



LEGISLATIVE  
ASSEMBLY  
OF ALBERTA

# PROCEDURAL ORIENTATION

# Procedural Orientation to the Legislative Assembly of Alberta

The material in this manual has been developed to provide an overview of the Legislative Assembly of Alberta and information on Assembly procedure and practices. To achieve these objectives, some of the rules and concepts have been simplified and/or exceptions have not been referenced. Therefore, this manual should not be considered as supplanting any of the parliamentary authorities (*Standing Orders; House of Commons Procedure and Practice*, 3<sup>rd</sup> edition; *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, 6<sup>th</sup> edition; *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25<sup>th</sup> edition). Users may refer to these and other works listed in Appendix A.

## Third Floor, Queen Elizabeth II Building

Clerk of the Assembly	Shannon Dean, KC	780.427.1345
Executive Assistant to the Clerk	Vacant	780.643.9074
Special Assistant to the Clerk	Kyla Rodgers	780.643.9350
Clerk Assistant and Executive Director of Parliamentary Services (During session, 416 Legislature Bldg.)	Dr. Philip Massolin	780.427.4597
Clerk of <i>Journals</i> and Committees (During session, 415 Legislature Bldg.)	Nancy Robert	587.405.1449
Law Clerk	Trafton Koenig	780.643.1706
Parliamentary Counsel	Vani Govindarajan	780.643.9087
Managing Editor of Hansard and Manager of Venue Services	Amanda LeBlanc	780.422.0897
Bills and Journal Clerks (During session, 315 Legislature Bldg.)	Chris Turtle	780.643.2944
	(Session)	780.427.5439
	Georgia Souter	587.686.7969
	(Session)	780.427.5439

	Cynthia Marks	587.404.8143
	(Session)	780.427.5439
Committee Clerks	Warren Huffman	587.404.3735
	Jody Rempel	780.644.8621
	Aaron Roth	780.415.2878
Research Officers	Abdul Bhurgri	587.686.8002
	Dr. Rachel McGraw	587.686.0920
Committee Services Operations Assistant	Sharon Marioselva	587.686.5987

# Table of Contents

<b>Powers, Roles and Parliamentary Privilege.....</b>	<b>7</b>
1) Canada’s Democratic System .....	7
2) Role of the Legislative Assembly.....	7
3) Role of the Crown.....	8
a. Proclamation/Summons .....	8
b. Prorogation .....	8
c. Dissolution.....	9
4) Role of the Speaker.....	10
5) Role of a Member.....	12
6) Parliamentary Privilege.....	13
7) Sources of Parliamentary Rules .....	14
<b>Chamber Protocol .....</b>	<b>15</b>
1) Order and Decorum.....	15
2) Basic Principles of the Parliamentary System .....	17
3) Quorum.....	17
4) Attendance of Members.....	18
5) Who May Speak .....	18
6) Unanimous Consent.....	18
7) Infants.....	18
<b>First Days .....</b>	<b>19</b>
1) Day One .....	19
a. Election of a Speaker.....	19
b. Election of a Deputy Speaker .....	20
c. Election of a Deputy Chair of Committees.....	20
d. Destruction of Ballots.....	20
e. Adjournment.....	20
2) Day Two .....	21
<b>Daily Routine .....</b>	<b>23</b>
1) Procession.....	23
2) Prayers.....	23
3) <i>O Canada</i> .....	24
4) Indigenous Land Acknowledgement.....	24
5) Royal Anthem.....	24
6) Introduction of Visitors .....	24
7) Introduction of Guests.....	24
8) Ministerial Statements .....	24
9) Oral Question Period.....	24
10) Members’ Statements.....	25
11) Presenting Reports by Standing and Special Committees.....	25

12)	Presenting Petitions.....	26
a.	From the Public .....	26
b.	For Private Bills.....	26
13)	Notices of Motions .....	27
a.	Basic Requirements.....	27
b.	Written Notice.....	27
c.	Standing Order 30.....	27
d.	Standing Order 42.....	28
14)	Introduction of Bills .....	29
15)	Tabling Returns and Reports .....	29
a.	Types of Tablings.....	29
b.	Intersessional Deposits.....	30
16)	Tablings to the Clerk .....	30
17)	Deferred Divisions .....	30

## **Daily Order of Business ..... 31**

	Orders of the Day.....	31
1)	Bills.....	32
a.	Government Bills.....	32
b.	Private Members' Public Bills.....	32
c.	Private Bills .....	33
d.	Legislative Process for Public Bills (Government Bills and Private Members' Public Bills).....	33
e.	Procedure on Bills.....	37
	38	
f.	Legislative Process for Private Bills.....	38
2)	Motions.....	39
a.	Government Motions.....	39
b.	Motions other than Government Motions.....	40
c.	Notices of Motions .....	41
d.	Moving a Motion .....	41
e.	Debate on a Motion .....	41
f.	Amending a Motion .....	42
g.	Deciding a Motion.....	42
h.	Types of Motions .....	42
3)	Special Motions.....	44
a.	Throne Speech .....	44
b.	Budget Debate.....	44
c.	Time Allocation Motion .....	47
4)	Private Members' Business .....	47
a.	Written Questions .....	47
b.	Motions for Returns.....	48
c.	Motions for Concurrence in Committee Reports on Public Bills and Orders other than Government Bills.....	48

d. Private Members' Public Bills.....	48
e. Motions other than Government Motions.....	48
f. Submitting Written Questions and Motions for Returns.....	48
<b>Debate.....</b>	<b>49</b>
1) General.....	49
2) Time Limits .....	49
a. Speaking Times – Government Business .....	49
b. Interventions.....	49
c. Speaking Times – Private Members' Business.....	51
3) Language.....	51
a. Unparliamentary Language .....	51
4) Having the Floor.....	51
5) Rotation .....	52
6) Divisions.....	52
a. Deferred Divisions.....	53
<b>Points of Order and Questions of Privilege .....</b>	<b>55</b>
1) Points of Order .....	55
a. Definition.....	55
b. Raising a Point of Order.....	55
c. Speaker's Ruling.....	56
d. Comments by Other Parties: Speaker's Ruling.....	56
e. Raising a Point of Order in Committee .....	56
2) Questions of Privilege.....	57
a. Notice .....	57
b. Debate .....	57
c. Speaker's Ruling.....	58
d. Raising a Question of Privilege in Committee.....	58
e. Jurisdiction of the Assembly in Matters of Privilege.....	59
<b>Committees .....</b>	<b>61</b>
1) Committees of the Whole Assembly.....	61
2) Standing Committees .....	61
3) Legislative Policy Committees.....	62
4) Special Standing Committees .....	62
5) Select Special Committees.....	63
6) Terms of Reference .....	63
7) Powers of Committees .....	63
8) Composition .....	64
9) Quorum.....	64
10) Role of the Chair .....	64
11) Participation and Voting.....	65
12) Witnesses .....	65

13)	Meeting Procedures .....	65
a.	Application of the Standing Orders.....	65
b.	Discipline.....	66
14)	Closed Session Meetings (in Camera).....	66
15)	Report Writing and Dissenting Opinions .....	66
16)	Presentation to the Assembly .....	66
17)	Committee Documents.....	67
18)	Termination of Committees .....	67
19)	Effects of Prorogation on Committees.....	67
20)	Effects of Dissolution on Committees.....	67
21)	Budgets.....	67
22)	Notices of Committee Meetings.....	67
23)	Committee Staff.....	68
a.	Committee Clerk.....	68
b.	Parliamentary Counsel.....	68
c.	Research Staff.....	68
d.	Other Staff .....	68
<b>Officers of the Assembly .....</b>		<b>71</b>
1)	Clerk .....	71
2)	Clerk Assistant and Executive Director of Parliamentary Services .....	72
3)	Clerk of <i>Journals</i> and Committees.....	72
4)	Law Clerk.....	73
5)	Sergeant-at-Arms.....	73
<b>House Documents.....</b>		<b>75</b>
1)	Order Paper.....	75
2)	Votes and Proceedings .....	75
3)	<i>Journals</i> .....	75
4)	<i>Alberta Hansard</i> .....	75
a.	Blues 76	
b.	Corrections Requested by Members.....	76
c.	Final Version.....	77
5)	Bill Status Report.....	77
<b>Appendix A.....</b>		<b>79</b>
<b>Appendix B.....</b>		<b>81</b>
<b>Appendix C.....</b>		<b>111</b>

# Powers, Roles and Parliamentary Privilege

## 1) Canada's Democratic System

Canada is a constitutional monarchy. The King's representative is effectively the head of state in each jurisdiction in Canada's federal system. On the advice of the Prime Minister, the King appoints the Governor General as His representative. The Governor General in Council appoints the Lieutenant Governors of the provinces.

After an election the Governor General or a Lieutenant Governor, as the case may be, usually asks the leader of the party winning the most seats in the Legislature to form a government. A federal or provincial government in Canada consists of the King's representative (the Governor General or the Lieutenant Governor) and the Executive Council (Cabinet).

Our democratic system consists of several branches: the Crown, as represented by the Governor General and the Lieutenant Governors; the legislative body; the Executive; and the courts. The Legislative Assembly and the Lieutenant Governor constitute the entity known as the Legislature.

The Executive (but not exclusively) proposes laws in the form of Bills, the Legislature makes laws, and the Judiciary interprets and enforces laws. Only the Legislative Assembly, by passing a Bill, and the Lieutenant Governor, by granting Royal Assent, can make a law. Accordingly, a proposed piece of legislation is a Bill until it receives Royal Assent, at which time it becomes an Act, or a statute.

## 2) Role of the Legislative Assembly

The Assembly is a parliament and comes with almost 800 years of British parliamentary tradition. The importance of the Assembly is not always recognized. The public's attention tends to be focused on government until a minority government is formed, at which time the importance of the relationships between the parties in the Legislative Assembly becomes more prominent.

While the Government functions outside of the Legislative Assembly in administering its policies, the Government is answerable and accountable to the Legislative Assembly. This important principle is what characterizes responsible government. Unlike the system of government in the United States, responsible government entails an overlap of the executive and legislative branches. A most important rule of our parliamentary system holds that a government normally must resign or ask the Lieutenant Governor to call for an election when it loses the confidence of the Assembly. It is this principle that gives parliamentary government its most essential character: the political executive is theoretically exposed to the continual threat of removal by defeat in the Legislative Assembly.

Government is dependent on the Legislative Assembly to make its policies into law. The Crown is dependent on the Assembly to grant it money (supply) and pass the laws to make the money available (appropriation). Both government and the Crown, but particularly government, which



is always present in the Assembly, must follow the rules and procedures of the Assembly and respect the rights and privileges of both the Legislative Assembly and its Members.

The Legislative Assembly holds the Government accountable in other ways: Oral Question Period, Motions for Returns, and Written Questions are means of obtaining information from the Government. Legislative committees scrutinize the estimates, public accounts, and government policy.

### 3) Role of the Crown

#### a. Proclamation/Summons

“A new Parliament is summoned to meet by a proclamation issued by the [King] on the advice of the Privy Council.” (Sir David Natzler and Mark Hutton, eds., *Erskine May’s Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25<sup>th</sup> ed., p. 164 ). Section 82 of the *Constitution Act, 1867*, (applicable by reason of section 3 of the *Alberta Act*) states that the Lieutenant Governor “shall from Time to Time, in the [King’s] Name, by Instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.”

The Lieutenant Governor, on the advice of the Premier, issues a Proclamation, which sets the date and time for the commencement of a session (which can be subsequently advanced or put back).

Section 5 of the *Constitution Act, 1982*, and section 4 of the *Legislative Assembly Act*, RSA 2000, cL-9, require a sitting of the Legislature at least once every 12 months.

A Legislature is normally divided into more than one session. When the Government wishes to end one session and open another, it prorogues, terminating the business of the current session, and opens a new session with a Speech from the Throne.

#### b. Prorogation

“The prorogation of Parliament is a prerogative act of the Crown. Just as Parliament can commence its deliberations only at the time appointed by the [King], so it cannot continue them any longer than [he] pleases.” (*Erskine May*, 25<sup>th</sup> ed., p. 165). A session is ended or prorogued by the Lieutenant Governor on the advice of the Premier. All business standing on the Order Paper, with the exception of an order for returns or papers (Standing Order 50(1)), “dies” on prorogation. (See the section on House Documents for a description of the Order Paper.)

During a period of prorogation, all pending legislation dies on the Order Paper. Legislation that the Government may want to proceed must be reintroduced, or a motion may be brought forward pursuant to Standing Order 51, which allows Government Bills from a previous session of the current Legislature to be reinstated. Standing Order 51 states:

**51** A member of the Executive Council may, on one day’s notice, move a motion to reinstate a Government Bill from a previous session of the current Legislature to the same stage that the Bill stood at the time of prorogation and the motion shall not be subject to debate or amendment.

While all pending legislation “dies” on the Order Paper, any outstanding order or address of the Assembly for returns or papers does not. Standing Order 50(1) states:

**50(1)** A prorogation of the Assembly shall not have the effect of nullifying an order or address of the Assembly for returns or papers, but all papers and returns ordered at one session of the Assembly, if not complied with during the session, must be tabled during the following session without renewal of the order.

Typically, a session is prorogued at midnight on the day prior to the announced beginning of a new session.

The period between a prorogation and the opening of a new session is called a recess. An adjournment is defined, however, as the termination by the Assembly of its own sitting, usually by motion that a particular session of a particular Legislature stand adjourned until a time and date for the next sitting of the Legislature as determined by the Standing Orders or as otherwise ordered by the Assembly. Unlike dissolution and prorogation, upon reassembling at the sitting following adjournment, the Assembly proceeds to transact the business previously appointed and all proceedings are resumed at the stage at which they were left on the Order Paper before the adjournment.

### **c. Dissolution**

Like prorogation, dissolution is a prerogative act of the Crown exercised by the Lieutenant Governor on the advice of the Premier. A Legislature is dissolved either by proclamation by the Lieutenant Governor or by the expiration of its time of five years (*Constitution Act, 1982*, section 4(1)). All business standing on the Order Paper dies on dissolution. Upon dissolution there are no longer any committees of the Assembly. Although there are no Members and all seats are vacant when the election is called, Members continue to receive their allowances until the day preceding polling day (*Legislative Assembly Act*, section 33(4)(b)(i)). As well, a dissolution nullifies all orders or addresses of the Assembly for returns or papers. Standing Order 50(2) states:

**50(2)** Dissolution has the effect of nullifying an order or address of the Assembly for returns or papers.

Dissolution terminates a Legislature and is followed by a general election, the date of which is set by the Lieutenant Governor in Council. The *Election Act* provides that a general election shall be held on the last Monday in May in the fourth calendar year following the date of the most recent election. However, the Lieutenant Governor retains the power to dissolve a Legislature as he or she sees fit.

If the Assembly is sitting, dissolution is usually announced to the Assembly by the Premier. The Premier has also announced the dissolution of a Legislature outside of the Assembly by way of a press conference.

## 4) Role of the Speaker

### Historical Status

#### United Kingdom

The Office of the Speaker is closely linked to the history of the House of Commons. The office dates back more than 600 years (the first recorded election of a Speaker in the United Kingdom occurred in 1384). The Speaker's chief role was originally to act as the spokesperson of the House of Commons when it interacted with the House of Lords and the Crown. The now familiar role of the Speaker as a presiding officer over the House did not count among his duties in this early period. The Speaker was equally an agent of royal interests and a servant of the House of Commons during a time in history when monarchs had great influence and power and the House was a subordinate entity in Parliament. This dual aspect of the Speaker's allegiance is preserved in the ceremony of his or her presentation for the sovereign's approval after being elected. During this ceremony the Speaker also claims on behalf of the House its traditional rights and privileges.

