



**Legislative Assembly
Province of Alberta**

No. 40

VOTES AND PROCEEDINGS

Second Session

Thirtieth Legislature

Tuesday, July 7, 2020

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

Members' Statements

Mr. Shepherd, Hon. Member for Edmonton-City Centre, made a statement regarding Government healthcare policies.

Ms Goodridge, Hon. Member for Fort McMurray-Lac La Biche, made a statement regarding the participation of Indigenous communities in the oil and gas sector.

Mrs. Allard, Hon. Member for Grande Prairie, made a statement regarding the Victims of Crime Working Group and support for victims of crime.

MLA Irwin, Hon. Member for Edmonton-Highlands-Norwood, made a statement regarding Government policies concerning public parks and health care.

Mr. Rutherford, Hon. Member for Leduc-Beaumont, made a statement regarding policing.

Ms Renaud, Hon. Member for St. Albert, made a statement regarding possible changes to the delivery of services to persons with developmental disabilities.

Mr. van Dijken, Hon. Member for Athabasca-Barrhead-Westlock, made a statement regarding the Critical Infrastructure Defence Act.

Mr. Barnes, Hon. Member for Cypress-Medicine Hat, made a statement regarding the need to build pipelines to transport more oil and gas instead of using tanker ships.

Mr. Smith, Hon. Member for Drayton Valley-Devon, made a statement regarding several recommendations of the Fair Deal Panel.

Introduction of Bills (First Reading)

Oral notice having been given June 25, 2020:

Bill 31 Environmental Protection Statutes Amendment Act, 2020 — Hon. Mr. Nixon

Oral notice having been given July 6, 2020:

Bill 32 Restoring Balance in Alberta's Workplaces Act, 2020 — Hon. Mr. Copping

Bill 33 Alberta Investment Attraction Act — Hon. Ms Fir

Tabling Returns and Reports

Ms Goodridge, Hon. Member for Fort McMurray-Lac La Biche:

Document dated July 2020, entitled "Pro or Con? Measuring First Nations' support or opposition to oil and gas in BC and Alberta," prepared by the Canadian Energy Centre, relating to comments made by Ms Goodridge during Oral Question Period on July 7, 2020

Sessional Paper 245/2020

Ms Renaud, Hon. Member for St. Albert:

8 recent pieces of correspondence expressing concern regarding supports for persons with developmental disabilities

Sessional Paper 246/2020

4 recent e-mail messages to Ms Renaud, Hon. Member for St. Albert, expressing concern regarding Government funding for anti-racism initiatives

Sessional Paper 247/2020

2 recent e-mail messages, one from Ben Jamieson, St. Albert, to Hon. Min. LaGrange, Minister of Education; Ms Hoffman, Hon. Member for Edmonton-Glenora; and Ms Renaud, Hon. Member for St. Albert, and one from Janelle Jamieson to Ms Renaud, Hon. Member for St. Albert, expressing concern regarding Bill 15, Choice in Education Act, 2020, on June 22, 2020

Sessional Paper 248/2020

6 recent e-mail messages, all to Hon. Mr. Shandro, Minister of Health, and Ms Renaud, Hon. Member for St. Albert, expressing concern regarding changes to physician compensation in Alberta

Sessional Paper 249/2020

16 recent e-mail messages expressing concern regarding the de-listing of parks from the provincial parks system

Sessional Paper 250/2020

E-mail message, undated, with the sender's name redacted, to Ms Renaud, Hon. Member for St. Albert, expressing concern regarding the removal of an LGBTQ pride flag on the Legislature grounds

Sessional Paper 251/2020

Privilege – Misleading the Assembly

Honourable Members, I am prepared to rule on the question of privilege raised on June 25, 2020, by the Hon. Member for Edmonton-Mill Woods and Deputy Official Opposition House Leader. The question relates to comments made by the Hon. President of Treasury Board and Minister of Finance on May 27, 2020, and by the Hon. Premier on June 22, 2020.

The Deputy Official Opposition House Leader provided notice of her question of privilege to my office at 11:18 a.m. on June 25, with a copy to the Hon. Premier, the Hon. Minister of Finance, and the Hon. Government House Leader, and therefore met the notice requirement under Standing Order 15(2). I also find that this matter was raised at the earliest opportunity, as is a requirement.

In her arguments on June 25, 2020, at pages 1673 to 1675 of Hansard for that date, the Deputy Official Opposition House Leader alleged that on Friday, May 27, 2020, the Hon. Minister of Finance made deliberately misleading statements to the Assembly; that on June 22, 2020, similar statements were made by the Hon. Premier; and that the making of these statements constitutes contempts of the Assembly.

The May 27 statements by the Minister of Finance are found at page 836 of Hansard for that day. These statements were made in response to a question posed by the Hon. Member for Lethbridge-West during debate on matters relating to the COVID-19 pandemic, which was held pursuant to Government Motion 19.

The Hon. Minister of Finance in his response stated that the Auditor General was concerned that the Office of the Auditor General would not be able to complete its audit work related to the fiscal year ending March 31, 2020, before the June 30 deadline.

The June 22 statements by the Hon. Premier are found at page 1506 of Hansard for that day and were made during Oral Question Period in response to questions from the Leader of the Official Opposition. In those remarks, the Hon. Premier stated that the Auditor General indicated that the Office of the Auditor General was not capable of completing its audit work due to the COVID-19 pandemic.

