



**Legislative Assembly
Province of Alberta**

No. 29

VOTES AND PROCEEDINGS

First Session

Twenty-Fourth Legislature

Tuesday, June 3, 1997

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

Notices of Motions

Pursuant to Standing Order 34(2)(a), Hon. Mr. Hancock, Deputy Government House Leader, gave oral notice of the following Written Questions and Motions for Returns to be dealt with Wednesday, June 4, 1997:

Written Questions: Stand and retain their places.

Motions for Returns: MR26, MR27, MR28, MR29, MR30, MR31, MR32.

Mr. Sapers, Hon. Member for Edmonton-Glenora, gave oral notice of his intention to move the following motion:

That it be an instruction to Committee of the Whole on Bill 16, Justice Statutes Amendment Act, 1997, that they have the power to divide Bill 16 into five Bills.

Tabling Returns and Reports

Hon. Dr. Oberg, Minister of Family and Social Services:

Briefing note, dated September 6, 1996, entitled "Welfare reforms analysis: selection of a contractor"

Sessional Paper 374/97

Hon. Mr. Jonson, Minister of Health:

Responses to questions raised on May 5, 1997, Department of Health, 1997-98 Designated Supply Subcommittee debate

Sessional Paper 375/97

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

Letter, dated June 3, 1997, from Mr. Dickson, Hon. Member for Calgary-Buffalo, to Hon. Mr. Jonson, Minister of Health, regarding amendments to the Licensed Practical Nurses Regulation and Guidelines

Sessional Paper 376/97

Ms Sloan, Hon. Member for Edmonton-Riverview:

4 letters, dated May 21-22, 1997, from parents of children with disabilities, regarding the proposed funding model for Handicapped Children's Services (HCS)

Sessional Paper 377/97

Letter, dated May 29, 1997, from Mr. Kim Cassidy, to Hon. Dr. Oberg, Minister of Family and Social Services, regarding the privatization of children's services

Sessional Paper 378/97

Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Workers' Compensation Board (WCB) memorandum, dated September 12, 1996, from Kim East, Collections Supervisor, to Collection Representatives, regarding "demand to pay" letters

Sessional Paper 379/97

Ministerial Statements

Hon. Mr. Paszkowski, Minister of Transportation and Utilities, made a statement regarding National Transportation Week, June 1-7, 1997, themed "Transportation Safety" recognizing traffic safety initiatives undertaken by the industry.

Mrs. Soetaert, Hon. Member for Spruce Grove-Sturgeon-St. Albert, commented on the statement.

Oral Question Period

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

Letter, dated May 30, 1997, from Workers' Compensation Board (WCB), Corporate Communications, to Charan Khehra, Research and Outreach Assistant, New Democratic Party, in response to a request for information regarding Columbia Health Care Inc. (CHC)

Sessional Paper 380/97

During Oral Question Period, Mr. Zwozdesky, Hon. Member for Edmonton-Mill Creek, tabled the following:

Alberta Liberal Caucus News: Media Information, dated June 3, 1997, regarding the record of recovery on Government loans, loan guarantees and investments

Sessional Paper 381/97

Members' Statements

Ms O'Neill, Hon. Member for St. Albert, made a statement congratulating École Father Jan Community School on being awarded Earth School status from the SEEDS Foundation (Society, Environment and Energy Development Studies), along with 16 other schools also being recognized.

Mr. Bonner, Hon. Member for Edmonton-Glengarry, made a statement as the Liberal critic for seniors, regarding Seniors' Week, June 1-7, 1997, and the treatment of seniors following Government reforms.

Mrs. Laing, Hon. Member for Calgary-Bow, made a statement regarding the January 1996 establishment of an Ad-hoc Steering Committee, and a May 29-31, 1997 conference, both to develop solutions in conjunction with public consultations in search of a solution to homelessness in Calgary.

Motion for Instructions to Committee of the Whole

Mr. Sapers, Hon. Member for Edmonton-Glenora, moved the following motion:

That it be an instruction to Committee of the Whole on Bill 16, Justice Statutes Amendment Act, 1997, that they have the power to divide Bill 16 into five Bills.

A debate followed on the validity of the motion.

The Speaker notified the Assembly he would take the matter under advisement and rule on the issue prior to 4:30 p.m. this day.

ORDERS OF THE DAY

Public Bills and Orders Other Than Government Bills and Orders

Second Reading

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

Bill 208 Kananaskis Park Act — Mr. Mitchell

A debate followed.

Pursuant to Standing Order 8(2)(b), debate adjourned, Ms Carlson speaking.

Motions Other Than Government Motions

506. Moved by Mrs. Burgener:

Be it resolved that the Legislative Assembly urge the Government to review, in conjunction with stakeholders, the role, function and responsibilities of school guidance and career counsellors at the junior and high school levels to ensure Alberta's students can make informed decisions about entering post-secondary institutions or the workforce.