With its growing membership and increasing involvement in the affairs of government, the House gradually felt the need to invest the Speaker with certain powers to guide and control proceedings based on rules that the House itself had formulated. The authority the Speaker enjoys is derived entirely from the House and is exercised solely for its benefit. The range and character of this authority has developed according to need and circumstances. Early on the Speaker was given the right to set the agenda of the sitting by selecting when and what Bills should be considered, a power long since lost. In the latter part of the 19<sup>th</sup> century and more recently the Speaker has been empowered with considerable authority to curtail obstruction and disorder.

The Office of the Speaker continues to possess high status and great prestige despite the fact that the Speaker is no longer ranked as the First Commoner in the order of precedence. The long history of the position accounts for much of the respect and regard accorded to the office by the House and even the general public. From the position itself the House feels a deep sense of confidence and trust, which every new incumbent must make it his or her first duty to maintain.

For further information on the Speaker see Alistair Fraser, W.F. Dawson and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, 6<sup>th</sup> ed. (Toronto: The Carswell Company, 1989), §162-181, pp. 47-52; Sir David Natzler and Mark Hutton, eds., *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25<sup>th</sup> ed. (Great Britain: LexisNexis, 2019), pp. 58-62; Marc Bosc and André Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed. (Ottawa: House of Commons, 2017) Ch. 7; Philip Laundry, *The Office of the Speaker in the Parliaments of the Commonwealth* (London: Quiller Press, 1984); *Standing Orders of the Legislative Assembly of Alberta*, December 4, 2018, Ch. 2 (11-15).

## Canada

Canada's adoption of the parliamentary system of the United Kingdom included, of course, the Office of the Speaker of the House of Commons. As in the United Kingdom, the Speaker in Canada functions as the spokesperson of the House of Commons and presides over its proceedings. Despite these similarities, the historic position and character of the two offices differ.

This difference reflects the character of each country's national and political development. The Canadian House of Commons' procedure and its relationship to the Crown and the Senate were set at Confederation, and thus the Speaker has not been involved in constitutional disputes concerning these relationships as had happened in the United Kingdom. Whereas in the United Kingdom the House of Commons conferred on the Speaker certain discretionary powers to overcome determined obstruction by minorities almost a century ago, it has been only recently that there has been a marked development in the Canadian Speaker's authority.

Unlike the Speaker of the House of Commons in the United Kingdom, the Canadian Speaker has yet to assert complete independence from any political allegiance. Upon election, the British Speaker renounces all party affiliation and when seeking re-election to the House, runs as the Speaker. His or her return is virtually assured, as he or she is not likely to be opposed by candidates from the major parties.

These characteristics distinguish the development of the speakership in Canada and demonstrate that the speakership, like the parliamentary system itself, is an evolving institution, reflective of the character and requirements of Canada.

## Alberta

From 1906 to the present the Alberta Legislature has had 14 Speakers. The longest serving Speaker was Hon. Peter Dawson (1937-1963) while the Speaker who served for the shortest period of time was Hon. N. Eldon Tanner (1936-1937), who became Minister of Lands and Mines the year after being elected Speaker.

While most provincial jurisdictions closely follow the procedures adopted by the federal Parliament, each Assembly has certain practices and rules uniquely its own. The role of the Speaker in Alberta is similar in most respects to the House of Commons' speakership.

While the role of the Speaker in Alberta is similar to that in Ottawa, it is important to recognize that Alberta is a separate jurisdiction that can exercise its powers independently of Parliament. Under the *Alberta Act, 1905*, Alberta was given the same powers as the original four provinces that joined Confederation with respect to its Legislature. Therefore, the Legislative Assembly of Alberta is sovereign in establishing its procedures and protecting its privileges.

The following section of the *Legislative Assembly Act*, RSA 2000, cL-9, deals specifically with the office of the Speaker:

16(1) The Assembly on first convening after a general election shall, as soon as possible, elect one of its Members as Speaker of the Legislative Assembly. [Standing Order 11(1)]

states that the Speaker shall be elected according to the procedure set out in its Schedule A.]

(2) If a vacancy occurs in the office of Speaker, the Legislative Assembly shall, as soon as possible, elect another of its Members as Speaker.

(3) Except as otherwise provided in this Act, the Speaker shall preside at all sittings of the Legislative Assembly.

(4) The person who is Speaker at the time of the dissolution of the Legislature continues to hold office as the Speaker until the expiration of the day preceding the day fixed by Proclamation for the next sitting of the Legislature to begin.

The Speaker is an MLA who is elected by secret ballot by all other MLAs as the first act of the first legislative session following a provincial election (*Legislative Assembly Act*, section 16(1), Standing Order 11(1)). The procedure for electing the Speaker is outlined in the section on First Days and in Schedule A to the Standing Orders.

The Speaker represents the powers, authority, and dignity of the Legislative Assembly. In the Assembly the Speaker is the presiding officer and enforces the observance of all rules for preserving order and decorum in its proceedings. Authority and impartiality are the principal characteristics of the Office of the Speaker. The Speaker seeks to maintain the balance between the two fundamental operating principles of an Assembly: to allow the majority to secure the transaction of business in an orderly manner and to protect the right of the minority to be heard. The Speaker is responsible to the whole Assembly and serves all MLAs equally. The Speaker is also the department head of the Legislative Assembly Office.

The Speaker represents the Assembly at numerous social and ceremonial functions and is required to receive and entertain visiting parliamentarians and other distinguished visitors. He or she serves as President of the Alberta Branch of the Commonwealth Parliamentary Association (CPA) and, as such, attends meetings with other branches throughout the Commonwealth. All MLAs are members of the Association and therefore may participate each year in a variety of seminars and conferences on issues of concern to parliamentarians. The Speaker is also the Honorary President of the Alberta Section of the *Assemblée parlementaire de la Francophonie* (APF), *Région Amérique* (although it can be another Member). This organization is the Francophone equivalent to the CPA.

## **5) Role of a Member**

There are many facets to the role of a Member of the Legislative Assembly. As a representative of constituents a Member serves as a spokesperson or agent in communicating constituents' views and preferences to the Assembly and to the Government. Members who are not part of Cabinet, also called private Members, have the opportunity to ask questions or obtain information from the Government during Oral Question Period or through written questions or motions for returns. In addition to their role as parliamentarians and members of caucus, Members operate a nonpartisan constituency office, which allows for Members to respond to

inquiries and complaints, to assist constituents in obtaining responses from Government, and to serve as a source of information.

## 6) Parliamentary Privilege

The classic definition of parliamentary privilege is found in *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 25<sup>th</sup> ed., p. 239, which states:

Parliamentary privilege is the sum of certain rights enjoyed by each House collectively ... and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

According to *Erskine May*, "certain rights and immunities such as freedom from arrest or freedom of speech are exercised primarily by individual Members" so that Members may "contribute effectively to the discharge of the functions of [the Assembly]." However, "other rights and immunities" belong to the Assembly "as a collective body, for the protection of its Members and the vindication of its own authority and dignity." (*Erskine May*, 25<sup>th</sup> ed., p. 239)

In 1993, the Supreme Court of Canada affirmed the existence and importance of the privileges of Legislative Assemblies, declaring these privileges part of the constitutional law of Canada, in *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly)* (1993), 100 DLR (4th) 212 (SCC) (often referred to as the "Donahoe case," the name of the Speaker in the case). In her decision, McLachlin, J. wrote:

It seems indisputable that the inherent privileges of Canada's legislative bodies ... fall within the group of principles constitutionalized by virtue of the preamble [to the *Constitution Act, 1867*] ...

It has long been accepted that in order to perform their functions, legislative bodies require certain privileges relating to the conduct of their business. It has also long been accepted that these privileges must be held absolutely and constitutionally if they are to be effective; the legislative branch of our government must enjoy a certain autonomy which even the Crown and the courts cannot touch ...

These privileges are part of the fundamental law of our land, and hence are constitutional.

The privileges of the Members of the Legislative Assembly constitute the immunity they require to perform their parliamentary work, and the corporate privileges of the Assembly are the necessary means for the Assembly to effectively discharge its functions. The individual privileges are as follows:

- Freedom of speech
- Freedom from arrest in civil process
- Exemption from jury service
- Exemption from attendance as a witness

The corporate (or collective) privileges of the Assembly are as follows:

- Power to punish for contempt

- Right to regulate its own internal affairs free from interference
- Right to discipline its own Members
- Right to institute inquiries and call for witnesses (persons, papers, and records)
- Right to settle its own code of procedure

Some of the Assembly's privileges, immunities and powers are set out in sections 8 to 15 of the *Legislative Assembly Act*.

## 7) Sources of Parliamentary Rules

The Standing Orders are the primary source of the rules of the Assembly.

Standing Order 2 specifies that where the Standing Orders do not provide for a contingency, the question is decided by the Speaker and the Speaker's decision must be based on "the usages and precedents of the Assembly and on parliamentary tradition."

The sources of the usages and precedents of the Assembly are previous Speakers' rulings, *Alberta Hansard*, and the *Journals* of the Assembly.

The leading sources of parliamentary procedure and practice are *House of Commons Procedure and Practice* (3<sup>rd</sup> edition), *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents* (6<sup>th</sup> edition), and *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (25<sup>th</sup> edition). Rulings and practices in other jurisdictions in Canada and the Commonwealth may also be consulted. (See Appendix A for a complete bibliography.)

The Table Officers (the Clerk, Clerk Assistant and Executive Director of Parliamentary Services, Clerk of *Journals* and Committees, and Law Clerk) are the Assembly's advisers on parliamentary rules and procedures, customs, and traditions. They primarily advise the Speaker and other Presiding Officers but will assist any Member with procedural matters. Table Officers strive to respect the confidential nature of conversations with Members. Of course, it is the Speaker or the relevant Presiding Officer that makes the decisions on procedural matters; Table Officers provide advice.

# Chamber Protocol

The Office of the Speaker “embodies the power, dignity, and honour” of the Legislative Assembly. Therefore, he or she “is entitled on all occasions to be treated with the greatest attention and respect by the individual Members” (*Beauchesne’s*, 6<sup>th</sup> ed., §167, p. 49). In accordance with the Standing Orders, and also as a sign of respect for the Speaker, when the Speaker rises from the chair, any Member speaking should stop and permit the Speaker to speak. Members should refrain from interrupting when the Speaker is addressing the Assembly.

Members who wish to be recognized by the Speaker must stand in their place and when they have the floor, should address their remarks to the Speaker. A Member may only speak from his or her own place. Members may not interrupt another Member speaking unless it is to request to intervene, or to raise a point of order or a question of privilege. All interjections are out of order and may, on occasion, require the intervention of the Speaker or Chair.

When addressing a Minister, Members use the honorific form (*Honourable Minister of ...*). When speaking about another Member, the Member should be addressed by his or her constituency name (*Honourable Member for ...*). This practice is to prevent the debate from becoming personalized.

While Members are in the Assembly, they should refrain from blocking the view of the Speaker by walking between the Speaker and a Member who is speaking. Similarly, Members must not walk between the Speaker and the Mace. When Members enter or leave the Chamber they should bow to the Speaker to show respect for the institution as one bows when entering or leaving a courtroom.

## 1) Order and Decorum

The rules governing proper etiquette in the Legislative Assembly are preserved by the Speaker to show respect for the institution and the Members in keeping with the values of politeness and dignity. Among others, the Speaker preserves the following rules:

- Members must dress in appropriate and suitable business attire
- Consumption of any food in the Chamber is not permitted
- Smoking is not permitted in the Chamber
- A Member speaking should not be interrupted except on a request to intervene (Standing Order 29.1), a point of order, or a point of privilege (Standing Order 15)
- Loud private conversation in the Chamber is discouraged
- The use of a Member’s laptop computer, a tablet, or smart phone (data service only) is permitted in the Chamber any time during the afternoon and during any morning or evening sittings except during Oral Question Period, on ceremonial occasions (such as the Speech from the Throne) and when the Lieutenant Governor is in the Assembly; during Oral Question Period, Members are allowed to use their laptops, tablets and smart phones only as reading devices and not for sending or receiving messages



- Exhibits, such as placards displaying messages, are prohibited

Pursuant to Standing Order 23 the Speaker will call a Member to order if the Member:

- (a) speaks twice to a question, except in the case of a mover concluding debate or explaining a material part of a speech where that Member may have been misunderstood, in which case the Member may not introduce new matter;
- (b) speaks to matters other than
  - (i) the question under discussion,
  - (ii) a motion or amendment the Member intends to move, or
  - (iii) a point of order or question of privilege;
- (c) persists in needless repetition or raises matters that have been decided during the current session;
- (d) refers at length to debates of the current session or reads unnecessarily from Hansard or from any other document, but a Member may quote relevant passages for the purposes of a complaint about something said or of a reply to an alleged misrepresentation;
- (e) anticipates, contrary to good parliamentary practice, any matter already on the Order Paper or on notice for consideration on that day;
- (f) debates any previous vote of the Assembly unless it is that Member's intention to move that it be rescinded;
- (g) refers to any matter pending in a court or before a judge for judicial determination
  - (i) of a criminal nature from the time charges have been laid until passing of sentence, including any appeals and the expiry of appeal periods from the time of judgment, or
  - (ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding, until judgment or from the date of filing a notice of appeal until judgement by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate [the *sub judice* rule];
- (h) makes allegations against another Member;
- (i) imputes false or unavowed motives to another Member;
- (j) uses abusive or insulting language of a nature likely to create disorder;
- (k) speaks disrespectfully of His Majesty or of any other member of the Royal Family;
- (l) introduces any matter in debate that offends the practices and precedents of the Assembly.

During the Assembly's proceedings the Members should show respect for other Members and refrain from interjecting or using disrespectful or offensive language. Any use of this type of language brought to the attention of the Speaker will be dealt with according to the practices of the Assembly. If the Speaker finds a Member's remarks offensive and if the Member persists in the offence or refuses to withdraw the remarks, the Speaker may refuse to recognize the Member for the day or longer, or if it is more severe, the Speaker may name the Member, requiring him or her to withdraw from the Assembly and its committees for the remainder of the sessional day. If the matter appears to the Speaker to be of a more serious nature, the Speaker shall put the question on the motion being made with no amendment, adjournment, or debate being allowed, "that the Member be suspended from the service of the Assembly" for any time stated in the motion, not to exceed two weeks (Standing Order 24(2)).

For further information on decorum see Alistair Fraser, W.F. Dawson and John A. Holtby, eds., *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, 6<sup>th</sup> ed. (Toronto: The Carswell Company, 1989), §329-336, pp. 98-100; Marc Bosc and André Gagnon, eds., *House of Commons, House of Commons Procedure and Practice*, 3<sup>rd</sup> ed. (Ottawa: House of Commons, 2017), Ch. 13; *Standing Orders of the Legislative Assembly of Alberta*, November 30, 2022, Ch. 2.

## 2) Basic Principles of the Parliamentary System

The principles that form the basis of English parliamentary law apply equally in Canada. They are "to protect a minority and restrain the improvidence or tyranny of a majority, to secure the transaction of public business in an orderly manner, to enable every member to express his opinions within limits necessary to preserve decorum and prevent an unnecessary waste of time, to give abundant opportunity for the consideration of every measure, and to prevent any legislative action being taken upon sudden impulse" (J.G. Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada*, 4<sup>th</sup> ed., pp. 200-201).

## 3) Quorum

Standing Order 5(1) states: "The presence of at least 10 Members of the Legislative Assembly is necessary to constitute a meeting of the Legislative Assembly for the exercise of its powers ...". The Speaker is counted in that number. Under Standing Order 5(2) should a question of quorum arise during a sitting, if the Speaker determines that a quorum is lacking, the division bells will be sounded at the beginning and end of a 15-minute interval after which a count of Members present will occur. If a quorum is then not present, the Speaker may either declare a recess or adjourn until the next sitting day. If the Assembly is adjourned for want of a quorum, the names of the Members present are entered in the Votes and Proceedings along with the time of adjournment (Standing Order 5(3)). (See the section on House Documents for a description of Votes and Proceedings.) The same quorum requirement applies to Committee of the Whole and Committee of Supply.

