



**Legislative Assembly
Province of Alberta**

No. 14

VOTES AND PROCEEDINGS

Third Session

Twenty-Ninth Legislature

Monday, April 3, 2017

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. Len Mitzel, Member for Cypress-Medicine Hat from 2004 to 2012, who passed away on March 19, 2017.

Members' Statements

MLA Connolly, Hon. Member for Calgary-Hawkwood, made a statement recognizing April 2, 2017, as the 19th anniversary of the Supreme Court of Canada's Vriend decision, and regarding comments from Jason Kenney, Leader of the Progressive Conservative Association of Alberta, opposing the decision.

Mr. Anderson, Hon. Member for Highwood, made a statement regarding water shortages in Okotoks, efforts by the town to conserve water, and the Government's barriers and inactivity toward a new water pipeline to remedy the situation.

Mr. Drysdale, Hon. Member for Grande Prairie-Wapiti, made a statement regarding successful Alberta-based businesses, research centres, and educational institutions in the Grande Prairie-Wapiti constituency.

MLA Drever, Hon. Member for Calgary-Bow, made a statement regarding the value of post-secondary education, the previous Government's cuts that affected Mount Royal University when she was a student there, and the current Government's efforts to increase access to post-secondary education.

Mrs. Schreiner, Hon. Member for Red Deer-North, made a statement regarding the past Government's failure to recognize the need for a new courthouse in Red Deer, and the current Government's investment in a new Red Deer Justice Centre.

Mr. Cyr, Hon. Member for Bonnyville-Cold Lake, made a statement recognizing April 2, 2017, as World Autism Day, and regarding efforts of Rednecks with a Cause in the Bonnyville-Cold Lake constituency to raise money for individuals and families affected by autism spectrum disorder.

Tabling Returns and Reports

Hon. Ms Ganley, Minister of Justice and Solicitor General, pursuant to the Statutes Repeal Act, cS-19.3, s2(1):

Report, undated, entitled "Alberta Justice and Solicitor General Statutes Repeal Act – 2017 List"
Sessional Paper 126/2017

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

Draft Municipal Heritage Planner's Mandatory Documentation, dated October 9, 2016
Sessional Paper 127/2017

Mr. Dang, Hon. Member for Edmonton-South West:

Document, undated, concerning survey results regarding daylight hours
Sessional Paper 128/2017

950 pages of online feedback concerning daylight saving time
Sessional Paper 129/2017

644 pages of correspondence regarding daylight saving time
Sessional Paper 130/2017

MLA Connolly, Hon. Member for Calgary-Hawkwood:

Commons Debates page 5756, dated April 3, 1998
Sessional Paper 131/2017

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 Re-Investigation by Paul D.K. Fraser, QC, Acting Ethics Commissioner, into Allegations Involving the Honourable Alison Redford, QC, March 29, 2017
Sessional Paper 132/2017

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

Letter dated March 9, 2017, unsigned, from Mr. Fildebrandt, Hon. Member for Strathmore-Brooks, to Hon. Mr. Mason, Government House Leader, providing the text of an excerpt from Alberta Hansard dated April 15, 2013
Sessional Paper 133/2017

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. S. Anderson, Minister of Municipal Affairs:

Responses to questions raised by Mr. Stier, Hon. Member for Livingstone-Macleod, and Mr. Clark, Hon. Member for Calgary-Elbow, on March 8, 2017, 2016-17 Supplementary Supply Estimates (No. 2) debate

Sessional Paper 134/2017

Responses to questions raised by Mr. Gotfried, Hon. Member for Calgary-Fish Creek, on March 9, 2017, 2016-17 Supplementary Supply Estimates (No. 2) debate

Sessional Paper 135/2017

Privilege – Passage of Government Motion 16

I am prepared to rule on the question of privilege that was raised by the Third Party House Leader on March 21, 2017, as set out on pages 420 to 421 of Alberta Hansard for that day. I note that the Honourable Member raised this matter immediately following the vote on Government Motion 16. Given that the purported question of privilege relates to the passage of this motion, I find that the Member raised the matter at the earliest opportunity. Therefore, the notice requirement for the purpose of Standing Order 15 has been met and, in particular, Standing Order 15(6), which specifically provides for this situation.

