



**Legislative Assembly
Province of Alberta**

No. 24

VOTES AND PROCEEDINGS

First Session

Twenty-Fourth Legislature

Monday, May 26, 1997

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

Tabling Returns and Reports

Hon. Mr. Dunford, Minister of Advanced Education and Career Development, in response to questions asked May 22, 1997:

Fact sheet, entitled "For your information: apprenticeship in Alberta"
Sessional Paper 295/97

Brochure, entitled "Qualification Certificate Program"
Sessional Paper 296/97

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

29 letters, dated May 15 to 20, 1997, from constituents, to Mr. Dickson, Hon. Member for Calgary-Buffalo, regarding the level of public education funding
Sessional Paper 297/97

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert:

Letter, dated May 20, 1997, from Mrs. Sandy Kordyback, to Ms O'Neill, Hon. Member for St. Albert, regarding Bill 209, School Amendment Act, 1997, and the level of public education funding
Sessional Paper 298/97

Ms Sloan, Hon. Member for Edmonton-Riverview:

Letter, dated May 6, 1997, from Merrill Kemp, to Hon. Dr. Oberg, Minister of Family and Social Services, regarding Handicapped Children's Services (HCS) proposed funding reforms

Sessional Paper 299/97

Ms Barrett, Hon. Member for Edmonton-Highlands:

Excerpt page 12 regarding the King's Health Centre's relationship to OHIP (Ontario Health Care Insurance Plan) funding in Ontario, as quoted from during Oral Question Period, Thursday, May 22, 1997

Sessional Paper 300/97

Oral Question Period

During Oral Question Period, Ms Barrett, Hon. Member for Edmonton-Highlands, tabled the following:

Letter, dated November 9, 1996, from Norm Brownell, President, and Katherine Jones, Executive Director, Alberta Foster Parent Association, to Hon. Mr. Day, as Minister of Family and Social Services, highlighting Child Protective Services currently under the Department of Family and Social Services' control

Sessional Paper 301/97

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 11 Registries Statutes Amendment Act, 1997 — Mrs. Laing

A debate followed.

The question being put, with Hon. Mr. Kowalski in the Chair, the motion was agreed to. The names being called for were taken as follows:

For the motion: 45

Amery	Hancock	Melchin
Boutilier	Herard	O'Neill
Burgener	Hierath	Pham
Clegg	Hlady	Renner
Day	Jacques	Severtson
Doerksen	Johnson	Smith
Ducharme	Klapstein	Strang
Dunford	Laing	Tannas
Evans	Langevin	Tarchuk
Fischer	Lougheed	Taylor
Forsyth	Lund	Thurber
Fritz	Mar	Trynchy
Gibbons	Marz	West
Gordon	McClellan	Woloshyn
Haley	McFarland	Yankowsky

Against the motion: 13

Barrett	MacDonald	Sapers
Bonner	Massey	Sloan
Carlson	Olsen	Soetaert
Dickson	Pannu	White
Leibovici		

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

Bill 11 Registries Statutes Amendment Act, 1997 — Mrs. Laing

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

Bill 15 Protection for Persons in Care Amendment Act, 1997 — Mr. Tannas

A debate followed.

Mr. Gibbons moved adjournment of the debate, which was agreed to.

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)

And after some time spent therein, the Deputy Speaker resumed the Chair.

The following Bill was reported:

Bill 14 Appropriation Act, 1997 — Hon. Mr. Day

Adjournment

On motion by Mr. Renner, Acting Government House Leader, the Assembly adjourned at 5:17 p.m. until 8:00 p.m.

MONDAY, MAY 26, 1997 — 8:00 P.M.

Government Bills and Orders

Second Reading

Speaker's Ruling — Omnibus Bills

The Chair would like to take this opportunity before the House starts its deliberations this evening, to rule on the point of order that was raised by the Opposition House Leader this afternoon concerning Bills 11, 16 and 17. The Opposition House Leader's point of order is that the Bills offend parliamentary practice by including amendments to more than one Act which are not related or guided by a common thread.