A debate followed.

Pursuant to Standing Order 8(4), the question being put, the motion was agreed to.

507. Moved by Mr. Fischer:

Be it resolved that the Legislative Assembly urge the Government to enter into discussions with the Federal Government to review the tax system to find ways to assist two parent families where one parent chooses to remain at home.

A debate followed.

Ms Blakeman moved the motion be amended by striking out

two parent

and striking out

parent

and substituting

caregiver

A debate followed on amendment.

Pursuant to Standing Order 8(2)(c), debate adjourned on amendment, Ms Blakeman speaking.

Speaker's Ruling — Instructions to a Committee to Divide a Bill

The Honourable Opposition House Leader has given notice of a motion instructing the Committee of the Whole that it be allowed to divide Bill 16; an omnibus Bill. The Member raised a point of order last Monday, May 26, 1997, asking the Chair to divide certain Bills, including Bill 16. In keeping with the authorities, the Chair declined to divide this or any of the Bills. This point of order is another approach to dividing a Bill by instructing the Committee of the Whole that it may do so.

In making his arguments this afternoon, the Opposition House Leader referred to various sections of Beauchesne's 6th edition, especially paragraphs 681-689. There is nothing in the Standing Orders of the Legislative Assembly of Alberta concerning motions to provide instructions to a Committee on dividing a Bill. Like the Member, the Chair has been unable to locate any previous Speaker's rulings on this most interesting question.

Under Standing Order 46, the Speaker shall apprise the Member when a motion is not in order. Beauchesne's paragraph 541 refers to irregular notices and paragraph 566(5) concerns irregular motions. When a matter is not provided for in the Standing Orders or the "usages and precedents of the Assembly", then Standing Order 2 indicates that the Speaker is to rely on parliamentary tradition. Often Members and the Chair will refer to the practice in the Canadian House of Commons which is the basis for Beauchesne's. Paragraph 686 (2) of Beauchesne's 6th edition expressly states that "An instruction is required to enable a committee to divide a Bill into two or more Bills." The citation in Beauchesne's for this proposition is a January 26, 1971, ruling by Speaker Lamoureux in the House of Commons. That ruling says nothing about motions instructing a Committee to divide a Bill before committing the Bill to Committee. At page 285 of Hansard for January 26, 1971, Speaker Lamoureux indicated that at Third Reading stage, any clause or part of the Bill may be brought into question by way of an amendment proposing that the clause or part of the Bill be referred back to the Committee. He was undoubtedly referring to the recommittal amendment which can be moved at Third Reading.

On May 11, 1977, on a point of order dealing with an omnibus Bill then before the House of Commons, Speaker Jerome considered the possibility of instructions to a Committee. He stated at page 5523 of Hansard for that day:

"It has been suggested that motions by way of an instruction to the Committee, once the Bill is in the Standing Committee that the Bill be divided, might be applicable. This is a practice which has been rather prevalent in the British House, but in our procedures it raises a very great number of serious and unanswered procedural questions, and in any case has never really been successful."

In his ruling, Speaker Jerome encouraged Members to vote to delete certain clauses at the appropriate time.

The Honourable Member has referred to Erskine May and the British practice. In this regard the Chair refers to a ruling by Speaker Fraser in the House of Commons on June 8, 1988, concerning yet another omnibus Bill. He indicated at page 16256 of that day's Hansard that Canada is unique in its use of omnibus Bills. Although the British House adopts such Bills, as Speaker Fraser pointed out, "its legislative practices are significantly different from ours, not least of all because of a much stricter control of time for debate on Bills." Australia allows for grouping of Bills. The Chair has had a quick review done of the New Zealand practice. In that country there is a specific Standing Order allowing a Committee to divide a Bill. We have no equivalent Standing Order.

There is also the question of how such a motion would be made. Motions other than Government Motions are to go on the Order Paper in numerical order according to a draw. This motion is clearly not a Government Motion and as the Government House Leader pointed out, Standing Order 39 restricts a Member to two notices of motion for motions other than Government Motions. Even if the Opposition House Leader did not have two notices of motion already on the Order Paper, this would be Motion 589. It is not of those class of motions that may be termed dilatory such as adjournment motions that may be made without notice nor is it an amendment. The Chair would have to create a special class of motion in order to allow it to appear on the Order Paper. The question would arise as to whether the motion was debatable. Motions for instructions to a Committee are not listed as being debatable under Standing Order 18. Furthermore, there is the problem of when to make the motion which seems to be sometime after Second Reading but before the Committee commences consideration of the Bill. There is a limit to the extent to which the Chair is prepared to make up rules. The Chair's role is to interpret or to provide for unprovided for instances. In this case, the Chair would have to unilaterally amend the Standing Orders to allow the motion to proceed but the Chair does not have that authority. As indicated in the Chair's May 26, 1997 ruling, it is the House that makes the rules. The Chair notes that the Member could make a motion under Standing Order 40 but that, of course, requires unanimous consent to proceed.

