



**Legislative Assembly
Province of Alberta**

No. 45

VOTES AND PROCEEDINGS

Fourth Session

Twenty-Seventh Legislature

Monday, December 5, 2011

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

Members' Statements

Mr. Zwozdesky, Hon. Member for Edmonton-Mill Creek, made a statement regarding Green Scholars of Alberta founded by Anuvir Bhullar, a grade 12 student at Old Scona Academic High School.

Mr. Chase, Hon. Member for Calgary-Varsity, made a statement regarding recent policy decisions and other issues affecting Albertans.

Mrs. Sarich, Hon. Member for Edmonton-Decore, made a statement regarding the Board of Trustees of Edmonton Catholic Schools' recent decision to declare the last Friday in November as Holodomor Ukrainian Famine and Genocide Memorial Day in the school district.

Mr. Campbell, Hon. Member for West Yellowhead, made a statement regarding Jasper National Park being named the world's largest dark sky preserve.

Mr. Elniski, Hon. Member for Edmonton-Calder, read a speech given by Julia Bowen, a grade four student, at the 2011 Women's Conference for the Alberta Regional Council of Carpenters and Allied Workers.

Ms Woo-Paw, Hon. Member for Calgary-Mackay, made a statement recognizing December 5, 2011, as International Volunteer Day.

Mr. Rodney, Hon. Member for Calgary-Lougheed, made a statement congratulating the Canadian Sledge Hockey Team on winning the 2011 World Sledge Hockey Challenge title.

Notices of Motions

Hon. Mr. Hancock, Government House Leader, gave oral notice of the following motions:

Be it resolved that when further consideration of Bill 21, Election Amendment Act, 2011, is resumed, not more than one hour shall be allotted to any further consideration of the Bill in Committee of the Whole, at which time every question necessary for the disposal of the Bill at this stage shall be put forthwith.

Be it resolved that when further consideration of Bill 24, Health Quality Council of Alberta Act, is resumed, not more than one hour shall be allotted to any further consideration of the Bill in Committee of the Whole, at which time every question necessary for the disposal of the Bill at this stage shall be put forthwith.

Be it resolved that when further consideration of Bill 26, Traffic Safety Amendment Act, 2011, is resumed, not more than one hour shall be allotted to any further consideration of the Bill in Committee of the Whole, at which time every question necessary for the disposal of the Bill at this stage shall be put forthwith.

Tabling Returns and Reports

Mr. Marz, Hon. Member for Olds-Didsbury-Three Hills:

Report dated December 2010 entitled "CCMTA (Canadian Council of Motor Transport Administrators) Road Safety Report Series, Alcohol-Crash Problem in Canada: 2008" prepared by Traffic Injury Research Foundation of Canada
Sessional Paper 590/2011

Hon. Mr. Horne, Minister of Health and Wellness:

Report entitled "Canadian Judicial Council Protocol on the Appointment of Judges to Commissions of Inquiry" adopted by the Canadian Judicial Council in August 2010
Sessional Paper 591/2011

Mrs. Sarich, Hon. Member for Edmonton-Decore:

Package of information regarding the Board of Trustees of Edmonton Catholic Schools' recent decision to declare the last Friday in November as Holodomor Ukrainian Famine and Genocide Memorial Day in the school district
Sessional Paper 592/2011

Ms Pastoor, Hon. Member for Lethbridge-East:

5 recent letters from Ms Pastoor, Hon. Member for Lethbridge-East, to five Lethbridge and area food banks, pledging a donation to the food banks equal to one-half of Ms Pastoor's 4.9 percent salary increase

Sessional Paper 593/2011

Ms Notley, Hon. Member for Edmonton-Strathcona:

Edmonton Journal web site article dated December 1, 2011, entitled "Simons: Expand prisons elsewhere, or better yet not at all"

Sessional Paper 594/2011

Report dated December 2011 entitled "Alternative Water Futures in Alberta" prepared by the Parkland Institute

Sessional Paper 595/2011

Mr. Chase, Hon. Member for Calgary-Varsity:

Report dated March 2011 entitled "Canada 20 Years' Denial of Recommendations made by the United Nations Human Rights Committee and the Continuing Impact on the Lubicon Cree" prepared by Amnesty International

Sessional Paper 596/2011

Dr. Taft, Hon. Member for Edmonton-Riverview:

E-mail message dated December 1, 2011, from Marina Elena Tunland and Anna Muze to Dr. Taft, Hon. Member for Edmonton-Riverview, expressing concern regarding the impact of passing Bill 26, Traffic Safety Amendment Act, 2011, on the Edmonton business community and service sector

Sessional Paper 597/2011

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Dr. Morton, Minister of Energy:

Return to Order of the Assembly MR6 and MR7, both asked for by Mr. MacDonald on April 11, 2011:

MR6. A copy of all *publicly available, non-proprietary information given by Alberta Energy to Alberta Finance and Enterprise regarding bitumen valuation for the fiscal year 2011-12.*

MR7. A copy of all *publicly available, non-proprietary information given by Alberta Energy to Alberta Finance and Enterprise regarding conventional oil valuation for the fiscal year 2011-12.*

Sessional Paper 598/2011

Return to Order of the Assembly MR8, asked for by Mr. MacDonald on April 11, 2011:

A copy of all publicly available, non-proprietary information given by Alberta Energy to Alberta Finance and Enterprise regarding natural gas valuation for the fiscal year 2011-12.

