



**Legislative Assembly
Province of Alberta**

No. 4

VOTES AND PROCEEDINGS

Third Session

Twenty-Eighth Legislature

Thursday, November 20, 2014

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

Members' Statements

Mrs. Sarich, Hon. Member for Edmonton-Decore, made a statement recognizing the 40th anniversary of Dickinsfield Amity House.

Ms Blakeman, Hon. Member for Edmonton-Centre, made a statement requesting support for Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014.

Mr. Xiao, Hon. Member for Edmonton-McClung, made a statement regarding the priorities of fiscal management and seniors' care that were outlined in the November 17, 2014, Speech From the Throne and echo concerns from constituents of Edmonton-McClung.

Mr. Young, Hon. Member for Edmonton-Riverview, made a statement regarding the Edmonton Chamber of Commerce working with commercial leaders, post-secondary institutions, and all levels of government to create commercially sustainable opportunities in the Capital Region.

Mr. Stier, Hon. Member for Livingstone-Macleod, made a statement regarding issues concerning rural ambulance dispatch and emergency wait times.

Mr. Amery, Hon. Member for Calgary-East, made a statement recognizing November 16 to 22, 2014, as National Bullying Week.

Notices of Motions

Hon. Mr. Denis, Government House Leader, gave oral notice of Written Questions and Motions for Returns to be accepted or otherwise dealt with, pursuant to Standing Order 34(3):

Written Questions

To be dealt with: WQ1, WQ2, WQ3, WQ4, WQ7, WQ8, WQ14, WQ23, WQ30

Motions for Returns

To be dealt with: MR1, MR2, MR4, MR5, MR9, MR10, MR11, MR13, MR14

Introduction of Bills (First Reading)

Notice having been given:

Bill 201 Electric Utilities (Transparency in Billing) Amendment Act, 2014 —
Mr. Anglin

Bill 202 Safe and Inclusive Schools Statutes Amendment Act, 2014 —
Ms Blakeman

Tabling Returns and Reports

Hon. Mr. Dorward, Associate Minister of Aboriginal Relations, on behalf of Hon. Mr. Prentice, Premier, Minister of International and Intergovernmental Relations, and Minister of Aboriginal Relations, pursuant to the Northern Alberta Development Council Act, cN-4, s8:

Northern Alberta Development Council, Annual Report 2013-2014
Sessional Paper 31/2014

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Fawcett, Minister of Environment and Sustainable Resource Development:

Response to Written Question WQ23, asked for by Ms Blakeman on April 14, 2014:

In relation to the June 2013 flood, how many hours' notice did the Ministry of Environment and Sustainable Resource Development give to each of the affected municipalities that flooding was either possible or imminent?

Sessional Paper 32/2014

Clerk of the Assembly on behalf of Hon. Mr. Dirks, Minister of Education, pursuant to the Legislative Assembly Act, cL-9, s45, and the Fiscal Management Act F-14.5, s13:

Education, Annual Report Update 2013-1024

Sessional Paper 33/2014

Clerk of the Assembly on behalf of Hon. Mrs. Klimchuk, Minister of Human Services:

Responses to Written Questions WQ4, WQ19, WQ20, WQ21, WQ22, WQ27, and WQ28, asked for by Dr. Swann on April 14, 2014:

WQ4. As of January 1, 2014, how many licensed child care program spaces and approved family day home spaces are there in each of Edmonton, Calgary, and the rest of Alberta?

WQ19. What criteria does the Government use to classify children as living in poverty?

WQ20. What is the Government's estimate of how many Alberta children are living in poverty as of January 1, 2014?

WQ21. What criteria does the Government use to determine whether a child has escaped poverty?

WQ22. What is the Government's projection of how much money it will need to invest to eliminate child poverty in five years, in connection with Together We Raise Tomorrow, Alberta's Poverty Reduction Strategy, announced in June 2013, and to which programs, services, and community resources will this funding be allocated?

WQ27. What is the projected net financial result of dissolving the Child and Family Services Authorities and Persons with Developmental Disabilities Community Boards, establishing family and community engagement councils, and transferring responsibility for service delivery to the Ministry of Human Services?

WQ28. How much have caseloads for Alberta Works decreased or increased from April 1, 2008, to April 1, 2013?

Sessional Paper 34/2014

Privilege – Statements by Members Regarding Travel to Grande Prairie

Honourable Members, I am prepared to make the ruling on the purported question of privilege that was raised by the Member for Edmonton-Centre on Tuesday, November 18, 2014. The debate on this matter can be found at pages 23 to 28 of Alberta Hansard for that day.

