



**Legislative Assembly
Province of Alberta**

No. 8

VOTES AND PROCEEDINGS

Third Session

Twenty-Ninth Legislature

Wednesday, March 15, 2017

The Speaker took the Chair at 9:00 a.m.

Government Bills and Orders

Second Reading

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

Bill 1 An Act to Reduce School Fees — Hon. Mr. Eggen

A debate followed.

Mrs. Littlewood moved adjournment of the debate, which was agreed to.

Government Motions

16. Moved by Hon. Mr. Mason:

Be it resolved that, in accordance with section 28(3) of the Conflicts of Interest Act, the Legislative Assembly concur in the Report of the Ethics Commissioner concerning the Member for Calgary-Hays dated January 4, 2017, and that the Member be required to apologize to the Assembly and pay a fine of \$500.

Speaker's Ruling – Application of Sub Judice Rule

Honourable Members, let me begin by saying that everything that I do and say in this Chair underlines to me the importance of my responsibility to this House, and this particularly is a matter where I take additional responsibility and appreciate the importance of that because it is in respect of one of our Honourable Members. In anticipation that this matter may arise this morning, I did in fact do some research on this matter, in fact in some depth. Allow me to share it with the House.

The matter before the Assembly is consideration of the Ethics Commissioner's report dated January 4, 2017, concerning the Member for Calgary-Hays. The motion reads as follows:

Be it resolved that, in accordance with section 28(3) of the Conflicts of Interest Act, the Legislative Assembly concur in the Report of the Ethics Commissioner concerning the Member for Calgary-Hays dated January 4, 2017, and that the Member be required to apologize to the Assembly and pay a fine of \$500.

I would note that the procedure that is in place concerning the handling of these types of reports is set out in section 28(3) of the Conflicts of Interest Act, which reads as follows:

If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act and the Ethics Commissioner has recommended a sanction, the Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly.

The objective underlying the sub judice rule is to ensure that the legislative and the judicial branches of Government are distinct and separate and that parties to a legal proceeding are not prejudiced by comments made in the Assembly. Whenever there is doubt as to prejudice, it is the role of the Speaker to rule in favour of debate. I note that the procedure for addressing a report from the Ethics Commissioner is set out in statute, but what is important to emphasize is that it strikes at the very core of the internal proceedings of the Legislative Assembly and discipline of its Members, which are part of the inherent privileges of the Assembly and are matters for determination in the legislative branch, not in a legal proceeding.

Although I am reluctant to cite at length from case law authority on this point as this is not a court of law, I would point out that it is well established that one of the categories of privilege the Assembly retains is disciplinary authority over its Members, and this is a part of the Assembly's corporate privileges, the right to regulate its internal affairs free from interference.

This has been acknowledged by the Supreme Court of Canada on several occasions, most recently in the 2005 decision in *Canada (House of Commons) versus Vaid*, 1 SCR 667, at paragraph 10. This principle is also set out on page 185 of Joseph Maingot's *Parliamentary Privilege in Canada*, second edition, where the case of *Bradlaugh versus Gossett*, 1884, 12 QBD 271, is cited.

The House of Commons has the exclusive power of interpreting the statute, so far as the regulation of its own proceedings within its own walls is concerned; and that, even if that interpretation should be erroneous, the Court has no power to interfere with it directly or indirectly [pages 280 to 281].

In other words, the power to discipline is necessary to the functioning of the Assembly and is part of its inherent privileges. The fact that there is a procedure set out in legislation does not imply that the Assembly has delegated nor has it surrendered these privileges to the jurisdiction of the court.

I would also cite paragraph 510 of *Beauchesne's*, where it is noted that the sub judice principle has never stood in the way of the House considering a matter vital to the public interest or to the effective operation of the House and its Members.

In conclusion, I find there is no point of order, nor do I find that the sub judice rule should inhibit discussion on the Government Motion that is before the Assembly. The debate on the matter shall now proceed.

Conflict of Interest

Mr. McIver, Hon. Leader of the Progressive Conservative Opposition, declared a potential conflict of interest regarding consideration of Government Motion 16 and absented himself from the debate and vote on the motion.

A debate followed.

Mr. Rodney, Hon. Member for Calgary-Lougheed, moved that the motion be amended as follows:

- (a) by striking out "concur in" and substituting "receive";
- (b) by adding "the Assembly defer its decision on the recommendation" before "that the Member be required to apologize";
- (c) by adding "until such time as the Court of Queen's Bench has given a ruling with respect to the judicial review filed by the Member for Calgary-Hays on February 23, 2017" after "\$500".

A debate followed on the amendment.

MLA Cortes-Vargas moved adjournment of the debate on the amendment, which was agreed to.

14. Moved by Hon. Mr. Mason:

Be it resolved that the Legislative Assembly concur in the March 2017 report of the Standing Committee on Legislative Offices [Sessional Paper 15/2017] and recommend to the Lieutenant Governor in Council that the following persons be appointed on an acting basis for the period beginning April 16, 2017, until such time as a replacement for the Ombudsman and Public Interest Commissioner is appointed:

- (a) Mr. Joe Loran as Acting Ombudsman;
- (b) Mr. Ted Miles as Acting Public Interest Commissioner.