Government Motion 16 provides for concurrence in a report from the Ethics Commissioner concerning recommended sanctions for a breach of the Conflicts of Interest Act involving the Member for Calgary-Hays. As I noted on March 15, 2017, when ruling on a point of order as to whether this was sub judice, this motion is the next step in a process set out in section 28(3) of that Act. As I indicated in my ruling, the Assembly has delegated the investigation of matters concerning conflicts of interest to the Ethics Commissioner. This is part of the Assembly's inherent privileges relating to its internal proceedings and the conduct and discipline of Members.

The Third Party House Leader is essentially arguing that the Assembly's motion is violating one of the Member's privileges; namely, freedom of speech. However, I would say that the essence of the Member's argument pertains to the finding of the Ethics Commissioner, rather than the sanctions that she recommended. In other words, I would say the argument is that the finding, that the Member for Calgary-Hays was in breach of the Act for asking a question during question period, violates his freedom of speech.

On this point, I agree with the Deputy Government House Leader's argument that rights of Members are subject to the procedures of the Assembly. As noted on pages 13 to 14 of Maingot's Parliamentary Privilege in Canada, Second Edition, and I quote:

While it will be seen that the Member enjoys all the immunity necessary to perform his parliamentary work, this privilege or right, such as freedom of speech, is nevertheless subject to the practices and procedures of the House.

A similar statement can be found at paragraph 77 of Beauchesne's, 6th Edition, which reads as follows:

Freedom of speech does not mean that Members have an unlimited or unrestrained right to speak on every issue. The rules of the House impose limits on the participation of Members and it is the duty of the Speaker to restrain those who abuse the rules.

I cannot imagine how the passage of a motion that deals with a matter relating to the internal proceedings of the Assembly and discipline of its Members would constitute a prima facie question of privilege.

There have been rulings in this Assembly on similar matters where Members have raised questions of privilege relating to decisions that the Assembly has taken pursuant to its own rules.

For instance, the most recent ruling on this point occurred on December 1, 2011, and I would refer Members to page 1590 of Alberta Hansard, where the Member for Edmonton-Highlands-Norwood argued that a Government Motion concerning evening sittings violated his privileges. Speaker Kowalski found that there was no prima facie question of privilege and noted that he could not imagine how sittings of the Assembly or the Standing Orders violated Members' privileges.

A similar argument was raised in 1996 concerning a Government Motion establishing subcommittees of supply. Again, the Speaker concluded that there was no prima facie question of privilege. I would like to quote from Speaker Schumacher's ruling from February 16, 1996, at page 224 of Alberta Hansard, where he stated:

In this instance, if the Chair were to find that a prima facie question of privilege existed or that a contempt has been committed, the Chair would in effect have to find that the Standing Orders violated the privileges of the members. To make such a finding could cast doubt upon the House's ability to control its own proceedings, which the Chair is not about to do.

The Assembly has made a decision on a motion following a debate that has been conducted according to its own rules in which all Members were able to participate.

For the reasons stated earlier, I find that there is no prima facie question of privilege. That concludes the matter.

Statement and Apology by Member

Mr. McIver, Hon. Leader of the Progressive Conservative Opposition, made a statement and issued an official apology to the Assembly.

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 203 Alberta Standard Time Act — Mr. Dang

A debate followed.

Hon. Mr. Mason, Government House Leader, moved that the motion be amended by deleting all the words after “that” and substituting the following:

Bill 203, Alberta Standard Time Act, be not now read a Second time but that the subject matter of the Bill be referred to the Standing Committee on Alberta’s Economic Future in accordance with Standing Order 74.2, and that the committee report the Bill back to the Assembly on or before October 4, 2017.

A debate followed on the amendment.

The question being put, the amendment was agreed to.

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

Bill 204 Protection of Property Rights Statutes Amendment Act, 2017 — Mr. Stier

A debate followed.

Debate adjourned, Mr. Hinkley speaking.

Motions Other Than Government Motions

502. Moved by Dr. Swann:

Be it resolved that the Legislative Assembly urge the Government to amend the Regulated Rate Option Regulation, Alta. Reg. 262/2005, by replacing the Regulated Rate Option with a new default rate for electricity that is to be calculated using a weighted average of the wholesale price of electricity.

A debate followed.

The question being put, the motion was defeated.

Adjournment

On motion by Mr. Westhead, Hon. Member for Banff-Cochrane, that it be called 6:00 p.m., and pursuant to the Budget 2017 Main Estimates Schedule, the Assembly adjourned at 5:38 p.m. until Tuesday, April 4, 2017, at 1:30 p.m.

Hon. Robert E. Wanner,
Speaker