



**Legislative Assembly
Province of Alberta**

No. 31

VOTES AND PROCEEDINGS

Second Session

Twenty-Sixth Legislature

Monday, May 1, 2006

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

Speaker's Comment

The Speaker commented that four different political parties have formed the Government of Alberta in Alberta's first 100 years. The Liberal Party was the Government in the first four Legislatures. In the election of 1905 it received 57.56% of the votes and held 22 of 25 seats; in the election of 1909 it received 59.26% of the votes and held 36 of 41 seats; in the election of 1913 it received 49.23% of the votes and held 39 of 56 seats; in the election of 1917 it received 48.14% of the votes and held 34 of 56 seats. In these first four Legislatures the Conservative Party held the second largest number of seats: three out of 25 in 1905, two out of 41 in 1909, 17 out of 56 in 1913, and 19 out of 56 in 1917.

In the election of 1921 the United Farmers of Alberta formed the Government with 28.92% of the votes but with 38 of the 61 seats. The Liberal Party received more votes, 34.07% of the votes, but elected only 15 of 61 MLAs.

In the election of 1926 the United Farmers of Alberta elected 43 of 61 MLAs with 39.68% of the votes. The Liberals won seven seats with 26.17% of the votes.

In the election of 1930 the United Farmers of Alberta won 39 of 63 seats with 39.41% of the votes and the Liberals came in second with 24.59% of the votes and 11 MLAs. The election was held on June 19, 1930.

Alberta's next election was held five years and two months later on August 22, 1935. The election of 1935 saw the highest number of candidates, 240, and the highest number of political parties to-date, 12. The turnout of voters was massive with 81.8% of eligible voters voting. 95.4% of the electorate voted in the constituency of Cardston, 91.6% voted in the Olds constituency, and 90.3% was the turnout in Acadia.

When the results were in, Alberta had a new political party governing them. The Social Credit Party won 56 of 63 seats with 54.25% of the votes. The Liberals received 23.14% of the votes and won five seats. The United Farmers of Alberta, the Government in the previous three terms, received 11% of the vote and was completely shut out with no seats.

Members' Statements

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding the Protection of Children Abusing Drugs Act which will be proclaimed July 1, 2006.

Mr. Hancock, Hon. Member for Edmonton-Whitemud, made a statement congratulating Legislature Page Samantha Johnston who was crowned "Miss Alberta" at the provincial Job's Daughters pageant on March 31, 2006.

Mrs. Mather, Hon. Member for Edmonton-Mill Woods, made a statement regarding the Calgary Roundtable on Childcare held on April 29, 2006.

Mr. Lougheed, Hon. Member for Strathcona, made a statement recognizing May 1-6, 2006 as National Mental Health Week.

Mr. Rogers, Hon. Member for Leduc-Beaumont-Devon, made a statement recognizing April 30 to May 6, 2006 as Education Week.

Mr. Mason, Hon. Leader of the New Democrat Opposition, made a statement regarding health care spending.

Notices of Motions

Dr. Pannu, Hon. Member for Edmonton-Strathcona, gave oral notice of his intention to move, pursuant to Standing Order 30, to adjourn the ordinary business of the Assembly to discuss a matter of urgent importance, namely that cancellation of the child care agreement concluded and signed by Alberta and the Federal Government in 2005 puts into jeopardy the funding that makes possible Alberta's five-point plan for child care.

Tabling Returns and Reports

Dr. Morton, Hon. Member for Foothills-Rocky View:

Document dated March 8, 2006, outlining parallels between Bill 208, Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006 and the original draft of Bill C-38, The Civil Marriage Act

Sessional Paper 447/2006

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

Copy of page 1736 of the Alberta Gazette dated July 15, 2005, concerning the sale of certain parcels of land

Sessional Paper 448/2006

Alberta Government Services Land Titles Office image of document registered as 052227408

Sessional Paper 449/2006

Alberta Government Services Land Titles Office image of document registered as 052283668

Sessional Paper 450/2006

Mr. Taylor, Hon. Member for Calgary-Currie, on behalf of Dr. Taft, Hon. Leader of the Official Opposition:

Alberta Disability Coalition pamphlet encouraging Albertans to purchase Alberta Progressive Conservative Party memberships and to support the leadership candidate most likely to treat disability issues as a priority

