



**Legislative Assembly
Province of Alberta**

No. 61

VOTES AND PROCEEDINGS

Second Session

Twenty-Ninth Legislature

Monday, December 12, 2016

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

Members' Statements

Ms Luff, Hon. Member for Calgary-East, made a statement regarding the findings of the Mathematics Curriculum Review Working Group and actions that the Government will take following the review, including a bursary program to allow teachers to enhance their knowledge.

Mr. Hunter, Hon. Member for Cardston-Taber-Warner, made a statement regarding issues with the system of kinship care of children and the lack of support services for kinship caregivers.

Mr. Dach, Hon. Member for Edmonton-McClung, made a statement in support of the carbon levy and describing the rebate process that will apply to 60 per cent of Albertans.

Ms Woollard, Hon. Member for Edmonton-Mill Creek, made a statement regarding essential publicly funded mental health services needed to assist people, particularly in workplaces and in schools, and the Government's Valuing Mental Health review.

Mr. Horne, Hon. Member for Spruce Grove-St. Albert, made a statement regarding access to services for seniors in rural areas and the work of the Sturgeon Foundation to assist those seniors.

Mr. Loewen, Hon. Member for Grande Prairie-Smoky, made a statement regarding Government legislation, actions, and policies.

Notices of Motions

Hon. Mr. Mason, Government House Leader, gave oral notice of the intention to move the following motions:

Be it resolved that the following changes to:

- A. the Standing Committee on Families and Communities be approved:
that Ms Miller replace MLA McPherson,
that Mrs. Aheer replace Mr. Smith,
that Mr. Orr replace Mr. Smith as Deputy Chair;
- B. the Standing Committee on Alberta's Economic Future be approved:
that Mr. van Dijken replace Mr. Hunter,
that Mr. van Dijken replace Mr. Schneider as Deputy Chair,
that Mr. Smith replace Mr. Panda,
that Mr. Drysdale replace Ms Jansen;
- C. the Standing Committee on Legislative Offices be approved:
that MLA Drever replace Ms Jabbour,
that Mrs. Pitt replace Mr. Cooper;
- D. the Standing Committee on Public Accounts be approved:
that Mr. Cyr replace Mr. Fildebrandt as Chair,
that Mr. Panda replace Mr. Hunter;
- E. the Special Standing Committee on Members' Services be approved:
that Mr. Orr replace Mr. Fildebrandt;
- F. the Standing Committee on Resource Stewardship be approved:
that Mr. Hunter replace Mrs. Aheer,
that Mr. Hunter replace Mr. Loewen as Deputy Chair.

Be it resolved that:

1. A Select Special Ombudsman and Public Interest Commissioner Search Committee of the Legislative Assembly be appointed, consisting of the following Members, namely:

Shepherd (Chair)	Horne	Littlewood
Malkinson (Deputy Chair)	Kleinsteuber	Woollard
Ellis	Pitt	van Dijken

for the purpose of inviting applications for the position of Ombudsman and Public Interest Commissioner, and to recommend to the Assembly the applicant it considers most suitable to this position.

2. Reasonable disbursements by the Committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid, subject to the approval of the Chair.

3. In carrying out its responsibilities, the Committee may, with the concurrence of the head of the department, utilize the services of members of the public service employed in that department, and of the staff employed by the Assembly.
4. The Committee may, without leave of the Assembly, sit during a period when the Assembly is adjourned or prorogued.
5. When its work has been completed, the Committee shall report to the Assembly if it is sitting; during a period when the Assembly is adjourned or prorogued, the Committee may release its report by depositing a copy with the Clerk and forwarding a copy to each Member of the Assembly.

Privilege – Allegations Made by the Hon. Member for Calgary-Elbow

Hon. Mr. Mason, Government House Leader, gave oral notice of his intention to raise a purported question of privilege under Standing Order 15 regarding allegations made by the Hon. Member for Calgary-Elbow that the negligence of the Minister of Human Services resulted in a murderer walking free.

