



**Legislative Assembly
Province of Alberta**

No. 47

VOTES AND PROCEEDINGS

First Session

Thirtieth Legislature

Tuesday, November 26, 2019

The Speaker took the Chair at 10:00 a.m.

Government Bills and Orders

Second Reading

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

Bill 25 Red Tape Reduction Implementation Act, 2019 — Hon. Mr. Hunter

Adjournment

On motion by Hon. Mrs. Savage, Deputy Government House Leader, the Assembly adjourned at 11:34 a.m. until 1:30 p.m.

TUESDAY, NOVEMBER 26, 2019 — 1:30 PM

ROUTINE

Members' Statements

Ms Hoffman, Hon. Member for Edmonton-Glenora, made a statement regarding Government broken promises and the public being denied access to the Legislature Building.

Mr. Long, Hon. Member for West Yellowhead, made a statement regarding Millar Western.

Mr. Nixon, Hon. Member for Calgary-Klein, made a statement regarding the Calgary Dinos winning the Vanier Cup.

Ms Goehring, Hon. Member for Edmonton-Castle Downs, made a statement regarding the Northeast Zone Sports Council and the proposed dissolution of Alberta Sport Connection.

Mr. Gotfried, Hon. Member for Calgary-Fish Creek, made a statement regarding the air services industry.

Mr. Feehan, Hon. Member for Edmonton-Rutherford, made a statement regarding Budget 2019.

Mr. Neudorf, Hon. Member for Lethbridge-East, made a statement regarding Alberta's energy industry.

Mr. Horner, Hon. Member for Drumheller-Stettler, made a statement regarding Alberta's relationship with Quebec.

Mr. Schow, Hon. Member for Cardston-Siksika, made a statement regarding Alberta's oil and gas sector.

Presenting Reports by Standing and Special Committees

Mr. Ellis, Chair, Standing Committee on Private Bills and Private Members' Public Bills, presented the following reports:

Standing Committee on Private Bills and Private Members' Public Bills, Final Report, Bill 205, Human Tissue and Organ Donation (Presumed Consent) Amendment Act, 2019, Thirtieth Legislature, First Session, November 2019
Sessional Paper 442/2019

Concurrence of the Assembly was requested with respect to the report that the Bill proceed.

The question being put, concurrence in the report was granted.

Standing Committee on Private Bills and Private Members' Public Bills, Final Report, Bill 207, Conscience Rights (Health Care Providers) Protection Act, Thirtieth Legislature, First Session, November 2019
Sessional Paper 443/2019

Concurrence of the Assembly was requested with respect to the report that the Bill not proceed.

A Member rose to speak to the motion. The Speaker advised that debate on the motion for concurrence will take place on the next available Monday.

Notices of Motions

Hon. Mr. Nixon, Government House Leader, gave oral notice of the intention to introduce the following Bill:

Bill 29 Municipal Government (Machinery and Equipment Tax Incentives) Amendment Act, 2019 — Hon. Mr. Madu

Tabling Returns and Reports

Mr. Ellis, Chair, Standing Committee on Legislative Offices, pursuant to the Election Act, cE-1, s4(7), and the Election Finances and Contributions Disclosure Act, cE-2, s4(2):

Chief Electoral Officer, Annual Report 2018-19

Sessional Paper 444/2019

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

The Guardian website article dated November 25, 2019, entitled “Climate-heating greenhouse gases hit new high, UN reports”

Sessional Paper 445/2019

Mr. Schmidt, Hon. Member for Edmonton-Gold Bar, on behalf of Ms Renaud, Hon. Member for St. Albert:

bbc.com website article dated September 3, 2019, entitled “Climate change: Greenland’s ice faces melting ‘death sentence’ ”

Sessional Paper 446/2019

Tablings to the Clerk

Clerk of the Assembly on behalf of Hon. Mr. Toews, President of Treasury Board and Minister of Finance, pursuant to the Conflicts of Interest Act, cC-23, s16(5), and the Legislative Assembly Act, cL-9, s37(4):

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, 2019

Sessional Paper 447/2019

Clerk of the Assembly on behalf of Hon. Mr. Wilson, Minister of Indigenous Relations:

Responses to questions raised by Mr. Feehan, Hon. Member for Edmonton-Rutherford, and Ms Phillips, Hon. Member for Lethbridge-West, on November 5, 2019, Ministry of Indigenous Relations, 2019-20 Main Estimates debate

Sessional Paper 448/2019

Speaker's Statement – Similar Bills

Hon. Members, I am prepared to provide some guidance and ruling with respect to Bill 25 and Bill 205 that are both now on the Order Paper for Second Reading.

