



**Legislative Assembly
Province of Alberta**

No. 9

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Ninth Legislature

Thursday, March 22, 2018

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

**Privilege – Statements by the Minister of Environment and Parks and
Minister Responsible for the Climate Change Office**

Honourable Members, as I indicated yesterday in the House, I am prepared to rule on the purported question of privilege raised by the Official Opposition House Leader on Tuesday, March 20, 2018.

With respect to the formalities of the purported question of privilege, my office received notice from the Official Opposition House Leader on March 20, 2018, at 11:12 a.m. of his intention to raise a question of privilege under Standing Order 15. The Member has satisfied the requirement in Standing Order 15(2) for notice to be given to the Speaker at least two hours before the opening of the sitting.

The notice did not, however, contain many specifics, and in the future I would respectfully request Members to include more details of their question of privilege in the written notice. By doing so, we might well be more efficient in the utilization of this Assembly's valuable time.

I would note that the debate on this matter occurred on March 20 and March 21, and the arguments can be found on pages 259 to 261 and pages 293 and 294 of Alberta Hansard for those days respectively.

As to the facts of the matter before us today, the Official Opposition House Leader's purported question of privilege has to do with an alleged deliberately misleading statement that the Minister of Environment and Parks made on March 19, 2018, in the Assembly. Specifically, in a question period exchange the Official Opposition House Leader asked whether the Minister of Environment and Parks will "come and talk to the people of Rocky Mountain House and Sundre about the future of the Bighorn." The Minister of Environment and Parks responded to the question that "I met with the Mayor of Rocky Mountain House a couple of weeks ago and discussed the economic development and tourism opportunities that are available through the regional advisory council's advice." This exchange can be found on page 197 of the March 19, 2018, edition of Alberta Hansard.

Honourable Members, this is not the first time during the 29th Legislature that a purported question of privilege concerning an allegation of deliberately misleading the Assembly has been raised. I ruled on a similar matter on December 12, 2016.

As Members will recall, a question of privilege raising these types of allegations is a very serious matter. Such a question purports that a Member has made a statement to deliberately mislead the Assembly and as such is treated as a possible contempt of the Assembly.

One authority treating these matters as possible contempts is Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 24th Edition, as discussed on page 254. Another is the third edition of House of Commons Procedure and Practice at page 85.

The second aspect to note regarding purported contempts of this nature is that there is a test for deliberately misleading the Assembly. This three-part test was referenced on Tuesday in the Official Opposition House Leader's arguments on page 260 of Alberta Hansard for that day. The test was devised by the former Clerk of the New Zealand House of Assembly David McGee. An explanation of it can be found in the third edition of his book Parliamentary Practice in New Zealand at pages 653 to 654.

Quoting McGee:

There are three elements to be established when it is alleged that a Member is in contempt by reason of a statement that the Member has made:

the statement must, in fact, have been misleading; it must be established that the Member making the statement knew at the time the statement was made that it was incorrect; and, in making it, the Member must have intended to mislead the House.

Honourable Members, as I noted in my ruling of December 12, 2016, which may be found on pages 2508 to 2509 of Alberta Hansard, I would like to point out that the three-part test is very difficult to meet.

In his arguments on Tuesday, the Official Opposition House Leader stated that the Minister of Environment and Parks did not, as she had stated, meet with the Mayor of Rocky Mountain House. Instead, he alleged that the Minister encountered the Mayor in passing, in a hospitality suite in Edmonton. He further claimed that this did not constitute a formal meeting and as such the remarks by the Minister “showed contempt for this Assembly because she chose to answer a question by referring to a meeting that did not take place, thereby misleading this Assembly.” Those comments may be found on page 260 of the March 20 edition of Alberta Hansard.

The Government House Leader in his submission noted that he was advised that the Minister of Environment and Parks met with the Mayor of Rocky Mountain House for about 10 minutes at an event coinciding with the Intergovernmental Panel on Climate Change conference in Edmonton. He further claimed that there is no dispute as to whether a discussion between the two individuals took place; rather, there is a difference of opinion as to whether this encounter between the Minister and the Mayor was indeed a “meeting.”

He argued that:

There may be legitimate differences of opinion as to whether this meeting or nonmeeting was sufficient consultation on the matter being discussed. Those are legitimate differences of opinion, but they do not constitute a contempt of the House.

You may find these arguments and the various authorities and precedents that the Government House Leader referenced on pages 293 and 294 of yesterday’s Alberta Hansard.

Considering the facts of the situation and applying the McGee test to the matter at hand, it would be very difficult to conclude that the Minister’s statement about a meeting was in fact deliberately misleading. The Minister claimed that she met with the Mayor of Rocky Mountain House while the Official Opposition House Leader stated that although the Minister and the Mayor did encounter each other they did not in fact have a meeting regarding economic development, as the Minister indicated in her response.

This situation is similar to one facing Speaker Kowalski on November 24, 2003. In that instance, Speaker Kowalski concluded that the then Minister of Infrastructure’s responses left “considerable room for subjective interpretation and ambiguity.” Speaker Kowalski relied upon a reference that is now found on page 516 of the third edition House of Commons Procedure and Practice:

In most instances, when a point of order or a question of privilege has been raised ... in response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

Members may find Speaker Kowalski's ruling on pages 1803 and 1804 of Alberta Hansard for November 24, 2003.

Paragraph 494 on page 151 of Beauchesne's holds that "it has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted."

Honourable Members, the matter before the Assembly today also involves a disagreement among Members as to the facts. The question of what an interaction must be in order to qualify as a meeting is subjective and is not a matter for the Speaker to adjudicate. Accordingly, because this is simply a disagreement as to the facts, I find that there is no prima facie question of privilege. That concludes the matter.

