



**Legislative Assembly  
Province of Alberta**

No. 60

## **VOTES AND PROCEEDINGS**

Fourth Session

Twenty-Third Legislature

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Monday, August 26, 1996

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

### **Presenting Petitions**

Mrs. Balsillie, Hon. Member for Redwater, presented a petition from 1,300 Albertans opposing the privatization of Pine Ridge Nursery in Smoky Lake.

### **Reading and Receiving Petitions**

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

We, the undersigned residents of Alberta, petition the Legislative Assembly to support Bill 214, Victims of Domestic Violence Act.

### **Tabling Returns and Reports**

Hon. Mr. Klein, Premier:

Memorandum, dated August 26, 1996, from Hon. Mr. Klein, Premier, to Hon. Mr. Jonson, Minister of Health, requesting an investigation into a serious health care allegation outlined in a letter, dated August 20, 1996, from Andrew Noel, which was faxed to the Premier's residence

Sessional Paper 1351/96

Communiqués issued at the 37th Annual Premier's Conference held at Jasper August 21 - 23, 1996, entitled "Rebalancing Roles and Responsibilities", "Social Policy Reform and Renewal", "GST Harmonization", "Other Intergovernmental Matters", "Jobs and Economic Growth", a further "Jobs and Economic Growth", "New National Infrastructure Program", "Proposed Guidelines for a New National Infrastructure Program" and "Follow-Up to the June First Ministers' Meeting"  
Sessional Paper 1352/96

Mr. Sapers, Hon. Member for Edmonton-Glenora:

News Release, dated August 22, 1996, entitled "New Guideline for Management of Cataracts Announced", with accompanying patient information entitled "Guideline for Surgical & Non-Surgical Management of Cataract in the Otherwise Healthy Adult Eye" and "Information for Patients, Cataracts in Adults with Otherwise Healthy Eyes"

Sessional Paper 1353/96

Mr. Dickson, Hon. Member for Calgary-Buffalo:

Letter, dated July 19, 1996, from Dr. Thomas Rich, Emergency Physician, Calgary General and Peter Lougheed Hospitals, to Members of Government responsible for Health Care, regarding retention of an inner-city hospital in Calgary

Sessional Paper 1354/96

A Paper, dated July 4, 1996, authored by Christopher Bagley and Pierre Tremblay, entitled "On the Prevalence of Homosexuality and Bisexuality, and Recent Depression in a Random Community Survey of 750 Men Aged 18 to 27"

Sessional Paper 1355/96

A Paper, dated August 16, 1996, authored by Christopher Bagley and Pierre Tremblay, entitled "Suicidality Problems of Gay and Bisexual Males: Evidence From a Random Community Survey of 750 Men Aged 18 to 27"

Sessional Paper 1356/96

## **Speaker's Ruling**

### **Re: Point of order raised by the Honourable Member for Calgary-North West**

On Thursday, August 22, 1996, after the prayers and before the Daily Routine, the Honourable Member for Calgary-North West raised a point of order concerning what he believes was an omission on that day's Order Paper; specifically, a reference to Bill 214 under Public Bills and Orders other than Government Bills and Orders. The Honourable Member indicated that there was neither a motion to remove Bill 214 from the Order Paper nor unanimous consent to waive Standing Order 8(5)(a)(ii) and therefore Bill 214 should be returned to the Order Paper to be discussed on the next Private Members' day.

While the Chair is extremely reluctant to comment on what occurred in Committee of the Whole, a review of Hansard for Wednesday, August 20, 1996, indicates that when the Assembly was in Committee of the Whole debating Bill 214, the Honourable Member for Calgary-Currie moved, pursuant to Standing Order 64(1), that the Chairman leave the Chair. Standing Order 64(1) reads as follows:

- 64(1) A motion that the Chairman leave the Chair*
- (a) is always in order,*
  - (b) takes precedence over any other motion, and*
  - (c) is not debatable.*

The Honourable Member for Calgary-Currie's motion passed in the affirmative, and the Chairman left the Chair. The Standing Orders are not explicit as to what happens to a Bill when the Chairman leaves the Chair, but both Beauchesne's and Erskine May, which are the authorities most often consulted in situations not covered by the Standing Orders, deal with this matter.

Beauchesne's, at paragraph 905, explains that a Member wishing to supersede a question, will move "That the Chairman do now leave the Chair", and if this motion, which is not debatable, is resolved in the affirmative, the Chairman will at once leave the Chair, and with no report having been made to the House, the Bill or question disappears from the Order Paper. Erskine May at page 499 is to a similar effect.

Thus, in partial answer the Honourable Member's point of order, the Chair would advise that a motion to remove Bill 214 from the Order Paper was not necessary because the Bill automatically disappeared from the Order Paper when the Chairman left the Chair.