## 4) Attendance of Members

One of the principal privileges of a Legislative Assembly is the right to have the attendance of its Members so that it may fulfill its responsibilities. This is reflected in Standing Order 10:

“Every Member is bound to attend the service of the Assembly.” However, in modern society it is recognized that a Member may be required to be absent from the Chamber on a sitting day. Under section 34 of the *Legislative Assembly Act* deductions shall be made from a Member’s indemnity and expense allowances for each day in excess of 10 sitting days during a session in which the Member did not take his or her seat otherwise than by reason of

- (a) illness or injury,
- (b) bereavement, or
- (c) public or official business.

Members should notify the Speaker’s Office if they are going to be absent from the Assembly for any of the reasons outlined in section 34 of the *Legislative Assembly Act*.

## 5) Who May Speak

Any Member who rises to “catch the Speaker’s eye” and is recognized by the Chair may speak during debate, and despite various conventions and informal arrangements to ensure the representation of all caucuses in the debate, the decision as to who may speak is ultimately the Speaker’s.

## 6) Unanimous Consent

The Standing Orders or other rules of the Assembly may be modified or waived by the usual process of notice of motion, motion, debate, and decision by a majority vote. The Standing Orders or other rules may also be modified or waived on a one-time basis by the consent of all Members present. The Assembly may not, however, set aside by this means any rules or practices established by the Constitution of Canada (including the *Alberta Act*), the *Legislative Assembly Act*, or other applicable statutes as the Assembly would have to amend those statutes. Generally speaking, committees of the whole Assembly cannot waive the Standing Orders.

It is essential to note that decisions arrived at by unanimous consent do not constitute precedents (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 598; and Fraser et al., *Beauchesne’s*, 6<sup>th</sup> ed., §19, p. 7). As Bosc and Gagnon state, “For the most part, unanimous consent is used as a means either of expediting the routine business of the House or of extending the courtesies of the House.” (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 593)

## 7) Infants

Standing Order 14(2) provides that “the Speaker or Chair may, whenever they think proper, order the withdrawal of a stranger from the Assembly or the galleries.” However, pursuant to Standing Order 14(1), “a stranger does not include an infant being cared for by a Member.”

# First Days

## 1) Day One

### New Legislature

The formal opening of the first session of a Legislature is distinguished from the opening of subsequent sessions by the election of a Speaker.

#### a. Election of a Speaker

The election of a Speaker to act as the Assembly's principal spokesperson and guardian of its rights and privileges occurs at the beginning of a new Legislature following a general election (*Legislative Assembly Act*, section 16(1), and Standing Order 11(1)) or whenever the office becomes vacant. In 1993 Stanley Schumacher was the first Alberta Speaker to be elected through secret ballot. Opposition Members initially raised concerns about the procedures of this election, and debate continued until the Assembly ultimately followed the precedent set by the previous election of the Deputy Chair of Committees. Alberta's Standing Orders were amended in February 1995 to provide for the election of the Speaker by secret ballot. The process is set out in Schedule A of the Standing Orders.

With all Members sworn in and assembled in the Chamber, the Lieutenant Governor enters to take a seat upon the Throne (the Speaker's chair). The Provincial Secretary (usually the Minister of Justice and Solicitor General) then advises the Assembly as follows:

Honourable Members, I am commanded by His/Her Honour, the Honourable the Lieutenant Governor, to inform you that he/she does not see fit to declare the causes of his/her summoning of the present Legislature of this Province until the Speaker of this Assembly shall have been chosen according to law.

He/She therefore is pleased to retire from this Assembly, to return at a subsequent hour tomorrow to declare the causes of his/her calling of this Legislature.

The Lieutenant Governor then retires from the Chamber.

The Clerk of the Assembly, presiding over the election of the Speaker, calls for nominations.

After each candidate is nominated, the Clerk asks if the Member wishes to accept the nomination. After all nominations are received, the Clerk then declares the nominations closed.

If only one Member is nominated and accepts the nomination, or if at any stage a nominee advises that he or she wishes to withdraw from the election and only one candidate remains, the Clerk so advises the Members and declares that "Member X" is elected as Speaker of the Legislative Assembly of Alberta.

When two or more Members have been nominated, the Clerk immediately prepares and posts an alphabetical list of nominees for election to the position of Speaker in each of the voting booths located on the Table in the Chamber. Members indicate their choice by printing the

name of the candidate on the ballot and depositing the ballot in the ballot box placed at the Sergeant-at-Arms' desk.

Once all Members who wish to vote have done so, the votes are tabulated in private by the Table Officers with the Sergeant-at-Arms acting as scrutineer. The results of the vote are kept confidential. When the results of the ballot are complete, the Table Officers return to the Chamber and ring the bells for one minute to recall Members to their seats. When all are seated, the Clerk will announce the number of ballots cast, the number of spoiled ballots, and the number of votes required to achieve the 50 per cent plus one majority. If one candidate receives a majority of the votes cast, the Clerk will announce the name of that Member to the Assembly. If no candidate receives a majority of the votes cast, the Clerk will announce the name of the candidate having the fewest votes cast, who will be excluded from subsequent ballots. If every candidate receives the same number of votes, no names will be excluded from the next ballot. Subsequent ballots will be conducted in the same manner and will continue until such time as a candidate has received a majority of the votes cast. At any time after the result of the first ballot has been declared but before the commencement of a second or subsequent ballot, a candidate may withdraw from the election, which will then proceed as if that Member had not been nominated. The Member who receives the majority of the votes cast is declared the Speaker.

No debate or questions of privilege may be raised during the election of the Speaker. The election of the Speaker takes precedence over other business, and no motion for adjournment or any other motion may be moved while it is proceeding. The Assembly may continue to meet past the normal daily adjournment time until the Speaker is elected.

The Speaker-elect is "forcibly" escorted to the dais by the Premier and Leader of the Official Opposition, humbly acknowledges the great honour that the Assembly has bestowed, and assumes the chair as Speaker.

#### **b. Election of a Deputy Speaker**

The Speaker then presides over the election of a Deputy Speaker and Chair of Committees following the same procedure outlined previously (Standing Order 58(1)(a), Schedule A of the Standing Orders).

#### **c. Election of a Deputy Chair of Committees**

Once a Deputy Speaker has been elected, the Speaker proceeds with the election of a Deputy Chair of Committees using the procedures outlined in Standing Order 58(1)(b) and Schedule A of the Standing Orders.

#### **d. Destruction of Ballots**

The Clerk shall destroy the ballots following the announcement of the election results.

#### **e. Adjournment**

The Speaker then adjourns the Assembly until the following afternoon. Members and visitors rise and the Sergeant-at-Arms takes up the Mace and leads the Speaker's procession through the main doors.

## 2) Day Two

### **Speaker's Introduction, Lieutenant Governor's Response and the Speech from the Throne**

On the sitting day following the election of the Speaker the Lieutenant Governor again enters the Chamber. The newly elected Speaker announces to the Lieutenant Governor before the assembled Members that he or she has been chosen to be their servant and accordingly lays claim to their rights and privileges. The customary address of the Speaker is in the following words:

May it please Your Honour, the Legislative Assembly has elected me as their Speaker, though I am but little able to fulfill the important duties thus assigned to me. If, in the performance of those duties I should at any time fall into error, I pray that the fault may be imputed to me and not to the Assembly, whose servant I am and who through me, the better to enable them to discharge their duty to their King, Province, and people, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Honour's person at all seasonable times and that their proceedings may receive from Your Honour the most favourable construction (*Alberta Hansard*, October 30, 2023, p. 5-6).

The Provincial Secretary then communicates the Lieutenant Governor's message confirming the essential contract between the people's elected representative and the Crown.

Mr./Madam Speaker, I am commanded by His/Her Honour the Honourable the Lieutenant Governor to declare to you that he (she) freely confides in the duty and attachment of the Assembly to His Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he (she) grants, and upon all occasions will recognize and allow their constitutional privileges.

I am commanded also to assure you that the Assembly shall have ready access to His (Her) Honour upon all seasonable occasions and that their proceedings as well as your words and actions will constantly receive from him (her) the most favourable construction (*Alberta Hansard*, October 30, 2023, p. 6).

The Lieutenant Governor then reads the Speech from the Throne. This is a statement outlining the legislative program the Government proposes to submit to the Legislature during the session as well as a general review of the state of provincial affairs.

Immediately following the reading of the speech, the Lieutenant Governor retires from the Chamber accompanied by the Premier. The Speaker then takes the chair. Once the Premier has returned to the Chamber, the Speaker tables a copy of the speech given by the Lieutenant Governor for the official records of the Assembly.

The Premier then seeks the Assembly's leave to introduce the first Bill of the session. This first step in the legislative process at the outset of every session symbolizes the Assembly's claim to its powers to initiate legislation.

As the next item of business on day two of the first session of a new Legislature, the Clerk reads the report from the Chief Electoral Officer containing the results of the general election.

The Premier next moves that the Speech of His or Her Honour be taken into consideration on an upcoming sitting day.

After this item of business is dealt with, the Government House Leader moves adjournment of the Assembly, and once agreed to, the Speaker leaves the Chamber in procession through the main door.

## Daily Routine

When the Assembly is in session each sitting day begins at 1:30 p.m. with the bells ringing throughout the Legislature Building and the Queen Elizabeth II Building at 1:20 p.m. to call Members to the Assembly. At 1:30 p.m. the Speaker's procession enters the Chamber through the main doors, after which the Daily Routine commences.

Upon passage of a Government motion, the Assembly may meet on Tuesday morning commencing at 10 a.m., and on Wednesday and Thursday, beginning at 9 a.m., or on Monday, Tuesday, and Wednesday evenings starting at 7:30 p.m., to consider Government business (Standing Order 4(1)). However, despite the occurrence of a morning or evening sitting, the Daily Routine commences after the Speaker's procession at 1:30 p.m. each sitting day.

### 1) Procession

The Sergeant-at-Arms enters the Chamber and calls for order. To show respect for the Assembly, Members should, if able, immediately rise in their places and be silent as the Sergeant-at-Arms carries the Mace, the symbol of the authority of the Assembly, followed by the Speaker and the other officers of the Assembly. The Sergeant-at-Arms places the Mace upon the table, bows, and retires to his or her seat in the Assembly.

### 2) Prayers

Pursuant to Standing Order 6 each day's sitting commences with a prayer read by the Speaker. Special prayers may be offered on special occasions (e.g., Commonwealth Day or a day recognizing veterans) or in recognition of the passing of a Member or a former Member.

The ordinary Daily Routine in the Assembly is set out in Standing Order 7(1) as follows:

- O Canada* (First sitting day of each week)
- Indigenous Land Acknowledgement (First sitting day of each week)
- Royal Anthem (Thursday)
- Introduction of Visitors
- Introduction of Guests
- Ministerial Statements
- Oral Question Period (at 1:50 p.m., not exceeding 50 minutes)
- Members' Statements
- Presenting Reports by Standing and Special Committees
- Presenting Petitions
- Notices of Motions
- Introduction of Bills
- Tabling Returns and Reports
- Tablings to the Clerk
- Deferred Divisions (Thursday)



The Daily Routine, except with respect to Deferred Divisions, concludes at 3 p.m. (Standing Order 7(7)).

### **3) *O Canada***

On the first sitting day of each week, the Speaker invites all Members, Table Officers, and those in the galleries to join in the singing of our national anthem, *O Canada*, in the language of their choice.

### **4) Indigenous Land Acknowledgement**

On the first sitting day of each week, the Speaker offers an Indigenous Land Acknowledgement.

### **5) Royal Anthem**

On Thursday each sitting week, the Speaker invites all Members, Table Officers, and those in the galleries to join in the singing of *God Save the King*.

### **6) Introduction of Visitors**

When this item is called by the Clerk, “brief introductions may be made, with the prior permission of the Speaker, of visiting parliamentarians, diplomats, officials and others who are to be specially recognized” (Standing Order 7(2)). Most often these visitors will be seated in the Speaker’s gallery.

### **7) Introduction of Guests**

When this item is called by the Clerk, “for a period not exceeding six minutes, brief introductions, each not exceeding 20 seconds, may be made of groups of students and, with the prior permission of the Speaker, of other visitors in the galleries” (Standing Order 7(3)).

### **8) Ministerial Statements**

Ministers may make statements or announcements under this item of business. As a courtesy the Minister’s office or Executive Council usually provides a copy to the Leader of the Official Opposition prior to the commencement of the day’s sitting. A Member of the Official Opposition may provide a three-minute response to every Ministerial Statement. Other Members may provide a two-minute response to a Ministerial Statement upon requesting and being granted unanimous consent.

### **9) Oral Question Period**

The purpose of question period is to hold the Government accountable. That is why all Members who are not members of Executive Council may ask questions. Pursuant to Standing Order 7(1), 50 minutes are set aside each afternoon for this item of business.

At present, each Member can ask one main question and two supplementary questions, bearing in mind that the supplementaries must relate to the Member’s main question. A short preamble

is allowed to the main question but not to the supplementary questions. Commencing in the 28<sup>th</sup> Legislature, a practice developed whereby the caucus leaders or their designates could, during the first series of questions, have preambles to their supplementary questions. (Speaker's Ruling, November 7, 2013, *Alberta Hansard*, pp. 2832 and 2841). Questions and responses are limited to 35 seconds apiece.

The Speaker determines the rotation of questions based on the composition and number of caucuses in the Assembly but has also been guided by House Leaders' agreements. In the 31<sup>st</sup> Legislature, in accordance with the House Leader's Agreement dated October 26, 2023, the Official Opposition is entitled to the first five sets of questions. However, preambles to supplemental questions are only permitted during the first four sets of questions. The rotation then shifts between opposition Members and private Members on the Government side.

The Member questioning the Government when the 50-minute timer sounds, indicating the end of Oral Question Period, may finish his or her set of questions (Speaker's Ruling, May 2, 1990, *Alberta Hansard*, p. 960).

Questions are to be asked of Ministers but may in certain situations also be asked of other Members who have responsibilities for certain boards, agencies, commissions, or committees. However, these queries must be limited to the procedural matters and agendas of these particular committees (Speaker's Ruling, May 1, 1997, *Alberta Hansard*, pp. 319-320). Questions relating to Government policy or activities cannot be asked of the Parliamentary Secretaries, Legislative Secretaries, parliamentary assistants or other like positions. In Alberta, apart from the limited exception noted above, only members of Executive Council can answer questions. Also, questions may not be asked of the Speaker.

## **10) Members' Statements**

Each day up to six Members other than members of Executive Council may make a statement, each statement being no more than two minutes in duration (Standing Order 7(4)). Statements may be on any topic of importance to the Member and could include statements on the opening of a new school in the Member's constituency, the celebration of Volunteer Week or mourning the death of a constituent, to name a few examples. However, when making statements, Members are not permitted to use unparliamentary language, disparage other Members, or comment on internal party matters. (Speaker's Rulings, December 1, 2010, *Alberta Hansard*, pp. 1754-1755; May 28, 2012, *Alberta Hansard*, pp. 12-13; November 26, 2013, *Alberta Hansard*, p. 3095).