Sessional Paper 451/2006

Mr. Mason, Hon. Leader of the New Democrat Opposition:

Alberta NDP (New Democratic Party) Opposition news release dated May 1, 2006, entitled "Aon Report Projections Dead Wrong, Mason cites government fear-mongering on the future of public health care" and backgrounder dated May 1, 2006, entitled "Aon Report Financial Projections Analyzed Against Actual Trends"

Sessional Paper 452/2006

Speaker's Ruling - Anticipation

Honourable Members, the Chair would like to make a statement pertaining to a matter of business that will be addressed by the Assembly this evening, namely Motion Other Than Government Motion 508 standing in the name of the Hon. Member for Foothills-Rocky View. The issue of anticipation may arise as Motion 508 deals with the subject of fixed election dates as does Bill 210 (Election (Fixed Election Dates) Amendment Act, 2006), sponsored by the Leader of the Official Opposition.

Under Beauchesne's at paragraph 566(7), a Motion dealing with the same subject-matter as a Bill on the Order Paper for Second Reading should not be considered. This rule of parliamentary practice is based on the principle that an Assembly should not consider the same matter twice. Under the rule stated at Beauchesne's paragraphs 512 and 513, a matter must not be anticipated if it is contained in a more effective form of proceeding based on a descending scale of values where Bills have priority over Motions which in turn have priority over amendments.

Even at the House of Commons this principle has been applied in a more lenient manner when it comes to Private Members' Business. After stating the basis for the ancient rule against anticipation, Marleau and Montpetit in House of Commons: Practice and Procedure, say this at page 477:

"An exception has been allowed, however, in the case of an opposition motion on a Supply day related to the subject matter of a bill already before the House. Under a normal application of the rule, the Chair would refuse the motion because it ranks as inferior to a bill. The Speaker has nonetheless ruled that the opposition prerogative in the use of an allotted day is very broad and ought to be interfered with only on the clearest and most certain of procedural grounds."

This tendency not to rule Private Members' Business out of order on the basis of the rule against anticipation is reflected in the 24th edition of Erskine May at page 389 where it is stated that because of the limited opportunities that exist for Members in the British House of Commons to raise matters with Ministers, "the rule is therefore enforced much less strictly than before."

Honourable Members, the Chair and the Table Officers have researched this issue and believe that this is the first time the issue of anticipation has been raised with respect to a Private Member's Motion and a Private Member's Bill. It differs from a March 28, 1995 situation reported at page 872 of Alberta Hansard for that day where a Private Member's Motion was struck out because it was on the same subject as a Government Bill. The alleged "conflict" here is between a Private Member's Motion and a Private Member's Bill.

Given the process for arriving at the order of Motions Other Than Government Motions and Private Members' Bills, a Member proposing a Motion would not necessarily know what was in such a Bill until it was given First Reading. The Chair would also note that Motion 508 may have a similar subject but is not identical to Bill 210. The debate would not necessarily be the same.

The Chair has always given the widest latitude possible to Private Members' Business consistent with the rules and practices of the Assembly which are in large part derived from the 1993 reforms which made Alberta a leader in Private Members' Business. The Chair will, whenever possible, allow debate to proceed. Given that there are differences between Motion 508 and Bill 210, and that it is not certain when Bill 210 will be considered by the Assembly, the Chair does not find the Motion out of order so the debate can proceed.

The Chair is providing this ruling at this time in an effort to expedite Private Members' Business and so that Members' preparations for the work of the Assembly tonight are not in vain.

Motion for Adjournment for an Emergency Debate

Dr. Pannu, Hon. Member for Edmonton-Strathcona, requested leave to move, pursuant to Standing Order 30, to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance, namely that cancellation of the child care agreement concluded and signed by Alberta and the Federal Government in 2005 puts into jeopardy the funding that makes possible Alberta's five-point plan for child care.

A debate followed on urgency.

The Speaker ruled that the request for leave was not in order.

ORDERS OF THE DAY

Written Questions

The following Written Question was accepted:

WQ14. Moved by Ms Blakeman on behalf of Mr. Miller:

How much money in total did the Alberta Heritage Savings Trust Fund invest in tobacco-based companies in the fiscal year 2004-05 broken down by individual company and amount invested in each?

