



**Legislative Assembly
Province of Alberta**

No. 119

VOTES AND PROCEEDINGS

Second Session

Thirtieth Legislature

Wednesday, October 27, 2021

The Acting 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 73 Infrastructure Accountability Act — Hon. Mr. Panda

A debate followed.

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

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

Bill 49 Labour Mobility Act — Hon. Mr. Kenney

A debate followed.

Debate adjourned, Mr. Sabir speaking.

Adjournment

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

ROUTINE

Members' Statements

Mr. Milliken, Hon. Member for Calgary-Currie, made a statement regarding the recent appointment of Steven Guilbeault, Member of Parliament, as the federal Minister of Environment and Climate.

Ms Phillips, Hon. Member for Lethbridge-West, made a statement regarding the need for more family physicians in Lethbridge.

Ms Lovely, Hon. Member for Camrose, made a statement regarding Mchale Busch and Noah McConnell, victims of a double homicide in Hinton.

Mr. Shepherd, Hon. Member for Edmonton-City Centre, made a statement regarding the need for Government support of businesses and residents in the Edmonton-City Centre constituency.

Mr. Reid, Hon. Member for Livingstone-Macleod, made a statement regarding the growing film and television industry in the Livingstone-Macleod constituency.

Mr. Schmidt, Hon. Member for Edmonton-Gold Bar, made a statement regarding coal development in the eastern slopes and Bill 214, Eastern Slopes Protection Act.

Mr. Rehn, Hon. Member for Lesser Slave Lake, made a statement recognizing volunteerism and community service in the Lesser Slave Lake constituency.

Mr. Sabir, Hon. Member for Calgary-McCall, made a statement regarding the need for more Albertans to get vaccinated in order to end the COVID-19 pandemic.

Mr. Nixon, Hon. Member for Calgary-Klein, made a statement regarding benefit-driven procurement.

Notices of Motions

Mr. Dang, Hon. Member for Edmonton-South, gave oral notice of his intention to move the following motion under Standing Order 42:

Be it resolved that despite any Standing Order or practice of the Assembly, and for the duration of the 30th Legislature or until the Assembly passes a motion rescinding this motion,

- (a) an individual, including a Member, may not physically access the Legislature Building or any other area in which the proceedings of the Assembly, including its committees, are being conducted unless the individual provides proof of one of the following to a Legislative Assembly Office employee designated by the Speaker for this purpose:
 - (i) full vaccination against COVID-19 by means of the Quick Response code made available to the individual by the Government of Alberta;
 - (ii) an exemption from vaccination based on a protected ground under the Alberta Human Rights Act;
 - (iii) in the case of an individual who is 11 years old or younger, the age of that individual as provided by a parent or guardian,
- (b) the Office of the Speaker is responsible for administering the conditions on access to the Assembly and its committees as prescribed in clause (a), and
- (c) this motion comes into force on passage.

Mr. Schow, Deputy Government House Leader, gave oral notice of the following motion [replaces oral notice of Government Motion 101 provided on October 26, 2021]:

101. Be it resolved that the Legislative Assembly

- (a) recognize the results of the referendum held on October 18, 2021, where 61.7 per cent of voters supported removing section 36(2) of the Constitution Act, 1982 - Parliament and the Government of Canada's commitment to the principle of making equalization payments,
- (b) reaffirm the principle articulated by the Supreme Court of Canada in its 1998 Quebec Secession Reference that it is "the constitutional right of each participant in the federation to initiate Constitutional change," and that "this right implies a reciprocal duty on the other participants to engage in discussions to address any legitimate initiative to change the constitutional order,"
- (c) authorize Her Excellency the Governor General to issue a Proclamation under the Great Seal of Canada amending the Constitution of Canada in accordance with the Schedule set forth below, and
- (d) direct the Government of Alberta to take all necessary steps to secure a fair deal for Alberta in the Canadian federation, including the reform of federal transfer programs, the defence of provincial powers enumerated in the Constitution, and the right to pursue responsible development of natural resources.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. The Constitution Act, 1982 is amended by repealing section 36(2) thereof.
2. This Amendment may be cited as the Constitution Amendment, [year of proclamation].

[VERSION FRANÇAISE]

MODIFICATION DE LA CONSTITUTION DU CANADA

1. Le paragraphe 36(2) de la Loi constitutionnelle de 1982 est abrogé.
2. Titre de la présente modification: Modification constitutionnelle de [l'année de la proclamation]

Introduction of Bills (First Reading)

Notice having been given:

Bill 76 Captive Insurance Companies Act — Hon. Mr. Toews

Privilege – COVID-19 Modelling

Hon. Members, I am prepared to rule on the question of privilege that the Hon. Member for Calgary-McCall raised on October 25, 2021. The question is with respect to statements made by the Hon. Premier in the Assembly during Oral Question Period on Wednesday, June 16, 2021.

The Member for Calgary-McCall provided notice of the question of privilege to my office at 11:00 a.m. on October 25, 2021, with a copy to the Hon. Premier and the Government House Leader, thereby meeting the notice requirement under Standing Order 15(2). I also find that this matter was raised at the earliest opportunity, as is a requirement under this Standing Order.

