



**Legislative Assembly
Province of Alberta**

No. 40

VOTES AND PROCEEDINGS

Second Session

Twenty-Third Legislature

Thursday, April 28, 1994

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

ROUTINE

Presenting Petitions

Mr. Lund, Hon. Member for Rocky Mountain House, presented a petition from 145 Albertans regarding Special Places 2000.

Mr. Bracko, Hon. Member for St. Albert, presented a petition from Albertans regarding the inclusion of the Sturgeon Hospital within the Edmonton Region.

Mr. Henry, Hon. Member for Edmonton-Centre, presented a petition from Bawlf, Alberta, residents regarding funding for Early Childhood Services.

Mr. Zwozdesky, Hon. Member for Edmonton-Avonmore, presented a petition from 48 Edmonton-Avonmore and Edmonton-Gold Bar residents regarding funding arrangements for Alberta's seniors lodges and subsidized apartments.

Reading and Receiving Petitions

On request by Ms Hanson, Hon. Member for Edmonton-Highlands-Beverly, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to reconsider cuts made to Social Assistance and in the future to consult broadly with clients, labour and professionals to determine where savings can be made that will not harm Alberta families.

On request by Ms Leibovici, Hon. Member for Edmonton-Meadowlark, the following petition was read and received:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to continue funding kindergarten at the current level, allowing each and every child in Alberta the opportunity to receive 400 hours of kindergarten instruction, without placing undue financial stress on Alberta families by the imposition of user fees.

On request by Mr. Zariwny, Hon. Member for Edmonton-Strathcona, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

On request by Dr. Percy, Hon. Member for Edmonton-Whitemud, the following petition was read and received:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter funding arrangements for Alberta's seniors lodges and seniors subsidized apartments until seniors have been consulted and have agreed to any revisions to funding arrangements.

Tabling Returns and Reports

Ms Abdurahman, Hon. Member for Clover Bar-Fort Saskatchewan:

"Don't cut education Ralph. Protect it!," 500 signed coupons in opposition to education cuts, Alberta Liberal Party advertisement

Sessional Paper 969/94

Mr. Henry, Hon. Member for Edmonton-Centre:

Poster, entitled "Save Kindergarten, Information Night Rally, Thursday, April 28, University of Alberta Buttermilk Field

Sessional Paper 970/94

Ministerial Statements

Hon. Mr. Day, Minister of Labour, announced that April 28, 1994, is the day on which the Canadian labour movement recognizes those workers who have been injured, killed, or had their health affected on the job, or as a result of their work.

Mr. Decore, Hon. Leader of the Official Opposition, commented on the statement.

Mr. Decore, Hon. Leader of the Official Opposition, requested and received unanimous consent of the Assembly for a moment of silence in recognition of workers killed on the job, which was observed.

Members' Statements

Ms Burgener, Hon. Member for Calgary-Currie, made a statement regarding health care reform.

Mr. Henry, Hon. Member for Edmonton-Centre, made a statement regarding human rights violations in Vietnam.

Dr. Sohal, Hon. Member for Calgary-McCall, made a statement regarding democracy and historic elections in South Africa.

Projected Government Business

Pursuant to Standing Order 7(5), Mr. Mitchell, Hon. 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. Evans, Deputy Government House Leader, gave notice of projected Government Business for the week of May 2 to May 5, 1994:

Monday, May 2, 1994	Aft.	- Royal Assent
		Bills on Order Paper awaiting Royal Assent
		Government Bills and Orders
		Second Reading
		As per Order Paper
	Eve.	- Government Bills and Orders
		Third Reading
		As per Order Paper

Tuesday, May 3, 1994	(4:30 p.m.)	- Government Bills and Orders Third Reading As per Order Paper
	Eve.	- Government Bills and Orders Second Reading As per Order Paper
Wednesday, May 4, 1994	Eve.	- Government Bills and Orders Second Reading As per Order Paper Third Reading As per Order Paper
Thursday, May 5, 1994	Aft.	- Government Bills and Orders Committee of the Whole Bill 18, Freedom of Information and Protection of Privacy Act

Speaker's Ruling – Money Bills

The Chair has chosen this time, with certain money Bills up for third reading, as an opportune time to make some general comments on "money Bills" to assist Members. Also, in February, the Chair ruled on a point of order on this matter raised by the Member for Edmonton-Norwood with respect to Bill 4 and undertook to give the Assembly a more general statement on the matter.