Sessional Paper 599/2011

Response to Written Question WQ1, asked for by Ms Blakeman on March 21, 2011:

How much oil was spilled as a result of the wellhead failure at Devon Energy Corporation's Jackfish oil sands site, which sent a plume of bitumen-laced, high temperature steam into the air for nearly 36 hours on July 10 and 11, 2010?

Sessional Paper 600/2011

Response to Written Question WQ8, asked for by Mr. Hehr on April 11, 2011:

What was the total value of all tax credits expended pursuant to the Drilling Royalty Credit program for the period April 1, 2009, to February 20, 2011?

Sessional Paper 601/2011

Clerk of the Assembly on behalf of Hon. Mr. Olson, Minister of Justice and Attorney General:

Alberta Human Rights Commission, Annual Report 2010-11

Sessional Paper 602/2011

Clerk of the Assembly on behalf of Hon. Mrs. Klimchuk, Minister of Culture and Community Services:

Pursuant to the Alberta Foundation for the Arts Act, cA-19, s14(2), Alberta Foundation for the Arts, 2010-11 Annual Report

Sessional Paper 603/2011

Pursuant to the Historical Resources Act, cH-9, s15(2), Historical Resources Fund, 2010-11 Annual Report

Sessional Paper 604/2011

Pursuant to the Historical Resources Act, cH-9, s47, Alberta Historical Resources Foundation, 2010-11 Annual Report

Sessional Paper 605/2011

Pursuant to the Wild Rose Foundation Act, cW-8, s7(3), Wild Rose Foundation, Annual Report 2010-11

Sessional Paper 606/2011

ORDERS OF THE DAY

Motions for Returns

The following Motion for a Return was accepted:

MR21. Proposed by Dr. Taft:

That an Order of the Assembly do issue for a Return showing:
A copy of all internal documents that show the Ministry of Advanced Education and Technology's rationale for approving a deficit budget for the University of Calgary in the 2010-11 fiscal year.

The following Motion for a Return was accepted as amended:

MR18. Moved by Mr. Chase:

That an Order of the Assembly do issue for a Return showing:
Copies of any documentation or policies on how cases of reported child abuse of children under the care of the province are investigated, showing what organizations carry out the investigation and what oversight there is of the investigation process.

Hon. Mr. Denis on behalf of Hon. Mr. Hancock, Minister of Human Services, moved that the motion be amended to read:

That an Order of the Assembly do issue for a Return showing:
Copies of any *Ministry of Human Services* documentation or policies on how cases of reported child abuse of children under the care of the province are investigated, showing what organizations carry out the investigation and what oversight there is of the investigation process.

The following Motions for Returns were rejected:

MR19. Moved by Mr. MacDonald on behalf of Mr. Hehr:

That an Order of the Assembly do issue for a Return showing:
A copy of all reports, studies, financial forecasts, or materials prepared for the Ministry of Energy regarding stimulus and incentives in the oil and gas sector between January 1, 2008, and February 20, 2011.

MR20. Moved by Mr. Hehr:

That an Order of the Assembly do issue for a Return showing:
Copies of all financial forecasts, economic trend reporting and any recommendations that were prepared by the Ministry of Energy regarding electricity grid expansion for the fiscal periods 2011-2020.

MR22. Moved by Mr. MacDonald:

That an Order of the Assembly do issue for a Return showing:

A copy of all reports, studies, financial forecasts, or material prepared for the Ministry of Finance and Enterprise regarding the discussion concerning the potential creation of a national securities regulator.

Public Bills and Orders Other Than Government Bills and Orders

Second Reading

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

Bill 205 Municipal Government (Delayed Construction) Amendment Act, 2011 — Mr. Taylor

Bill 207 Seniors' Property Tax Deferral Act — Mrs. Jablonski

Hon. Mr. Denis, Deputy Government House Leader, requested and received the unanimous consent of the Assembly to conclude consideration of Public Bills and Orders Other Than Government Bills and Orders and begin consideration of Motions Other Than Government Motions.