## **11) Presenting Reports by Standing and Special Committees**

Many reports are simply presented to the Assembly under this item of business. In some circumstances, however, a motion for concurrence in the report is moved immediately following the presentation of the report. A report on a Bill which was referred by motion or amendment to a standing or special committee after first reading, and which recommends that the Bill be proceeded with must be concurred in, and upon concurrence the Bill is placed on the Order Paper for second reading (see Standing Order 74.2(2)). If the Committee recommends in

its report that the Bill not proceed, and the Assembly concurs in the report, then the Bill is removed from the Order Paper. When a Bill is referred to a standing or special committee after second reading, the committee has three options: recommend that the Bill proceed, not proceed, or proceed with amendment. If the committee reports that the Bill not proceed, a motion to concur must be immediately put and decided without debate. If the report is concurred in, then the Bill is dropped from the Order Paper; if the report is negatived, then the Bill stands committed to the Committee of the Whole (see Standing Order 78.4(b)). A motion for concurrence is also moved immediately following the presentation of a report of the Standing Committee on Private Bills on any private Bill considered by it. Concurrence in other reports of standing and special committees may be requested through a motion requiring notice, which would be dealt with under Orders of the Day.

## **12) Presenting Petitions**

### **a. From the Public**

Members may present petitions from the public to the Legislative Assembly under this item of business. Petitions may be either written or printed, and the prayer of the petition must be at the head of each page should more than one page be used for signatures. Members presenting petitions should give a brief statement of the number of signatures, the geographic area or sector of the public represented by the signatures, and the remedy being sought, but no debate is allowed (Standing Order 86). Photocopies of petitions may not be presented. All petitions presented in the Assembly are brought to the Table. Only petitions that are in order may be presented during the Daily Routine. Petitions remain in the custody of the office of the Clerk, unless they are not in order, in which case they are returned to the presenting Member.

All petitions must be submitted to Parliamentary Counsel for approval at least one sitting day prior to being presented in the Assembly (Standing Order 87(3)). Petitions that are presented and have not been approved by Parliamentary Counsel will be returned to the Member and a note will be entered in the Votes and Proceedings indicating that the petition “was not in order to be presented.”

Petitions are not in proper form unless they contain a notice on each page which states that the name and address of every signatory may be made available to the public as the petition will be a document of the Assembly (Standing Order 88(1)). Also, only petitions that are in proper form are available to the public or to Members (Standing Order 88(2)). (For further information see Chapter 7 of the Standing Orders and the Private Bills page on the Assembly’s website.)

### **b. For Private Bills**

Under this item the Chair of the Standing Committee on Private Bills reads a list of petitions that have been received for Private Bills. This typically occurs once each year following the deadline for receiving petitions (15<sup>th</sup> day following the start of the first sitting in a calendar year or the first session of a Legislature).

## **13) Notices of Motions**

### **a. Basic Requirements**

One day's notice must be given before Bills can be introduced, resolutions moved, written questions or motions for returns placed on the Order Paper, or committees appointed (Standing Order 39). Notice may be oral or written.

Oral notice may be given when the Clerk calls Notices of Motions during the Routine. Once oral notice is given, the matter may be raised and dealt with by the Assembly on any day during the session other than the day on which the notice was given (unless unanimous consent is given to proceed that same day).

### **b. Written Notice**

The normal practice is to provide written notice of at least one day. To do this, the Member must provide the written notice to the staff in Room 315 of the Legislature Building before 6 p.m. on Mondays, Tuesdays, and Wednesdays or 4:30 p.m. on Thursdays and ask that the matter be placed on notice on the Order Paper. The Order Paper is printed and circulated to Members the next day. Once notice has been given in this manner, the matter may be raised and dealt with by the Assembly on any day after the day the Order Paper is circulated. For example, if written notice is communicated to the Bills and Journals Clerk on a Monday, the matter would appear on the notice portion of Tuesday's Order Paper and it may be raised at the appropriate time on Wednesday or any day thereafter.

In the case of motions to be raised under Standing Orders 30 or 42, the notice requirements are slightly different and are set out in c) and d) below.

### **c. Standing Order 30**

#### **(i) Notice**

Notice of a motion to adjourn the ordinary business of the Assembly for consideration of a matter of urgent public importance must be given in writing to the Speaker at least two hours prior to the commencement of the afternoon sitting of the Assembly. Normally the Member rises to give notice of the motion to the Assembly when the Clerk calls Notices of Motions at which time the original signed motion is presented to the Table along with a copy provided to the Speaker and copies distributed to all Members in the Chamber.

#### **(ii) Motion to Adjourn for Emergency Debate**

The motion is considered following the Daily Routine and before Orders of the Day is called. The Member must provide a copy of the motion to all Members. Not more than one such motion may be proceeded with on the same day.

The following restrictions apply to the motion:

- The matter must relate to a genuine emergency
- The motion may relate to only one matter

- The motion must not revive discussion on a matter previously discussed in the same session under Standing Order 30
- The motion must not be based on a question of privilege
- The discussion must not raise a question that can only be debated on a distinct motion on notice

**(iii) Speaker's Ruling**

The Speaker may allow debate before ruling on whether the matter meets the test of urgency and whether other opportunities exist for its consideration.

**(iv) Vote**

If the Speaker rules that the motion to adjourn the ordinary business of the Assembly is in order, the Speaker puts the following question to the Assembly: "Shall the debate on the urgent matter proceed?" If there is objection taken to the question, the Speaker asks Members who support the motion to rise. If at least 15 Members rise in favour, the debate proceeds and the Speaker calls upon the Member who asked for leave; if fewer than 15 but not fewer than five Members rise in their place, the question as to whether the ordinary business of the Assembly shall be adjourned is put immediately without debate and, if necessary, determined by division.

**(v) Debate**

If the debate proceeds, each Member may speak once for up to 10 minutes and the debate concludes when all interested Members have spoken or when the normal adjournment hour is reached that afternoon. No decision of the Assembly results from the debate.

**d. Standing Order 42**

**(i) Notice**

A motion brought forward under Standing Order 42 does not require the notice prescribed under Standing Order 39. However, oral notice must be given during the Daily Routine when the item Notices of Motions is called by the Clerk. A written copy must be presented to the Speaker and the signed original must be provided to the Table at that time (Speaker's Ruling, June 8, 1989, *Alberta Hansard*, p. 125) along with sufficient copies for distribution to all Members.

**(ii) Urgency**

The mover of the motion may make a statement of no longer than five minutes to the Assembly outlining the urgent and pressing necessity of the motion. A member of Executive Council or a member of the Official Opposition, depending on who is making the request under Standing Order 42, has up to five minutes to respond. No other Member may speak.

The distinction between Standing Orders 30 and 42 is that under Standing Order 30 the urgency is such that the matter must be brought before the Assembly for debate but the Assembly does not make a decision. Under Standing Order 42 the matter is of such importance or is of such a non-controversial nature that no Member opposes debate and the matter requires an immediate decision of the Assembly at the conclusion of debate.

### (iii) **Unanimous Consent**

After the mover's comments on urgency and the response to those comments, the Speaker asks the Assembly if there is unanimous consent to debate the motion. If even one Member denies consent, consideration of the motion does not proceed.

### (iv) **Debate and Vote**

If the Assembly grants unanimous consent to proceed with the motion, each Member who wishes to speak shall be limited to 20 minutes and the debate shall conclude when all Members who wish to take part in the debate have spoken or at the normal hour of adjournment that afternoon, at which time the Speaker calls the vote.

## **14) Introduction of Bills**

Bills are proposed laws which, if enacted by the Assembly and given Royal Assent by the Lieutenant Governor, become part of the law of the Province.

Any Member may request leave to introduce a Bill at this time. After a very brief explanation of the purpose of the Bill the Speaker puts the question to the Assembly, and on approval the Clerk announces that the Bill is read for a first time. There is no debate at this stage.

## **15) Tabling Returns and Reports**

### **a. Types of Tablings**

There are two types of tablings: required and voluntary.

A required tabling is a document required to be tabled by:

- an order of the Legislative Assembly, such as a motion for a return
- an Act (law) passed by the Legislature
- a Standing Order of the Assembly, such as Standing Order 114 requiring the tabling of the annual report of the Legislative Assembly Office within 15 days of the commencement of each session

A voluntary tabling is a document presented voluntarily in the Legislative Assembly, for information purposes, without copies for distribution to every Member. Five copies of the document are required pursuant to Standing Order 37. All tablings must be in paper form.

A Member may table a document by presenting it in the Assembly and supplying the Table with five copies (Standing Order 37). Additional copies are required under Standing Order 37(2) in the case of responses to written questions or motions for returns or in the case of a document being tabled by a Member who is neither a Government or Official Opposition caucus member.

When the Clerk calls this item of business, Members rise and briefly describe the document they are tabling. Documents may not be tabled more than once. Members are to exercise good judgment since they are responsible for what they table in the Assembly. On March 18, 2009, the Speaker issued a statement regarding guidelines to be followed when tabling documents

(Speaker's Statement, March 18, 2009, *Alberta Hansard*, p. 457). The guidelines include the following:

- Document copies should be of good quality and legible: five copies collated, stapled, or clipped together
- Letters should be signed, and the name of the sender should be legible
- Website articles should clearly indicate the name of the website
- Responses to written questions and motions for returns must indicate that they are such
- It should be clear that the documents are provided as responses
- Reports, charts, and similar items must have a title or heading on the document

A complete list of tabled documents can be found in the index to the *Journals* of the session in which they were tabled and on the Assembly's website.

## **b. Intersessional Deposits**

Intersessional deposits are not part of the Daily Routine but are another mechanism by which a Member may table required documents or responses to written questions or motions for returns (Standing Order 38.1).

When the Assembly adjourns to a day that is more than 14 days following the sitting day on which it adjourned, any return, report, or other document that is to be tabled in the Assembly in accordance with an Act, regulation, Standing Order, resolution of the Assembly, or a Minister's response to a question raised during consideration of their ministry's main, interim or supplementary estimates, may instead be deposited with the Clerk, and it will be deemed to have been tabled on the day it was deposited.

The Clerk will enter a record of the documents that were deposited intersessionally in the Votes and Proceedings on the next sessional day.

## **16) Tablings to the Clerk**

Standing Order 38(1) provides that a document may be tabled by providing five copies to the Clerk before 11 a.m. on any day the Assembly sits. Additional copies may be required pursuant to Standing Order 37(2). When the Clerk receives a document under this Standing Order, provided that it is in order, the Clerk will read the title of the tabling and the name of the Member who provided the tabling when Tablings to the Clerk is called during the Routine.

## **17) Deferred Divisions**

When notice has been provided to the Assembly that a division on third reading of a Bill shall be deferred, the division is held during the Daily Routine on Thursday when Deferred Divisions is called. See more information on Deferred Divisions in item 6 a) of the Debate section (Standing Order 32.1).

# Daily Order of Business

## Orders of the Day

Standing Orders 7 to 9 set out the Daily Routine and order of business of the Assembly. Standing Order 7 lists the order of the Daily Routine items, Standing Order 8 lists the order of business for consideration following the Daily Routine, and Standing Order 9 is the rule governing the precedence of business. Written Questions, Motions for Returns, Motions for Concurrence in Committee Reports on Public Bills other than Government Bills, and private Members' public Bills are considered on Monday afternoons, and Motions other than Government Motions are dealt with Mondays between 5 p.m. and 6 p.m. Government Motions, Government Bills, and Private Bills are dealt with on Tuesday, Wednesday, and Thursday.

### Daily Order of Business\*

MONDAY	TUESDAY	WEDNESDAY	THURSDAY
<b>1:30 p.m. to 3 p.m.</b>			
Prayers	Prayers	Prayers	Prayers
<i>O Canada</i>	Daily Routine	Daily Routine	Royal Anthem
Indigenous Land Acknowledgement			
Daily Routine	(1:50 p.m.) Oral Question Period	(1:50 p.m.) Oral Question Period	Daily Routine
(1:50 p.m.) Oral Question Period			(1:50 p.m.) Oral Question Period
<b>3 p.m. to 6 p.m.</b>			<b>3 p.m. to 4:30 p.m.</b>
Private Members' Business	Government Business	Government Business	Government Business
Written Questions Motions for Returns Motions for Concurrence in Committee Reports on Public Bills other than Government Bills Public Bills and Orders other than Government Bills and Orders (5 p.m. to 6 p.m.) Motions other than Government Motions	Address in Reply Government Motions Government Bills and Orders Private Bills	Address in Reply Government Motions Government Bills and Orders Private Bills	Address in Reply Government Motions Government Bills and Orders Private Bills

\*Upon passage of a Government motion, the Assembly may meet on Tuesday mornings beginning at 10:00 a.m. and on Wednesday and Thursday starting at 9:00 a.m., or on Monday,



Tuesday, and Wednesday evenings beginning at 7:30 p.m. to consider Government business (Standing Order 4(1)).

## **1) Bills**

A Bill is a proposed law submitted to the Assembly for its consideration and approval.

There are three types of Bills: Government, private Members' public, and private. Bills may also be categorized as either public or private legislation. It is important to recognize that in the cases of private Members' public Bills and private Bills, while the names are similar, there are distinct differences between them.

### **a. Government Bills**

Government Bills encompass major government policy proposals, spending or tax measures, and routine governing items. These are prepared and presented by the Government and are usually introduced by a Minister of the Crown. Government Bills have also been introduced by private Government Members. In order for these Bills to be listed on the Order Paper under the item of business titled Government Bills and Orders, immediately after the Clerk has announced that such a Bill is now read a first time, the Government House Leader traditionally moves a motion proposing that the Bill be moved on the Order Paper under Government Bills and Orders (Standing Order 75). Without this motion, all Bills introduced by private Members would be listed under the item of business on the Order Paper titled Public Bills and Orders other than Government Bills and Orders. All Government Bills are drafted by Legislative Counsel from the Department of Justice and Solicitor General. The Government sets the priority for its business, usually articulated by the Government House Leader (Standing Order 9(2)).

#### **(i) Money Bills**

Money Bills are Government Bills for the appropriation of "any part of the public revenue, or of any tax or impost" and must have the Royal Recommendation of the Lieutenant Governor (sections 54, 90, *Constitution Act, 1867*). On the advice of the Government and in accordance with Standing Order 83, the Lieutenant Governor gives a written recommendation, which is attached to the Bill and constitutes the Royal Recommendation. Members are informed of the recommendation at the time the Bill is introduced (Standing Order 83(2)(b)). Only a Minister may introduce such a Bill (Standing Order 83(2)), and only a Minister may move second and third reading of such a Bill (see Speaker's Ruling, February 17, 1999, *Alberta Hansard*, pp. 20-21).

### **b. Private Members' Public Bills**

Private Members' public Bills are introduced by a private Member and encompass the initiative of a private Member. These Bills also deal with items of public concern but cannot directly appropriate public funds or impose or increase a tax.

Private Members' public Bills are drafted by Parliamentary Counsel to ensure they are properly prepared, taking into account jurisdictional requirements or impediments and drafting conventions.

The sequence of Private Members' Public Bills is determined by a random draw, held on a date set by the Speaker, of the names of all private Members except the Speaker and any Member who has submitted written notice to Parliamentary Counsel no later than three days prior to the date of the draw of the Member's intention to be excluded from the draw. The order determines the sequence of the Bills (i.e., the first name drawn gets Bill 201, the second Bill 202, et cetera). Members can switch positions in accordance with guidelines prescribed by the Speaker (Standing Order 72(3)). Private Members' public Bills are taken up according to the precedence given them on the Order Paper.

Parliamentary Counsel gives priority to drafting the Bills based on the order of precedence determined by the Bills draw.

Debate on this type of Bill occurs Monday afternoons after Written Questions, Motions for Returns, and Motions for Concurrence in Committee Reports on Public Bills other than Government Bills until 5 p.m. Private Members' public Bills are considered in the order they appear on the Order Paper (Standing Order 9(1)).

### **c. Private Bills**

Private Bills seek to exempt an individual or organization from the application of the general law or to give special powers or benefits to the individual or organization. Although the application is initiated by individuals or organizations, these Bills are sponsored and introduced in the Assembly by a private Member. They do not seek to amend public Acts or affect public policy. Parliamentary Counsel reviews applications for private Bills and acts as counsel to the Standing Committee on Private Bills.