Introduction of Bills (First Reading)

Notice having been given:

Bill 210 Protection of Property Rights Statutes Amendment Act, 2016 — Mr. Stier

Bill 212 Employment Standards Code (Volunteer Firefighter Protection) Amendment Act, 2016 — Mr. W. Anderson

Tabling Returns and Reports

Mr. Westhead, Hon. Member for Banff-Cochrane:

Science Advances article dated June 24, 2016, entitled “Gravel-bed river floodplains are the ecological nexus of glaciated mountain landscapes,” relating to Motion Other Than Government Motion 511 sponsored by Mr. Westhead
Sessional Paper 525/2016

Mr. Clark, Hon. Member for Calgary-Elbow:

Letter dated February 4, 2015, from Tim Richter, Chair, Implementation Child Intervention Oversight Committee, Alberta Human Services, to Hon. Mrs. Klimchuk, Minister of Human Services, providing advice on over-representation of Aboriginal children and families in the child intervention system, relating to comments made by Mr. Clark during Oral Question Period on December 12, 2016

Sessional Paper 526/2016

Mr. Schneider, Hon. Member for Little Bow:

7 pieces of correspondence relating to the impact of the carbon levy on farmers and the agriculture industry

Sessional Paper 527/2016

Mr. Ellis, Hon. Member for Calgary-West:

Request to Parliamentary Counsel for Mr. Ellis's Private Member's Bill 216

Sessional Paper 528/2016

Privilege – Statements Made by Cabinet Members

Honourable Members, I am prepared to rule on the purported question of privilege raised last Thursday, December 8. I would like to start by stating that I concur with all my honourable colleagues in this Assembly who have commented on the tragic and the horrible nature of the death of this young child. We might all remember that phrase that we have heard, that it takes a village to raise a child.

With respect to the formalities of the purported question of privilege, my office received notice from the Official Opposition House Leader on December 8, 2016, at 11:16 a.m., of his intention to raise a question of privilege under Standing Order 15. Therefore, the Member satisfied the requirement for two hours' notice as per Standing Order 15(2). The debate on this matter occurred on December 8, 2016, and the arguments can be found on pages 2486 to 2489 of Hansard for that day.

In his arguments last Thursday, the Official Opposition House Leader alleged that on a number of occasions from November 22 until December 6, 2016, the Premier, the Minister of Human Services, the Minister of Justice and Solicitor General, and the Minister of Infrastructure and Transportation made statements that deliberately misled the Assembly with respect to the tragic death of a child in care. He stated in his arguments that the Government led the Assembly to believe that it had provided all information vital to the investigation to the RCMP when it knew it had not done so. He stated on page 2487 of last Thursday's Hansard that the Government "didn't ensure that the RCMP had the information until ... December 6."

Both the Minister of Human Services and the Government House Leader made statements on Thursday outlining the timing of events concerning the communication of that information to the RCMP.

The details of the events can be found in the December 8 edition of Alberta Hansard. Therefore, I will not go into these details except to say that both the Minister of Human Services and the Government House Leader indicated that the Ministry of Human Services sent the case file to the RCMP on November 22.

In the words of the Minister of Human Services, as found on page 2478 of the December 8 Hansard:

Human Services received a written request on November 18. A few days later, on November 22, we provided the file, the password, a secure file. There were some issues. As of yesterday the RCMP has confirmed that they have received the needed material.

Honourable Members, this is the first time during the 29th Legislature that a purported question of privilege concerning an attempt to deliberately mislead the Assembly has been raised.

This type of question of privilege, which purports that Members made a statement to deliberately mislead the Assembly, is treated as a contempt of the Assembly. Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, Twenty-fourth 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."

The second aspect to be noted is that there is a test for deliberately misleading the Assembly. The test was referenced last Thursday in the arguments made by the Honourable Government House Leader, and it is found in House of Commons Procedure and Practice, Second Edition, on page 86.

It is a three-part test, first articulated by the former Clerk of the New Zealand House of Assembly, David McGee. It can be found in the third edition of his book Parliamentary Practice in New Zealand at pages 653 to 654. The three parts of the test are: firstly, it must be proven that the statement was misleading; secondly, it must be established that the Member making the statement knew at the time that the statement was incorrect; and finally, that in making the statement, the Member intended to mislead the House.

In the words of former Speaker Kowalski of this Assembly, which are found on page 1367 of Hansard from November 24, 2011, "Deliberately misleading the Assembly is an extremely serious allegation, which seldom satisfies the test for constituting a prima facie case of privilege."

Similarly, in his November 20, 2014, ruling with respect to meeting the test of deliberately misleading the Assembly, Speaker Zwozdesky quoted a 2002 ruling by former Ontario Speaker Carr. Those comments can be found on page 88 of the Hansard for that day. The ruling by Speaker Carr summarizes the issues surrounding allegations of meeting the test of deliberately misleading the Assembly. This ruling also explains the role of the Speaker in adjudicating such purported questions of privilege.

