



**Legislative Assembly
Province of Alberta**

No. 10

VOTES AND PROCEEDINGS

Third Session

Twenty-Second Legislature

Wednesday, March 27, 1991

The Speaker took the Chair at 2:30 p.m.

ROUTINE

Introduction of Bills (First Reading)

Notice having been given:

Bill 12 Rural Electrification Long Term Financing Amendment Act, 1991 —
Mr. Thurber

Bill 20 Rural Electrification Revolving Fund Amendment Act, 1991 —
Mr. Thurber

Bill 21 Rural Utilities Amendment Act, 1991 — Mr. Thurber

On motion by Hon. Mr. Stewart, Deputy Government House Leader, the following
Bills were placed on the Order Paper under "Government Bills and Orders":

Bill 12 Rural Electrification Long Term Financing Amendment Act, 1991 —
Mr. Thurber

Bill 20 Rural Electrification Revolving Fund Amendment Act, 1991 —
Mr. Thurber

Bill 21 Rural Utilities Amendment Act, 1991 — Mr. Thurber

Tabling Returns and Reports

Hon. Ms McCoy, Minister of Labour, pursuant to the Legislative Assembly Act, cL-10.1, s52, 1983 Statutes:

Alberta Labour, Annual Report 1988-89
Sessional Paper 79/91

Alberta Labour, Annual Report 1989-90
Sessional Paper 79A/91

Hon. Mrs. Betkowski, Minister of Health, on behalf of Hon. Mr. Johnston, Provincial Treasurer, pursuant to the Legislative Assembly Act, cL-10.1, s31(10), 1983 Statutes:

Statement of Payments to Members of the Legislative Assembly and Direct Associates
Sessional Paper 96/91

Hon. Mrs. Betkowski, Minister of Health, on behalf of Hon. Mr. Johnston, Provincial Treasurer, pursuant to the Legislative Assembly Act, cL-10.1, s43(4), 1983 Statutes:

Report of Amounts Paid to Members of the Legislative Assembly on Boards
Sessional Paper 98/91

Dr. Elliot, Chairman of the Northern Alberta Development Council:

Mental Health in Northern Alberta, Addressing the Issues, Research Report 1991
Sessional Paper 512/91

Position paper, Mental Health in Northern Alberta, Addressing the Issues
Sessional Paper 513/91

Oral Question Period

Hon. Mr. Klein, Minister of the Environment:

Three colour charts covering the maximum monthly average daily discharges for AOX, TSS, and BOD5 for January 1991
Sessional Paper 514/91

Statement by Mr. Speaker

The Speaker delivered the following statement:

A reading of Standing Order 23(c) reveals a direct instruction that matters once dealt with cannot be re-introduced, to be repeated in the House again and again.

S.O. 23(c):

A member will be called to order by Mr. Speaker if that member persists in needless repetition or raises matters which have been decided during the current session.

However, an examination of Standing Order 43(1)(b) would seem to indicate an instruction that a Written Question which was not accepted can be re-introduced immediately after its removal from the Order Paper, possibly to be dealt with again and again throughout the Session.

S.O. 43(1)(b):

A written question that is not accepted or notice of motion that is not taken up when called may be renewed if it has been so removed from the Order Paper.

Faced with this apparent contradiction between Standing Order 23 and Standing Order 43, the Chair consulted Beauchesne, Erskine May, previous issues of our Standing Orders, and other parliamentary sources in an attempt to resolve the problem.

The Chair has found references which support the practice that a matter cannot be re-introduced if already dealt with. The specific references are: Beauchesne 428(d), 558, and Erskine May, page 292.

Beauchesne 428(d):

A question must not repeat in substance a question already answered, or to which an answer has been refused.

Beauchesne 558:

That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House.

Erskine May page 292:

Questions are not in order which renew or repeat in substance questions already answered or to which an answer has been refused or which fall within a class of question which a Minister has refused to answer.

No support for the practice as it appears to be stated in Standing Order 43(1)(b) could be found by the Chair or the Table in other jurisdictions. The prohibition against re-introduction of matters already dealt with seems to be universally applied.

What then is the intention of Standing Order 43(1)(b)? The Chair points out that our own Standing Orders between 1928 and 1984 inclusive contained the following Standing Order:

A written question or notice of motion that is not taken up when called

- (a) shall be removed from the Order Paper unless the Assembly, by order without debate, allows it to stand and retain its precedence on the Order Paper, and
- (b) may be renewed if it has been so removed from the Order Paper.