### **d. Legislative Process for Public Bills (Government Bills and Private Members' Public Bills)**

Ideas for Government Bills originate in many ways, including from Cabinet, ministries, caucuses, parties, and the public. Ideas for private Members' public Bills are conceived by the private Member and may be based on suggestions from constituents, parties, lobby groups, or other sources.

Other than the priority of the Government initiative, essentially there is no difference between a Government Bill and a private Member's public Bill. Although the opportunities for debate are different in terms of time allowed and in degree, the procedures are mostly the same. If passed, they both have the same force and effect of any statute.

While there is no overall time limit on debate of Government Bills there are time limits for debate on private Members' public Bills. Under Standing Order 8(7) each private Member's public Bill that is on the Order Paper for second reading receives 120 minutes of debate at that stage (115 minutes of debate, with the mover having five minutes to close debate). After 120 minutes or earlier if no other Members wish to speak, a vote is taken. If the Bill passes second reading, it must be considered by Committee of the Whole within eight sitting days unless it is referred to a standing or special committee, in which case the Bill shall be called within eight sitting days after the standing or special committee reports to the Assembly. The Bill is

considered in Committee of the Whole for 120 minutes. If the Bill is reported by Committee of the Whole, it must be moved for third reading within four sitting days. The Bill receives a maximum of 60 minutes of debate at third reading (55 minutes of debate and five minutes for the mover to close debate) and then comes to a vote. If passed at third reading, the Bill goes on to Royal Assent.

Standing Order 8(8) states:

Before the mover of a motion for second or third reading of a public Bill other than a Government Bill closes debate, or the time limit is reached for consideration at Committee of the Whole under suborder (7)(a)(ii), a Member may move a motion, not subject to debate or amendment, that the votes necessary to conclude consideration at that stage be postponed for 10 sitting days or the first opportunity after that for the consideration of the Bill, unless there are other Bills awaiting consideration at that stage in which case the Bill will be called after the Bills at that stage have been considered.

Private Members' public Bills may be transferred to Government Bills and Orders on the Order Paper on motion by a Minister (Standing Order 75).

The rules of debate and other procedures of the Assembly apply to consideration of private Members' public Bills.

**(i) Notice**

Before a Bill is introduced, one day's notice must be given to the Members of the Assembly (Standing Order 39(1)(d)). Notice may be given either orally during the routine or through the usual practice of written notice appearing under the Notices portion of the Order Paper. Once written notice is given and published on the Order Paper, the Bill may be introduced on any day thereafter; e.g., notification of a Member's intent to introduce a Bill given to the Clerk's office before 6 p.m. on Monday will appear on Tuesday's Order Paper and the Bill may be introduced on Wednesday.

**(ii) Stages**

All Bills must pass through three readings in the Assembly before becoming law (Standing Order 77).

**First Reading**

The Member sponsoring the Bill being introduced starts the process by moving a motion for first reading of the Bill. The motion is actually a request for leave to introduce a Bill and is usually passed without opposition, although a division can be held (Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §646(2), p. 196). Once leave is granted, the Bill is deemed to have been read a first time (Standing Order 74). The Member introducing the Bill is permitted to give brief introductory remarks on the provisions of the Bill. No debate or amendment is allowed at this stage (Standing Order 74(2)). Bills are usually printed prior to introduction and are distributed the same day they receive first reading.

At any time after a Bill receives first reading, a member of Executive Council with respect to a Government Bill or the sponsor of a private Member's public Bill may move a motion, without notice, to refer the Bill to a standing or special committee. No debate or amendment to the motion is allowed. If the motion is not agreed to, the Bill shall be ordered for second reading (Standing Order 74.1(3)). This Standing Order does not apply to appropriation or private Bills (Standing Order 74.1(4)).

When a Bill is referred to a standing or special committee after first reading, the committee may conduct public hearings on the subject matter of the Bill and report its observations, opinions and recommendations with respect to the Bill to the Assembly. The report is debatable (Standing Order 18(1)(b)). Following the Assembly's concurrence in a committee report that the Bill proceed, the Bill shall be placed on the Order Paper for second reading (Standing Order 74.2(2)).

### **Second Reading**

It is at this stage that discussion of the principle of the Bill takes place; the individual sections of the Bill should not be debated. No amendments to the Bill itself may be considered.

Amendments at second reading are to the motion for second reading, not the Bill. These amendments are the reasoned amendment, the hoist amendment, or referral of the subject matter to a committee (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 751-756; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §666-676, pp. 200-202). (See item 2 h) of this section for additional information.) The mover of the motion for second reading is also called upon to close debate. However, should a Member propose a motion for second reading on behalf of another Member, a later speech by either will close the debate (Standing Order 25(3); Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 608; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §466(2), p. 139).

At any time after a Bill has been read a second time and before it proceeds to Committee of the Whole, a member of Executive Council with respect to a Government Bill or any Member with respect to a private Member's public Bill may move, without notice, to refer a Bill to a standing or special committee (Standing Order 78.1(1)). No debate or amendment to the motion is allowed. This Standing Order does not apply to appropriation or private Bills (Standing Order 78.1(2)).

When a Bill is referred to a standing or special committee after second reading, the committee may conduct public hearings on the content of the Bill (Standing Order 78.2(1)). No public hearings may be conducted under Standing Order 78.2(1) if the Bill had been subject to public hearings held by a committee after first reading (Standing Order 78.2(2)). The standing or special committee may recommend that the Bill proceed, that it proceed with amendments, or that the Bill not proceed (Standing Order 78.3(1)). If the report recommends that the Bill not proceed, a motion to concur shall be immediately put to the Assembly and decided without debate. If the motion is agreed to the Bill will be removed from the Order Paper but if it is not agreed to it will stand committed to Committee of the Whole (Standing Order 78.4).

## **Committee of the Whole**

All Bills that have been approved in principle at second reading are automatically referred to Committee of the Whole unless otherwise ordered.

Whenever this item is called, the Speaker leaves the chair and the Chair of Committees presides in Committee of the Whole from the Table. The Standing Orders are observed in committee, although the rules of the Legislative Assembly are relaxed somewhat. Members may speak to the subject before committee more than once. A 20-minute time limit is enforced for each speech during Committee of the Whole consideration of Government Bills. During Committee of the Whole consideration of private Members' public Bills, Members may speak for 10 minutes, and an overall time limit of 120 minutes, as indicated above, applies (Standing Order 8(7)(a)(ii)).

It is at this stage that the consideration of the clauses of a Bill occurs. In committee, Members may propose amendments to the Bill provided that such amendments are not destructive of the principle of the Bill which was approved at second reading (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 770-771; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §689(1), p. 205).

Amendments to be considered by Committee of the Whole must be in writing and should be reviewed and initialed by Parliamentary Counsel, with sufficient copies provided to the Table for distribution to all Members.

Once all amendments have been considered and disposed of, the title, preamble, and remaining clauses of the Bill are considered and voted upon.

Report forms, completed by the Table Officers, are provided to the Chair for the report to the Assembly on the progress of those Bills considered by committee that date.

The Chair, Deputy Chair, or Acting Chair, as the case may be, makes the report to the Speaker, who immediately puts a question to the Assembly for concurrence in the report. The report is not debatable (Standing Order 18(1)(b)). Following the concurrence in the report by the Assembly the Bill proceeds to third reading.

## **Third Reading**

Third reading debate is usually less extensive than second reading debate. The Bill is reviewed in its final form (as amended in Committee of the Whole). No amendments may be proposed to the Bill itself. The same type of amendments that may be made to the motion for second reading may be made to the motion for third reading (i.e., the reasoned amendment or the hoist amendment). An amendment to refer a Bill to a committee at second reading becomes at third reading an amendment to recommit the Bill to Committee of the Whole with instructions to reconsider certain clauses for a specific purpose (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 792-793).

## **Royal Assent**

No Bill may become law without Royal Assent being given by the Lieutenant Governor or, in his or her absence, by the Administrator. Sometimes the Lieutenant Governor attends upon the

Assembly to grant Royal Assent. Such arrangements are made by the Government subject to the availability of the Lieutenant Governor. Royal Assent may also take place outside of the Assembly.

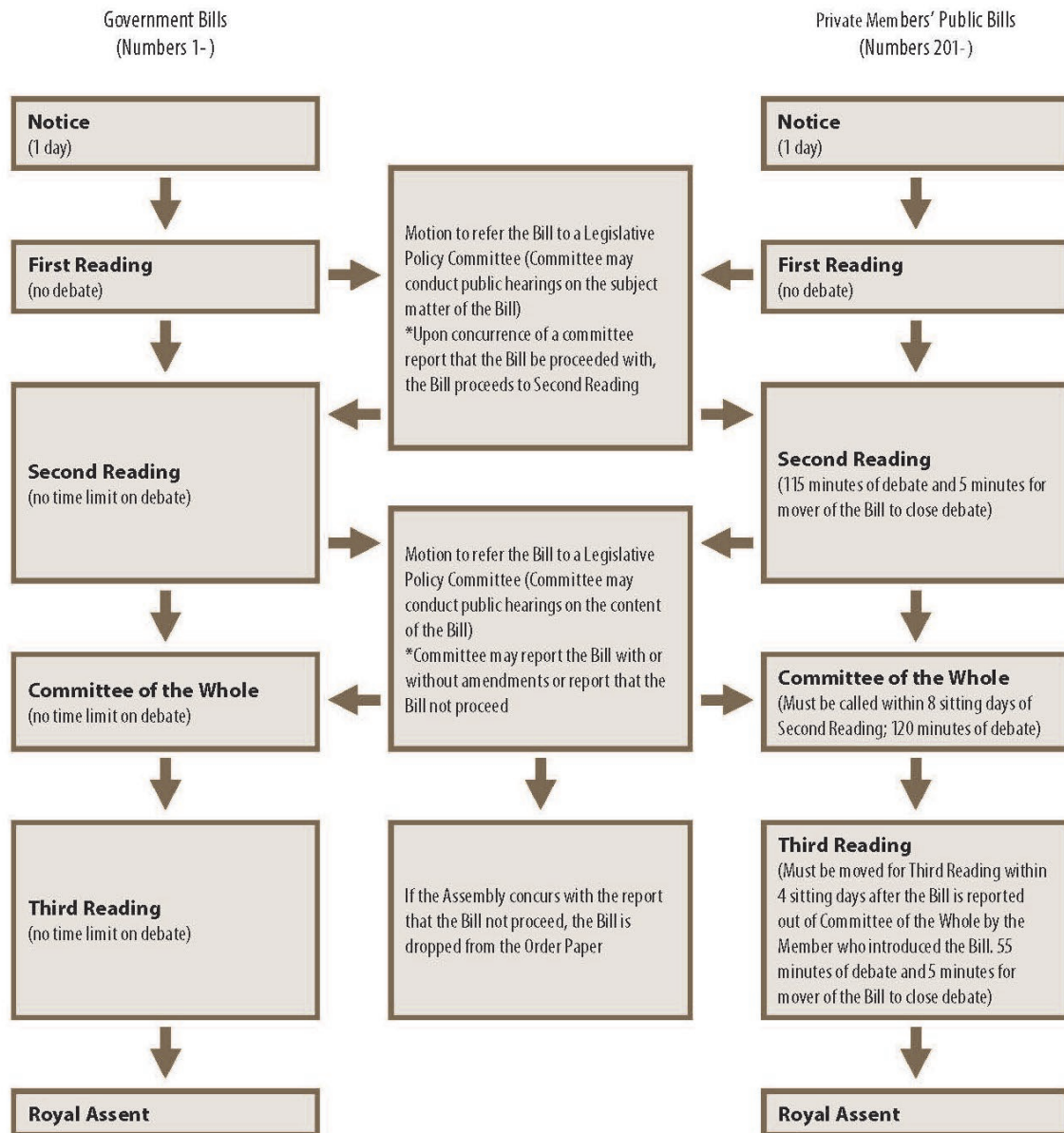
## **Law**

A Bill passed by the Legislative Assembly becomes law immediately upon Royal Assent being given by the Lieutenant Governor on behalf of and in the name of His Majesty the King. It is then referred to as an Act, or statute, not a Bill. A law comes into force either upon proclamation by the Lieutenant Governor in Council or on a specified date, whichever is indicated in the Bill itself. If nothing is indicated in the Bill as to when it will come into force, a law then comes into force immediately upon Royal Assent (*Interpretation Act*, RSA 2000, cI-8, section 4). Legislative Counsel from the Department of Justice may be consulted for proclamation dates.

### **e. Procedure on Bills**

Every Bill shall receive three separate readings on different days before being passed (Standing Order 77). Exceptions for urgent or extraordinary occasions are permitted with the unanimous consent of Assembly.

## Procedure on Bills



### f. Legislative Process for Private Bills

A significant procedural distinction between private and public legislation is that the latter is initiated and promoted by a Member whereas the former is initiated by an application from the individual or organization seeking the legislation. Private Bills affect only individuals or certain groups of the public.

Prior to Private Bills being introduced in the Assembly, there are a number of requirements that must be met (Standing Orders 89 to 106). Petitions to the Lieutenant Governor and the

Legislative Assembly for Private Bills and a draft Bill are sent to Parliamentary Counsel, who review the proposed Bills to ensure they are in order and comply with the Standing Orders (Standing Order 95(2)). All necessary fees and documents must be delivered to the Clerk by the 15<sup>th</sup> day following the first day of the first sitting in a year (Standing Order 94(2)). Please refer to the Private Bills page available on the Assembly's website.

### **Petitions, Notice, First Reading for Private Bills**

Petitions for Private Bills are presented in the Assembly by the Chair of the Standing Committee on Private Bills. After the petitions are presented, they are considered by the Standing Committee on Private Bills. A Private Bill may be introduced in the Assembly after the Chair has reported that Standing Orders 90 to 94 have been complied with. The same notice requirement applies to Private Bills as for any other Bill. After a Private Bill has been given first reading, it automatically stands referred to the Standing Committee on Private Bills (Standing Order 100(1)).

### **Private Bills Committee**

The Standing Committee on Private Bills meets and reviews the applications for Private Bills. Typically, the Committee hears from the applicant or the applicant's counsel as part of the process.

### **Report to the Assembly**

The Standing Committee on Private Bills reports to the Assembly after it has considered the Bills. In the report the committee recommends to the Assembly that the Bill proceed, proceed with amendments, or not proceed. The Speaker immediately puts a question to the Assembly for concurrence in the report. The report is debatable (Standing Order 18(1)(b)). Following concurrence in the report to the Assembly each Bill is automatically placed on the Order Paper for second reading (Standing Order 106). The Bill then follows the same process as a Government Bill (Standing Order 96(1)).

## **2) Motions**

A motion is a formal proposal that seeks to elicit a decision of the Assembly. The content of a motion may include something quite specific, such as proposing concurrence in a report tabled by a committee or proposing the number of days for Committee of Supply consideration of supplementary supply estimates. A majority of the Assembly then decides whether they feel the proposal should be implemented. The result is that the Assembly may be directed to do something, may order that something be done, or may express an opinion with regard to some matter.

### **a. Government Motions**

A Government motion must be moved by a Minister. These motions may be statements of principle or intent used to stimulate debate or assess public reaction before moving ahead with legislation. They also are used to state policy on matters not requiring legislation. Government



motions may also deal with matters of procedure such as adjourning the Assembly at the end of a sitting.

The budget debate (see item 3 b) of this section) and the Address in Reply to the Speech from the Throne (see item 3 a) of this section) are special motions debated under Government Motions calling for the general approval of those items. The Address in Reply to the Speech from the Throne is not moved by a Minister.