Bill 25, Red Tape Reduction Implementation Act, 2019, received Second Reading in the last 24 hours. Members will be aware that section 7 of Bill 25 would amend sections 4.1(1) and 9(3.1) of the Human Tissue and Organ Donation Act.

Bill 205, Human Tissue and Organ Donation (Presumed Consent) Amendment Act, 2019, which will be placed on the Order Paper for Second Reading following the Assembly's concurrence in the committee's report this afternoon, proposes numerous amendments to the Act, including the repeal and replacement of sections 4.1 and 9, and the amendments to section 4.2

The principle at issue, as stated by Speaker Zwozdesky in his December 3, 2014, ruling found at page 335 of Hansard for that day is that "a Parliament or Assembly should not debate the same issue twice in the same session."

Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament, Twenty-fifth Edition, at page 634 notes that:

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 cannot be proceeded with if it contains substantially the same provisions.

House of Commons Procedure and Practice, Third Edition, at page 568 also provides that "two bills similar in substance will be allowed to stand on the Order Paper but only one may be moved and disposed of. If a decision is taken on the first bill ... then the other may not be proceeded with."

Accordingly, as Bill 25 has now received Second Reading, I must determine whether Bill 25 and Bill 205 contain substantially the same provisions.

Although Bill 25 proposes amendments to sections of the Human Tissue and Organ Donation Act that Bill 205 also seeks to amend, I have concluded that the two Bills, although inconsistent in some respects, cannot be said to contain substantially the same provisions.

In arriving at my decision that these two Bills may both proceed, I reviewed Erskine May's summary of a somewhat similar case found in the U.K. House of Commons found at page 635 of the text involving a Government Bill and Private Member's Bill with some overlapping provisions. On January 24, 1995, the Speaker ruled that although the Bills "clearly overlap in many respects, ... in many respects they are incompatible and they cannot be said to contain substantially the same provisions. To the extent that their provisions differ and are incompatible, the House may at some stage have a choice to make between them."

As I do today, the Speaker in that case "did not ... consider it right to prevent the House from proceeding with the Second Reading of either bill."

Accordingly, debate shall be allowed to proceed on Bill 205 if it is called in the Assembly for Second Reading. There is also nothing preventing the Committee of the Whole's consideration of Bill 25.

I am confident that Members will be able to work together to resolve any inconsistencies between the Bills should both continue to progress through the stages of debate in this Assembly. This concludes my ruling.

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

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

Bill 26 Farm Freedom and Safety Act, 2019 — Hon. Mr. Dreeshen

Committee of the Whole

According to Order, the Assembly resolved itself into Committee of the Whole and the 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.

TUESDAY, NOVEMBER 26, 2019 — 7:30 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

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

The following Bills were reported:

Bill 25 Red Tape Reduction Implementation Act, 2019 — Hon. Mr. Hunter

Bill 27 Trespass Statutes (Protecting Law-abiding Property Owners) Amendment Act, 2019 — Hon. Mr. Schweitzer

Progress was reported on the following Bills:

Bill 20 Fiscal Measures and Taxation Act, 2019 (\$) — Hon. Mr. Toews

Bill 21 Ensuring Fiscal Sustainability Act, 2019 (\$) — Hon. Mr. Toews

Mr. Hanson, 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 25 (A1) (Hon. Member for Edmonton-Decore) —
Defeated

Sessional Paper 449/2019

Amendment to Bill 27 (A1) (Hon. Member for Edmonton-Mill Woods on
behalf of the Hon. Member for Edmonton-Manning) — Defeated

Sessional Paper 450/2019

Amendment to Bill 27 (A2) (Hon. Member for Calgary-Mountain View) —
Defeated

Sessional Paper 451/2019

Amendment to Bill 21 (A3) (Hon. Member for Calgary-Mountain View) —
Defeated

Sessional Paper 452/2019

Adjournment

On motion by Hon. Mr. Schweitzer, Deputy Government House Leader, the Assembly adjourned at 10:03 p.m. until Wednesday, November 27, 2019, at 9:00 a.m.

Hon. Nathan M. Cooper,
Speaker

Title: Tuesday, November 26, 2019