



**Legislative Assembly
Province of Alberta**

No. 24

VOTES AND PROCEEDINGS

First Session

Twenty-Third Legislature

Thursday, October 7, 1993

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

ROUTINE

Introduction of Bills (First Reading)

Notice having been given:

- | | | |
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| Bill | 265 | Child Welfare Amendment Act, 1993 (No. 1) – Ms Hanson |
| Bill | 266 | Alberta Advisory Council on Women's Issues Amendment Act, 1993
– Mrs. Soetaert |
| Bill | 267 | Telemarketing Act – Mr. Bruseker |
| Bill | 268 | School Amendment Act, 1993 – Mr. Henry |
| Bill | 269 | Environmental Ombudsman Act – Mr. Langevin |
| Bill | 272 | Uniform Building Standards Amendment Act, 1993 – Mr. Collingwood |

Unanimous consent was granted to revert to Notices of Motions.

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mr. Day, Deputy Government House Leader, gave oral notice of the following Written Question and Motions for Returns to be dealt with Wednesday, October 13, 1993:

Written Question: Q208.

Motions for Returns: M170, M172, M184, M185, M186, M187, M196, M197, M203, M205, M213.

Members' Statements

Mr. Smith, Hon. Member for Calgary-Varsity, made a statement regarding student access to post-secondary institutions and increases in tuition fees.

Mr. Germain, Hon. Member for Fort McMurray, made a statement regarding health services in the Fort Chipewyan region.

Mr. Amery, Hon. Member for Calgary-East, made a statement regarding maintenance enforcement.

Projected Government Business

Pursuant to Standing Order 7(5), Mr. Mitchell, Hon. Official Opposition House Leader, asked a question pertaining to the order of Government Business to be brought before the Assembly for the following week.

Hon. Mr. Kowalski, Government House Leader, gave notice of projected Government Business for the week of October 13 to 14, 1993:

Wednesday, October 13, 1993	Eve. - Committee of Supply Justice and Attorney General
Thursday, October 14, 1993	Aft. - Royal Assent - Bill 5, Financial Administration Amendment Act Bill 7, Alberta Energy Company Act Repeal Act - Committee of Supply Public Works, Supply and Services - Designated

Statement by the Speaker

On September 1, 1993, the Member for Edmonton-Centre rose on a point of order.

The events giving rise to the point of order were that a Member who is the Chairman of a Standing Policy Committee had previously answered a question asked by another honourable Member. The point made by the Member for Edmonton-Centre was that if the Members who chair the Standing Policy Committees were to take the responsibility for answering on behalf of Government, they should not be allowed to ask questions in Question Period. The authority the Member cited was Beauchesne, para. 413, which states:

"Those such as parliamentary secretaries who are clothed with the responsibility of answering for the Government ought not to use the time of Question Period for the privilege of asking questions of the Government."

The first task is to grasp the nature of these Committees and the Members who chair them. First, these Committees are not committees of this Assembly. Second, these Committees are not created by statute. Third, on October 5, 1993, the Government House Leader advised the Assembly that:

These Committees ask for and receive input from the general public, and their purpose is to receive advice for the formation of policy. They are not in a final position to determine Government policy.

None of the Chairmen of the Committees has taken the Executive Council oath of office and none has been asked to take the executive office code.

Finally, neither the Committees nor their Chairmen are appointed by the Lieutenant Governor.

Given this information, two questions then arise in dealing with this point of order.

First, are the Members who Chair the Standing Policy Committees "like" parliamentary secretaries?

The *Precis of Procedure of the House of Commons*, 4th edition, at page 174, defines "parliamentary secretary" as:

A Member of the Government party named for a period of one year to assist a Minister as the Minister directs.

The *Parliament of Canada Act*, sections 46 and 47, provides for the appointment of parliamentary secretaries by the Governor in Council. These are specific appointments and there is nothing "like" them. You either are a parliamentary secretary or you are not.

We do not have "parliamentary secretaries" in Alberta and we do not have the legislation which would enable their appointment. The Government House Leader made this point on Tuesday. The Chairmen of these Committees therefore cannot be said to be "like" parliamentary secretaries.

Second, are the Members who chair the Standing Policy Committees "clothed with responsibility of answering for the Government"?

Given the information provided by the Government House Leader, the answer is "no". Since these individuals are not appointed by the Lieutenant Governor in Council, are not members of Executive Council, and are not in a position to determine Government policy, they cannot be said to be clothed with the responsibility of answering for Government. The key here is the statement of the Government House Leader that these individuals do not have any executive or Cabinet responsibility.

The Chair wishes to go back to basic principles for a moment. Heard, in the book Canadian Constitutional Conventions, states at page 50:

The principle of responsible government figures prominently in the rules relating to the formation and operation of Cabinet since the government must be held continually accountable to the elected representatives in the legislature.

Question Period is a matter of Government accountability, as the learned author points out at page 52 of his book.

Tardi, in The Legal Framework of Government, at page 83, states:

The body which today exercises executive government must also be clearly identified. In legal theory, the executive government encompasses the monarch, the Governor General, the Prime Minister and the Cabinet.

Therefore, because the Monarch and the Lieutenant Governor are not present in the Assembly, it is the Premier and Cabinet who are responsible and accountable in Question Period.

Since these Chairmen are not members of Cabinet, they are not directly accountable to the Assembly. They are likely accountable through Executive Council. Therefore, any question put to these Chairmen should be narrow and relate only to the procedural matters and agenda of the Standing Policy Committees. This in turn means that these Chairmen have the same right as any other Member to ask questions in Question Period.

Of course, Members who chair committees of the Assembly and have a responsibility to the Assembly may be asked questions. Erskine May says at page 286:

"... questions are also sometimes addressed to the chairmen of committees directly concerned with the working of the House"

such as the Hon. Member for Clover Bar-Fort Saskatchewan

Finally, the Chair recognizes that, in the past, Members who chair certain statutory bodies, although not members of Executive Council, have been asked questions in Question Period. An example is the Member who chairs the Alberta Alcohol and Drug Abuse Commission. Strictly speaking, this is a departure from British parliamentary custom. Erskine May says at page 286:

... nor may questions be addressed to private members about matters with which they are concerned as members of commissions or authorities outside the House."

The Chair accepts that asking questions of Members who perform executive duties under statute has been the practice of this Assembly. However, the Chair cautions Members that questions to such Members must be very narrow in scope and should not address matters for which Government should be accountable in Question Period.

ORDERS OF THE DAY

Government Motions

16. Moved by Hon. Mr. Kowalski:

Be it resolved that when the Assembly adjourns at 5:30 p.m., Thursday, October 7, 1993, it shall stand adjourned until 1:30 p.m., Wednesday, October 13, 1993.

The question being put, the motion was agreed to.

Committee of Supply

(Day 16 of Main Estimates Consideration - Designated)

(Assembly in Committee)

According to Order, the Assembly resolved itself into Committee of Supply.

And after sometime spent therein, the Speaker resumed the Chair and Mr. Tannas reported as follows:

Mr. Speaker:

The Committee of Supply has had under consideration certain resolutions of the Department of Economic Development and Tourism, reports progress thereon, and requests leave to sit again.

The question being put, the report and the request for leave to sit again were agreed to.

Adjournment

Pursuant to Government Motion No. 16, the Assembly adjourned at 5:30 p.m. until Wednesday, October 13, 1993, at 1:30

Title: Thursday, October 7, 1993