Accordingly, while Beauchesne's may refer to instructions to Committee to divide a Bill, there does not appear to be any precedent from this House, or the House of Commons, for such a motion prior to Committee consideration. Even the reference in Beauchesne's at paragraph 682(2) concerning the nature of the instruction to the Committee is based upon a 1882 citation dealing with a recommittal motion at Third Reading. In the absence of any authority and given that Members may debate and amend the Bill in Committee and move certain amendments to recommit at Third Reading, the Chair finds that the Member's motion may not proceed.

Government Bills and Orders

Second Reading

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

Bill 19 Livestock and Livestock Products Amendment Act, 1997 — Hon.
Mr. Stelmach

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

Bill 22 Environmental Protection and Enhancement Amendment Act, 1997 — Hon.
Mr. Lund

A debate followed.

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

Adjournment

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

TUESDAY, JUNE 3, 1997 — 8:00 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

The following Bill was taken under consideration:

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

A debate followed.

Mr. Gibbons, Hon. Member for Edmonton-Manning, moved the Bill be amended in section 2(4)(c) by striking out the proposed subsection (2)(b)(ii).

A debate followed (on amendment).

The question being put, with Mr. Tannas in the Chair, the amendment was defeated. The names being called for were taken as follows:

For the amendment: 12

Blakeman	Massey	Sapers
Bonner	Mitchell	Sloan
Dickson	Nicol	Soetaert
Gibbons	Olsen	Zwozdesky

Against the amendment: 34

Boutilier	Herard	Melchin
Burgener	Hierath	O'Neill
Cao	Jacques	Oberg
Cardinal	Johnson	Paszkowski
Clegg	Jonson	Pham
Day	Klapstein	Renner
Ducharme	Laing	Severtson
Dunford	Langevin	Strang
Forsyth	Lund	Taylor
Friedel	Magnus	West
Fritz	McFarland	Yankowsky
Havelock		

Mr. Sapers, Hon. Member for Edmonton-Glenora, requested and received the unanimous consent of the Assembly to waive Standing Order 32(2) to reduce the time between division bells from 10 to 1 minute for the remainder of this sitting day.

After some time spent therein, and pursuant to Standing Order 60, at 12:00, the Committee of the Whole adjourned to rise and report, and the Deputy Speaker resumed the Chair.

The following Bills were reported:

Bill 11 Registries Statutes Amendment Act, 1997 — Mrs. Laing
Bill 16 Justice Statutes Amendment Act, 1997 — Hon. Mr. Havelock

The following Bill was reported with some amendments:

Bill 13 Trespass to Premises Act — Hon. Mr. Havelock

Progress was reported on the following Bills:

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

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

Mrs. Laing, 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 11 (Hon. Member for Edmonton-Highlands) —
Defeated

Sessional Paper 382/97

Amendment to Bill 11 (Hon. Member for Edmonton-Highlands) —
Defeated

Sessional Paper 383/97

Sub-amendment to the Amendment to Bill 11 introduced by the Hon.
Member for Edmonton-Highlands (Hon. Member for Edmonton-Glenora)
— Agreed to

Sessional Paper 384/97

Amendment to Bill 11 (Hon. Member for Edmonton-Highlands) —
Defeated

Sessional Paper 385/97

Amendment to Bill 11 (Hon. Member for Edmonton-Manning) — Defeated
Sessional Paper 386/97

Amendment to Bill 11 (Hon. Member for Edmonton-Manning) — Defeated
Sessional Paper 387/97

Amendment to Bill 11 (Hon. Member for Edmonton-Manning) — Defeated
(on division)

Sessional Paper 388/97

Amendment to Bill 13 (Hon. Minister of Justice and Attorney General) —
Agreed to

Sessional Paper 389/97

Amendment to Bill 15 (Hon. Member for Edmonton-Riverview) —
Defeated

Sessional Paper 390/97

Amendment to Bill 15 (Hon. Member for Edmonton-Riverview) —
Defeated

Sessional Paper 391/97

Amendment to Bill 15 (Hon. Member for Calgary-Buffalo) — Debate
adjourned

Sessional Paper 392/97

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

Mrs. Laing, 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 15 (Introduced by the Hon. Member for Calgary-Buffalo on June 3, 1997) — Defeated

Sessional Paper 393/97

Adjournment

On motion by Hon. Mr. Havelock, Government House Leader, the Assembly adjourned at 12:29 a.m. Wednesday, June 4, 1997, until 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Tuesday, June 3, 1997