Therefore, it would appear that a transcription error occurred during the last revision of our Standing Orders resulting in the conflict in our current Standing Orders.

If we replace the words "not accepted" with the words "not taken up," to use the actual quotation appearing within Standing Order 43 itself, the Standing Order does not then contradict Standing Order 23. Standing Order 43 then becomes consistent with other Standing Orders, similar rules in other jurisdictions, the House of Commons' Standing Order 42, and the practice of this House between 1928 and 1984.

To adhere to the spirit and intent of matters once dealt with by the House not being re-introduced and to maintain consistency with other parliamentary jurisdictions and sources, the Chair is confident that the intent of Standing Order 43 is: when a Written Question is not taken up -- that is, not accepted, refused or ordered to stand and retain its place -- then it is dropped from the Order Paper. Only in these circumstances can the dropped question be renewed.

As Beauchesne 428(d) cites:

A question must not repeat in substance a question already answered, or to which an answer has been refused.

and Erskine May 292:

Questions are not in order which renew or repeat in substance questions already answered or to which an answer has been refused or which fall within a class of question which a Minister has refused to answer.

Therefore, the Chair rules that Standing Order 23(c) must prevail against Standing Order 43(1)(b) and matters once dealt with by the House cannot be re-introduced in the same Session.

Now, the Chair also would point out that with respect to written questions, there's a citation in Beauchesne 425. I'm sure Members on both sides of the House will be interested but not necessarily terribly happy about what it says. I emphasize this is not in our Standing Orders.

Members may place a maximum of four written questions on the Order Paper at any one time, and may, by so indicating at the time of filing the question, request that the Ministry respond to a specific question within forty-five days.

Now, the Chair raises this because of our overloaded Order Paper. It's not meant to inhibit the rights of any Members, but it's just pointing out the practice which takes place in the Federal House.

The Chair also goes on to point out that in this particular House the matter of repetition especially within Question Period is very difficult to enforce, but with regard to Written Questions the ruling which has been handed down now is necessary for the operation of this particular House. Thank you for your attention.

Withdrawal and Custody of Strangers

Pursuant to Standing Order 14, the Speaker ordered certain strangers in the Public Gallery to withdraw and ordered the Sergeant-at-Arms to take those individuals into custody.

Motion for Adjournment for an Emergency Debate

Mr. Taylor, Hon. Member for Westlock-Sturgeon, requested the unanimous consent of the Assembly, pursuant to Standing Order 30, to adjourn to discuss a matter of urgent public importance, namely the shutting down of the Alberta Wildlife Park on March 31, 1991.

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

Mr. Fox, Hon. Member for Vegreville, requested the unanimous consent of the Assembly, pursuant to Standing Order 30, to adjourn to discuss a matter of urgent public importance, namely the recent discovery that the bovine tuberculosis outbreak has spread from game ranches to domestic cattle and human beings.

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

ORDERS OF THE DAY

Government Motions

Moved by Hon. Mr. Horsman:

6. Be it resolved that the report of the Special Committee appointed March 14, 1991, pursuant to Standing Order 49 be now received and concurred in and that the Committees recommended therein be hereby appointed.

The question being put, the motion was agreed to.

Consideration of His Honour the Lieutenant Governor's Speech

Moved by Mr. Paszkowski and seconded by Mrs. B. Laing:

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

To His Honour the Honourable Gordon Towers, 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.

Withdrawal and Custody of Strangers

The Speaker interrupted proceedings on the motion for an Address in Reply to the Speech from the Throne to report on the withdrawal of strangers from the Public Gallery earlier this date and requested the Assembly to consider a motion pursuant to Standing Order 14(4) to release the strangers from custody.

Hon. Mr. Stewart, Deputy Government House Leader, moved that those persons taken into custody on this date be discharged.

The question being put, the motion was agreed to unanimously.

Consideration of His Honour the Lieutenant Governor's Speech

Moved by Mr. Paszkowski and seconded by Mrs. B. Laing:

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

To His Honour the Honourable Gordon Towers, 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. Anderson moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mr. Stewart, Deputy Government House Leader, the Assembly adjourned at 5:30 p.m. until Thursday, April 4, 1991, at 2:30 p.m.