In his submissions, the Member for Calgary-McCall referenced a comment that the Premier made in response to a question posed by the Member for Edmonton City-Centre during Oral Question Period on June 16, 2021. In his question's preamble, the Member for Edmonton City-Centre remarked: "Yesterday we learned from the deputy chief medical officer of health that this government is in fact engaged in modelling of the highly contagious COVID-19 delta variant and will have the results this week." The Member went on to ask the question to the Premier: "Will you commit here and now to releasing the delta variant modelling to Albertans by the end of this week?" The Premier's response, in part, was that "there is no delta variant modelling".

The Member for Calgary-McCall's remarks made may be found at page 5649 of Monday's Hansard, and the original exchange can be found on page 5591 of the June 16, 2021 Hansard.

The Member for Calgary-McCall also cited a document called "Shifting from Pandemic to Endemic," which he claims shows that the modelling on the COVID-19 delta variant existed at the time that the Premier made the statements on June 16 in the House. You may find these remarks on page 5650 of Monday's Hansard.

The Member for Calgary-McCall claims that the Premier, in making the statement that there was no delta modelling, not only made a misleading statement but also that the Premier knew that the statement was misleading and was also deliberately misleading the Assembly in doing so.

In his submissions, the Government House Leader disputed the claims made by the Member for Calgary-McCall with respect to the statements of the deputy chief medical officer of health made during Dr. André Corriveau's televised press conference of June 15, 2021, saying that no claim was made with respect to delta variant modelling.

The Government House Leader further disputed the claim that the document "Shifting from Pandemic to Endemic," released on September 2, 2021, was proof that delta variant modelling was in fact proceeding by the time the Premier responded as he did on June 16. You can find these remarks in yesterday's Hansard, at page 5674.

Hon. Members, this is now the third time during the 30th Legislature that a question of privilege concerning the matter of deliberately misleading the Assembly has been raised. As I have noted in my rulings and commented at some great length on June 8, 2021, at page 5315; July 7, 2020, at page 1764; and again on June 25, 2019, at page 1174 of Hansard for those days; this type of question of privilege, which purports that a Member made statements to deliberately mislead the Assembly, is and may be treated as a contempt of the Assembly, as is indicated on page 307 in Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 25th edition. And, as noted on page 85 of the House of Commons Procedure and Practice, 3rd edition, "the provision of deliberately misleading information to the House or one of its committees by a Minister or by a Member has been raised as a matter of privilege."

As noted in these previous rulings, the test for deliberately misleading the House is very difficult to meet. This test is set out 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 Assembly.

Hon. Members, I have reviewed the press conference of June 15, 2021, in which Dr. Corriveau provided an update on the COVID-19 situation, among other things, and answered questions. I note that in a response to a question from a CBC reporter about the severity of the delta variant and whether it could be taking over as the dominant strain, Dr. Corriveau states: “I don’t think that we have done that modelling yet. It’s a work in progress.”

Concerning the document “Shifting from Pandemic to Endemic,” this report was released in September 2021. Although it refers to modelling in June 2021, there is no clear indication when in June this modelling began or if in fact it had been completed at the time.

Accordingly, I accept the Government House Leader’s assertions that the Premier had no knowledge of such modelling and therefore find that there is no prima facie breach of privilege.

I consider this matter dealt with and concluded.

Motions Under Standing Order 42

Mr. Dang, Hon. Member for Edmonton-South, requested the unanimous consent of the Assembly for consideration of the following motion:

Be it resolved that despite any Standing Order or practice of the Assembly, and for the duration of the 30th Legislature or until the Assembly passes a motion rescinding this motion,

- (a) an individual, including a Member, may not physically access the Legislature Building or any other area in which the proceedings of the Assembly, including its committees, are being conducted unless the individual provides proof of one of the following to a Legislative Assembly Office employee designated by the Speaker for this purpose:
 - (i) full vaccination against COVID-19 by means of the Quick Response code made available to the individual by the Government of Alberta;
 - (ii) an exemption from vaccination based on a protected ground under the Alberta Human Rights Act;
 - (iii) in the case of an individual who is 11 years old or younger, the age of that individual as provided by a parent or guardian,
- (b) the Office of the Speaker is responsible for administering the conditions on access to the Assembly and its committees as prescribed in clause (a), and
- (c) this motion comes into force on passage.

Pursuant to Standing Order 42(1.1) and (1.2), Mr. Dang and Hon. Mr. Nixon commented on the request for unanimous consent.

Unanimous consent to proceed was not granted.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 75 Arts Professions Recognition Act — Hon. Mr. Orr

A debate followed.

Ms Gray, Official Opposition House Leader, moved that the motion be amended by deleting all of the words after “that” and substituting the following:

Bill 75, Arts Professions Recognition 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.

Sessional Paper 843/2020-21

A debate followed on the amendment.

Debate adjourned on the amendment, Mr. Shepherd speaking.

Adjournment

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

WEDNESDAY, OCTOBER 27, 2021 — 7:30 P.M.

Government Bills and Orders

Second Reading

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

Bill 74 Advanced Education Statutes Amendment Act, 2021 — Hon.
Mr. Nicolaides

A debate followed.

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

Adjournment

On motion by Mr. Schow, Deputy Government House Leader, the Assembly adjourned at 10:29 p.m. until Thursday, October 28, 2021, at 9:00 a.m.

Hon. Nathan M. Cooper,
Speaker