Public finance is complex and its applications are so varied that this is not an issue which lends itself to a concise rule: to some extent, every case has to be considered on its merits.

Every jurisdiction in Canada has a somewhat different view of what constitutes a money Bill. In some, "money Bill" is defined very broadly so that any Bill with spending implications is viewed as a money Bill. In Alberta, a narrower view has been applied.

The requirement for the Royal Recommendation arises from section 54 of the Constitution Act, 1867, which states:

It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

This is repeated in our Standing Order 79. In Alberta, this is read so that it is appropriations of either public revenue or appropriations of taxes or imposts which require the Royal Recommendation. The most obvious example is an Appropriation Bill. A measure imposing or creating a tax or impost, but not appropriating the money from the tax or impost, does not require the Royal Recommendation. However, a measure imposing or creating a tax or impost must be brought in by a Minister. This is because the means by which money is raised is part of the process which ultimately supplies money for the purposes requested by the Crown and the Crown must take responsibility for such measures through its Ministers in the Assembly.

In Alberta a money Bill is a Bill which is itself the authority to appropriate a sum of public money to carry out its objects. To put it another way, any provision which authorizes the spending of public money out of the General Revenue Fund or authorizes public money to be spent before it reaches the General Revenue Fund, is a money Bill. Similarly, a Bill which expands the purposes for which public money from or destined for the General Revenue Fund is a money Bill. Conversely, any Bill which contains a scheme which might cost public money to carry out but leaves it to other legislation to actually provide the money, is not considered a money Bill. In other words, section 54 applies only to a Bill that effects an appropriation and not to one which would require an appropriation to be effective but does not itself make the appropriation. If a Bill requires money to operate and money is not appropriated to it, the resulting law will simply not operate.

This is reflected in Beauséjour, paragraphs 613 and 614, which state:

613 A bill, which does not involve a direct expenditure but merely confers upon the government a power for the exercise of which public money will have to be voted by Parliament, is not a money bill, and no Royal Recommendation is necessary as a condition precedent to its introduction.

614 A bill, designed to furnish machinery for the expenditure of a certain sum of public money, to be voted subsequently by Parliament may be introduced in the House without the Recommendation of the Crown.

As stated, Bills which impose, increase or widen taxes must be introduced by a member of Executive Council, but do not require the Royal Recommendation. A Bill to reduce, narrow or do away with a tax may be introduced by any Member. The question arises as to what is a "tax". The answer, while not entirely satisfactory, is that it depends on a number of things. The Chair will adopt the following from White, Lederman and Bur in Canadian Constitutional Law

Until recently, the courts had not gone far in defining taxation for the purposes of section 91(3) (of the Constitution); indeed their attempts to define the term under other constitutional provisions were none too helpful. Generally, they broadly described taxation for constitutional purposes as a compulsory levy imposed by law by a public body for a public purpose. But this does not distinguish it from other levies; it places no limits on the purpose for which taxation may be imposed.

It is the Chair's understanding that both Legislative Counsel and Parliamentary Counsel are very careful about scrutinizing Bills for the requirement of the Royal Recommendation. This is not to say that Members should not raise their concerns, but merely to suggest that, in this complex area, Members with concerns may wish to obtain further information from Counsel.

ORDERS OF THE DAY

Government Bills and Orders

Third Reading

The following Bills were read a Third time and passed:

- Bill 24 Appropriation Act, 1994 – Hon. Mr. Dinning
- Bill 25 Appropriation (Alberta Heritage Savings Trust Fund, Capital Projects Division) Act, 1994 – Hon. Mr. Dinning
- Bill 26 Appropriation (Lottery Fund) Act, 1994 – Hon. Mr. Dinning

Second Reading

On the motion that the following Bill be now read a Second time and referred to Committee of the Whole:

- Bill 19 School Amendment Act, 1994 – Hon. Mr. Jonson

A debate followed.

Mr. Stelmach, Hon. Member for Vegreville-Viking, moved adjournment of the debate, which was agreed to.

Adjournment

On motion by Hon. Mr. Evans, Deputy Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:12 p.m. until Monday, May 2, 1994 at 1:30 p.m.

Stanley S. Schumacher, Q.C.,
Speaker

Title: Thursday, April 28, 1994