Government motions may be considered Tuesday, Wednesday, and Thursday mornings or afternoons, after the Daily Routine, or during any evening sitting.

## **b. Motions other than Government Motions**

The Assembly is apprised of issues which private Members feel should be discussed and brought to public attention through motions. A Member may have no more than two notices of motions other than Government motions in his or her name on the Order Paper at the same time (Standing Order 40). The sequence of Motions other than Government Motions is determined by a random draw, held on a date set by the Speaker, of the names of all private Members except the Speaker and a Member who has submitted written notice to the Clerk no later than three days prior to the date of the draw of the Member's intention to be excluded from the draw. The order determines the sequence of the motions (i.e., the first name drawn gets motion 501, the seconds gets motion 502, et cetera). Members can switch positions in accordance with guidelines prescribed by the Speaker prior to their motion being moved (Standing Orders 41(2) and (3)). Private Members' motions are taken up in accordance with the precedence given them on the Order Paper.

Notice is given on the appropriate form, which may be obtained from the OurHouse intranet site or from the Bills and Journals Clerks. The Clerk of *Journals* and Committees vets these notices to ensure they are in order and comply with the Standing Orders. Minor changes may be made but if substantial changes are required, the notice is returned to the Member for resubmission. The notices, once signed by the Clerk Assistant and Executive Director of Parliamentary Services and Initialed by the Law Clerk, are then submitted to the Speaker for approval before they can be placed on notice on the Order Paper. It is customary for the first 10 notices to be placed on the Order Paper in the first few days of a session.

A Member may withdraw his or her motion from the Order Paper by providing four sitting days' notice to the Speaker as long as the motion has not been moved in the Assembly. Should a motion be withdrawn, the word "withdrawn" will appear next to the motion number on the Order Paper (Standing Order 41(6) and (7)).

This item of business is dealt with on Mondays between 5 p.m. and 6 p.m. (Standing Order 8(1)). A motion other than a Government motion, once called, shall retain its place on the Order Paper until such time as the motion has received 55 minutes of debate and five minutes for the mover of the motion to close debate unless the motion is voted upon sooner, at which time all questions which must be decided in order to conclude debate on the motion shall be decided immediately (Standing Order 8(3)). Only one motion may be considered on a Monday afternoon (Standing Order 8(5)). However, on a Monday afternoon following the conclusion of

private Members' business listed in Standing Order 8(1), the Assembly may consider the next private Member's motion on the Order Paper on passage of a motion made by the sponsor of that motion (Standing Order 8(1.2)).

Before the mover closes debate on a motion under Standing Order 8(3), a Member may move a motion, not subject to debate or amendment, which provides for the motion under consideration to be moved to the bottom of that item of business on the Order Paper (Standing Order 8(4)).

A Member who has a motion other than a Government motion on the Order Paper may amend or replace his or her motion before it is moved in the Assembly, subject to the Speaker's approval. Notice of the amended or replaced motion must appear on the Order Paper not fewer than four sitting days before the motion is moved (Standing Order 41(4) and (5)).

If a Member other than the sponsor seeks to amend a private Member's motion the proposed amendment must be approved by Parliamentary Counsel as to form by the Thursday preceding the day the motion is to be moved. The proposed amendment must be provided to the sponsor by 11 a.m. on the day the motion is to be moved (Standing Order 41(5.2)).

### **c. Notices of Motions**

As with Bills, before either a Government motion or a motion other than a Government motion may be introduced, notice must be given to the Members of the Assembly either orally during the Daily Routine, or as is more often the case, through the Notices portion of the Order Paper.

### **d. Moving a Motion**

In order for debate to commence, a motion must be moved. Only a Minister may move a Government motion and this can only occur when the Minister properly has the floor. With the exception of the motion for an Address in Reply to the Speech from the Throne motions need not be seconded. Members preface all motions with the words "I move that." A motion should be phrased in such a way that if agreed to, it will express the judgment or the will of the Assembly. Care must also be taken that the motion is in order. If the Speaker is of the opinion that a motion offered is contrary to the rules and privileges of the Assembly, the Speaker immediately advises the Assembly, and no further action is taken with regard to that motion (Standing Order 48).

Once moved, a motion may be withdrawn by its mover only with the unanimous consent of the Assembly (Standing Order 47(2)). Government motions appearing on the Order Paper are not always proceeded with.

### **e. Debate on a Motion**

Debate provides an opportunity for Members to express opinions on a motion. Not all motions permit debate, and in some cases the length of the debate may be restricted (see, for example, Standing Order 30(5)). A motion for first reading of a Bill is not debatable.

The sponsor or mover of a motion has the right to speak to it first. The Member is expected to speak only to the motion; failure to do so will result in the Member being called to order by the

Speaker. Once all Members have spoken to the proposed motion, the Speaker will then call upon the sponsor of the motion to close debate, referred to as the right of reply. Such a reply closes debate on the motion.

## **f. Amending a Motion**

An amendment is an alteration proposed to a motion that is subsidiary to the main, or original motion. The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the Assembly a different proposition as an alternative to the original question. Amendments may propose the deletion of certain words, the replacement or substitution of certain words, the addition of words, or any combination of these three.

Any Member may move an amendment providing that the motion is amendable. (See item 2 h ii) of this section.) Certain motions are not amendable or debatable such as a time allocation motion.

An amendment may be considered to be out of order if it is substantively the same as an issue previously decided. Likewise, if an amendment in effect negates the main motion, it is considered out of order since the proper course of action of a Member who might propose such an amendment is to vote against the main motion. An amendment must also maintain the integrity of the main motion. The amendment must be relevant to the motion or amendment to which it is moved.

## **g. Deciding a Motion**

Members resolve the outcome of a motion: that is, whether the motion will be carried or defeated. The decision is initiated by the Speaker putting the question on the motion by asking: “all those in favour of the motion as proposed by the Honourable Member for (name of constituency), please say aye.” Following the voice reply from the Members, the Speaker then asks: “all those opposed to the motion, please say no.” The Speaker then announces whether the motion carried or was defeated. Once the question has been put, there may be no further debate. If three or more Members rise following a voice vote, a division, or standing vote, is held on the question (Standing Order 32(1)).

## **h. Types of Motions**

### **(i) Substantive and Subsidiary Motions**

Motions may be classified into two basic types: substantive and subsidiary. Substantive motions are those motions that are not incidental to any other business of the Assembly but are self-contained proposals capable of expressing a decision of the Assembly. Passage of a substantive motion results in a decision, an Order of the Assembly, or an expression of the opinion of the Assembly. Examples of such motions include the budget motion, motions for returns, and motions for the appointment of a committee. All substantive motions require notice and must be submitted to the Clerk’s office in writing for inclusion on the Order Paper (first under the Notices portion and then under the appropriate item of business) before being put to the Assembly for debate.

Subsidiary motions are either dependent upon another motion or follow some proceeding in the Assembly. An amendment, being a proposal to alter a motion, for example, is a subsidiary motion. Subsidiary motions generally do not require notice.

## (ii) **Superseding Motions**

Superseding motions are moved on questions which they seek to set aside. They may only be moved when a question is under debate, and they are the exception to the rule that only one motion may be on the floor at any time. Standing Order 43 sets out which motions are superseding motions, as follows:

- a) to amend it;
- b) to refer it;
- c) to postpone it to a certain day;
- d) for the previous question;
- e) to read the Orders of the Day;
- f) to proceed to another order;
- g) to adjourn the debate; or
- h) to adjourn the Assembly.

Superseding motions are generally divided into the following classes:

- Dilatory motions are superseding motions intended to dispose of the original question before the House for the time being or permanently. Although dilatory motions are often moved for the express purpose of causing delay, they may also be used to advance the business of the House. (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 547). These motions are not debatable, nor do they require notice. An example is a motion to adjourn.
- The motion for the previous question is a superseding motion that is phrased as follows: "That the question be now put." Unlike a dilatory motion, the motion for the previous question is a debatable motion which, if agreed to by the Assembly, results in the original question being put immediately without any further amendments or debate (Standing Order 49).
- Amendments to the motion for second reading of a Bill include the hoist, the reasoned and the referral. Amendments to the motion for third reading of a Bill also include the hoist and reasoned in addition to the recommittal motion. Hoist and reasoned amendments are amendments that, if passed, end further consideration of the Bill. The referral amendment refers the subject matter of a Bill to a committee for it to consider and report to the Assembly on the matter. The recommittal amendment recommits a Bill to Committee of the Whole with instructions to reconsider certain clauses for a specific purpose. The reasoned amendment is seldom if ever passed.

### 3) Special Motions

#### a. Throne Speech

The Sovereign appoints the time and place of meeting of the Assembly at the commencement of every session. The Lieutenant Governor, the Sovereign's representative, declares the causes of summons in a speech called the Speech from the Throne. The Assembly cannot proceed with any public business until the declaration of the causes of summons has occurred. (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 378) The causes of summons, as declared from the Throne, "do not bind [the Assembly] to consider them alone, or to proceed at once to the consideration of any of them" (*Erskine May*, 25<sup>th</sup> ed., p. 179; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §253, p. 72). To reaffirm this ancient right of the Assembly, immediately after the Speech from the Throne has been read, the Premier or other Minister will request leave to introduce a Bill, the subject matter of which has not been referred to in the Throne Speech (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 378-379).

The Speech from the Throne is prepared by the Government and read by the Lieutenant Governor. The Speech sets out the Government's legislative objectives for that session.

Following the Throne Speech and the introduction of a Bill a private Member of the governing party moves the Address in Reply, thanking the Lieutenant Governor for the Speech. This motion is the vehicle by which the Assembly debates the Government's overall legislative objectives. By convention this motion, unlike other motions, is seconded. Standing Order 19 states that the motion on the address in reply shall be considered on no more than 10 sitting days. Only one amendment may be moved to the original motion (the address) and not more than one subamendment may be moved to the amendment. If a subamendment has been moved, 15 minutes prior to the time of adjournment for the afternoon sitting on the fifth sitting day after the motion is moved, the Speaker shall interrupt the proceedings and put the question on the subamendment. On the eighth sitting day after the day the motion was moved, if an amendment is under consideration, 15 minutes prior to the time of adjournment for the afternoon sitting, the Speaker shall interrupt the proceedings and immediately put every question necessary to dispose of all amendments. On the 10<sup>th</sup> sitting day after the motion is moved, 15 minutes prior to the time of adjournment for the afternoon sitting, the Speaker shall interrupt the proceedings and immediately put every question necessary to dispose of the motion.

#### b. Budget Debate

##### (i) Presentation of Estimates

The Crown is responsible, as the executive power, "for managing all the revenue of the state, including all payments for the public service. The Crown, on the advice of its Ministers, makes the financial requirements of the government known to the House of Commons which, in return, authorizes the necessary 'aids' (taxes) and 'supplies' (grants of money). No tax may be imposed, or money spent, without the consent of Parliament" (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 823).

Typically the President of Treasury Board and Minister of Finance presents the Government's proposed budget for that year, which is subject to the approval of the Assembly. At the time the Budget Address is to be presented, the Speaker takes the chair, and the Minister announces that he or she has messages (which are accompanied by the Estimates) from the Lieutenant Governor. The Sergeant-at-Arms picks up the messages from the Minister and delivers them to the Speaker, who reads the messages to the Assembly (Members stand during the reading). Under the current Standing Orders the main estimates are then deemed to be referred to the Legislative Policy Committees according to their respective mandates unless otherwise ordered by the Assembly.

## **(ii) Budget Address**

Following the reading of the messages from the Lieutenant Governor and the tabling of budget-related documents the Minister moves: "Be it resolved that the Legislative Assembly approve in general the fiscal policies of the Government." The Minister then delivers the Budget Address. Since there must be a motion before the Legislative Assembly whenever there is to be a debate, this motion is the vehicle by which the Minister outlines and the Assembly debates the Government's proposed budget. A vote is rarely taken on this motion; it usually dies on the Order Paper upon prorogation.

## **(iii) Legislative Policy Committees**

Following the Budget Address the main estimates, unless otherwise ordered, stand referred to the Legislative Policy Committees according to the committees' respective mandates. Legislative Policy Committees may meet on Mondays, Tuesdays, and Wednesdays from 7 p.m. to 10 p.m., Tuesdays through Thursdays from 8 a.m. to 12:15 p.m., and Tuesdays and Wednesdays from 3:30 p.m. to 6:30 p.m. to consider main estimates (Standing Order 59.01(5)(a)). On Tuesdays and Wednesdays the Assembly stands adjourned upon the completion of the Daily Routine to allow Legislative Policy Committees to meet (Standing Order 59.01(5)(b)). The Official Opposition, may, during consultation with the Government concerning the schedule of main estimates consideration (see Standing Order 59.01(3)), designate four ministries for which estimates are considered for a maximum of six hours per ministry provided that it designates another three ministries for which main estimates consideration is two hours (Standing Order 59.01(3.1)). The remaining ministries' estimates, with the exception of those of Executive Council, shall be considered for a maximum of three hours. The estimates of Executive Council shall stand referred to the Standing Committee on Alberta's Economic Future for a maximum of two hours (Standing Orders 59.01(2), (5)(d), (5)(e)). If an amendment to a department's estimates is moved in a Legislative Policy Committee, the vote on the amendment is deferred until the date scheduled for the vote on the main estimates (Standing Order 59.01(9)). The Government House Leader will table a schedule for consideration of the main estimates after consultation with the opposition House Leaders at any time following the date of the Budget Address being announced and no later than the Thursday preceding the first scheduled meeting (Standing Order 59.01(3)).

When the Legislative Policy Committees have completed consideration of the main estimates, the committee Chairs will report to Committee of Supply on the date scheduled for the vote on the main estimates.

**(iv) Committee of Supply**

Committee of Supply is a committee of all Members of the Assembly which meets to examine and vote on the estimates presented to the Assembly. The Assembly will resolve itself into Committee of Supply whenever the Government indicates that this item of business is to be called. The Speaker then leaves the chair, and the Chair of Committees presides from the Table. The Standing Orders are observed in committee although the rules of the Legislative Assembly are relaxed somewhat. Members may speak to the subject before the Committee more than once. During consideration of interim or supplementary supply estimates the speaking rotation applied during main estimates consideration (Standing Order 59.01(6)) shall apply (Standing Order 59.02).

The main estimates are voted on by Committee of Supply once they have been considered by a Legislative Policy Committee and the Committee Chair has reported to Committee of Supply. If any amendments were presented to a Legislative Policy Committee, all required votes on amendments are to be taken by Committee of Supply on the date scheduled but prior to the vote on the main estimates. The vote on the main estimates may be scheduled after a minimum of one sitting day's notice and occur at any time after the Legislative Policy Committees have completed their consideration of the main estimates.

The vote on interim or supplementary estimates before Committee of Supply must be called after a minimum of three hours of consideration (Standing Order 61(1)).

Report forms completed by the Table Officers are provided to the Chair for the progress report to the Assembly or to report recommended approval.

**(v) Interim Estimates**

Interim appropriations are the monies which are necessary to cover expenses that will be incurred during a fiscal year before the passage of the main estimates. If introduced prior to the presentation of the main estimates they are referred to Committee of Supply. If sought after the main estimates have been presented, but not voted on, the Bill for interim supply is proceeded with like any other Bill and the estimates are not referred to Committee of Supply.

**(vi) Supplementary Estimates**

Supplementary estimates are additional estimates requested for the current or previous fiscal year after the main estimates have been tabled or approved.

**(vii) Appropriation Bills**

Following the report of the Committee of Supply to the Assembly the appropriation Bill(s) is introduced. The introduction and passage of such Bills follows the normal Bills process except that time limits are imposed at each stage (Standing Order 64).

Rules governing the estimates and Committee of Supply are covered under Standing Orders 59 to 61.

