmonton-Beverly-Clareview, on behalf of Mr. Eggen, Hon. Member for Edmonton-Calder:

Reprint of a letter to the editor, Edmonton Journal, dated March 12, 2014, entitled "Pension reform scaled back," from Bruce Gajerski relating to comments made by Mr. Eggen during his Member's Statement on March 11, 2014

Sessional Paper 47/2014

Privilege

Comments Made by the Associate Minister – Electricity and Renewable Energy

Mr. Mason, Hon. Member for Edmonton-Highlands-Norwood, raised a purported question of privilege under Standing Order 15 regarding comments made by Hon. Ms Kennedy-Glans, Associate Minister – Electricity and Renewable Energy, which could constitute a threat to opposition Members.

The Speaker heard from Mr. Mason and Hon. Ms Kennedy-Glans.

Hon. Ms Kennedy-Glans apologized and withdrew her comments.

The Speaker ruled that the matter is concluded.

Oral Question Period Responses by the Minister of Health

Mr. Wilson, Hon. Member for Calgary-Shaw, raised a purported question of privilege under Standing Order 15 regarding the Minister of Health's responses during Oral Question Period on March 11, 2014, concerning a Government flight to Grande Prairie.

The Speaker heard from Mr. Wilson, Hon. Mr. Denis, Ms Notley, Hon. Mr. Drysdale, Mr. Anderson, and Hon. Mr. Horne.

Speaker's Ruling

The Deputy House Leader of the Official Opposition, the Member for Calgary-Shaw, has made a very serious statement and comment. In his words "a point of privilege" against the Minister of Health regarding some comments that the Minister made yesterday.

It pertains to an exchange in this House yesterday dealing with an announcement, or not, dealing with a Government airplane; dealing with manners related to that particular event that occurred sometime in October – I think October 25 was the date referenced by several members.

We have heard now from six different people on this matter, and I listened very carefully. Just so you know, I took my notes as always. I want to begin by saying that the Member for Calgary-Shaw did provide notice in accordance with our rules and at 10:33 this morning he met the requirements of Standing Order 15(2) with respect to giving at least two hours' notice before the start of the afternoon proceedings.

I hope not to take up too much time on this matter but when an allegation is made that someone has misled the House – and in particular intentionally misled the House – which I believe is what the Honourable Member for Calgary-Shaw has said on at least one, if not two or three, different occasions. That really catches my attention, and the reason it does, Honourable Members, is because frequently we will find that one Member sees an event or an activity or a statement one way, hears it one way, and another Members hears it and interprets it in a different way. So you could argue, well, somebody misled. But that couldn't be argued that you deliberately misled or that you intentionally misled, could it? You have all been on the receiving end of that or on the giving end of it in your own private lives, and it's not different in here.

Nonetheless, I want to remind you of a couple of things before we rule on this. One is that I have reminded Members many times about allegations that you make in this House about this fact of – or not fact of – misleading the Assembly because quite often it's really a disagreement on facts or a matter of interpretation, as I have said. Please be reminded what the Speaker's role is in the House in general, and particularly during question period.

It is set out in the House of Commons Procedure and Practice, second edition, and it states the following: "The Speaker ensures that replies adhere to the dictates of order, decorum and parliamentary language. The Speaker, however, is not responsible for the quality or content of replies to questions."

Of course, someone else referred to it, and I want to refer to it again. In Beauchesne's, second edition, paragraph 494 – and I have referred to this many times before – it states that the Chair often has to accept "two contradictory accounts of the same incident." Now, if the Member who raised the point of privilege is alleging that the Minister deliberately misled the Assembly, then that indeed is a very, very high bar and is almost never made out according to the many rulings that you will have researched as part of your preparation for this point of privilege.

In order to constitute a contempt and to conclude that a Member deliberately misled the Assembly, three elements must be met. Members have referred to this in their own words. First, the statement must in fact have been misleading; second, it must be established that the Member making the statement knew at the time the statement was made that it was incorrect; and three, in making such a statement, the Member must have intended to mislead the House. I think the Member for Calgary-Shaw tried very hard to do that. He tried to prove his case, as it were. Of course, the case was then argued by three members from Executive Council to the contrary. Again, we have this contradiction of what people perceive to have been the facts.

