



**Legislative Assembly
Province of Alberta**

No. 3

VOTES AND PROCEEDINGS

First Session

Thirtieth Legislature

Monday, May 27, 2019

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 deaths of former Members Mr. Gene Zwozdesky, Member for Edmonton-Avonmore, 1993 to 1997, and Edmonton-Mill Creek, 1997 to 2015, who passed away on January 6, 2019; Mr. Raymond Samuel Ratzlaff, Member for Three Hills, 1967 to 1971, who passed away on February 1, 2019; Mr. Albert William Ludwig, Member for Calgary-North East, 1959 to 1963, Calgary-East, 1963 to 1971, and Calgary-Mountain View, 1971 to 1975, who passed away on February 16, 2019; Mr. Robert Wagner Dowling, Member for Edson, 1969 to 1979, who passed away on March 4, 2019; and Mr. Dennis Lester Anderson, Member for Calgary-Currie, 1979 to 1993, who passed away on March 20, 2019.

Hon. Mr. Nixon, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 7(1.1) in order to complete the Ministerial Statement.

Ministerial Statements

Hon. Mr. Dreesen, Minister of Agriculture and Forestry, made a statement updating the Assembly on the wildfires in northern Alberta.

Mr. Dach, Hon. Member for Edmonton-McClung, commented on the statement.

Members' Statements

Ms Armstrong-Homeniuk, Hon. Member for Fort Saskatchewan-Vegreville, made a statement regarding the Industrial Heartland.

Pursuant to Standing Order 7(8), Hon. Mr. Nixon, Government House Leader, provided notice to the Assembly that the Daily Routine shall continue beyond 3:00 p.m.

Ms Sweet, Hon. Member for Edmonton-Manning, made a statement regarding the rights and responsibilities of Members of the Legislative Assembly.

Mr. Turton, Hon. Member for Spruce Grove-Stony Plain, made a statement regarding the Spruce Grove-Stony Plain constituency.

Ms Lovely, Hon. Member for Camrose, made a statement regarding the Days for Girls program.

Mr. Feehan, Hon. Member for Edmonton-Rutherford, made a statement regarding assistance for First Nations affected by the recent wildfires.

Mr. Horner, Hon. Member for Drumheller-Stettler, made a statement regarding the inclusion of agriculture in Altario High School's curriculum.

Notices of Motions

Ms Sweet, Hon. Member for Edmonton-Manning, gave oral notice of her intention to move, pursuant to Standing Order 30, to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance, namely, the need to discuss the critical need for a special prosecutor to oversee all aspects of all outstanding investigations into alleged voter fraud and irregular financial contributions in order to ensure investigations proceed with the utmost transparency, integrity, and free from the perception of bias.

Introduction of Bills (First Reading)

Notice having been given:

Bill 2 An Act to Make Alberta Open for Business — Hon. Mr. Copping

Tabling Returns and Reports

Mr. Shepherd, Hon. Member for Edmonton-City Centre:

CTV News website article dated May 18, 2007, entitled "Tories blasted for handbook on paralyzing Parliament," relating to comments made by Mr. Shepherd during debate on Government Motion 6 on May 23, 2019

Sessional Paper 11/2019

The Star website article dated May 18, 2007, entitled “ ‘Obstruction’ handbook leaked,” relating to comments made by Mr. Shepherd during debate on Government Motion 6 on May 23, 2019

Sessional Paper 12/2019

Hon. Mr. Cooper, Speaker of the Legislative Assembly:

Letter dated May 24, 2019, from Hon. Marguerite Trussler, QC, Ethics Commissioner, to Hon. Mr. Cooper, Speaker of the Legislative Assembly, attaching a report dated May 24, 2019, entitled “Report of the Investigation under the Conflicts of Interest Act by Hon. Marguerite Trussler, QC, Ethics Commissioner, into allegations involving Hon. Jason Kenney”

Sessional Paper 13/2019

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Ms Pon, Minister of Seniors and Housing, pursuant to the Government Organization Act, cG-10, s7, and Ministerial Order No. 001/2016:

Office of the Seniors Advocate Alberta, Annual Report 2017-2018

Sessional Paper 14/2019

Privilege – Premier’s Press Conference Remarks

Honourable Members, I have had the opportunity to consider the arguments made with respect to the question of privilege raised by the Official Opposition House Leader on Thursday, May 23, 2019. You may find these comments on pages 34 to 36 of the Alberta Hansard for that day.

