



**Legislative Assembly  
Province of Alberta**

No. 13

**VOTES AND PROCEEDINGS**

First Session

Twenty-Ninth Legislature

---

Monday, November 2, 2015

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

**Members' Statements**

Mr. Dang, Hon. Member for Edmonton-South West, made a statement recognizing Evan Tran, a 21-year old University of Alberta student who suffered with mental health issues and took his own life on October 11, 2015, and regarding the Government's recently announced mental health review.

Mr. Smith, Hon. Member for Drayton Valley-Devon, made a statement regarding the proposed Budget 2015 and how the Government's new fiscal policies are affecting constituents and businesses in the Drayton Valley-Devon constituency.

Mr. Bhullar, Hon. Member for Calgary-Greenway, made a statement regarding the horrors of the anti-Sikh riots in India on October 31, 1984.

Mr. Westhead, Hon. Member for Banff-Cochrane, made a statement commending the Government for its Springbank flood mitigation strategy.

Ms Renaud, Hon. Member for St. Albert, made a statement recognizing November 1 to 7, 2015, as National Down Syndrome Awareness Week, and thanking the Canadian Down Syndrome Society and local Down syndrome associations for their work.

Mr. Schneider, Hon. Member for Little Bow, made a statement regarding the success of the accelerated Christian education program used by Hope Christian School in Champion.

## **Tabling Returns and Reports**

Hon. Mr. Ceci, President of Treasury Board and Minister of Finance, pursuant to the Securities Act, cS-4, s20(2):

Alberta Securities Commission, 2015 Annual Report

Sessional Paper 97/2015

Dr. Swann, Hon. Member for Calgary-Mountain View:

Metro News website article dated October 24, 2015, entitled “Alberta tax credit for adding new employees simply not needed: EEDC,” relating to comments made by Dr. Swann during Oral Question Period the week of October 26, 2015

Sessional Paper 98/2015

Calgary Herald website article dated August 27, 2015, entitled “Small business confidence in Alberta nearing historic low,” relating to comments made by Dr. Swann during Oral Question Period the week of October 26, 2015

Sessional Paper 99/2015

Report dated September 2015 entitled “Business Barometer, Alberta,” prepared by the Canadian Federation of Independent Business, relating to comments made by Dr. Swann during Oral Question Period the week of October 26, 2015

Sessional Paper 100/2015

## **Privilege – Proposed Salary Freeze**

Honourable Members, I would like to issue a ruling concerning the purported question of privilege raised by the Official Opposition House Leader last Wednesday, October 28, 2015, the discussion of which can be found at pages 351 to 355 of the Hansard for that day.

In a nutshell, the essence of the Member’s purported question of privilege is that the news release issued by the Minister of Finance’s department prior to the delivery of the budget prejudged a decision by the Special Standing Committee on Members’ Services by stating that Ministers and Members would take a pay freeze not only until 2017 but until the end of this Legislature.

I would point out to the House that this is the first question of privilege that I have had to address in this Legislature and it may well be the first one that most Members have witnessed.

While I do not wish to take more time than necessary in delivering this ruling, I think it is important to outline some essential elements of privilege for the benefit of new Members. I personally did considerable research on this matter and on all the precedents of this Assembly.

Members should be advised that there are some formalities to be followed in raising a purported question of privilege. Under Standing Order 15(2), notice of a question of privilege must be provided to the Speaker's office at least two hours before the opening of the sitting. In this case, notice was received in my office at 11:18 a.m. on Wednesday, October 28, so the precondition has been met.

To expand upon the allegations in this case, the Minister of Finance's department issued, according to the Official Opposition House Leader at page 351 of Hansard for October 28, 2015, a news release stating as follows:

Budget 2015 takes a careful and responsible approach to managing government finances, steadily phasing out the deficit without reckless cuts to the frontline services Albertans rely on. This includes . . . [a] salary freeze for Cabinet Ministers, MLAs and political staff for the entire term of this Legislature . . .

The Member further states that this news release was presented while the Minister of Finance was delivering his budget speech in this Assembly on Tuesday, October 27.

