



**Legislative Assembly
Province of Alberta**

No. 11

VOTES AND PROCEEDINGS

Third Session

Twenty-Eighth Legislature

Wednesday, December 3, 2014

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

Members' Statements

Ms Smith, Hon. Leader of the Official Opposition, made a statement regarding the hospital-based model of health care in Alberta and the need for the Ministry of Health to take a leadership role in improving the delivery of long-term care and chronic disease management.

Ms Notley, Hon. Member for Edmonton-Strathcona, made a statement regarding the critical condition of Alberta's hospital infrastructure and Albertans' inability to rely on the Government.

Mr. Jeneroux, Hon. Member for Edmonton-South West, made a statement regarding the high demand and short supply of schools and child care services in the Edmonton-South West constituency and how Mr. Jeneroux's daughters' school serves as a model for how to tackle these issues.

Mrs. Towle, Hon. Member for Innisfail-Sylvan Lake, made a statement regarding the work of Alberta shelters and food banks and the Inn From the Cold shelter program.

Mr. McDonald, Hon. Member for Grande Prairie-Smoky, made a statement recognizing December 3, 2014, as the International Day of Persons with Disabilities.

Mr. Anglin, Hon. Member for Rimbey-Rocky Mountain House-Sundre, made a statement regarding issues surrounding the sale of AltaLink to Berkshire Hathaway.

Introduction of Bills (First Reading)

Notice having been given:

Bill 11 Savings Management Repeal Act — Hon. Mr. Campbell

Tabling Returns and Reports

Dr. Swann, Hon. Member for Calgary-Mountain View:

Document, undated, entitled “Constitutional Arguments Concerning the Exclusion of Alberta Farm and Ranch Workers from Labour and Employment Legislation: Executive Summary”

Sessional Paper 106/2014

Letter dated November 14, 2014, from Hon. Mr. Prentice, Premier, Minister of International and Intergovernmental Relations, and Minister of Aboriginal Relations, to Darlene A. Dunlop responding to Ms Dunlop’s letter dated October 9, 2014, on behalf of the Farmworkers Union of Alberta, concerning injuries and fatalities on Alberta farms

Sessional Paper 107/2014

Email message dated October 27, 2014, from Phillipa Thomas to Hon. Mr. Prentice, Premier, Minister of International and Intergovernmental Relations, and Minister of Aboriginal Relations, regarding her suffering from a flesh-eating disease she contracted while working at an equestrian facility and her lack of legal recourse to address loss of income and lack of financial assistance

Sessional Paper 108/2014

Prairie Post website article dated November 12, 2014, entitled “The fight for freedom continues in a different form”

Sessional Paper 109/2014

Letter dated November 26, 2014, from Eric Musekamp, President, Farmworkers Union of Alberta, to all Members of the Legislative Assembly, requesting support for changes to occupational health and safety legislation and mandatory Workers’ Compensation coverage for agricultural workers

Sessional Paper 110/2014

Ms Blakeman, Hon. Member for Edmonton-Centre:

Email message dated May 24, 2014, from Marian McNair to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing opposition to Alberta Health’s compound prescription fee limits and the need for Alberta Health to cover the cost of the Shingles vaccine for seniors

Sessional Paper 111/2014

Letter, undated, from Ms Blakeman, Hon. Member for Edmonton-Centre, to Superintendents of Alberta Public and Separate School Boards requesting available data on the number of gay-straight alliances, diversity clubs, and other anti-bullying clubs in their schools

Sessional Paper 112/2014

Document dated November 5, 2014, entitled "Data Collection: Gay-Straight Alliances, Anti-Bullying Clubs and Diversity Clubs"

Sessional Paper 113/2014

Hon. Mrs. Klimchuk, Minister of Human Services:

2 letters dated November 6, 2014, from Hon. Mrs. Klimchuk, Minister of Human Services, to Tim Richter, Chair, Child Intervention Implementation Oversight Committee, Calgary, and Donna Wallace, Acting Chair, Child and Family Services Council for Quality Assurance, Alberta Health Services, outlining areas of focus for Alberta Human Services and making specific requests relating to the government-wide review of all agencies, boards, and commissions

Sessional Paper 114/2014

Ms Notley, Hon. Member for Edmonton-Strathcona:

Document entitled "City of Edmonton Youth Council, General Meeting, December 3, 2014, Motion to Support Bill 202: Safe and Inclusive Schools Statutes Amendment Act, 2014"

Sessional Paper 115/2014

Mr. Wilson, Hon. Member for Calgary-Shaw:

News release dated November 20, 2014, entitled "Commissioner comments on PIPA amendments," prepared by the Office of the Information and Privacy Commissioner of Alberta

Sessional Paper 116/2014

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Campbell, President of Treasury Board and Minister of Finance:

Pursuant to the Conflicts of Interest Act, cC-23, s16(5), Report of Selected Payments to the Members and Former Members of the Legislative Assembly and Persons Directly Associated with Members of the Legislative Assembly, Year Ended March 31, 2014

Sessional Paper 117/2014

Pursuant to the Gaming and Liquor Act, cG-1, s30(2), Alberta Gaming and Liquor Commission, Charitable Gaming in Review 2013-2014

Sessional Paper 118/2014

Speaker's Statement – Duplication of Bills and Order of Private Members' Business

Honourable Members, I would like to take this moment to make a point of clarification and make a statement with respect to the duplication of Bills, specifically Bills 10 and 202. I make this statement as a result of the need to do so.