Speaker's Statement - Anticipation and Possible Duplication

Honourable Members, my attention has been drawn to a similarity between Motion Other Than Government Motion 508 and Bill 23, the Land Assembly Project Area Amendment Act, 2011, which is currently before the Assembly at Third Reading.

The issue arises because of the principle that the Assembly should not consider the same question twice in the same Session and that the motion would violate the rule against anticipation found in Standing Order 23(e) and referred to in Beauchesne Sixth Edition paragraphs 512, 513, and 566(7). In short, the precedent is that a Bill supersedes a motion on the same subject.

The Chair notes that in recent years there has been a tendency to be more lenient when it comes to applying these rules to Private Members' Business. The Chair addressed this issue on May 1, 2006, at page 1150 of Alberta Hansard for that day with respect to a Private Member's Motion on fixed election dates and a Private Member's Bill on the same subject and allowed the motion to proceed.

In this case, while the motion is on the same subject, the specific issues addressed in the motion differ from those in Bill 23. For instance, Motion 508 refers to amendments to the provincial constitution, and there is nothing on the Bill on this subject. Also, the motion calls for the repeal of certain Acts, but the Bill does not repeal the statutes. The Chair is not clear as to whether compensation for all forms of the property loss are covered in the Bill.

As noted in the Chair's May 1, 2006, ruling, there is a tendency not just in Alberta to be more lenient in allowing private Members to present their motions; an analogy is presented in the House of Commons Procedure and Practice Second Edition at page 560:

“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 the 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.”

On April 26, 2005, at page 1034 of Alberta Hansard for that day, the Chair ruled a Private Member's Motion out of order that dealt with the same subject as a Private Member's Bill that had received Third Reading the previous day. In this case, Bill 23 has not received Third Reading.

As stated many times in this Assembly, the Chair interprets the rules to give private Members the greatest possible latitude in presenting their motions and Bills. The process for Private Members' Motions is such that the draw was held in June of 2010. The motion was submitted in early 2011, and it is coming before the Assembly now. The originating Member had no idea that Bill 23 would be on the horizon when his name was drawn or when he submitted his motion. The Chair has always supported giving private Members the greatest leeway consistent with the rules and will do so again.

In this case, the Chair notes that there may be certain points that are similar between the motion and Bill 23. This is not a time during which Members get another opportunity to debate the principles of Bill 23, which have already been approved by this Assembly with Second Reading approval.

Accordingly, if Members choose to debate the provisions of the Bill during debate on this motion, they will be reminded that this is not appropriate and should refrain from discussing the Bill and address the motion. In other words, we're dealing now with the Motion 508, not with Bill 23.

Motions Other Than Government Motions

508. Moved by Mr. Boutilier on behalf of Mr. Hinman:

Be it resolved that the Legislative Assembly urge the Government to introduce legislation to repeal the Alberta Land Stewardship Act and the Alberta Land Assembly Project Area Act and entrench property rights in the constitution of Alberta to ensure all forms of property loss are compensated fairly with recourse to courts.

A debate followed.

The question being put, the motion was defeated.

Adjournment

On motion by Hon. Mr. Denis, Deputy Government House Leader, the Assembly adjourned at 5:56 p.m. until 7:30 p.m.

MONDAY, DECEMBER 5, 2011 — 7:30 P.M.

Government Bills and Orders

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.

The following Bill was reported:

Bill 21 Election Amendment Act, 2011 — Hon. Mr. Olson

Progress was reported on the following Bills:

Bill 24 Health Quality Council of Alberta Act — Hon. Mr. Horne

Bill 26 Traffic Safety Amendment Act, 2011 — Hon. Mr. Danyluk

Mr. Quest, 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 26 (A3) (Hon. Member for Edmonton-Riverview on behalf of Hon. Member for Edmonton-Centre) — Defeated
Sessional Paper 607/2011

Amendment to Bill 21 (A3) (introduced by the Hon. Member for Calgary-Fish Creek on November 30, 2011) — Defeated
Sessional Paper 571/2011

Amendment to Bill 21 (A4) (Hon. Member for Airdrie-Chestermere) — Defeated
Sessional Paper 608/2011

Subamendment to Bill 24 (SA1) (introduced by the Hon. Member for Calgary-Mountain View on November 29, 2011) — Defeated
Sessional Paper 557/2011

Amendment to Bill 24 (A1) (introduced by the Hon. Minister of Health and Wellness on November 29, 2011) — Agreed to

Sessional Paper 556/2011

Amendment to Bill 24 (A2) (Hon. Member for Calgary-Varsity on behalf of Hon. Member for Calgary-Mountain View) — Adjourned debate

Sessional Paper 609/2011

Adjournment

On motion by Hon. Mr. Denis, Deputy Government House Leader, the Assembly adjourned at 10:29 p.m. until Tuesday, December 6, 2011, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Monday, December 5, 2011