The following Written Questions were ordered to stand:

WQ16, WQ17, WQ18, WQ19, WQ20, WQ21, WQ22, WQ23, WQ24, WQ25, WQ26, WQ27, WQ28, WQ30, WQ31, WQ32, WQ33, WQ34.

Motions for Returns

The following Motions for Returns were rejected:

MR23. Moved by Mr. Martin on behalf of Mr. Mason:

That an Order of the Assembly do issue for a Return showing:
A copy of the contract between the Ministry of Health and Wellness and Margaret Kool Marketing (mkm) awarded following Request for Proposal 05-243.

MR24. Moved by Mr. Martin on behalf of Mr. Mason:

That an Order of the Assembly do issue for a Return showing:
Copies of all documents produced for the Ministry of Health and Wellness by Margaret Kool Marketing (mkm) under the contract awarded following Request for Proposal 05-243.

MR25. Moved by Mr. Martin:

That an Order of the Assembly do issue for a Return showing:
Copy of the public sector comparator done for the Northeast Calgary Ring Road Project which was announced as a public-private partnership on February 24, 2006.

The following Motions for Returns were ordered to stand:

MR27, MR28, MR29, MR30, MR31, MR32, MR33, MR34, MR35.

Public Bills and Orders Other Than Government Bills and Orders

Second Reading

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

Bill 208 Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act,
2006 — Dr. Morton

Adjournment

On motion by Hon. Mr. Renner, Deputy Government House Leader, that it be called 5:30 p.m., the Assembly adjourned at 5:26 p.m. until 8:00 p.m.

MONDAY, MAY 1, 2006 — 8:00 P.M.

Motions Other Than Government Motions

508. Moved by Dr. Morton:

Be it resolved that the Legislative Assembly urge the Government to introduce legislation requiring fixed election dates every 4 years or whenever the Government loses the confidence of the Assembly.

Mr. Snelgrove moved the motion be amended by striking out “to introduce legislation requiring fixed election dates every 4 years or whenever the Government loses the confidence of the Assembly” and substituting “to initiate a process to study the benefits and disadvantages of implementing fixed election dates with the intention of introducing legislation based on the recommendations arising from that study.”

A debate followed on the amendment.

The question being put, the amendment was agreed to.

A debate followed on the motion as amended.

The question being put, the motion as amended was agreed to.

Government Motions

18. Moved by Hon. Mr. Renner on behalf of Hon. Mr. Zwozdesky:

Be it resolved that the Assembly invite Her Excellency the Right Honourable Michaëlle Jean, CC, CMM, COM, CD, Governor General of Canada, to the floor of this Chamber to address the Legislative Assembly on Thursday, May 4, 2006, and that this address be the first order of business after Prayers and that the ordinary business of the Assembly will resume upon the conclusion of Her Excellency’s address. Be it further resolved that Her Excellency’s address become part of the permanent record of the Assembly.

The question being put, the motion was agreed to.

Government Bills and Orders

Second Reading

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

Bill 29 Environmental Protection and Enhancement Amendment Act, 2006 —
Mr. Mitzel

A debate followed.

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

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

Bill 38 Livestock Identification and Commerce Act (\$) — Hon. Mr. Horner

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

The following Bills were read a Second time and referred to Committee of the Whole:

Bill 36 Securities Transfer Act — Mr. Knight

Bill 37 Miscellaneous (Provincial Treasurer) Statutes Amendment Act, 2006 —
Hon. Mr. Renner on behalf of Hon. Mrs. McClellan

Committee of the Whole

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

(Assembly in Committee)

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

Progress was reported on the following Bill:

Bill 20 Freedom of Information and Protection of Privacy Amendment Act, 2006
— Mrs. Jablonski

Rev. Abbott, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 20 (introduced by the Hon. Member for
Edmonton-McClung on April 26, 2006) — Defeated
Sessional Paper 453/2006

Amendment to Bill 20 (Hon. Member for Edmonton-Beverly-Clareview on
behalf of the Hon. Member for Edmonton-Strathcona) — Adjourned debate
Sessional Paper 454/2006

Adjournment

On motion by Hon. Mr. Renner, Deputy Government House Leader, the Assembly adjourned at 11:08 p.m. until Tuesday, May 2, 2006, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, May 1, 2006