The question being put, the motion was agreed to.

15. Moved by Hon. Mr. Mason:

Be it resolved that the following changes to:

- A. the Standing Committee on Public Accounts be approved:
 - that Mr. Dach replace Hon. Mr. Anderson (Leduc-Beaumont) as Deputy Chair,
 - that Mrs. Littlewood replace Hon. Mr. Anderson (Leduc-Beaumont);
- B. the Standing Committee on Alberta's Economic Future be approved:
 - that MLA McPherson replace Hon. Mr. Anderson (Leduc-Beaumont).

The question being put, the motion was agreed to.

Government Bills and Orders

Second Reading

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

Bill 1 An Act to Reduce School Fees — Hon. Mr. Eggen

Adjournment

On motion by Hon. Mr. Mason, Government House Leader, the Assembly adjourned at 11:54 a.m. until 1:30 p.m.

WEDNESDAY, MARCH 15, 2017 — 1:30 PM

ROUTINE

Members' Statements

Mr. Smith, Hon. Member for Drayton Valley-Devon, made a statement regarding seniors who are required to repay a portion of their carbon levy rebate following a change in marital status as a result of their spouse passing away.

Mr. Dach, Hon. Member for Edmonton-McClung, made a statement regarding the level of fear and suspicion permeating public discourse and efforts he is taking in the Edmonton-McClung constituency to restore connections between neighbours in celebration of Canada's 150th anniversary.

Mr. Fraser, Hon. Member for Calgary-South East, made a statement regarding the Progressive Conservative Opposition's plan to balance the budget without affecting front-line workers, and the need to acknowledge that all Members are working toward the goal of a better Alberta.

Ms Jabbour, Hon. Member for Peace River, made a statement regarding positive energy sector opportunities and investor confidence in the Peace River constituency in contrast to the Official Opposition's negative statements against government policies.

Ms Kazim, Hon. Member for Calgary-Glenmore, made a statement regarding Rajab, the seventh month of the Islamic Calendar, a prelude to the sacred months of Sha'ban and Ramadan.

Mr. MacIntyre, Hon. Member for Innisfail-Sylvan Lake, made a statement regarding the 23rd annual Independent Power Producers conference and the atmosphere of uneasiness among participants as a result of Government energy policies.

Tabling Returns and Reports

Ms Jansen, Hon. Member for Calgary-North West:

Facebook post by Wildrose on Campus, University of Calgary, featuring Mr. Jean, Hon. Leader of the Official Opposition, at an event with the group's logo

Sessional Paper 58/2017

Twitter posting from an account in the name of Holly Nicholas regarding a Wildrose on Campus, University of Calgary, event held on September 23, 2015

Sessional Paper 59/2017

Hon. Mr. Mason, Government House Leader, on behalf of Hon. Min. Ceci, President of Treasury Board and Minister of Finance:

Pursuant to the Insurance Act, cI-3, s601(2), Alberta Automobile Insurance Rate Board – 2016 Annual Report for the Year Ended December 31, 2016:

Sessional Paper 60/2017

Return to Order of the Assembly MR36, asked for by Mr. Fildebrandt on October 31, 2016:

Copies of all documents prepared for the President of Treasury Board and Minister of Finance in preparation for meeting with Standard and Poor's, Dominion Bond Rating Service, and Moody's Investors Service in Toronto on April 25, 2016.

Sessional Paper 61/2017

Response to Written Question WQ17, asked for by Mr. Fildebrandt on October 31, 2016:

What are the deliverables from the President of Treasury Board and Minister of Finance's trip from April 25 to 29, 2016, to Toronto and New York?

Sessional Paper 62/2017

Response to Written Question WQ15, asked for by Mr. Clark on October 31, 2016:

What has been the impact on Alberta's projected debt servicing costs since the downgrade in the credit rating by Standard and Poor's and what has been the impact on the debt servicing costs since the notice of a credit review by Moody's and by Dominion Bond Rating Service during the 2015-2016 fiscal year?

Sessional Paper 63/2017

Response to Written Question WQ16, asked for by Mr. Clark on October 31, 2016:

What has been the impact on Alberta's provincial bond yields since the downgrade in the credit rating by Standard and Poor's and what has been the impact on the debt servicing costs since the notice of a credit review by Moody's and by Dominion Bond Rating Service during the 2015-2016 fiscal year?