The Honourable Member for Calgary-North West also indicated that Bill 214 cannot be removed from the Order Paper unless there is unanimous consent of the Assembly to waive Standing Order 8(5)(a)(ii), which says that a public Bill other than a Government Bill shall retain its place on the Order Paper until such time as the Bill has been given 120 minutes of debate in Committee of the Whole. What the Honourable Member failed to mention, however, were the closing words of Standing Order 8(5)(a), which read "*unless the relevant Motion is voted upon sooner.*"

In the Chair's view a motion under Standing Order 64(1) is a relevant motion for the purposes of Standing Order 8(5)(a)(ii); indeed, pursuant to Standing Order 64(1)(b) it's a motion that takes precedence over any other motion. Accordingly, once a motion that the Chairman leave the Chair is affirmed in the positive, that ends debate of the Bill. In short, the Standing Order provisions concerning the amount of time to be spent on Private Member's Bills are not absolute. They are subject to the normal rules of debate and the motions that have marked Parliamentary practice at least since 1905.

Finally, the Honourable Member for Calgary-North West referred to Standing Order 41. Standing Order 41 enumerates the motions that can be received when a motion is being debated. It is true that there is no motion under Standing Order 41 to remove a Bill from the Order Paper. However, Standing Order 64 takes precedence over any other motion and is always in order. Consequently, Standing Order 41 is not applicable in these circumstances.

In conclusion, the Chair wishes to thank the Honourable Member for Calgary-North West for his concerns and comments, but the Chair finds that there is no point of order. Bill 214 was properly removed from the Order Paper in accordance with the Standing Orders and the usages and precedents of this Assembly.

## **ORDERS OF THE DAY**

### **Government Bills and Orders**

#### **Committee of the Whole**

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

(Assembly in Committee)

After some time spent therein, the Acting Speaker resumed the Chair.

Progress was reported on the following Bill:

Bill 46 Electoral Division — Hon. Mr. Evans

Mr. Herard, Acting Chairman of Committees, tabled copies of all amendments considered by Committee of the Whole for the Official Records of the Assembly.

Amendment to Bill 46 (Hon. Minister of Justice and Attorney General) — Agreed  
to

Sessional Paper 1357/96

Sub-amendment to the Amendment to Bill 46 (Hon. Member for Sherwood Park)  
— Defeated

Sessional Paper 1358/96

Amendment to Bill 46 (Hon. Member for Fort McMurray) — Debate adjourned  
Sessional Paper 1359/96

### **Adjournment**

On motion by Hon. Mr. Day, Government House Leader, that it be called 5:30 p.m., it was agreed at 5:26 p.m. that when the Assembly reconvened at 8:00 p.m. it would be in Committee of the Whole, and the Acting Speaker left the Chair.

MONDAY, AUGUST 26, 1996 — 8:00 P.M.

## **Government Bills and Orders**

### **Committee of the Whole**

(Assembly in Committee)

After some time spent therein, the Deputy Speaker resumed the Chair.

The following Bill was reported with some amendments.

Bill 46 Electoral Divisions Act — Hon. Mr. Evans

Mr. Herard, Acting Chairman of Committees, tabled copies of all amendments considered by the Committee of the Whole for the Official Records of the Assembly.

Amendment to Bill 46, (Hon. Member for Fort McMurray) — Defeated  
Sessional Paper 1360/96

Amendment to Bill 46 (Hon. Member for Fort McMurray) — Defeated  
Sessional Paper 1361/96

### **Third Reading**

The following Bill was read a Third time and passed:

Bill 48 Appropriation (Supplementary Supply) Act, 1996 (No. 2) —  
Hon. Mr. Dinning

### **Second Reading — Speaker's Statement**

On August 21, 1996, under Government Bills and Orders, the Hon. Minister of Justice and Attorney General, moved second reading of Bill 47, Reinvestment Act, on behalf of the Hon. Provincial Treasurer. After the Hon. Minister of Justice and Attorney General and the Hon. Member for Edmonton-Whitemud had spoken to the Bill, the Chair recognized the Hon. Provincial Treasurer, who spoke to the Bill and then later moved to adjourn debate.

Pursuant to Standing Order 25(1)(b), a reply is allowed to a Member who has moved that a Bill be read a Second or Third time and in such instance the Speaker shall inform the Assembly that the reply of the mover will close debate. The mover of Bill 47 was the Hon. Minister of Justice and Attorney General; however, he moved the Bill on behalf of the Hon. Provincial Treasurer. According to paragraph 466(2) of Beauchesne, should a Member propose a motion, including a motion that a Bill be read a Second time, on behalf of another Member, a later speech by either will close the debate.

However, since the Chair did not inform the Assembly that the reply by the Hon. Provincial Treasurer would close debate on Second Reading of Bill 47, debate on the Bill can continue. The Chair wishes to inform the Assembly, however, that if either the Hon. Provincial Treasurer or the Hon. Minister of Justice and Attorney General speaks to the Bill again, debate will close on Second Reading of Bill 47.

The following Bill was read a Second time and referred to Committee of the Whole:

Bill 47 Reinvestment Act — Hon. Mr. Dinning

## **Adjournment**

On motion by Hon. Mr. Day, Government House Leader, the Assembly adjourned at 10:52 p.m. until Tuesday, August 27, 1996, at 1:30 p.m.

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Title: Monday, August 26, 1996