### **c. Time Allocation Motion**

A time allocation motion is a procedural motion used to limit debate. Standing Order 21 reads as follows:

**21(1)** A member of the Executive Council may, on at least one day's notice, propose a motion for the purpose of allotting a specified number of hours for consideration and disposal of proceedings on a Government motion or a Government Bill and the motion shall not be subject to debate or amendment except as provided in suborder (3).

(2) A motion under suborder (1)

(a) that applies to a Government Bill shall only refer to one stage of consideration for the Bill,

(b) shall only apply when the Bill or motion that is the subject of the time allocation motion has already been debated in the Assembly or been considered in Committee of the Whole.

(3) A member of the Executive Council may outline the reasons for the motion under suborder (1) and a Member of the Official Opposition may respond but neither speech may exceed 5 minutes.

## **4) Private Members' Business**

This is business introduced by Members other than members of Cabinet (Executive Council) and is dealt with on Monday afternoons.

### **a. Written Questions**

A written question seeks detailed information from the Government which a Minister would not be expected to have at hand during Oral Question Period. It does not have the urgency of an oral question. These questions are accepted, amended, or rejected by the Government. Under Standing Order 34(2) the Government must deal with a written question within 15 sitting days of its appearing on the Order Paper.

On Thursdays the Government House Leader may give notice of any written questions that will be accepted or dealt with on the following Monday.

When this item of business is called, the Clerk will read the number, text, and name of the sponsor of the written questions that have been accepted. The Clerk then calls out the first written question to be dealt with and the name of its sponsor. The Member moves "that the written question standing on the Order Paper in my name be accepted" and may present his or her argument as to why the written question should be accepted. This motion is debatable and amendable. The Government then either rejects or amends the written question being proposed. Once dealt with, the item is removed from the Order Paper (Standing Order 45). Written



questions that are not dealt with that day are deemed to stand and retain their places on the Order Paper.

Responses to accepted written questions must be tabled in the Assembly within 30 sitting days of the question being accepted (Standing Order 34(5)).

If a question is of a nature that a reply should be in the form of a return, a Minister may indicate that to the Assembly, and the question is then deemed to be an Order for a Return (Standing Order 36).

## **b. Motions for Returns**

The same rules for written questions apply to motions for returns. The difference between these two items of business is that motions for returns are generally requests for documentation—i.e., studies, reports, and correspondence—while, as stated above, written questions seek detailed information from the Government which a Minister would not be expected to have at hand and do not have the urgency of an oral question.

## **c. Motions for Concurrence in Committee Reports on Public Bills and Orders other than Government Bills**

This item of business is dealt with in item 1 d) ii) of this section.

## **d. Private Members' Public Bills**

Private Members' public Bills (Public Bills and Orders other than Government Bills and Orders) have been addressed in item 1 b) of this section.

## **e. Motions other than Government Motions**

This item of business has been addressed in item 2 b) of this section.

## **f. Submitting Written Questions and Motions for Returns**

Notice is given on the appropriate form which may be obtained from the OurHouse intranet site. The Clerk of *Journals* and Committees vets these notices and may request minor changes. The notices, once signed by the Clerk Assistant and Executive Director of Parliamentary Services and initialed by the Law Clerk, are submitted to the Speaker for approval before they can be placed on notice on the Order Paper.

The process for amending written questions and motions for returns requires that any proposed amendments be approved by Parliamentary Counsel as to form on the Wednesday preceding the day on which the amendments are to be moved. The proposed amendment must then be provided to the Member who is moving the written question or motion for a return before 11 a.m. on the day on which the written question or motion for a return is to be moved (Standing Order 34(4)).

# Debate

## 1) General

For the Assembly to consider any matter, there must be a motion before it except for Oral Question Period, points of order, and questions of privilege.

- Members must be at their seats to speak.
- Members may only speak once on any motion.
- Members must address their remarks to the Speaker.
- When the Speaker calls a Member to order, the Member will take his or her seat.

## 2) Time Limits

### a. Speaking Times – Government Business

Standing Orders 29(1) and 29.1 state that time limits on speaking in debate in the Assembly on Government motions, Government Bills and orders, and private Bills shall be as follows:

- (a)
  - (i) the Premier,
  - (ii) the Leader of the Opposition, and
  - (iii) the mover on the occasion of the Budget Address shall be limited to 90 minutes' speaking time;
- (b) the mover in debate on a resolution or on a Bill shall be limited to 20 minutes' speaking time in opening debate and 15 minutes in closing debate;
- (c) the Member who speaks immediately following the mover in debate on a resolution or on a Bill shall be limited to 20 minutes;
- (d) except as provided in clauses (a) to (c), no Member shall speak for longer than 15 minutes in debate.

### b. Interventions

29.1(1) A Member may, in accordance with this Standing Order, intervene during another Member's speech on any item of debate referred to in Standing Order 29(1) except if the speech is one of the following:

- (a) a Member's opening or closing speech in respect of moving a resolution or a Bill;
- (b) a Member's speech immediately following an opening speech referred to in clause (a);
- (c) a Member's speech on a motion for an address in reply to the Lieutenant Governor's speech.

(2) A Member may request to intervene during another Member's speech by rising while that Member is speaking.

(3) If a Member requests to intervene, the Member who is speaking may, immediately on the other Member rising

- (a) agree to the request by
  - (i) acknowledging the Member's request,
  - (ii) stating that they agree to the request, and
  - (iii) taking their seat, or
- (b) refuse the request by continuing with their speech.

(4) If a Member agrees to a request to intervene

- (a) the Member's speaking time is immediately suspended until the intervention concludes,
- (b) the Member who intervenes
  - (i) is limited to a speaking time of one minute, and
  - (ii) may only ask questions or make comments on matters relevant to the speech on which they have intervened,
- (c) no Member, including the Member whose speech is the subject of the intervention, may request to intervene during the intervention, and
- (d) on conclusion of the intervention, the Member whose speech was the subject of the intervention may resume speaking for the remainder of their speaking time, including any additional speaking time provided under suborder (6.1), if applicable.

(5) If a Member refuses a request to intervene

- (a) the Member may continue speaking for the remainder of their speaking time, and
- (b) the Member who made the request must immediately take their seat.

(6) A Member may not agree to more than three interventions during their speech.

(6.1) Despite Standing Order 29(1)(d), on a Member agreeing to more than one intervention during their speech, the Member's speaking time limit is extended by two minutes.

(7) For greater certainty, a Member may make multiple requests to intervene in another Member's speech.

(8) Despite any other suborder under this Standing Order, the Speaker may direct any Member as is necessary to preserve order and decorum during a debate.

### **c. Speaking Times – Private Members’ Business**

Standing Order 29(3) sets out time limits for debate on private Members’ business.

(3) Time limits on speaking in debate on motions other than Government motions, public Bills and orders other than Government Bills and orders, written questions and motions for returns shall be as follows:

- (a) the Premier and the Leader of the Official Opposition shall be limited to 20 minutes’ speaking time;
- (b) the mover in debate of a resolution or a Bill shall be limited to 10 minutes’ speaking time and 5 minutes to close debate;
- (c) all other Members shall be limited to 10 minutes’ speaking time in debate.

### **3) Language**

English is the language that is chiefly spoken in the Assembly. Members may, under section 5 of the *Languages Act/Loi linguistique*, RSA 2000, cL-6, speak in French in the Assembly at any time. From time to time Members have made a statement or asked a question in French or recognized visiting dignitaries or guests in the mother tongue of those individuals. Although not required when speaking in French, it is appreciated if Members also provide a translation, either oral or written, of the statement or greetings delivered. For all other languages, translations are required.

#### **a. Unparliamentary Language**

- Members must not use unparliamentary language.
- Unparliamentary language includes making allegations against another Member, imputing false or unavowed motives to another Member, charging another Member with uttering a deliberate falsehood, and using abusive or insulting language likely to cause disorder.
- What is considered unparliamentary language in one situation is not necessarily unparliamentary language in another.

### **4) Having the Floor**

- Members must stand at their place to speak.
- When two or more Members rise in their places, the Speaker decides who will be recognized.
- Often on certain debates each caucus will make a list of speakers. Members are encouraged to talk to their caucus whip if they wish to speak on a specific motion.
- It is the responsibility of the Speaker to recognize which Member speaks. The Speaker has no knowledge of the above-noted lists and will recognize the Member who rises first.

## 5) Rotation

Based on parliamentary practice the Speaker usually recognizes Members in a rotation of caucuses represented in the Assembly.

For Oral Question Period the Speaker has in the past consulted with House Leaders in order to reach a mutually acceptable rotation. The Speaker has also been called on to determine the rotation during Oral Question Period when an agreement could not be reached by the House Leaders.

## 6) Divisions

Debate is concluded by:

- no Member rising to speak;
- the mover of the original question having spoken in reply;
- agreement to the motion “that the question be now put”; or
- the allotted time having expired.

The Speaker must then put the question to the Assembly: “all those in favour of the motion, please say aye.” Members respond. The Speaker then says “all those opposed to the motion, please say no.” Members respond. The Speaker then announces whether, in his or her opinion, the motion is carried or defeated.

If three or more Members rise after the voice vote has been conducted, the Speaker states “call in the Members,” and a division follows.

When a division is called, the division bells are sounded by a Table Officer for 30 seconds and for the last minute of a 15-minute interval (Standing Order 32(2)). These bells are heard throughout the Legislature Building and the Queen Elizabeth II Building. When the bells stop ringing, the doors to the Chamber are closed. Members are not permitted to enter the Chamber once the doors have closed. No further debate is permitted. Members present in the Chamber are not compelled to vote and those who wish to abstain should remain in their seats when called upon to vote (Standing Order 32(5)). The Speaker announces the question that is to be voted on—e.g., a motion proposing that a Bill be read a second time or that the debate be adjourned—and asks that all Members in favour please stand or otherwise indicate. A Table Officer calls out the Members’ names, which are recorded by a second Table Officer. The same procedure is followed for those opposed to the motion. A Table Officer informs the Speaker of the results of the division, after which the Speaker declares whether the motion is carried or defeated. The same procedure is followed in committee except that the Chair, rather than the Speaker, is the presiding officer, and that the interval between the bells when a division is called is reduced to one minute after the first division is called during a meeting of Committee of the Whole or Committee of Supply. The results of the division are recorded in the Votes and Proceedings and in *Alberta Hansard*.

### **a. Deferred Divisions**

A division on the vote on a motion for third reading of a Bill may be deferred upon notice being provided to the Assembly prior to the sounding of the division bells. Notice is provided by the Government House Leader or another minister on behalf of the Government House Leader to defer the division on a Government Bill, and in the case of a private Member's public Bill, notice is provided by the Bill's sponsor (Standing Order 32.1(1) and (2)).

A deferred division is conducted on Thursday during the Daily Routine under the item of business "Deferred Divisions." If more than one deferred division is conducted the division bells are sounded only before the first division and the interval between bells is one minute (Standing Order 32.1(3) and (4)).



# Points of Order and Questions of Privilege

## 1) Points of Order

### a. Definition

Bosc and Gagnon (*House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 636-637) define points of order as follows:

A point of order is an intervention by a Member who believes that the rules or customary procedures of the House have been incorrectly applied or overlooked during the proceedings. Members may rise on points of order to bring to the attention of the Chair any breach of the relevance or repetition rules, unparliamentary remarks, or a lack of quorum.

Points of order may relate to the relevancy of the remarks of another Member, the language used by that Member, the rendering of a speech or extensive quotations. "Any Member is entitled, even bound, to bring to the Speaker's immediate notice any instance of a breach of order ... This should be done as soon as an irregularity is perceived in the proceedings which are engaging the attention of the House" (Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §319, p. 97). It has become a custom to recognize points of order during Question Period but to deal with them at the conclusion of the Daily Routine (Bosc and Gagnon, p. 638; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §317(3), p. 96).

For more information regarding points of order see Standing Order 23; Bosc and Gagnon, *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 628-629, 626-637; Alistair Fraser, W.F. Dawson and John A. Holtby, *Beauchesne's Rules & Forms of the House of Commons of Canada with Annotations, Comments and Precedents*, 6<sup>th</sup> ed. (Toronto: The Carswell Company, 1989), §473, p. 140, §§496-500, p. 152.

### b. Raising a Point of Order

When a point of order is raised, the Member who was interrupted must sit down while the point is being stated, after which the Member involved may respond to the point raised (Standing Order 22(1)). A Member raising a point of order should be prepared to cite the appropriate reference in the Standing Orders, *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., *Beauchesne's*, the practices of the Assembly, etc. (Speaker's Statement, April 2, 1987, *Alberta Hansard*, p. 535).

#### **A Member may not use a point of order to**

- raise a hypothetical question on procedure;
- move a motion;
- raise a point of order on a point of order; or
- ask a question of the Speaker.



### **c. Speaker's Ruling**

In making a ruling the Speaker may state the applicable Standing Order, practice, or authority.

No debate is allowed on any ruling the Speaker makes on a point of order, nor can the ruling be appealed to the Assembly.

While a point of order may seem valid and relevant to the Member raising it, it should be remembered that the responsibility and authority for determining and ruling on a point of order lies with the Speaker or committee Chair. The following are circumstances that might give rise to a point of order:

- speaking to a motion other than that under discussion
- speaking in needless repetition or raising matters that have been decided during the current session
- referring to any matter that is sub judice (see Standing Order 23(g) or item 1 of the section on Chamber protocol)
- using abusive or insulting language of a nature likely to create disorder
- using unparliamentary language
- lack of quorum

### **d. Comments by Other Parties: Speaker's Ruling**

The Speaker may permit debate on the point of order before rendering a decision but the debate must be strictly relevant to the point of order raised (Standing Order 22(2)). The Speaker may rule on the point of order immediately or, if the Speaker feels further reflection is necessary, may defer ruling until a later time. A Member may ask for an explanation of a Speaker's ruling (Standing Order 13(2)).

### **e. Raising a Point of Order in Committee**

A point of order may be raised in a committee meeting at which a Member believes that a Standing Order or a committee rule has been breached or a committee practice has not been followed. Committee proceedings are suspended once a point of order is raised and the question is being addressed. The Chair considers whether or not the point of order has merit. Typically, the question is decided immediately, but occasionally additional research on the point of order is required. (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 1059-1060).

### **Appeal of the Chair's Decision**

It is the right of any Member to appeal a decision of the Chair in Committee without debate or the necessity of a motion (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 928; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §821, p. 232). In committees of the whole Assembly, an appeal of the Chair's ruling is put to the Assembly itself, not to the Speaker (Standing Order 65(4)). The Chair immediately leaves the chair and reports the matter to the Assembly. The Speaker then puts the question without debate to the Assembly, "That the decision of the Chair be confirmed" (Standing Order 65(5)). On resolution of the question the Assembly will

immediately resolve again into Committee of the Whole (Standing Order 65(7)), and the meeting continues from where it left off.

In the event of an appeal in a standing or special committee, a Member must inform the committee of his or her intent to appeal the Chair's decision. Then the Chair asks the Committee to vote on the motion, "That the decision of the Chair be sustained" (Standing Order 65(2)(b); Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 1059). The overturning of a ruling is not necessarily considered a matter of nonconfidence in the Chair. While the decisions made by a Chair are binding on the committee, they do not constitute precedents which bind other committees, nor do they bind subsequent Chairs of committees in which they are made (see Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 1056-1057 and 1059-1060; see also Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §821, p. 232).

## 2) Questions of Privilege

A true question of privilege should arise infrequently in the Assembly. To constitute a breach of privilege, generally there must be some improper obstruction to the Member in performing his or her parliamentary work in either a direct or constructive way as opposed to mere expression of public opinion or criticism of the activities of the Members.