First, as Members are aware, Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children Act, received Second Reading on Tuesday, December 2, 2014. This is a Government Bill sponsored by the Member for Calgary-North West. On the Order Paper for consideration is Bill 202, the Safe and Inclusive Schools Statutes Amendment Act, 2014, sponsored by the Member for Edmonton-Centre. I have examined the Bills and certainly they are not total duplicates. Both Bills would amend the Alberta Human Rights Act by repealing section 11.1. Both Bills would amend the Education Act in various sections. The provisions are not identical but deal with the same issue of preventing discrimination or bullying.

In Bill 202 there are amendments to section 33 of the Education Act while Bill 10 adds a new division after section 35 of the Education Act. Also, there is the issue of parental consent in the Education Act which is dealt with by amending section 58 in Bill 202, whereas Bill 10 adds new sections after section 58 on this subject. Bill 10 would also, as the title indicates, amend the Alberta Bill of Rights in addition to amending the School Act.

The principle that prevents the Assembly from debating both these Bills is that a Parliament or Assembly should not debate the same issue twice in the same session. The nature of the rule and the rationale for it is nicely stated in Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, 24th edition, at page 543:

There is no general rule or custom which restrains the *presentation* of two or more bills relating to the same subject, and containing similar provisions. But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions.

On the same page it is stated that: "The Speaker has declined to propose the question for the second reading of a bill which would have had the same effect as a clause of a bill which had already received a second reading."

It is interesting to note that on page 544 of the same edition of Erskine May it is stated that the rule was laid down in what is now the United Kingdom House of Commons on June 1, 1610, as follows: “no bill of the same substance be brought in in the same session.”

The decision by the Assembly at Second Reading is, therefore, crucial because it indicates that the Assembly has approved the Bill in principle and causes the rule against considering the same issue twice to become operative. This point is also found in Beauchesne’s paragraph 653 and has been relied upon by previous Speakers of this Alberta Legislative Assembly. I would refer Members to Speakers’ rulings of November 22, 2005, found at page 1789 of Alberta Hansard for that day and April 28, 1998, found at page 1558 of Alberta Hansard for that day, where Bills containing provisions similar to those in Bills that had received Second Reading were not proceeded with and came off the Order Paper.

In the matter before us today I find that the provisions in Bill 202 are identical in one section and cover the same ground as in another section in Bill 10. The subject matter in Bill 202 is subsumed in Bill 10 and would lead to a similar debate and have the Assembly revisit an issue about which it had already voted.

In conclusion, I find that based on the parliamentary authorities and the precedents of this Assembly concerning duplication of Bills and the principles associated with considering the same issue twice in a session, Bill 202 will not be proceeded with and will come off the Order Paper.

In making this conclusion and this ruling, I make it with some regret knowing the effort that the Member for Edmonton-Centre put into her Bill 202 was very considerable and that the time and commitment she invested into preparing it and researching it was equally so. I want to point out that this ruling is very much dependent on the content of Bills 10 and 202. Each case is different and I do not want to be seen as unduly limiting the opportunities for Members to craft and debate their Private Members’ Bills. That concludes this particular statement.

Now, with respect to another matter, that being the business on Monday afternoon, December 8, 2014, Members may recall that yesterday I tabled a letter from the Member for Rimbey-Rocky Mountain House-Sundre requesting early consideration of his Bill 201, Electric Utilities (Transparency in Billing) Amendment Act, 2014. That letter is recorded as Sessional Paper 105/2014. The issue of early consideration of Private Members’ Public Bills has vexed this Speaker and two of my immediate predecessors. In my ruling of November 18, 2013, at page 2864 of Alberta Hansard, I cited four rulings on the subject and how my immediate predecessors have repeatedly requested House Leaders’ attention to and review of the procedure for early consideration. In the absence of any agreement, however, which is where we still find ourselves today, we are obliged to continue following the protocol, where a Member may request early consideration of his or her Bill, but only when the Bill has passed the previous stage.

In this case, Bill 201 received Second Reading on Monday, December 1, and the request for early consideration at Committee stage was made the following day. A request for early consideration will not bump a Bill where debate has been adjourned, or the Committee's work has not been completed, or a Bill that must, according to the rules, come up for consideration on a certain day.

As there are no other Private Members' Bills that are being debated, nor are there any in Committee, then consistent with our practices, Bill 201 will be considered in Committee of the Whole as the first item of business on Monday afternoon December 8, 2014, when Private Members' Public Bills are up for consideration. That concludes that particular statement.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 9 Condominium Property Amendment Act, 2014 — Ms Olesen

A debate followed.

