



**Legislative Assembly
Province of Alberta**

No. 4

VOTES AND PROCEEDINGS

Second Session

Twenty-Ninth Legislature

Monday, March 14, 2016

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

Speaker's Statement – Commonwealth Day

The Speaker made a statement in recognition of Commonwealth Day on March 14, 2016.

Members' Statements

Ms Babcock, Hon. Member for Stony Plain, made a statement regarding Alberta's Victim Services Societies network, which is devoted to reducing trauma for victims of crime.

Mr. Cooper, Hon. Member for Olds-Didsbury-Three Hills, made a statement regarding his consultation with residents in the Olds-Didsbury-Three Hills constituency and their comments with respect to high unemployment rates in Alberta.

Ms Jansen, Hon. Member for Calgary-North West, made a statement regarding attitudes toward the schedule of the current legislative session, legislating social issues, and Bill 201, Election Recall Act.

Dr. Turner, Hon. Member for Edmonton-Whitemud, made a statement congratulating Chelsea Carey, Amy Nixon, Jocelyn Peterman, and Laine Peters on winning the 2016 Scotties Tournament of Hearts in Grande Prairie on February 28, 2016; Kevin Koe, Marc Kennedy, Brent Laing, and Ben Hebert on winning the 2016 Tim Hortons Brier in Ottawa on March 13, 2016; and the Calgary Inferno on winning the 2016 Clarkson Cup, the Canadian Women's Hockey League championship, in Ottawa on March 13, 2016.

Mr. Shepherd, Hon. Member for Edmonton-Centre, made a statement regarding the work of the SAFQEY (Safe Accommodations for Queer Edmonton Youth), particularly its efforts to open a homeless shelter for LGBTQ youth.

Mr. Cyr, Hon. Member for Bonnyville-Cold Lake, made a statement regarding several events held in the Bonnyville-Cold Lake constituency, particularly the Cold Lake Air Show to be held on July 16 and 17, 2016.

Presenting Reports by Standing and Special Committees

MLA Loyola, Chair, Standing Committee on Resource Stewardship, presented the following, pursuant to the Property Rights Advocate Act, cP-26.5, s5(5):

Standing Committee on Resource Stewardship, Final Report, Review of the Alberta Property Rights Advocate Office 2014 Annual Report, Twenty-Ninth Legislature, Second Session, dated March 2016

Sessional Paper 16/2016

Ms Miller, Chair, Standing Committee on the Alberta Heritage Savings Trust Fund, presented the following, pursuant to the Alberta Heritage Savings Trust Fund Act, cA-23, s6(4)(c), and Standing Order 55:

Standing Committee on the Alberta Heritage Savings Trust Fund, 2014/2015 Report Covering Activities from 28th Legislature: September 2014 to March 2015, dated March 2016

Sessional Paper 17/2016

Standing Committee on the Alberta Heritage Savings Trust Fund, 2014/2015 Report Covering Activities from the 29th Legislature: June 2015 to November 2015, dated March 2016

Sessional Paper 18/2016

Mr. Shepherd, Chair, Standing Committee on Legislative Offices, presented the following:

Standing Committee on Legislative Offices, Report on the Reappointment of the Auditor General, dated February 2016

Sessional Paper 19/2016

Standing Committee on Legislative Offices, Report on the Reappointment of the Chief Electoral Officer, dated February 2016

Sessional Paper 20/2016

Notices of Motions

Hon. Ms Gray, Minister of Labour and Minister Responsible for Democratic Renewal, gave oral notice of her intention to introduce the following Bill:

Bill 4 An Act to Implement a Supreme Court Ruling Governing Essential Services
— Hon. Ms Gray

Tabling Returns and Reports

Mr. McIver, Hon. Member for Calgary-Hays:

Letter dated February 19, 2016, from Lisa Holmes, President, Alberta Urban Municipalities Association (AUMA), to Hon. Ms Larivee, Minister of Municipal Affairs, regarding the AUMA's recommendations on the linear property tax review, relating to comments made by Mr. McIver during Oral Question Period on March 14, 2016

Sessional Paper 21/2016

Letter dated February 5, 2016, from Al Kenmere, President, Alberta Association of Municipal Districts and Counties (AAMDC), to Hon. Ms Larivee, Minister of Municipal Affairs, regarding the AAMDC's position on the linear assessment tax allocation system, relating to comments made by Mr. McIver during Oral Question Period on March 14, 2016

Sessional Paper 22/2016

Letter dated March 14, 2016, from several business associations and employer groups to Hon. Ms Notley, Premier, regarding their recommendations for government actions to address Alberta's economic situation

Sessional Paper 23/2016

Hon. Mr. Wanner, Speaker of the Legislative Assembly, pursuant to the Conflicts of Interest Act, cC-23, s28(1):

Office of the Ethics Commissioner, Province of Alberta, Report of the Investigation by Hon. Marguerite Trussler, Q.C., Ethics Commissioner, into allegations involving Premier Rachel Notley, Member for Edmonton-Strathcona, dated March 14, 2016

Sessional Paper 24/2016

Privilege – Briefing for the Speech from the Throne

Honourable Members, the Chair is prepared to rule on the purported question of privilege raised by the Member for Vermilion-Lloydminster on Wednesday, March 9, 2016. The discussion on this matter can be found at pages 38 to 42 of Alberta Hansard for that day.

To state the purported question of privilege in the proverbial nutshell, the issue is whether the dissemination of copies of the Speech from the Throne on an embargoed basis to media but not Members prior to its delivery in the Chamber that afternoon constitutes a contempt of the Assembly.