As the Government House Leader pointed out in speaking to this issue, what was in the news release differed from what the Minister of Finance actually said in this Assembly. At page 333 of Alberta Hansard for October 27, the Minister of Finance said:

Our Government will propose that Members of this House agree to freeze the salaries of the members of Cabinet, MLAs, and political staff positions for the entire term of this Legislature; in other words, until after the next election in four years.

I draw Members' attention to the use of the word "propose" in this statement rather than "implement" or "put into place" or some other phrase that would imply that the Government was taking action without respecting the Assembly's jurisdiction.

The question arises as to what law or rule of this Assembly or Parliament in general that this action allegedly violates.

First, while this matter is raised as a question of privilege, it may actually be what is known as a contempt of the Assembly. The distinction is discussed in the following quotation from House of Commons Procedure and Practice, Second Edition, at page 82, where it is said:

It is important to distinguish between a “breach of privilege” and a “contempt of Parliament.” Any disregard of or attack on the rights, powers and immunities of the House and its Members, either by an outside person or body, or by a Member of the House, is referred to as a “breach of privilege” and is punishable by the House. There are, however, other affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its Members, or its officers.

This was the definition of contempt used by Speaker Zwozdesky in his October 31, 2013, ruling, which can be found at pages 2655 to 2657 of Alberta Hansard for that day, on a somewhat related matter, about which I will say more later.

The issue of contempt was relevant to the questions of privilege raised in late 2013. The December 2, 2013, ruling by Speaker Zwozdesky where he found a prima facie question of privilege was referred to several times during discussion of this matter.

In the 2013 case the Government of the day had published brochures that went to every home in Alberta which, amongst other things, stated that MLAs’ salaries were going to be frozen until 2017 when in fact the motion to do so in the appropriate committee was not moved until after the brochures had been distributed. I would invite Members to review Speaker Zwozdesky’s comments in finding a prima facie question of privilege at pages 3231 to 3235 of Alberta Hansard for December 2, 2013.

In the case before the Assembly today, there was a news release issued at the same time that the Minister was presenting his Budget Address in this Assembly. The Address gives appropriate respect and deference to the decision-making bodies while the news release, arguably, does not. In this case there is ambiguity between the Minister’s statement in the Assembly and news release. When they are occurring at the same time can the news release be said to prejudge the actions of a Committee of the Assembly when the Budget Address does not? In my view, this possible misstatement in a news release does not give rise to a prima facie question of privilege.

Since being elected Speaker in June this year, I have come to appreciate how context is so very important factor in understanding what occurs in this Assembly. It is clear from the research I have conducted that the Government of the day had been warned about not showing adequate respect for the Assembly in an October 31, 2013, ruling by Speaker Zwozdesky about the release of the contents of the Bill involving the then Minister of Transportation. A prima facie question of privilege was not found but the Speaker warned the Government about advertising Bills as if they had passed and about early release of Bills on Notice. There seems to be a wide gulf of difference between those events and the one under review today.

The Government of the day appears not to have heeded the warnings and advertised province-wide about wage freezes that were not within the Government's jurisdiction and were not before the appropriate committee. I want to thank the Member for Vermilion-Lloydminster for making this point and for adding context to the discussion.

One other point that I reflected upon is that the non-increase in pay for Members and Ministers is already in place and will be so until March 31, 2017. What the Government is proposing would extend the time period but technically it has nothing to do with the estimates for this fiscal year or even the next fiscal year. Could this be a relevant question of privilege when the decisions would not take place for 18 months from now?

While this is not a prima facie question of privilege, I would caution the Government not to prejudge the actions of the Assembly or its committees in the future. It is my hope that this would not arise again and I would stress to Members that this Speaker, on behalf of this Assembly, does not take these matters lightly.

This matter is now concluded for all purposes.

In conclusion, I want to remind Members that true questions of privilege should arise infrequently. As Joseph Maingot says in his book, *Parliamentary Privilege in Canada*, Second Edition, at page 217: "A genuine question of privilege is therefore a serious matter not to be reckoned with lightly and accordingly ought to be rare, and thus rarely raised in the House of Commons."

