



**Legislative Assembly
Province of Alberta**

No. 10

VOTES AND PROCEEDINGS

Third Session

Twenty-Eighth Legislature

Tuesday, December 2, 2014

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

The Speaker offered a prayer, and a moment of silence was observed in recognition of the death of former Member Mr. Henry Woo, Member for Edmonton-Sherwood Park, 1979 to 1986, who passed away on November 24, 2014.

Members' Statements

Ms Calahasen, Hon. Member for Lesser Slave Lake, made a statement regarding Aboriginal children in care and the Government's recent changes to the publication ban concerning children who die while they are receiving child intervention services.

Mr. Hale, Hon. Member for Strathmore-Brooks, made a statement regarding the Wildrose energy policy and environmental progress in the energy industry.

Mr. Luan, Hon. Member for Calgary-Hawkwood, made a statement regarding the Aging in Place: A Family Affair event held in the Calgary-Hawkwood constituency on October 4, 2014.

Ms Notley, Hon. Member for Edmonton-Strathcona, made a statement regarding the importance to youth of voluntary gay-straight alliances in all schools and the difficulties students are facing to form these alliances.

Ms Kennedy-Glans, Hon. Member for Calgary-Varsity, made a statement congratulating the Calgary Stampeders on winning the 102nd Grey Cup held in Vancouver, BC, on November 30, 2014.

Mrs. Forsyth, Hon. Member for Calgary-Fish Creek, made a statement regarding the progress of Aleena Sadownyk of St. Albert who suffers from a rare enzyme deficiency disease and the need for the Government to fund a new treatment for the disease that was recently approved by Health Canada.

Presenting Reports by Standing and Special Committees

Mr. Anderson, Chair, Standing Committee on Public Accounts, presented the following report:

Standing Committee on Public Accounts: Report on 2013 Activities,
Twenty-Eighth Legislature, Third Session, dated November 2014
Sessional Paper 83/2014

Presenting Petitions

The two petitions put forth by Mr. Hehr, Hon. Member for Calgary-Buffalo, were not in order to be presented.

Privilege – Media Briefing on Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children

Mr. Eggen, Hon. Member for Edmonton-Calder, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15 regarding the Government's decision to provide a media briefing on Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, without providing a similar briefing to members of the opposition.

Tabling Returns and Reports

Ms Blakeman, Hon. Member for Edmonton-Centre:

Edmonton Sun website article dated November 6, 2014, entitled "New Education Minister wants Alberta students to feel safe"
Sessional Paper 84/2014

Alberta Diary website article dated December 1, 2014, entitled "Balancing rights? Just what rights are being balanced here? The Prentice Government's Bill 10 is a disgrace"
Sessional Paper 85/2014

Edmonton Journal website article dated November 29, 2014, entitled "Thomson: Muddling the middle ground?"
Sessional Paper 86/2014

daveberta.ca website article dated November 29, 2014, entitled "What if politicians could stop school kids from starting clubs?"
Sessional Paper 87/2014

Edmonton Journal website article dated December 2, 2014, entitled “Thomson: Tories weaken stronger effort from Liberals on gay-straight alliances”

Sessional Paper 88/2014

Calgary Herald website article dated December 2, 2014, entitled “Editorial: Liberals’ bill on gay-straight alliances was better”

Sessional Paper 89/2014

Calgary Herald website article dated December 2, 2014, entitled “Breakenridge: Prentice has made debate over gay-straight clubs even more divisive”

Sessional Paper 90/2014

Email message dated November 24, 2014, from Kimberley Bewick of Edmonton to Hon. Mrs. Klimchuk, Minister of Human Services, regarding her difficult experiences during her years in school and requesting Hon. Mrs. Klimchuk’s support for gay-straight alliances and for Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014

Sessional Paper 91/2014

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

Letter dated November 24, 2014, from Tracy McKinnon, Chairperson, Fort McMurray Catholic Board of Education, to Mr. Allen, Hon. Member for Fort McMurray-Wood-Buffalo, stating the board’s position on Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014

Sessional Paper 92/2014

Report dated November 2013 entitled “Creating Welcoming, Caring, Respectful, and Safe Learning Environments, Gay-Straight Alliances in Schools,” prepared by the Alberta Government

Sessional Paper 93/2014

Hon. Mr. Denis, Government House Leader, requested the unanimous consent of the Assembly to waive Standing Order 7(7) in order to complete the Daily Routine.