In support of his point of order the Opposition House Leader cited various sections from *Beauchesne's* (6th. ed.) including paragraphs 626, 627, 634 and 557(1).

In reviewing this matter since this afternoon, the Chair notes that this is certainly not the first time that a Bill in this Legislative Assembly has amended more than one Act without a connecting theme. For instance, the Municipal Affairs Statutes Amendment and Repeal Act, 1996 amended or repealed some 13 Acts and there does not appear to have been a so-called connecting theme. The Registries Statutes Amendment Act, 1996 amended some 8 Acts to the Chair's count. The Energy Statutes Amendment Act, 1995 amended 5 Acts without a discernable common thread.

The point is that this is not the first time that omnibus Bills have been presented in this House. Of course, the most common omnibus Bill is the Miscellaneous Statutes Amendment Acts that are invariably introduced every year. As the Chair indicated this afternoon, these Bills differ from other omnibus Bills as they are usually agreed to by the Opposition prior to their introduction in the House.

With respect to the authorities, as the Chair indicated this afternoon, *Beauchesne's* paragraph 634 seems most directly on point. It is interesting to note that it concludes by saying that the Speaker will not intervene to divide the Bill. The Opposition House Leader placed some emphasis on Speaker Schumacher's decision to divide a motion in February 1995 but that was not a Bill. Technically speaking, the motion in this case would be that Bill 11, 16 or 17 be read a Second time.

Other jurisdictions have faced this problem. Members may recall a large omnibus Bill in Ontario that was the subject of a similar point of order. In that case, the Speaker delivered a ruling on December 5, 1995 that there were no rules or precedents in that House or other Canadian jurisdictions to rule the respective Bill out of order.

In that ruling he quoted a 1982 ruling by Speaker Sauvé of the House of Commons where she stated:

“It may be that the House should accept rules or guidelines as to the form and content of omnibus Bills, but in that case the House, and not the Speaker, must make those rules.”

While the Chair is aware of the genuine concerns of the Opposition House Leader about the sweeping nature of omnibus Bills, it is certainly not the first time this has happened in the Legislative Assembly of Alberta. It would certainly assist the House if the various parties were able to meet and find solutions to this problem. Failing that, the Chair rules that the Bills can proceed.

The Chair wants to point out that given the broad scope of these Bills, it may be very difficult for the Chair, or the Chair of Committees, to determine what matters are relevant to the respective debates.

In conclusion, the Chair wants to note that there is nothing preventing the House from developing guidelines as to the acceptable form and content of omnibus legislation. The Chair encourages Members to break new ground in this area.

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

Bill 16 Justice Statutes Amendment Act, 1997 — Hon. Mr. Havelock

A debate followed.

Mr. Renner moved adjournment of the debate, which was agreed to.

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

Bill 17 Municipal Affairs Statutes Amendment Act, 1997 — Hon. Ms Evans

A debate followed.

Mr. Renner moved adjournment of the debate, which was agreed to.

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

Bill 18 Natural Resources Conservation Board Amendment Act, 1997 —
Ms O'Neill

A debate followed.

Hon. Mr. Hancock moved adjournment of the debate, which was agreed to.

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)

And after some time spent therein, the Deputy Speaker resumed the Chair.

Progress was reported on the following Bill:

Bill 1 Freedom of Information and Protection of Privacy Amendment Act, 1997
— Hon. Mr. Klein

Mr. Zwozdesky, Acting Chairman of Committees, tabled copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 1 (Introduced by the Hon. Member for Calgary-Buffalo on May 14, 1997) — Debate adjourned

Sessional Paper 302/97

Adjournment

On motion by Hon. Mr. Havelock, Government House Leader, the Assembly adjourned at 10:59 p.m. until Tuesday, May 27, 1997, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, May 26, 1997