Since we are at the beginning of a new Legislature and a number of you have not had the opportunity to see questions of privilege raised and argued in this Assembly, I would like to make a few initial comments in this respect. As I noted on Thursday, questions of privilege are serious matters, and therefore they should not be taken lightly.

Questions of privilege are dealt with under Standing Order 15. The Official Opposition House Leader met the procedural requirement of that Standing Order to provide notice of the question at least two hours prior to the commencement of the afternoon sitting by notifying my office at 11:11 a.m. on May 23, 2019. I can also confirm that May 23 was the first opportunity available to the Official Opposition House Leader to raise this matter before the Assembly, as the press conference to which he referred in his arguments took place on May 13, and last Thursday was the first regular sitting day following the news conference.

In addition to reviewing the arguments of the House Leaders, I have reviewed the video broadcast of the press conference and have conducted some additional research, and therefore I am prepared to rule on this matter.

The facts of the matter are contained within the press conference held by the Hon. Premier and the President of Treasury Board and Minister of Finance on May 13, 2019. At the news conference the Premier mentioned Bills that would be forthcoming during the First Session of the 30th Legislature, including Bill 1, the Carbon Tax Repeal Act. The Premier made specific reference to Bill 1 at approximately the 13-minute mark of the news conference, wherein he stated, in response to a question:

First of all, Bill number 1 of the new Legislature will be introduced on Tuesday of next week [and] will be [called] the Carbon Tax Repeal Act. And it will be passed with an effective elimination by the 30th of May. So by May 30, there will no longer be an Alberta carbon tax.

The Government House Leader confirmed this statement in the remarks he made to the Assembly on Thursday. Likewise, the Official Opposition House Leader paraphrased these remarks in his arguments. Therefore, the basic facts of the matter are not in question.

With respect to the Premier's comments, the Official Opposition House Leader contends that in speaking with the media about the ultimate disposition of Bill 1, the Premier presupposed a decision of the Assembly, and that that decision would occur by May 30, 2019. The Official Opposition House Leader also made representations that the Premier's statements constitute an affront to the institution of parliament. He is essentially arguing that by presupposing a decision of the Assembly, the work of Members in debating Bill 1 has been prejudiced and therefore impeded.

Honourable Members, it should be pointed out that the matter before the Assembly is technically a purported contempt of the Legislative Assembly of Alberta. I note for Members that, as indicated on page 81 of House of Commons Procedure and Practice, Third Edition,

[There are] affronts against the dignity and authority of Parliament which may not fall within one of the specifically defined privileges. Thus, the House also claims the right to punish, as a contempt, 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 ... In that sense, all breaches of privilege are contempts of the House, but not all contempts are necessarily breaches of privilege.

This is not the first time in the recent past that this type of purported contempt has been raised in this Assembly. Most recently, a question of contempt was ruled upon on November 1, 2016. An additional question of contempt was dealt with in the 28th Legislature, on December 2, 2013. The House Leader of the Official Opposition argued that the matter before the Assembly now is similar to both of these matters in that in all three, the Government of the day committed a prima facie breach of contempt by presupposing a decision of the Legislative Assembly.

In November 2016 Speaker Wanner found a question of contempt when the Government aired radio advertisements and published a website advertising the details of its Climate Action Plan in spite of the fact that the enabling legislation had not yet been passed by the Assembly. In December 2013 Speaker Zwozdesky ruled that Government advertising in brochures, the Building Alberta Plan, constituted a prima facie contempt because the advertising presumed a decision of the Assembly.

I am not convinced that the matter before the Assembly today is substantially similar to either of these prior matters. In both previous questions of contempt, significant details of the Government program were communicated to the public through advertising campaigns, leaving the impression that the proposed legislation enabling the programs was already law. This, of course, was not the case.

In the current matter the Premier's statement on Bill 1 was contained within a response to a question put to him. It was the equivalent of two sentences within the overall context of a 35-minute news conference. Moreover, at the outset of the press conference at approximately the three-minute mark, the Premier stated, in discussing Bill 3, Job Creation Tax Cut (Alberta Corporate Tax Amendment) Act:

The job creation tax cut will be Bill 3 of the Legislature, that will convene next week. Subject to the approval of the Legislature, I am pleased to announce today that on July 1, we will drop the general business tax rate from 12 to 11 per cent, and then it will go from 11 to 10 per cent on January 1 of next year.