Unanimous consent was not granted.

Ms Notley, Hon. Member for Edmonton-Strathcona:

Document entitled “Applicant Copy, Emergency Facility Summary,” relating to comments made by Ms Notley during Oral Question Period on December 2, 2014

Sessional Paper 94/2014

Email message dated December 1, 2014, from Faron Smordin of Edmonton to Hon. Mrs. Klimchuk, Minister of Human Services, encouraging Hon. Mrs. Klimchuk to support Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014

Sessional Paper 95/2014

Mr. Anderson, Hon. Member for Airdrie:

Email message dated October 23, 2014, from Emma Clowes to Mr. Anderson, Hon. Member for Airdrie, suggesting that Adult School Crossing Guards be used at elementary schools in high traffic areas

Sessional Paper 96/2014

Email message dated May 23, 2014, from Deb Hutton of Airdrie to Mr. Anderson, Hon. Member for Airdrie, expressing the need for clear and concise legislation to protect condominium owners

Sessional Paper 97/2014

Letter dated April 21, 2014, from Tanya Fix, Quality Control Manager, Green Seal Certified Safety Courses, to Mr. Anderson, Hon. Member for Airdrie, regarding an abuse of dominance complaint filed against Enform

Sessional Paper 98/2014

Ms Fenske, Hon. Member for Fort Saskatchewan-Vegreville:

Copy of Ms Fenske's Battle River REA utility bill dated September 25, 2014, relating to comments made by Ms Fenske during Second Reading debate on Bill 201, Electric Utilities (Transparency in Billing) Amendment Act, 2014, on December 1, 2014

Sessional Paper 99/2014

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

Text of a letter dated November 26, 2014, from Sean Graham to the editor of Fort McMurray Today, expressing support for gay-straight alliances and for Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014

Sessional Paper 100/2014

Email message dated November 27, 2014, from Leah Ward to Mr. Bilous, Hon. Member for Edmonton-Beverly-Clareview, urging Mr. Bilous to support Bill 202, Safe and Inclusive Schools Statutes Amendment Act, 2014

Sessional Paper 101/2014

Hon. Mr. Dirks, Minister of Education:

Document, undated, entitled "Anti-Bullying Clubs, Diversity Clubs, and Gay-Straight Alliances in Alberta" relating to comments made by Hon. Mr. Dirks during Oral Question Period on December 1, 2014

Sessional Paper 102/2014

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

6 photographs of a Highway 36 slope failure, Municipal District of Taber, relating to comments made by Mr. Bikman during Oral Question Period on December 2, 2014

Sessional Paper 103/2014

Letter dated December 1, 2014, from Judith R. Jensen of Taber to “The Good Samaritans” regarding the unacceptable standard of care received by her parents who reside at the Linden View facility in Taber, with several supporting documents attached

Sessional Paper 104/2014

Hon. Mr. Zwozdesky, Speaker of the Legislative Assembly:

Memorandum dated December 2, 2014, from Mr. Anglin, Hon. Member for Rimbey-Rocky Mountain House-Sundre, to Hon. Mr. Zwozdesky, Speaker of the Legislative Assembly, requesting early Committee of the Whole consideration of Bill 201, Electric Utilities (Transparency in Billing) Amendment Act, 2014

Sessional Paper 105/2014

Privilege – Media Briefing on Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children

Mr. Eggen, Hon. Member for Edmonton-Calder, raised a purported question of privilege under Standing Order 15 regarding the Government’s decision to provide a media briefing on Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, without providing a similar briefing to members of the opposition.

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

Speaker’s Ruling

Thank you, Honourable Members. We have heard from one speaker from each party. Customarily I would wait for a day or so to review all the comments, but they were, thankfully, quite brief, and I was able to track them as they went along, so I am going to deal with this matter right now.

The Hon. Member for Edmonton-Calder did provide notice to me through a letter that was received in my office yesterday at 3:42 p.m., so we have had ample time from that perspective, and the prerequisites of notice under Standing Order 15(2) have been met.

The Honourable Member claims in his notice and in his argument today, as we have just heard, that he feels that his rights as a Member have been interfered with because the Government provided a briefing to the media on Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, but did not provide a similar briefing at the same time to Members of the opposition, or words to that effect. I will just put aside for a moment the assertions and comments made by the Government House Leader that such a briefing was available to the opposition as part of the briefing that was given to the media and that, in turn, was done after the Bill had already been introduced. We will leave that aside for the moment.