On June 17, 2002, at page 996 of Ontario Hansard, Speaker Carr said:

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 . . . 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 members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.

Honourable Members, in the matter that our Assembly has before it, I must apply the test.

The question is whether the statements made by the Premier, the Minister of Human Services, the Minister of Justice and Solicitor General, and the Minister of Infrastructure and Transportation were, in fact, deliberately misleading.

I have reviewed the statements that the Government made in this Assembly from November 22 to December 6 with respect to this issue.

Honourable Members, I can find nothing in these statements to indicate that the Minister did not provide the file to the RCMP on November 22, 2016, and conclude that the Ministers in question did not deliberately mislead the Assembly and that there is no prima facie question of privilege here.

This concludes the matter.

Privilege – Allegations Made by the Hon. Member for Calgary-Elbow

Hon. Mr. Mason, Government House Leader, raised a purported question of privilege under Standing Order 15 regarding allegations made by the Hon. Member for Calgary-Elbow that the negligence of the Minister of Human Services resulted in a murderer walking free.

The Speaker advised that as requested by Members he will hear additional arguments the next sitting day.

ORDERS OF THE DAY

Hon. Mr. Mason, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 8(1) and proceed to Motions Other Than Government Motions followed by Government Bills and Orders.

Motions Other Than Government Motions

511. Moved by Mr. Westhead:

Be it resolved that the Legislative Assembly urge the Government to increase its efforts to conserve and manage public lands in Alberta's headwater regions to optimize downstream water security for future generations of Albertans.

A debate followed.

The question being put, the motion was agreed to.

Government Bills and Orders

Third Reading

The following Bill was read a Third time and passed:

Bill 32 Credit Union Amendment Act, 2016 — Hon. Mr. Ceci

Committee of the Whole

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

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 35 Fair Elections Financing Act — Hon. Ms Gray

Dr. Starke, Hon. Member for Vermilion-Lloydminster, moved that the Bill be amended as follows:

- A. Section 3 is amended in the proposed section 1.1(1)(b) by striking out “nomination contestant or” wherever it occurs.
- B. Section 7 is amended in the proposed section 5.2(2)(a.1) by striking out “, a nomination contestant”.
- C. Section 13 is amended in the proposed section 11(2) by striking out “or of a registered nomination contestant included in the register under section 9.3”.
- D. Section 15(b) is amended in the proposed section 13(3) by striking out “a nomination contest or”.
- E. Section 19 is amended in the proposed section 17
 - (a) in subsection (1) by striking out clause (d);
 - (b) by striking out subsection (4);
 - (c) in subsection (6)

- (i) by striking out “, registered nomination contestant’s”;
 - (ii) in clause (b) by striking out “, registered nomination contestant”;
 - (d) in subsection (7) by striking out “, registered nomination contestant” and “, registered nomination contestant’s” wherever each occurs;
 - (e) in subsection (8) by striking out “, registered nomination contestant’s” and “, registered nomination contestant” wherever each occurs.
- F. Section 29(b) is amended in the proposed section 33(a) by striking out “, a nomination contest”.
 - G. Section 32 is amended in the proposed section 36 by striking out “or a nomination contest”.
 - H. Section 33 is amended in the proposed section 38(2) by striking out “, registered nomination contestants”.
 - I. Section 40 is amended in the proposed section 43.1(4) and (5)(a) by striking out “, registered nomination contestant’s”.
 - J. Section 43 is amended in the proposed section 44.1(1)(g) by striking out “a registered nomination contestant,”.
 - K. Section 51(2) is amended by striking out “, candidate or nomination contestant” and substituting “or candidate”.
 - L. Section 52(3)(a) is amended in the proposed section 57(b) by striking out “or the registered nomination contestant”.
 - M. Section 53(2) is amended in the proposed section 25(b) by striking out “or the registered nomination contestant”.
 - N. The following provisions are amended by striking out “, registered nomination contestant” wherever it occurs:
 - section 16, in the proposed section 14(1) and (2);
 - section 18, in the proposed section 16;
 - section 20, in the proposed section 19;
 - section 21, in the proposed section 21.1(1);
 - section 22, in the proposed section 22;
 - section 23, in the proposed section 23;
 - section 24(a), in the proposed section 24;
 - section 26, in the proposed section 30;
 - section 27(a), in the proposed section 31;
 - section 28(a) and (b), in the proposed section 32(1) and (2);
 - section 29(a), in the proposed section 33;
 - section 30, in the proposed section 34;
 - section 31(a), in the proposed section 35(1);
 - section 32, in the proposed section 36;
 - section 35, in the proposed sections 40 and 41;
 - section 40, in the proposed section 43.1;
 - section 41, in the proposed section 43.2;
 - section 42, in the proposed section 44;
 - section 47, in the proposed section 48.2.