Through saying "subject to the approval of the Legislature," the Premier rightly acknowledged, albeit in the context of Bill 3, that it is the Legislature, and not the Premier or the Executive Council, that determines whether or not Bills become legislation.

I can understand that the new Government is eager to commence its legislative program and to announce and work towards the implementation of its policies and programs. It is the right of the Government to make announcements to inform the people they serve of their policies.

As former Speaker Gene Zwozdesky noted in a ruling on a question of contempt on November 7, 2013,

We all know that governments across the greater Commonwealth will make announcements ... policy statements ... and ... funding announcements ..., and they are well within their right to do that. That's what governments are elected to do. They can do it any time they wish provided that some of our conventions, rules, and authorities are observed.

You may find these remarks on page 2845 of Alberta Hansard for that day.

While I recognize that one sentence referenced from the press conference might, when taken on its own, assume Bill 1's passage, it cannot be taken out of its overall context. It is evident that the Premier was not attempting to presuppose a decision of the Assembly in answering the question at the press conference. I therefore find no prima facie question of privilege.

However, as we embark upon a new Legislature with a new Government and many new Members, I do wish to impress upon the members of the Executive Council and on all Members that we must all take care to uphold the dignity of the institution of parliament by respecting its traditions and constitutional authority.

One of the key principles is the concept of responsible government, in which the executive branch is responsible to the legislative branch of government. As Speaker Kowalski remarked, on May 1, 1997, at page 319 of Alberta Hansard for that day:

... the principle of the executive being responsible to the Assembly is the cornerstone of responsible government in this country. In his text *Constitutional Law of Canada*, 3rd Edition, by ... Peter Hogg, Mr. Hogg goes so far as to say: "Responsible government is probably the most important non-federal characteristic of the Canadian Constitution."

In the matter before us, responsible government is realized by the Government introducing proposed legislation and the Assembly, not the Government, deciding upon the Bill's ultimate fate. Honourable Members let us all be mindful of these vital parliamentary principles and play our part in being the guardians of them.

The matter is now closed.

Motion for Adjournment for an Emergency Debate

Ms Ganley, Hon. Member for Calgary-Mountain View, on behalf of Ms Sweet, Hon. Member for Edmonton-Manning, requested leave to move, pursuant to Standing Order 30, to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance, namely, the need to discuss the critical need for a special prosecutor to oversee all aspects of all outstanding investigations into alleged vote fraud and irregular financial contributions in order to ensure investigations proceed with the utmost transparency, integrity, and free from the perception of bias.

A debate followed on urgency.

The Speaker ruled that the request for leave was not in order.

ORDERS OF THE DAY

Apology by Member

Mr. Schmidt, Hon. Member for Edmonton-Gold Bar, made a statement apologizing for comments he made on May 23, 2019, regarding the election of the Speaker of the Legislative Assembly.

Hon. Mr. Cooper, Speaker of the Legislative Assembly, accepted the apology.

Hon. Mr. Nixon, Government House Leader, requested and received the unanimous consent of the Assembly to immediately proceed to Motions Other Than Government Motions.

Motions Other Than Government Motions

501. Moved by Mr. Turton:

Be it resolved that the Legislative Assembly urge the Government to take all necessary measures to make the process for all forms of adoption more efficient and timely for families.

A debate followed.

The question being put, the motion was agreed to.

Hon. Mr. Nixon, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 8(1) in order to proceed to Consideration of Her Honour the Lieutenant Governor's Speech.

Consideration of Her Honour the Lieutenant Governor's Speech

Moved by Ms Glasgo and seconded by Ms Rosin:

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.

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

Adjournment

On motion by Hon. Mr. Nixon, Government House Leader, that it be called 6:00 p.m., the Assembly adjourned at 5:32 p.m. until 7:30 p.m.

MONDAY, MAY 27, 2019 — 7:30 P.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 Repeal the Carbon Tax (\$) — Hon. Mr. Kenney

A debate followed.

Ms Renaud moved adjournment of the debate, which was agreed to.

Consideration of Her Honour the Lieutenant Governor's Speech

Moved by Ms Glasgo and seconded by Ms Rosin:

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.

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

Adjournment

On motion by Hon. Mr. Nixon, Government House Leader, the Assembly adjourned at 9:42 p.m. until Tuesday, May 28, 2019, at 10:00 a.m.

Hon. Nathan M. Cooper,
Speaker

Title: Monday, May 27, 2019