Government Bills and Orders

Second Reading

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

Bill 2 Growth and Diversification Act (\$) — Hon. Mr. Bilous

Mr. Panda, Hon. Member for Calgary-Foothills, moved that the motion be amended by deleting all the words after "that" and substituting the following:

Bill 2, Growth and Diversification Act, be not now read a Second time but that the subject matter of the Bill be referred to the Standing Committee on Resource Stewardship in accordance with Standing Order 74.2.

A debate followed on the amendment.

Dr. Swann moved adjournment of the debate on the amendment, which was agreed to.

Consideration of Her Honour the Lieutenant Governor's Speech

(Day 6)

Moved by Ms Sweet and seconded by Mr. Malkinson:

That an humble address be presented to Her Honour the Lieutenant Governor as follows:

To Her Honour Lois Mitchell, CM, AOE, LLD, the Lieutenant Governor of the Province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank Your Honour for the gracious speech Your Honour has been pleased to address to us at the opening of the present Session.

A debate followed.

Debate adjourned.

Adjournment

Pursuant to Standing Order 4(2.1), the Assembly adjourned at 12:00 p.m. until 1:30 p.m.

THURSDAY, MARCH 22, 2018 — 1:30 PM

ROUTINE

Members' Statements

Ms Jabbour, Hon. Member for Peace River, made a statement regarding the Battle of the Bands: Tribute to Merle Haggard, recently held in High Level, in support of Team Diabetes, and the Northern Alberta Fiddling and Jigging Championships, to be held in Fort Vermilion on May 5, 2018.

Mr. Strankman, Hon. Member for Drumheller-Stettler, made a statement regarding a recent Government announcement that agricultural societies will receive stable funding, and regarding how the carbon levy is negatively affecting these societies' work.

Mr. Fraser, Hon. Member for Calgary-South East, made a statement regarding how Budget 2018 could affect the lives and livelihoods of everyone in Alberta and regarding the need to respect the estimates debate process.

MLA Cortes-Vargas, Hon. Member for Strathcona-Sherwood Park, made a statement regarding her support for recent Government actions to increase economic diversification in contrast to the views of the Official Opposition.

Mr. Nielsen, Hon. Member for Edmonton-Decore, made a statement recognizing March 21, 2018, as International Day for the Elimination of Racial Discrimination and the recent efforts of Balwin and Belvedere schools to combat racism.

Dr. Starke, Hon. Member for Vermilion-Lloydminster, made a statement regarding the value of Alberta's pharmacists to their communities and the Government's changes to the pharmacists' funding framework.

Presenting Reports by Standing and Special Committees

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

Standing Committee on the Alberta Heritage Savings Trust Fund, 2017
Committee Annual Report, March 2018

Sessional Paper 33/2018

Notices of Motions

Hon. Mr. Mason, Government House Leader, gave oral notice of the following motion:

Be it resolved that the Standing Committee on Legislative Offices be authorized to meet during the consideration of the 2018-19 main estimates.

Tabling Returns and Reports

Dr. Starke, Hon. Member for Vermilion-Lloydminster:

Petition signed by 150 Albertans regarding the reinvestment of generic drug cost savings into front-line pharmacy services

Sessional Paper 34/2018

Mr. Orr, Hon. Member for Lacombe-Ponoka:

Ministerial Order No. H:028/17, Department of Seniors and Housing, Province of Alberta, dated July 5, 2017

Sessional Paper 35/2018

120 form letters from Albertans to Hon. Ms Notley, Premier, regarding delays in cardiac catheterization for central Alberta residents

Sessional Paper 36/2018

Hon. Mr. Mason, Government House Leader:

Spring 2018 Budget Main Estimates Schedule

Sessional Paper 37/2018

Mr. Sucha, Hon. Member for Calgary-Shaw:

Report dated March 12, 2018, entitled "The Laurentian and Rocky Mountain Consensus," prepared by RBC Economic Research

Sessional Paper 38/2018

Temporary Recess

The Speaker recessed the Assembly at 2:46 p.m. until 3:15 p.m.

ORDERS OF THE DAY

Budget Address / Messages From Her Honour the Honourable the Lieutenant Governor

Hon. Min. Ceci, President of Treasury Board and Minister of Finance, delivered certain Messages from Her Honour the Honourable the Lieutenant Governor.

The Speaker read the Messages to the Assembly (the Members standing).

Hon. Min. Ceci, President of Treasury Board and Minister of Finance, tabled the following budget-related documents:

2018-19 Offices of the Legislative Assembly Estimates, General Revenue Fund
Sessional Paper 39/2018

2018-19 Government Estimates, General Revenue Fund, Lottery Fund
Sessional Paper 40/2018

Pursuant to the Fiscal Planning and Transparency Act, cF-14.7, s1(2), s5(4):

2018-21 Government of Alberta Strategic Plan, Budget 2018
Sessional Paper 41/2018

Ministry Business Plans, Budget 2018
Sessional Paper 42/2018

Government Motions

Prior to moving Government Motion 13, Hon. Min. Ceci, President of Treasury Board and Minister of Finance, tabled the following budget-related document, pursuant to the Fiscal Planning and Transparency Act, cF-14.7, s1(2), s4(4):

Budget 2018, Fiscal Plan
Sessional Paper 43/2018

13. Moved by Hon. Min. Ceci:

Be it resolved that the Assembly approve in general the business plans and fiscal policies of the Government.

Mr. Nixon moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mr. Mason, Government House Leader, and pursuant to Standing Orders 3(3) and (6), the Assembly adjourned at 3:53 p.m. until Tuesday, April 3, 2018, at 10:00 a.m.

Hon. Robert E. Wanner,
Speaker