With respect to the formalities, my office received notice from the Member for Edmonton-Centre on November 12, 2014, at 2:53 p.m., regarding her intention to raise a question of privilege under Standing Order 15 when the House reconvened this session. The Member has satisfied the requirement in Standing Order 15(2) for notice to be given to the Speaker at least two hours before the opening of the sitting. The notice to the Speaker also indicated that those persons whose conduct might be called into question would be copied on the notice, as is also required if practicable under Standing Order 15(2).

As indicated, the Member for Edmonton-Centre raised her purported question of privilege on Tuesday, November 18, in the Assembly, which was the first day of ordinary business for this session. The Member indicated that her purported question of privilege is based on matters contained in the Auditor General's report dated August 2014 and titled "Special Duty Report on the Expenses of the Office of Premier Redford and Alberta's Air Transportation Services Program." This report was released on August 7, 2014, and was filed when the Assembly was adjourned as an intersessional deposit and is Sessional Paper 309/2014.

The Assembly did not sit from the time the report was released until the commencement of the Third Session of the 28th Legislature on Monday, November 17, 2014. Accordingly, I find that the application under Standing Order 15 was raised at the earliest opportunity. I will have more to say about a previous purported question on the same subject decided in March of this year during the Second Session of this Legislature.

Before continuing with the substance of my ruling, I would like to draw Members' attention to the notice provided by the Member for Edmonton-Centre during Notices of Motions in Tuesday's Daily Routine. The notice referenced four Members of this Assembly: the Members for Calgary-Acadia, Grande Prairie-Wapiti, Edmonton-Rutherford, and Spruce Grove-St. Albert, but Calgary-Acadia was struck out. I have confirmed with the Member for Edmonton-Centre that she has raised this question of privilege with respect to only three of those four Members and that the striking out of Calgary-Acadia in her written notice was intentional and that she herself had stricken it out.

The purported question of privilege before us today resurrected the question of privilege raised by the Member for Calgary-Shaw last session. Members can certainly read his arguments in the March 12, 2014, Alberta Hansard at pages 212 and 213. His purported question of privilege was similar to the one raised by the Member for Edmonton-Centre on Tuesday this week, namely that there were statements made in this Assembly that allegedly interfered with the ability of Members to perform their duties. Another way of articulating this point is to suggest that a Member made a statement in this Assembly that was deliberately misleading and accordingly constituted a contempt of this Assembly.

For the benefit of the new Members in particular but also for those who may not recall the proceedings on this point last March, Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 24th edition, at page 254, states with respect to the United Kingdom, "the Commons may treat the making of a deliberately misleading statement as a contempt." As well, and as I pointed out in my rulings on November 29 and December 3, 2012, at pages 1190 and 1206 of Alberta Hansard, respectively, it is understood that a form of contempt that is treated as a question of privilege is just that, as enunciated earlier.

The Member for Edmonton-Centre is raising essentially the same purported question of privilege but distinguishes her argument on the basis of the information contained in the aforementioned Auditor General's Special Duty Report of August 2014. As everyone knows, that report dealt solely with the expenses incurred by the Premier's Office. Let me be clear. We are talking about the former Premier. To clarify the scope of the report, it is stated at page 2: "This was an audit of the expenses of Premier Redford and her office. It would be wrong for anyone to extrapolate our findings and conclusions to the public service of Alberta as a whole." The Auditor General states at page 27 of the report: "We found that, on October 25, 2012, Premier Redford flew on a Government aircraft to Grande Prairie to attend the Northern Alberta Leader's Dinner. We reviewed Premier Redford's schedule for that day and did not identify any Government business scheduled in Grande Prairie." Clearly, the Auditor General's reference states that there was nothing in Premier Redford's schedule to suggest that she had any Government business printed in the schedule he reviewed.