Sessional Paper 64/2017

Mr. Hanson, Hon. Member for Lac La Biche-St. Paul-Two Hills:

Alberta Teachers' Association webpage entitled "Joining a Political Party"

Sessional Paper 65/2017

Document, undated, entitled "The Leap Manifesto: A Call for Canada Based on Caring for the Earth and One Another"

Sessional Paper 66/2017

Mr. McIver, Hon. Leader of the Progressive Conservative Opposition:

Report, undated, entitled "Progressive Conservative Balanced Budget Plan," prepared by the Progressive Conservative Caucus

Sessional Paper 67/2017

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

Letter dated January 3, 2017, from Mr. Clark, Hon. Member for Calgary-Elbow, to Hon. Min. Ceci, President of Treasury Board and Minister of Finance, requesting that financial data found in ministry estimates and the fiscal plan be provided in an open data format

Sessional Paper 68/2017

CBC News website article dated March 14, 2017, entitled "Printing costs soar for producing federal budget documents"

Sessional Paper 69/2017

Hon. Ms Hoffman, Deputy Premier, Minister of Health:

Return to Order of the Assembly MR20, asked for by Mr. Barnes on November 7, 2016:

Copies of documents or reports prepared by or on behalf of the Government (*excluding documents that constitute confidential advice to the Minister*) from May 22, 2015, to March 7, 2016, pertaining to the review conducted by the Ministry of Health into creating an electronic record/information sharing system, as referenced during consideration of the Ministry of Health's main estimates on November 16, 2015.

Return to Order of the Assembly MR23, asked for by Mr. Barnes on November 28, 2016:

Copies of documents or reports prepared by or on behalf of the Government (*excluding documents that constitute confidential advice to the Minister*) between May 22, 2015, and March 7, 2016, pertaining to the review conducted by the Minister of Health into the decision to incorporate Calgary Emergency Medical Services into a central dispatch system, as referenced during Oral Question Period on December 8, 2015.

Return to Order of the Assembly MR37, asked for by Mr. Barnes on October 31, 2016:

A list of all severance payments made to Alberta Health Services employees at the management and executive levels, broken down by each individual position, for the fiscal year 2015-16.

Response to Written Question WQ19, asked for by Mr. Barnes on October 31, 2016:

What was the total cost of overtime payments to all part-time employees of Alberta Health Services for the fiscal year 2015-16?

Response to Written Question WQ20, asked for by Mr. Barnes on October 31, 2016:

For the fiscal year 2015-16, how many surgeries were postponed in each Alberta Health Services high volume surgery site due to system capacity issues?

Response to Written Question WQ21, asked for by Mr. Barnes on October 31, 2016:

For the fiscal years 2013-14, 2014-15, and 2015-16, what was the cost of blood components (*red blood cells, platelets and plasma*) purchased by Alberta Health for use in Alberta; and, for the same fiscal years, what was the cost of plasma protein products broken down by product?

Response to Written Question WQ22, asked for by Mr. Barnes on October 31, 2016:

As of April 1, 2016, how many Alberta Health Services employees were earning more than \$200,000 per year in annual salary and total benefits combined?

Information relating to Motion for a Return MR22, rejected on November 28, 2016, and Motion for Returns MR38, MR39, and MR40 from the 29th Legislature, Second Session, not taken up by the Assembly

Sessional Paper 70/2017

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

Court of Queen's Bench of Alberta, Originating Application for Judicial Review, concerning Ric McIver, Member of the Legislative Assembly, Calgary-Hays, applicant, and the Office of the Ethics Commissioner – Province of Alberta, respondent

Sessional Paper 71/2017

Court of Queen's Bench of Alberta, Consent Order, concerning Ric McIver, Member of the Legislative Assembly, Calgary-Hays, applicant, and the Office of the Ethics Commissioner – Province of Alberta, respondent

Sessional Paper 72/2017

Mr. Taylor, Hon. Member for Battle River-Wainwright:

Document dated July 20, 2016, entitled "Crime Severity Index, by province and territory," prepared by Statistics Canada, relating to comments made by Mr. Taylor during Second Reading debate on Bill 201, Justice System Accountability Act, on March 13, 2017

Sessional Paper 73/2017

Mr. Fildebrandt, Hon. Member for Strathmore-Brooks:

Letter dated March 9, 2017, from Mr. Fildebrandt, Hon. Member for Strathmore-Brooks, to Hon. Mr. Mason, Minister of Infrastructure and Minister of Transportation, providing the text of an excerpt from Alberta Hansard dated June 5, 2013

Sessional Paper 74/2017

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 4 Appropriation (Supplementary Supply) Act, 2017 (\$) — Hon. Min. Ceci

A debate followed.

MLA Cortes-Vargas moved adjournment of the debate, which was agreed to.

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

Bill 2 An Act to Remove Barriers for Survivors of Sexual and Domestic Violence
— Hon. Ms Ganley

Debate adjourned, Mr. Orr speaking.

Pursuant to Standing Order 64(3), at 5:45 p.m. the Speaker interrupted the proceedings and immediately put the question on the Appropriation Bill standing on the Order Paper for Second Reading.

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

Bill 4 Appropriation (Supplementary Supply) Act, 2017 (\$) — Hon. Min. Ceci

Bill 5 Appropriation (Interim Supply) Act, 2017 (\$) — Hon. Min. Ceci

Adjournment

On motion by Hon. Mr. Mason, Government House Leader, the Assembly adjourned at 5:47 p.m. until Thursday, March 16, 2017, at 9:00 a.m.

Hon. Robert E. Wanner,
Speaker