NOTICES

Leave to Introduce a Bill

Bill 13 Municipal Statutes Amendment Act, 1991 — Mr. Clegg

Bill 224 Children's Rights Bill — Mrs. Hewes

Bill 225 Office of Treaty Commissioner Act — Mr. Taylor

Bill 228 Ecological Reserves and Heritage Rivers Act — Mr. Mitchell

Bill 230 Day of Mourning for Injured Workers Act — Mr. Gibeault

Bill 231 "Whistle Blower's" Protection Act — Mr. McInnis
Bill 232 Government Open Contract Act — Mr. Bruseker
Bill 233 Court of Queen's Bench Amendment Act, 1991 — Mrs. Black
Bill 235 Native Peoples Representation Act — Mr. Taylor
Bill 236 An Act to Amend the Employment Standards Code — Mrs. Hewes
Bill 237 Alberta Farm Security Act — Mr. Taylor
Bill 238 An Act to Promote Recycling Industries in Alberta — Mr. McInnis
Bill 239 An Act to Amend the Labour Relations Code — Mr. Decore
Bill 240 Women's Agricultural Parity Act — Mr. Decore
Bill 241 Individual's Rights Protection Amendment Act — Ms M. Laing
Bill 242 An Act to Phase Out the Use of Chlorofluorocarbons — Mr. Mitchell
Bill 243 An Act to Prevent Discrimination Against Married Couples Seeking Farm
Financial Support — Mr. Fox
Bill 244 Executive Remuneration Disclosure Act — Ms Barrett
Bill 245 Students Finance Act Amendment Act — Ms Barrett
Bill 246 An Act to Amend the Interprovincial Lottery Act — Mr. Chumir
Bill 247 Water Resources Management Services Administration Act —
Mr. Mitchell
Bill 248 An Act to Amend the Ambulance Services Act — Mrs. Hewes
Bill 249 Provincial Court Amendment Act, 1991 — Mrs. Black
Bill 250 Below Cost Timber Sales Act — Mr. McInnis
Bill 251 Individual Property Rights Protection Act — Mr. Gesell
Bill 252 Interprovincial Lottery Act Amendment Act — Ms Barrett
Bill 253 An Act to Amend the Legal Profession Act — Mr. Nelson
Bill 254 An Act to Amend the Widows' Pension Act — Ms M. Laing
Bill 255 Landlord and Tenant Act Amendment Act — Mr. Ewasiuk
Bill 256 Motor Vehicle Dealers Act — Mr. Hyland
Bill 257 Environmental Impact Assessment Act — Mr. McInnis
Bill 258 Limitation of Actions Act Amendment Act — Mr. Chivers
Bill 259 An Act to Amend the Property Tax Reduction Act — Mr. Gesell
Bill 260 Amendment to the Individual's Rights Protection Act — Mr. Chumir
Bill 261 Waste Reduction and Recycling Act — Mr. Decore

Bill 262 Native Justice Act — Mr. Taylor
Bill 263 An Act to Amend the Alberta Health Care Insurance Act — Mrs. Hewes
Bill 264 Environmental Bill of Rights — Mr. Mitchell
Bill 265 Telemarketing Act — Mr. Bruseker
Bill 266 Residential Care Giver Training Act — Ms Mjolsness
Bill 267 Forestry Industry Development Administration Act — Mr. Mitchell
Bill 269 Non-Degradation of Water Quality Act — Mr. Bruseker
Bill 270 An Act to Amend the Agricultural Development Act — Mr. Paszkowski
Bill 271 Landlord and Tenant Act Amendment Act — Mr. Chivers
Bill 272 An Act to Amend the Auditor General Act — Mr. Chumir
Bill 273 Miscellaneous Maintenance Statutes Amendment Act — Ms M. Laing
Bill 274 Senior Citizens Medical Research Foundation Act — Mr. Musgrove
Bill 275 An Act to Amend the Assured Income for the Severely Handicapped Act —
Ms Mjolsness
Bill 276 Agricultural Resources Conservation Board Act — Mr. Decore
Bill 277 Unfair Contract Terms Act — Mr. Chivers
Bill 278 Decommissioning of Industrial Sites Act — Mr. Mitchell
Bill 279 Interest Charge Review Board Act — Mr. Chivers
Bill 280 An Act to Amend the Employment Standards Code — Mr. Decore
Bill 281 An Act to Amend the Hail and Crop Insurance Act — Mr. Paszkowski
Bill 282 Alberta Youth Conservation Corps Act — Mrs. Gagnon
Bill 283 An Act to Amend the Alberta Income Tax Act — Mr. Wickman
Bill 284 Alberta Seniors Advisory Council Act — Mr. Martin
Bill 285 An Act to Amend the Dairy Board Act — Mr. Taylor
Bill 286 Environmental Ombudsman Act — Mr. Mitchell
Bill 287 An Act to Amend the Motor Vehicle Accident Claims Act — Mr. Nelson
Bill 288 Miscellaneous Statutes on Marital Status Amendment Act — Ms M. Laing
Bill 289 Judicature Act Amendment Act — Mr. Chivers
Bill 290 Quality Child Day Care Training and Standards Act — Ms Mjolsness
Bill 292 Natural Gas Tax Rebate for Alfalfa Pelletizing Act — Mr. Paszkowski
Bill 293 Alberta Economic Diversification Board Act — Mr. Bruseker
Bill 294 Water Transfer Control Act — Mr. Taylor