The Chair would also note that, two days ago, on November 18, 2014, the Minister of Transportation tabled an August 13, 2014, newspaper article from the Grande Prairie Daily Herald Tribune known as Sessional Paper 14/2014, wherein the editor for that newspaper confirms that in fact a funding announcement was made about the Grande Prairie Regional Hospital on October 25, 2012, and was in fact made at the TEC Centre in Grande Prairie. In other words, some Government business obviously did occur during this trip in question *by one or more members of Cabinet*.*

Now, it is important to note that the test for deliberately misleading the Assembly or the House is found in House of Commons Procedure and Practice, second edition, at page 86 where the three-part test articulated by the former Clerk of the New Zealand House of Assembly, David McGee, in the third edition of his book Parliamentary Practice in New Zealand at pages 653 and 654, is cited. As indicated several times in this Assembly, the three parts of the test are: one, it must be proven that the statement was misleading; two, it must be established that the Member making the statement knew at the time that the statement was incorrect; and three, that in making the statement, the Member intended to mislead the House.

*Statement clarified by the Speaker on November 20, 2014.

The specifics of the flights and the activities of Members of the Government caucus were extensively covered in March of this year, both in question period and during discussion of the Member for Calgary-Shaw's purported question of privilege at that time. Also, at that time, the Members in question explained the circumstances surrounding their travel on the day in question, including how travel plans were affected by the tragic accident that occurred in St. Paul.

The ruling that there was no prima facie question of privilege is found at page 215 of Alberta Hansard for March 12, 2014. Additional information regarding the flights was provided by the Member for Edmonton-Centre when yesterday she tabled the passenger manifest for the flights to and from Grande Prairie on October 25, 2012, as Sessional Paper 28/2014.

It is not in keeping with parliamentary tradition to raise a matter that has already been decided. If this was a court, it is my understanding that to raise the same issues that have already been adjudicated would be an abuse of process, or subject to the Latin term *res judicata*, which means already subject to judicial determination. In other words, the matter has already been decided.

However, two days ago, the Member for Edmonton-Centre argued that the determinations in the Auditor General's special duty report offered some proof that in her opinion, deliberately misleading statements were made by some Members in this Assembly. The three Members referred to in the purported question of privilege all denied that they had any intention to mislead the Assembly and, as already mentioned, the Minister of Transportation tabled a newspaper article substantiating his argument that in fact a Government announcement was made in Grande Prairie during the time in question.

The report by the Auditor General clearly focused on the activities of the former Premier, not every member of the Government. With respect to the esteemed Officer of the Legislature, there is nothing in his report that directly contradicts the statements made by the three Members in the Assembly on Tuesday, November 18, 2014, at page 28 of Alberta Hansard. While the statements were short, they did not move away from their earlier statements in the Assembly which they made last March.

I indicated that I would look at other jurisdictions in formulating this ruling. A 2002 ruling by former Ontario Speaker Carr nicely summarized the issues surrounding allegations of meeting the test of deliberately misleading the Assembly and also the role of the Speaker in adjudicating such purported questions of privilege.

On June 17, 2002, at page 996 of Ontario Hansard for that day, Speaker Carr said the following:

The threshold for finding a prima facie case of contempt against a member of the Legislature on the basis of deliberately misleading the House is therefore set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the member accused of the conduct, or of tangible confirmation of conduct independently proved, a Speaker must assume that no honourable member would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.

In light of the comments made by the Members, I would find this to be more a case of disagreement among Members over facts, as stated in Beauchesne's paragraph 494. Speaker Scheer of the Canadian House of Commons had occasion to rule on an allegation of deliberately misleading the House on April 30, 2014. At page 4753 of Commons Debates for that day he quoted former House of Commons Speaker Jerome who said, on June 4, 1975: ". . . a dispute as to facts, a dispute as to opinions and a dispute as to conclusions to be drawn from an allegation of fact is a matter of debate and not a question of privilege."

Accordingly, and as was the case on March 12, 2014, I find that a prima facie case of privilege has not been made out. Accordingly, there will be no more proceedings on this particular matter because it is now concluded.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 3 Personal Information Protection Amendment Act, 2014 — Mr. Quadri

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

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

Bill 4 Horse Racing Alberta Amendment Act, 2014 — Hon. Mr. Campbell

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

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

Bill 5 Securities Amendment Act, 2014 — Hon. Mr. Campbell

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

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

Bill 6 Statutes Amendment Act, 2014 (No. 2) — Hon. Mr. Olson

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

Consideration of His Honour the Lieutenant Governor's Speech

(Day 2)

Moved by Ms Fenske and seconded by Mr. Ellis:

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

Adjournment

On motion by Hon. Mr. Denis, Government House Leader, the Assembly adjourned at 4:22 p.m. until Monday, November 24, 2014, at 1:30 p.m.

Hon. Gene Zwozdesky,
Speaker

Title: Thursday, November 20, 2014