I would note that there is no specific right to have the Government brief Members on the content of a Bill. Certainly, there have been instances in this Assembly where briefings were provided on a Bill when the Bill was on notice on the Order Paper but had not yet been introduced in the Assembly. In such circumstances a prima facie question of privilege was found by former Speaker Kowalski on March 5, 2003, at page 304 of Alberta Hansard for that day.

In this case we have been advised today that the briefing to which the ND House Leader objects occurred after the Bill had been introduced in this Assembly. At that time the Bill was public and had been provided to all Members in this Assembly.

A similar purported question of privilege about access to a media briefing was raised by the former Leader of the ND Opposition on April 27, 2009. At page 824 of Alberta Hansard for that day, former Speaker Kowalski said the following:

. . . allowing or not allowing a Member to attend a media briefing does not constitute an impediment or obstruction to the Member performing his or her parliamentary duties, which presumably is the category of privilege that the leader of the third party relies on.

I would also note that the current Leader of the ND Opposition raised a similar purported question of privilege on May 28, 2012, concerning a briefing on what was then Bill 1. In ruling that there was not a prima facie question of privilege, I stated on May 29, 2012, at page 59 of Alberta Hansard for that day the following:

. . . there has been no specific evidence to suggest that any Member was actually impeded in the performance of his or her parliamentary duties . . .

In this case today the briefing about which the Member complains occurred after Bill 10 was introduced in the Assembly. That is the key thing to remember: the word “after.” In fact, there is no right for a Member to receive a Government briefing on a Bill. But having said that, I do not want to discourage such a practice because we all know how much it contributes to the ebb and flow of the House and to the overall understanding of a Bill coming onto the floor. Even if the briefing was in any way “proceeding in parliament,” I cannot see how Members were obstructed in performing their duties. Accordingly, I do not find there to be any contempt and no prima facie question of privilege, and as stated in Standing Order 15(7), there will be “no further proceedings on the matter.” However, I would encourage Government Members and others who have Bills to be introduced to read Hansard for the comments that were made by Airdrie, Edmonton-Centre, and Edmonton-Calder, because I do find value in some of those comments. That being the case this matter 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 10 An Act to Amend the Alberta Bill of Rights to Protect our Children —
Ms Jansen

Ms Blakeman, Hon. Member for Edmonton-Centre, moved that the motion be amended by deleting all of the words after “that” and substituting the following:

Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, be not now read a Second time but that it be read a Second time this day six months hence.

A debate followed on the amendment.

Hon. Mr. Denis, Government House Leader, requested and received the unanimous consent of the Assembly to shorten the interval between division bells to one minute.

The question being put, the amendment was defeated.

The question for Second Reading of Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, being immediately put, the motion was agreed to. With Hon. Mr. Zwozdesky in the Chair, the names being called for were taken as follows:

For the motion: 42

Allen	Dirks	Lemke
Amery	Donovan	Leskiw
Anderson	Drysdale	Luan
Anglin	Ellis	McDonald
Bhullar	Fawcett	McIver
Brown	Fritz	McQueen
Calahasen	Goudreau	Olson
Campbell	Griffiths	Pedersen
Cao	Hale	Sandhu
Casey	Jansen	Scott
Cusanelli	Johnson (Athabasca-Sturgeon-Redwater)	Starke
Dallas	Johnson (Calgary-Glenmore)	Weadick
DeLong	Kennedy-Glans	Woo-Paw
Denis	Kubinec	Xiao

Against the motion: 10

Bilous	Lukaszuk	Sherman
Blakeman	Mason	Smith
Eggen	Notley	Wilson
Kang		

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children —
Ms Jansen

Adjournment

The Assembly adjourned at 6:04 p.m. until 7:30 p.m.

TUESDAY, DECEMBER 2, 2014 — 7:30 P.M.

Government Bills and Orders

Second Reading

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

Bill 7 Chartered Professional Accountants Act — Hon. Mr. McIver

Bill 8 Justice Statutes Amendment Act, 2014 — Ms Kennedy-Glans

Third Reading

The following Bill was read a Third time and passed:

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

Adjournment

On motion by Hon. Mr. Scott, Deputy Government House Leader, the Assembly adjourned at 7:52 p.m. until Wednesday, December 3, 2014, at 1:30 p.m.

Hon. Gene Zwozdesky,
Speaker

Title: Tuesday, December 2, 2014