## **ORDERS OF THE DAY**

### **Public Bills and Orders Other Than Government Bills and Orders**

#### **Second Reading**

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

Bill 202 Alberta Local Food Act — MLA Cortes-Vargas

The question being put, the motion was agreed to. With Hon. Mr. Wanner in the Chair, the names being called for were taken as follows:

For the motion: 50

Anderson (Leduc-Beaumont)	Ganley	Nielsen
Babcock	Gray	Payne
Bhullar	Hinkley	Phillips
Bilous	Hoffman	Piquette
Carson	Horne	Renaud
Ceci	Jabbour	Rodney
Clark	Kazim	Rosendahl
Connolly	Kleinsteuber	Sabir
Coolahan	Littlewood	Schmidt
Cortes-Vargas	Loyola	Schreiner
Dach	Luff	Shepherd
Dang	Malkinson	Sucha
Drever	McCuaig-Boyd	Swann
Eggen	McKitrick	Sweet
Ellis	McLean	Turner
Feehan	McPherson	Westhead
Fitzpatrick	Miller	

Against the motion: 15

Aheer	Loewen	Schneider
Barnes	MacIntyre	Smith
Cooper	Nixon	Strankman
Cyr	Orr	Taylor
Hunter	Pitt	Yao

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

Bill 202 Alberta Local Food Act — MLA Cortes-Vargas

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

Bill 203 Election (Restrictions on Government Advertising) Amendment Act, 2015  
— Mr. Strankman

A debate followed.

Ms Gray, Hon. Member for Edmonton-Mill Woods, moved that the motion for Second Reading of Bill 203, Election (Restrictions on Government Advertising) Amendment Act, 2015, be amended by deleting all the words after “that” and substituting the following:

Bill 203, Election (Restrictions on Government Advertising) Amendment Act, 2015, be not now read a Second time but that the Order be discharged, the Bill withdrawn, and the subject matter of the Bill be referred to the Select Special Ethics and Accountability Committee as part of its current review.

A debate followed on the amendment.

The question being put, the amendment was agreed to. With Hon. Mr. Wanner in the Chair, the names being called for were taken as follows:

For the amendment: 44

Anderson (Leduc-Beaumont)	Gray	Notley
Babcock	Hinkley	Payne
Bilous	Hoffman	Phillips
Carson	Horne	Piquette
Ceci	Jabbour	Renaud
Connolly	Kazim	Rosendahl
Coolahan	Littlewood	Sabir
Cortes-Vargas	Loyola	Schmidt
Dach	Malkinson	Schreiner
Dang	McCuaig-Boyd	Shepherd
Drever	McKitrick	Sucha
Eggen	McLean	Sweet
Feehan	McPherson	Turner
Fitzpatrick	Miller	Westhead
Ganley	Nielsen	

Against the amendment: 27

Aheer	Hunter	Rodney
Barnes	Jean	Schneider
Clark	Loewen	Smith
Cooper	MacIntyre	Starke
Cyr	McIver	Strankman
Drysdale	Nixon	Swann
Ellis	Orr	Taylor
Fildebrandt	Panda	van Dijken
Gotfried	Pitt	Yao

Hon. Mr. Bilous, Deputy Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 8(1) to allow the Assembly to proceed to Motions Other Than Government Motions.

## **Motions Other Than Government Motions**

**503.** Moved by Mr. Dang:

Be it resolved that the Legislative Assembly urge the Government to consult with school boards and youth to encourage senior high school student participation on boards with a view to increasing dialogue, increasing student engagement in board policy and planning, and educating students about democratic governance.

A debate followed.

The question being put, the motion was agreed to.

## **Adjournment**

On motion by Hon. Mr. Bilous, Deputy Government House Leader, the Assembly adjourned at 5:24 p.m. until Tuesday, November 3, 2015, at 1:30 p.m.

---

---

Hon. Robert E. Wanner,  
Speaker

Title: Monday, November 2, 2015