In support of her argument that the statements by the Hon. Premier and Hon. Minister of Finance were deliberately misleading, the Deputy Official Opposition House Leader tabled correspondence between the Official Opposition caucus and an official of the Office of the Auditor General, which was filed with the Assembly as Sessional Paper 239/2020.

In that correspondence, the Office of the Auditor General clarified that it was the Controller's Office that initiated the conversation about delaying the June year-end reporting requirements and that, to the Auditor General's knowledge, his office never stated any concerns about their capacity to complete their financial statement audit work by June 30. The official from the Auditor General's office also indicated that she contacted the Provincial Controller's Office to clarify comments made by the Hon. Minister of Finance in the Assembly on May 27 and received confirmation from that office that the decision to extend the 2019-2020 year-end reporting period was a decision made by the Government, and not at the request of the Office of the Auditor General.

The Deputy Official Opposition House Leader alleged on the basis of these facts that the Members who made the relevant statements deliberately misled the Assembly and are, therefore, in contempt of this Assembly.

Yesterday in response, the Minister of Transportation and Deputy Government House Leader argued that neither Member stated in the relevant statements that the Auditor General had approached the Government seeking to delay the 2019-20 annual reports. The Deputy Government House Leader further referenced a public statement posted on the Auditor General's website on March 19, 2020, that stated that the Office of the Auditor General was assessing its ability to continue to fulfil its legislated mandate in light of the COVID-19 pandemic response. The Deputy Government House Leader's arguments are found at pages 1695 to 1696 of Hansard for July 6, 2020.

As noted on June 25, 2019, at page 1174 of Hansard for that day, the test for deliberately misleading the House is a very difficult test to meet. This test is found in the fourth edition of Parliamentary Practice in New Zealand at pages 775 to 776.

The test has three elements: the statement must, in fact, have been misleading, the Member must have known that the statement was inaccurate at the time the statement was made, and the Member must have intended to mislead the House.

Based on the correspondence tabled by the Deputy Official Opposition House Leader, it appears reasonable to suggest that the Office of the Auditor General would most likely consider the statements in question to be inaccurate.

Although the Deputy Government House Leader argued that the Members' statements, in fact, do not expressly state that the Office of the Auditor General approached the Government, I find that the statements, taken as a whole within their context, could be reasonably interpreted as to imply the same, that it was the Office of the Auditor General that advised the Government that their office could not complete the work in question by June 30.

Therefore, while it may be a reasonable conclusion to find that the first element of the test has been met, I must then move to consideration of the second element, and this is where I find that the test has not been met.

As I have noted, the second element of the test requires that the Member must have known that the statement was inaccurate at the time the statement was made.

It is exceedingly difficult to prove a case of deliberately misleading the Assembly, and so it should be, as this is a very serious allegation.

Proving the second element is especially difficult in the case of responses to oral questions, when Ministers are expected to answer immediately to questions and have a short period of time to provide a response. The Speaker is required to consider what the Minister meant, or didn't mean, in this short response.

In the absence of evidence that the Minister of Finance or the Premier had direct knowledge that the information contained in their statements was, in fact, inaccurate, I am unable to find that the second element of the test is met in either case.

Although there was evidence that the Provincial Controller's Office was made aware that the Office of the Auditor General considered the comments to be inaccurate, in the case of the Minister of Finance's comments, the correspondence from the office was sent after the statements were made in the Assembly.

Furthermore, there was no indication that this information was brought to the attention of either the Minister of Finance or the Premier so as to possibly correct any misunderstanding that may have existed between the involved parties at that time.

Accordingly, as I find that the second element of this test is not met, I find that the alleged case against both Members has not been made and therefore that no prima facie question of privilege has arisen. I consider this matter dealt with and concluded.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 26 Constitutional Referendum Amendment Act, 2020 — Hon. Mr. Schweitzer

A debate followed.

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

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

Bill 27 Alberta Senate Election Amendment Act, 2020 — Hon. Mr. Schweitzer

A debate followed.

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

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

Bill 28 Vital Statistics (Protecting Albertans from Convicted Sex Offenders)
Amendment Act, 2020 — Hon. Mr. Glubish

A debate followed.

Debate adjourned, Ms Ganley speaking.

Adjournment

The Assembly adjourned at 6:00 p.m. until 7:30 p.m.

TUESDAY, JULY 7, 2020 — 7:30 P.M.

Government Bills and Orders

Second Reading

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

Bill 30 Health Statutes Amendment Act, 2020 — Hon. Mr. Shandro

A debate followed.

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

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

Bill 29 Local Authorities Election Amendment Act, 2020 — Hon. Mr. Madu

A debate followed.

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

Committee of the Whole

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

(Assembly in Committee)

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

The following Bill was reported:

Bill 25 Protecting Alberta Industry from Theft Act, 2020 — Hon. Mr. Schweitzer

Progress was reported on the following Bill:

Bill 22 Red Tape Reduction Implementation Act, 2020 — Hon. Mr. Hunter

Adjournment

On motion by Hon. Mr. McIver, Deputy Government House Leader, the Assembly adjourned at 11:04 p.m. until Wednesday, July 8, 2020, at 9:00 a.m.

Hon. Nathan M. Cooper,
Speaker