- O. The following provisions are amended by striking out “or registered nomination contestant” wherever it occurs:
- section 52(3)(a), in the proposed section 57(b);
 - section 53(2), in the proposed section 25(b).
- P. The following provisions are amended by striking out “, nomination contestant’s”
- section 27(b), in the proposed section 31;
 - section 35, in the proposed sections 40(4) and 41(9).
- Q. The following provisions are amended by striking out “, nomination contestant” wherever it occurs:
- section 2
 - in clause (a)(iv), the proposed clause (e),
 - in clause (c), the proposed subsection (5)(d);
 - section 11(j);
 - section 24(b);
 - section 25(a)(i) and (b);
 - section 26, clause (a)(ii) in the proposed section 30(1);
 - section 31(b), in the proposed section 35(2).
- R. The following provisions are struck out:
- section 2(a)
 - in subclause (ii), the proposed subclause (v),
 - in subclause (vi), the proposed clauses (i.4) and (i.5),
 - in subclause (vii), the proposed clause (n.2);
 - section 5
 - in clause (b)(i), the proposed subclause (ii.2),
 - in clause (c), the proposed clause (g);
 - section 6;
 - section 8
 - in clause (d), the proposed subsection (3.1),
 - in clause (e), the proposed subsection (4.1);
 - section 10, the proposed section 9.3;
 - section 11
 - clauses (a), (d)-(f),
 - in clause (g)
 - subclause (i),
 - in subclause (iii), the proposed clause (c.1);
 - section 12(a);
 - section 14, the proposed section 12.1;
 - section 28(e), the proposed subsection (4.2);
 - section 36, the proposed sections 41.1(1)(b) and 41.4;
 - section 39, the proposed section 43.01;
 - section 43, the proposed section 44.1(1)(i)(iv);
 - section 46(b), the proposed sections 48(4) and (5);
 - section 47, the proposed section 48.1(3).

The question being put, the amendment was defeated. With Ms Sweet at the Table, the names being called for were taken as follows:

For the amendment: 14

Aheer	MacIntyre	Rodney
Barnes	McIver	Starke
Cyr	Nixon	Swann
Drysdale	Orr	van Dijken
Loewen	Panda	

Against the amendment: 37

Babcock	Gray	McLean
Bilous	Hoffman	McPherson
Carson	Horne	Miranda
Connolly	Kazim	Payne
Coolahan	Kleinsteuber	Piquette
Cortes-Vargas	Larivee	Renaud
Dach	Littlewood	Rosendahl
Dang	Luff	Sabir
Drever	Malkinson	Shepherd
Eggen	Mason	Sigurdson
Feehan	McCuaig-Boyd	Sucha
Ganley	McKitrick	Westhead
Goehring		

Mr. Nixon, Hon. Member for Rimbey-Rocky Mountain House-Sundre, moved that the Bill be amended by striking out the title to the Bill and substituting the following:

ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE
AMENDMENT ACT, 2016

The question being put, the amendment was defeated. With Mr. Sucha at the Table, the names being called for were taken as follows:

For the amendment: 15

Aheer	Loewen	Panda
Barnes	MacIntyre	Rodney
Cooper	McIver	Starke
Cyr	Nixon	Taylor
Drysdale	Orr	van Dijken

Against the amendment: 31

Babcock	Gray	McPherson
Carson	Horne	Miranda
Connolly	Kazim	Payne
Coolahan	Kleinstauber	Piquette
Cortes-Vargas	Larivee	Renaud
Dach	Luff	Rosendahl
Dang	Malkinson	Sabir
Drever	Mason	Shepherd
Eggen	McCuaig-Boyd	Sigurdson
Feehan	McKitrick	Westhead
Goehring		

The question was put on the title and preamble to the Bill, which was agreed to. With Mr. Sucha at the Table, the names being called for were taken as follows:

For the motion: 32

Babcock	Gray	McPherson
Carson	Horne	Miranda
Connolly	Kazim	Payne
Coolahan	Kleinstauber	Piquette
Cortes-Vargas	Larivee	Renaud
Dach	Luff	Rosendahl
Dang	Malkinson	Sabir
Drever	Mason	Shepherd
Eggen	McCuaig-Boyd	Sigurdson
Feehan	McKitrick	Westhead
Goehring	McLean	

Against the motion: 15

Aheer	Loewen	Panda
Barnes	MacIntyre	Rodney
Cooper	McIver	Starke
Cyr	Nixon	Taylor
Drysdale	Orr	van Dijken

And after some time spent therein, the Acting Speaker resumed the Chair.

The following Bill was reported with some amendments:

Bill 35 Fair Elections Financing Act — Hon. Ms Gray

Mr. Dach, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 35 (A9) (Hon. Member for Calgary-Mountain View) —
Agreed to

Sessional Paper 529/2016

Amendment to Bill 35 (A10) (Hon. Member for Vermilion-Lloydminster)
— Defeated on division

Sessional Paper 530/2016

Amendment to Bill 35 (A11) (Hon. Member for Rimbey-Rocky Mountain
House-Sundre) — Defeated on division

Sessional Paper 531/2016

Adjournment

On motion by Hon. Mr. Mason, Government House Leader, that it be called 6:00 p.m.,
the Assembly adjourned at 5:59 p.m. until 7:30 p.m.

MONDAY, DECEMBER 12, 2016 — 7:30 P.M.

Government Bills and Orders

Committee of the Whole

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

(Assembly in Committee)

And after some time spent therein, the Acting Speaker resumed the Chair.

The following Bills were reported:

Bill 25 Oil Sands Emissions Limit Act — Hon. Ms Phillips

Bill 27 Renewable Electricity Act (\$) — Hon. Ms McCuaig-Boyd

Bill 34 Electric Utilities Amendment Act, 2016 (\$) — Hon. Ms McCuaig-Boyd

Mr. Rosendahl, Acting Chair of Committees, tabled copies of all amendments
considered by Committee of the Whole on this date for the official records of the
Assembly.

Amendment to Bill 25 (A7) (Hon. Member for Chestermere-Rocky View)
— Defeated

Sessional Paper 532/2016

Amendment to Bill 25 (A8) (Hon. Member for Chestermere-Rocky View
on behalf of the Hon. Member for Innisfail-Sylvan Lake) — Defeated

Sessional Paper 533/2016

Amendment to Bill 25 (A9) (Hon. Member for Chestermere-Rocky View)
— Defeated

Sessional Paper 534/2016

Amendment to Bill 27 (A7) (introduced by the Hon. Member for Innisfail-Sylvan Lake on December 8, 2016) — Defeated

Sessional Paper 524/2016

Amendment to Bill 27 (A8) (Hon. Member for Calgary-South East) —
Defeated

Sessional Paper 535/2016

Amendment to Bill 27 (A9) (Hon. Member for Innisfail-Sylvan Lake) —
Defeated

Sessional Paper 536/2016

Amendment to Bill 27 (A10) (Hon. Member for Cypress-Medicine Hat on
behalf of the Hon. Member for Innisfail-Sylvan Lake) — Defeated

Sessional Paper 537/2016

Amendment to Bill 27 (A11) (Hon. Member for Calgary-Foothills) —
Defeated

Sessional Paper 538/2016

Amendment to Bill 27 (A12) (Hon. Member for Innisfail-Sylvan Lake) —
Defeated

Sessional Paper 539/2016

Amendment to Bill 27 (A13) (Hon. Member for Chestermere-Rocky View
on behalf of the Hon. Member for Innisfail-Sylvan Lake) — Defeated

Sessional Paper 540/2016

Amendment to Bill 27 (A14) (Hon. Member for Innisfail-Sylvan Lake) —
Defeated

Sessional Paper 541/2016

Amendment to Bill 27 (A15) (Hon. Member for Cypress-Medicine Hat on
behalf of the Hon. Member for Innisfail-Sylvan Lake) — Defeated

Sessional Paper 542/2016

Adjournment

On motion by Hon. Ms Ganley, Minister of Justice and Solicitor General, the Assembly adjourned at 12:56 a.m. Tuesday, December 13, 2016, until 10:00 a.m.

Hon. Robert E. Wanner,
Speaker

Title: Monday, December 12, 2016