Nonetheless, the authorities for this particular test were outlined by me in this House before, and in particular, I outlined them on December 3, 2012, when I made a ruling, that you can find at pages 1206 and 1207 of Alberta Hansard for that day. I am not going to take the time of the House to repeat them. But I think it is clear that the wording of this particular purported point of privilege isn't so much a point of privilege. Even if it was worded somehow else, it could certainly meet the test of having been a point of order, in which case we would have had a clarification not unlike what we just heard.

I cannot see where this at the moment, at least, constitutes a question of privilege. I did listen very carefully and attentively to everyone who spoke. I have my notes to back this up. I know that there were explanations given about a tragedy that occurred on that day and that that tragedy then led to certain other circumstances having to unfold, certain changes in schedules. I listened carefully when the Member for Airdrie mentioned the issue about the location of where a purported or de facto press conference or media conference or whatever you want to call it may or may not have occurred. Other than the fact that there was a tragedy that day, I think it is still nonetheless a fair point to remind Government about the choice of locations for some of the announcements. It is clear from what I've heard that there may not have been a choice in this one if, in fact, what the Member for Airdrie said is true, and I don't know that. It may come up again later in this Session. I'm not sure. Let us be reminded that there are circumstances that occur in our lives that are, well, generally speaking, beyond our control, and as such we must accept that the Members who spoke, spoke, I hope, with honour and with their own conviction and their belief.

In this case I do not find there to be a prima facie case that would constitute a point of privilege. So that will conclude this matter today.

ORDERS OF THE DAY

Government Bills and Orders

Third Reading

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

Bill 1 Savings Management Act (\$) — Hon. Mr. Horner on behalf of Hon. Ms Redford

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

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

Bill 2 Appropriation (Supplementary Supply) Act, 2014 (\$) — Hon. Mr. Horner

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

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

Bill 3 Securities Amendment Act, 2014 — Hon. Mr. Horner

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

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole and the Speaker left the Chair.

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker assumed the Chair.

Progress was reported on the following Bill:

Bill 5 Appropriation (Interim Supply) Act, 2014 (\$) — Hon. Mr. Horner

Government Motions

11. Moved by Hon. Mr. Horner:

Be it resolved that the Assembly approve in general the business plans and fiscal policies of the Government.

A debate followed.

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

Government Bills and Orders

Third Reading

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

Bill 1 Savings Management Act (\$) — Hon. Ms Redford

A debate followed.

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

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 4 Estate Administration Act — Ms Kubinec

Bill 5 Appropriation (Interim Supply) Act, 2014 (\$) — Hon. Mr. Horner

Hon. Mr. Campbell, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 64(2) in order to allow Bill 5, Appropriation (Interim Supply) Act, 2014 (\$), to advance more than one stage in a day.

Third Reading

The following Bill was read a Third time and passed:

Bill 5 Appropriation (Interim Supply) Act, 2014 (\$) — Hon. Mr. Horner

Adjournment

On motion by Hon. Mr. Campbell, Government House Leader, the Assembly adjourned at 5:32 p.m. until 7:30 p.m.

WEDNESDAY, MARCH 12, 2014 — 7:30 P.M.

Government Bills and Orders

Third Reading

The following Bills were read a Third time and passed:

Bill 1 Savings Management Act (\$) — Hon. Ms Redford

Bill 2 Appropriation (Supplementary Supply) Act, 2014 (\$) — Hon. Mr. Horner

Bill 3 Securities Amendment Act, 2014 — Hon. Mr. Horner

Consideration of His Honour the Lieutenant Governor's Speech (Day 5)

Moved by Ms Kubinec and seconded by Mr. McDonald:

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. Campbell moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mr. Campbell, Government House Leader, the Assembly adjourned at 8:19 p.m. until Thursday, March 13, 2014, at 1:30 p.m.

Hon. Gene Zwozdesky,
Speaker

Title: Wednesday, March 12, 2014