Mr. Rowe 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)

Adjournment

Pursuant to Standing Order 4(4), the Committee recessed at 6:00 p.m. until 7:30 p.m.

WEDNESDAY, DECEMBER 3, 2014 — 7:30 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children —
Ms Jansen

Hon. Mr. Denis, Government House Leader, requested and received the unanimous consent of the Assembly to shorten the interval between division bells to one minute.

Debate continued on the amendment introduced by Ms Jansen, Hon. Member for Calgary-North West, that the Bill be amended as follows:

A Section 2(4) is amended by striking out the proposed section 35.1(3) and (4) and substituting the following:

(3) A decision of the board under section 42 with respect to an appeal relating to subsection (1) is final.

(4) If, in a decision referred to in subsection (3), the board decides that it will not support a student in establishing the organization described in subsections (1) and (2) as requested by the student, the Minister shall facilitate and support the establishment of the organization.

B Section 2(5) is amended by striking out the proposed section 58.2(2) and (3) and substituting the following:

(2) A decision of the board under section 42 with respect to an appeal relating to subsection (1) is final.

C Section 3(5) is amended by striking out the proposed section 16.1(3) and (4) and substituting the following:

(3) A decision of the board under section 123 with respect to an appeal relating to subsection (1) is final.

(4) If, in a decision referred to in subsection (3), the board decides that it will not support a student in establishing the organization described in subsections (1) and (2) as requested by the student, the Minister shall facilitate and support the establishment of the organization.

D Section 3(12) is amended by striking out the proposed section 50.2(2) and (3) and substituting the following:

(3) A decision of the board under section 123 with respect to an appeal relating to subsection (1) is final.

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

For the amendment: 38

Allen	Goudreau	Olesen
Bhardwaj	Horne	Olson
Brown	Jansen	Quadri
Cao	Johnson (Athabasca-Sturgeon-Redwater)	Quest
Dallas	Kennedy-Glans	Rodney
DeLong	Khan	Sandhu
Denis	Klimchuk	Starke
Dirks	Kubinec	Towle
Drysdale	Mandel	VanderBurg
Ellis	McDonald	Weadick
Fawcett	McIver	Xiao
Fenske	McQueen	Young
Fritz	Oberle	

Against the amendment: 17

Anderson	Fox	Notley
Anglin	Griffiths	Pedersen
Bilous	Kang	Sherman
Blakeman	Lukaszuk	Swann
Donovan	Mason	Wilson
Eggen	McAllister	

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

Progress was reported on the following Bill:

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children —
Ms Jansen

Dr. Brown, 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 10 (A1) (Hon. Member for Airdrie) — Defeated
Sessional Paper 120/2014

Amendment to Bill 10 (A2) (Hon. Member for Calgary-North West) —
Agreed to on division
Sessional Paper 121/2014

Government Motions

12. Oral notice having been given December 1, 2014, moved by Hon. Mr. Denis:

Be it resolved that when further consideration of Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, is resumed, not more than two hours 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.

Pursuant to Standing Order 21(3), Mr. Anderson commented on the time allocation motion.

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

For the motion: 42

Allen	Goudreau	Oberle
Bhardwaj	Home	Olesen
Brown	Jansen	Olson
Calahasen	Johnson (Athabasca-Sturgeon-Redwater)	Pastoor
Cao	Kennedy-Glans	Quadri
Dallas	Khan	Quest
Denis	Klimchuk	Rodney
Dirks	Kubinec	Sandhu
Donovan	Lemke	Starke
Drysdale	Luan	Towle
Ellis	Mandel	VanderBurg
Fawcett	McDonald	Weadick
Fenske	McIver	Xiao
Fritz	McQueen	Young

Against the motion: 12

Anderson	Eggen	Notley
Anglin	Fox	Pedersen
Bilous	Kang	Sherman
Blakeman	Mason	Swann

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)

Hon. Mr. Denis, Government House Leader, requested and received the unanimous consent of the Assembly to shorten the interval between division bells to one minute.

And after sometime spent therein, the Deputy Speaker resumed the Chair.

The following Bill was reported with some amendments:

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children —
Ms Jansen

Ms Pastoor, 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 10 (A3) (Hon. Member for Edmonton-Highlands-Norwood on behalf of the Hon. Member for Edmonton-Strathcona) —
Defeated

Sessional Paper 122/2014

Amendment to Bill 10 (A4) (Hon. Member for Edmonton-Highlands-Norwood on behalf of the Hon. Member for Edmonton-Strathcona) —
Defeated

Sessional Paper 123/2014

Amendment to Bill 10 (A5) (Hon. Member for Edmonton-Centre) —
Defeated

Sessional Paper 124/2014

Adjournment

On motion by Hon. Mr. Denis, Government House Leader, the Assembly adjourned at 10:27 p.m. until Thursday, December 4, 2014, at 1:30 p.m.

Hon. Gene Zwozdesky,
Speaker

Title: Wednesday, December 3, 2014