- Bill 295 An Act to Include Midwifery as a Profession Under the Health Disciplines Act — Mrs. Hewes
- Bill 296 Arts Council Act — Mrs. Gagnon
- Bill 297 Native Language Act — Mr. Hawkesworth
- Bill 298 Public Service Pay Equity Act — Mr. Decore
- Bill 299 An Act to Amend the Co-operatives Associations Act — Mr. Mitchell
- Bill 300 Institute of Health Care Ethics Act — Mr. Martin
- Bill 302 Non-Smokers Health Act — Mr. Chumir
- Bill 303 An Act to Amend the School Act — Mrs. Gagnon
- Bill 304 An Act to Amend the Amusements Act — Mr. McInnis
- Bill 305 Public Service Employee Relations Amendment Act — Mr. Gibeault
- Bill 306 An Act to Amend the Alberta Health Care Insurance Act — Mr. Decore
- Bill 307 An Act to Amend the Builders' Lien Act — Mr. Taylor
- Bill 308 An Act to Commit the Government to a Five-Year Funding Planning Framework — Mr. Wickman
- Bill 309 An Act to Amend the Guarantees Acknowledgment Act — Mr. Nelson
- Bill 310 Hate Documentation Act — Mr. Hawkesworth
- Bill 311 Election Act Amendment Act — Mr. Chivers
- Bill 312 An Act to Amend the Liquor Control Act — Mr. Shrake
- Bill 313 An Act to Amend the Hail and Crop Insurance Act — Mr. Taylor

Written Questions

268. Mr. Wickman to ask the Government the following question:

- (1) How many programs for subsidized housing are under the control of Mortgage Properties Inc.?
- (2) What is the total number of subsidized housing units available in Alberta under each program?
- (3) What is the total number of subsidized housing units, by program, available, listed by Municipal Affairs in Alberta?

269. Mr. Wickman to ask the Government the following question:

- (1) How many Core Housing Incentive Program (CHIP) projects have not been able to service their debt?
- (2) Which CHIP projects have not been able to service their debt?
- (3) How many of these CHIP projects has the Government assumed?
- (4) How many CHIP projects have been foreclosed?

270. Mr. Wickman to ask the Government the following question:

- (1) What is the Government's best estimate, by department, of the cost of decentralizing Government departments?
- (2) How many employees will be affected by decentralization?

271. Mrs. Gagnon to ask the Government the following question:

How many requests from post-secondary institutions for new programs are awaiting ministerial approval?

272. Mrs. Gagnon to ask the Government the following question:

What are the Government's projections for the growth in demand for post-secondary education from 1991 to 2010?

273. Mrs. Gagnon to ask the Government the following question:

What was the average debt load for a graduating student in each of the last 10 years who utilized the Student Finance Board services?

274. Mrs. Gagnon to ask the Government the following question:

Does the Government intend to update the 1988 High School Graduate Survey published by the Department of Advanced Education, and, if so, when?

Motions for Returns

275. Mr. McInnis to propose the following motion:

That an Order of the Assembly do issue for a Return showing:

A copy of all ambient groundwater monitoring data collected by or for the Government since January 1, 1987, for the following:

- (1) Sunpine Forest Products Ltd., (Sundre);
- (2) Domtar chemicals group, Wood Preservative Division;
- (3) Natal Forest Products Ltd.; and
- (4) Spray Lake Sawmills (1980) Ltd.

until March 27, 1991.

David J. Carter,
Speaker

Title: Wednesday, March 27, 1991