The notice provided by the Honourable Member complied with the procedural requirements found in Standing Order 15(2). The Speaker's office received notice of the purported question of privilege on Tuesday, March 8, at 4:51 p.m., which far exceeded the requirement for notice to be provided two hours before the opening of the afternoon sitting. I want to thank the Member for proceeding by way of notice instead of raising the matter during the proceedings during the Speech from the Throne, which would have disrupted the proceedings and would not have been dealt with until the following day anyway.

As I understood the Honourable Member's argument, it is that the distribution of the Speech from the Throne and the briefing impeded Members in the performance of their duties and constituted a contempt of the Assembly. There did not seem to be dispute as to the facts surrounding this purported question of privilege as the Deputy Government House Leader confirmed, it seemed, that there was an embargoed media briefing at which copies of the Speech from the Throne were distributed.

In terms of providing a basis for his claim, the Member for Vermilion-Lloydminster was good enough to provide a definition of "contempt" from page 251 of Erskine May, Twenty-fourth edition. In my ruling of November 2, 2015, found at pages 400 to 401 of Alberta Hansard for that day, I relied upon the distinction between "contempt" and "privilege" at page 82 of House of Commons Procedure and Practice, Second Edition. To quote in part from that longer excerpt, a contempt is

...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.

The Member also acknowledged that there was no precedent, by which I mean a Speaker's ruling, on the dissemination of the Speech from the Throne prior to its delivery. Without a precedent, the arguments proceeded on the basis of analogy, with the Member for Vermilion-Lloydminster claiming that this situation was the same as when copies of a Bill are distributed prior to its introduction in the Assembly. To be clear, a possible contempt could occur in the circumstances where a Bill is on notice on the Order Paper and before it is introduced the Bill is distributed to persons other than Members or the specific contents of the Bill are revealed.

This was the essence of Speaker Kowalski's March 5, 2003, ruling where he found a prima facie question of privilege when the contents of a Bill on notice were revealed at a media briefing. His ruling relied upon the March 19, 2001, ruling of then House of Commons Speaker Milliken on the same issue, which the Member quoted from in his presentation last Wednesday.

Although not raised in discussion of this purported question of privilege, there is a subsequent ruling by Speaker Milliken on whether disclosure to the media of the Speech from the Throne prior to its delivery by the Governor General constituted a breach of privilege. In his ruling, found at pages 282 and 283 of Commons Debates for October 23, 2007, Speaker Milliken ruled that there was no breach of privilege. He stated at page 283 "...the Chair can find no procedural authority for the claim that the premature disclosure of the Speech from the Throne constitutes a breach of privilege of the members of this House."

I find this argument to be persuasive and applicable to this situation. As did Speaker Milliken, this Chair finds that the situation surrounding the disclosure of the Speech from the Throne is analogous to budget secrecy, which is a matter of parliamentary convention rather than privilege. I would refer Members to paragraph 31(5) of Beauchesne's, 6th Edition, and page 894 of House of Commons Procedure and Practice, Second Edition, which state this proposition.

Accordingly, for the reasons I have provided, I find that there is no prima facie question of privilege. The matter is now concluded.

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 201 Election Recall Act — Mr. Smith

A debate followed.

Debate adjourned, Mr. Cyr speaking.

Dr. Starke, Hon. Member for Vermilion-Lloydminster, requested the unanimous consent of the Assembly to waive Standing Order 8(1) in order to allow the sponsor of Bill 201 to close debate.

Unanimous consent was not granted.

Motions Other Than Government Motions

501. Moved by Ms Drever:

Be it resolved that the Legislative Assembly urge the Government to review current policies and strategies with a view to increasing community capacity to deliver transitional and low-barrier housing for vulnerable Albertans suffering from complex mental and physical health needs.

A debate followed.

The question being put, the motion was agreed to unanimously.

Adjournment

On motion by Hon. Mr. Carlier, Deputy Government House Leader, the Assembly adjourned at 5:51 p.m. until 7:30 p.m.

MONDAY, MARCH 14, 2015 — 7:30 P.M.

Deputy Speaker's Statement – Table Officer

The Deputy Speaker made a statement introducing Trafton Koenig, who will be assisting at the Table beginning this evening.

Committee of Supply (Supplementary Supply Estimates)

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

(Assembly in Committee)

And after some time spent therein, the Deputy Speaker resumed the Chair and Ms Sweet reported as follows:

Madam Speaker:

The Committee of Supply has had under consideration certain resolutions of the 2015-16 Supplementary Supply Estimates, General Revenue Fund, reports as follows, and requests leave to sit again.

Education

Expense	\$33,800,000
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Justice and Solicitor General

Expense	\$8,000,000
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Labour

Expense \$3,089,000

Municipal Affairs

Expense \$9,045,000

Seniors and Housing

Expense \$50,500,000

Treasury Board and Finance

Expense \$2,000,000

The question being put, the report and the request for leave to sit again were agreed to.

Introduction of Bills (First Reading)

Upon recommendation of Her Honour the Honourable the Lieutenant Governor, and notice having been given:

Bill 3 Appropriation (Supplementary Supply) Act, 2016 (\$) — Hon. Mr. Ceci

Adjournment

On motion by Hon. Mr. Bilous, Deputy Government House Leader, the Assembly adjourned at 9:55 p.m. until Tuesday, March 15, 2016, at 10:00 a.m.

Hon. Robert E. Wanner,
Speaker