Contempt of parliament is closely related to and dealt with in the same manner as a matter of privilege. A contempt arises when a person disobeys or is openly disrespectful of the authority of the Assembly or of its lawful commands. The Assembly has the power and right to punish actions which, while not appearing to be breaches of any specific privilege, are offences against its authority or dignity.

### a. Notice

A question of privilege arising out of proceedings in the Chamber during the course of a sitting may be raised without notice "immediately after the words are uttered or the events occur that give rise to the question ..." (Standing Order 15(5); Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 144; Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §114, pp. 28-29).

Otherwise, the Member "shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least 2 hours before the opening of the sitting." (Standing Order 15(2)). When the Clerk calls Notices of Motions during the Daily Routine, the Member stands to indicate his or her intent to raise a question of privilege. Questions of privilege are usually dealt with after the Daily Routine but before Orders of the Day is called.

### b. Debate

Debate is at the discretion of the Speaker, who "may allow such debate as he or she thinks appropriate in order to determine whether a *prima facie* case of breach of privilege has taken place and whether the matter is being raised at the earliest opportunity" (Standing Order 15(6)). If a Member who is involved is not present, the matter is deferred until the Member is present unless the Speaker rules that the matter may be dealt with in the Member's absence (Standing Order 15(4)).

### **c. Speaker's Ruling**

If the Speaker rules that a *prima facie* case of breach of privilege has taken place, "any Member may give notice no later than the conclusion of the next sitting day of a motion to deal with the matter further" (Standing Order 15(6)). If the Speaker rules that there is no *prima facie* case, there are no further proceedings on the matter (Standing Order 15(7)). The Speaker may reserve decision on the point raised to allow for further research into the matter.

It is not the Speaker's role to determine if there is an actual question of privilege; only the Assembly can make that determination. The Speaker performs a role in determining the threshold issue of whether there is a *prima facie* question of privilege (in the first instance).

### **d. Raising a Question of Privilege in Committee**

Should a Member wish to raise a question of privilege in committee or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege or contempt or, in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance, or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance, or a matter of debate or that the incident is within the powers of the committee to deal with, then the Chair will rule accordingly, giving reasons. The committee cannot then consider the matter further as a question of privilege. Should a Member disagree with the Chair's decision, then the Member can appeal to the committee, which can sustain or overturn the Chair's decision (see section 1e) above).

If the Chair agrees that the issue raised relates to privilege and if the Chair's decision is not overturned by the committee, then the committee can proceed to the consideration of a report on the matter to the Assembly. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred and request that the Assembly take some action. The motion is debatable and amendable and will have priority of consideration in the committee. If the committee decides that the matter should be reported to the Assembly, it will adopt the report, which will be presented to the Assembly at the appropriate time during the Daily Routine of business. In the event that a question of privilege arises at a committee meeting held between sittings of the Assembly and a significant period of time elapses between the date of the committee meeting and the date of the next sitting of the Assembly, the work of the committee may be inhibited by such an adjournment. However, only the Assembly by unanimous consent may waive or suspend the provisions of a Standing Order. It is recommended that should such a situation arise, the Chair should consult with the Clerk's office as it may be necessary to adjourn the matter of privilege to allow the committee to continue with its business until the matter can be raised in the Assembly itself.

### **e. Jurisdiction of the Assembly in Matters of Privilege**

The Assembly has all the rights and privileges of a court of law with respect to inquiring into and punishing certain breaches of privileges or contempts without affecting the liability of the offenders to prosecution and criminal punishment or otherwise according to law in the following matters:

- assault, insult, or libel upon a Member
- threats or intimidation of a Member
- the offering to or acceptance by a Member of a bribe or fee
- interference with Officers of the Assembly
- tampering with a witness
- giving false evidence
- disobedience of a Speaker's warrant
- presenting forged or falsified documents
- forging or falsifying a record of the Assembly
- taking civil proceedings against a Member for matters brought before or anything said in the Assembly or a committee



# Committees

As in most other Canadian Legislatures, the following types of committees exist in the Legislative Assembly of Alberta:

- committees of the whole Assembly (Committee of the Whole and Committee of Supply)
- standing committees and a special standing committee
- Legislative Policy Committees
- select special committees

Once established, a membership list is printed in the Votes and Proceedings and is posted on the notice board outside the Chamber. A copy of the membership list may also be obtained from the House Services branch or on the Assembly's website.

## 1) Committees of the Whole Assembly

Committees of the whole Assembly are convened by motions resolving the Assembly into committee and are clerked by the Table Officers of the Assembly. The rules governing committees of the whole Assembly are provided in Standing Orders 59, 60, 63, 81, and 82. (For additional information on Committee of the Whole, please refer to item 1 d) ii) of the section on Daily Order of Business and item 3 b) iv) of the same section for information concerning Committee of Supply.)

## 2) Standing Committees

Pursuant to Standing Order 52 standing committees of the Assembly must be established at the commencement of each Legislature for the following:

- Alberta Heritage Savings Trust Fund
- Legislative Offices
- Private Bills
- Privileges and Elections, Standing Orders and Printing
- Public Accounts

The Standing Committee on Privileges and Elections, Standing Orders and Printing meets only when the Assembly has referred a matter to the committee for consideration. The four remaining standing committees of the Assembly meet on a regular or semi-regular basis.

Public accounts and all reports of the Auditor General are permanently referred to the Public Accounts Committee (Standing Order 53(1)).

Reports of the Officers of the Legislature stand referred to the Standing Committee on Legislative Offices unless otherwise ordered (Standing Order 55.01).

### 3) Legislative Policy Committees

Pursuant to Standing Order 52.01 Legislative Policy Committees must be established at the commencement of each Legislature and are responsible for subject areas implied by the committee names.

- Standing Committee on Alberta's Economic Future
- Standing Committee on Families and Communities
- Standing Committee on Resource Stewardship

Legislative Policy Committees review all Bills referred to them as well as any regulations, amendments to a regulation, or a prospective regulation within their mandates (Standing Order 52.03). Annual reports of government departments, provincial agencies, Crown-controlled organizations, boards, and commissions are permanently referred to a Legislative Policy Committee (Standing Order 52.05(1)).

A Legislative Policy Committee "shall inquire into, consider and report on any matter referred to it by the Assembly" or may on its own initiative or at the request of a Minister "inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate" (Standing Orders 52.07(1) and (2)). All Legislative Policy Committee inquiries "must be concluded and a substantive report presented to the Assembly no later than 6 months after the commencement of the inquiry" (Standing Order 52.07(4)).

The Government is required to respond to a Legislative Policy Committee's report on any matter other than a report on a Bill or a report to a public official on issues arising from a public meeting within 150 days from the date on which the Legislative Policy Committee reported (Standing Order 52.09(1)).

Pursuant to Standing Order 59.01 the main estimates are referred to Legislative Policy Committees according to the committees' respective mandates unless otherwise ordered. Legislative Policy Committee consideration of the main estimates is addressed in the section on Daily Order of Business, Budget Debate, item 3 b) iii).

Rules governing Legislative Policy Committees are covered under Standing Orders 52.01 to 52.09. (For additional information on Legislative Policy Committees, please refer to Bills in the section on Daily Order of Business.)

### 4) Special Standing Committees

In addition to the above committees there exists a Special Standing Committee on Members' Services. Since its establishment in 1973 the Speaker of the Legislative Assembly has served as its Chair.

Sections 19, 21, 22, 33-36, 39, and 42-44 of the *Legislative Assembly Act* contain specific references to the Special Standing Committee on Members' Services dealing with various responsibilities, including approval of the Legislative Assembly Office proposed budget expenditures and benefits and allowances for Members.

## 5) Select Special Committees

Select special committees are struck for specific purposes. A Minister (usually the Government House Leader) normally moves a motion setting out

- membership of the committee;
- its terms of reference;
- authority for payment of expenses;
- utilization of Assembly and government staff;
- authority to travel;
- authority to hire private firms and consultants; and
- a time frame for reporting.

Select special committees have been appointed in recent years for the purposes of reviewing the *Election Act*, the *Election Finances and Contributions Disclosure Act*, the *Conflicts of Interest Act*, the *Public Interest Disclosure (Whistleblower Protection) Act*, and the *Public Health Act*.

As well, search committees to select and recommend individuals for the positions of Ombudsman, Public Interest Commissioner, Chief Electoral Officer, Auditor General, Ethics Commissioner, and Information and Privacy Commissioner have been struck.

Select special committees are subject to the same basic rules and procedures as standing committees. These committees also review all Bills referred to them.

## 6) Terms of Reference

The mandate, or terms of reference, for each committee is determined by the Standing Orders, an instruction from the Assembly, usually found in the motion establishing the committee in the case of select special committees, or by statute. Although a committee is the master of its own proceedings, its deliberations should remain within its established scope of business.

## 7) Powers of Committees

Chapter 5 of the Standing Orders of the Assembly set out the rules governing committees of the Assembly. Section 14 of the *Legislative Assembly Act* also references the committees' powers to summon witnesses and order the presentation of documents.

*Beauchesne's* reinforces the statutory authority given to Alberta committees:

... standing committees have the power to examine matters that are referred to them by the House, reporting from time to time and sending for persons, papers and records, sitting while the House is sitting and during the adjournment of the House, printing all necessary papers and evidence, establishing sub-committees as required and delegating all or any of their powers except the power of reporting directly to the House. (Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §830, p. 233)

(See also Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 979-995)



## 8) Composition

The membership of committees other than those of the whole Assembly is determined at the start of each Legislature and is proportionate to the standings in the Assembly. Standing Order 56(1) provides that no special committee shall consist of more than 11 Members without the Assembly's permission.

A committee's permanent membership may be changed only by an order of the Assembly (Standing Order 56(2)). A Member may resign from a committee by submitting his or her resignation to the Speaker in writing, and the resignation shall be deemed to be effective on the report of the Speaker to the Assembly (Standing Order 56(3)).

## 9) Quorum

Pursuant to Standing Order 56(4) one-third of the Members of a standing or special committee constitutes a quorum unless the Assembly has ordered otherwise. The Chair will only recognize a lack of quorum if it is brought to the Chair's attention by another Member of the committee. When there is a lack of a quorum in a committee meeting, the committee may continue to meet, but no decision may be taken.

## 10) Role of the Chair

The powers of the Chair of a committee are substantially the same as those of the Chair of a committee of the whole Assembly. The Chair maintains order and decorum and decides all questions of order and procedure. The Chair's decisions are not debatable but may be appealed to the committee in the case of a standing or special committee or to the Assembly in the case of a committee of the whole Assembly (Standing Order 65(2)).

The functions of the Chair are listed below. The Chair's primary function is to preside over committee meetings. The Chair only has a vote in the case of a tie, which is cast in accordance with the rules that preclude an expression of opinion upon the merits of a question. While occupying the chair, the Chair does not generally take part in the proceedings. The Chair does have the right to secure the progress of business of a committee.

The Chair

- calls committee meetings when authorized by the committee or when required to do so;
- directs that an oath or affirmation be administered to a witness appearing before a committee;
- signs all committee reports and presents them to the Assembly;
- directs the preparation of a committee budget for expenditures for inclusion in the LAO budget estimates;
- when necessary, meets with the special standing committee on Members' Services to review the committee's proposed budget; and
- approves payment of Members' expense claims relating to committee business.

Chairs and Deputy Chairs of standing and select special committees are normally appointed when the committee membership is determined by order of the Assembly. Chairs of committees are usually Members of the governing caucus with the exception of the Public Accounts Committee, which is chaired by a Member of the Official Opposition. There is also a Standing Order requirement (Standing Order 52.01(2)) that Deputy Chairs of the Legislative Policy Committees are members of the Official Opposition caucus.

## **11) Participation and Voting**

Any Member of the Assembly may take part in any committee proceedings; however, if a Member is not appointed to the committee's membership nor is a temporary substitution to the membership of the committee (Standing Order 56(2.2)), he or she may not vote or move any motion or be counted in the quorum (Standing Orders 56(4) and (5)).

Voting in committee is taken by a voice vote. A Member of the committee may request a recorded vote after the question is put and the result of the voice vote is indicated by the Chair.

As mentioned, the Chair only has a vote in the case of a tie. The Chair of a committee may vote on any motion before the committee only where there is an equality of votes. In exercising a casting vote, the Chair should be guided by the same principles as the Speaker of the Assembly indicated in Standing Order 11(3). In general, it is left to the Chair to interpret the conventions of the casting vote. However, there is a widely accepted view that the Chair should always vote to preserve the status quo.

## **12) Witnesses**

Typically committees request witnesses to attend. They do have the power, however, to summon witnesses under Standing Order 69(1). The Clerk of the Assembly is authorized to compensate witnesses so summoned "a reasonable sum per day during their travel and attendance and a reasonable allowance for travelling and subsistence expenses, as determined by the Speaker" (Standing Order 69(2)).

## **13) Meeting Procedures**

### **a. Application of the Standing Orders**

The Standing Orders of the Assembly shall be observed in committees of the Assembly so far as they may be applicable although a Member may speak more than once (Standing Order 65(1)(a)).

The Chair shall maintain order in standing and special committees and shall decide all questions of order subject to an appeal to the committee (Standing Order 65(2)(b)).

The process for raising a question of privilege in committee has been addressed in item 2 d) under the section on Points of Order and Questions of Privilege.

## **b. Discipline**

It should be noted that a committee does not have the power to discipline any of its Members. If a Member refuses to follow the orders of the Chair, the Chair may name the Member but must immediately suspend the proceedings of the committee and report the circumstances to the Assembly (Standing Order 24(3)). (Reference should also be made to Fraser et al., *Beauchesne's*, 6<sup>th</sup> ed., §820(2), p. 232 and Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 152-155)

## **14) Closed Session Meetings (in Camera)**

Unless a committee orders otherwise, meetings are open to the media and the public. A committee may exclude all strangers and conduct a meeting privately, or in camera, on a motion adopted by the committee. A majority vote is required to move in camera except in Legislative Policy Committees, which must agree unanimously before going in camera (Standing Order 65(1)(c)).

## **15) Report Writing and Dissenting Opinions**

After consideration of a subject matter, a committee may choose or may be instructed by the Assembly to write a report. This report should contain the views and recommendations, if any, of the committee. "The report of a standing or special committee shall be signed only by the Chair, even if the Chair dissents from the majority of the committee" (Standing Order 68(1)). The report of a committee is the report as determined by the committee as a whole or the majority of it but, as provided for in Standing Order 68(2), shall include any minority reports concerning the report or parts of it.

## **16) Presentation to the Assembly**

Once a report is adopted by a committee and signed by the Chair, the Chair of the committee (or another member of the committee authorized by the Chair) presents the report to the Assembly during the Daily Routine under the item of business Presenting Reports by Standing and Special Committees. The Chair may also make a brief statement about the report. Once tabled and when concurrence in a report is sought, a motion is placed on notice by the Government House Leader or a Minister under the Notices portion of the Order Paper to be moved at a later date. The report of the Standing Committee on Private Bills is handled differently, where concurrence in the report is sought during the Daily Routine.

If the Assembly adjourns to a day that is more than 14 days following the sitting day on which it adjourned, a committee may, by Order of the Assembly, be authorized to release its report by depositing a copy with the Clerk as an intersessional deposit. Such a report would be "deemed to have been laid before the Assembly on the day on which it was deposited" (Standing Order 38.1(1)).

## **17) Committee Documents**

All documents that come into the possession of a committee or are prepared by or for a committee belong to the committee until the committee reports or ceases to exist, whichever occurs first, after which such documents belong to the Assembly.

## **18) Termination of Committees**

Standing committees and committees of the whole Assembly have continuing assignments. The work of these committees is not terminated once they report. However, prorogation and dissolution do affect the work of these committees, as indicated below.

Once special committees report, however, they have completed their work and cease to exist.

Certain administrative costs may be incurred after the report is tabled, but no meetings may be held.

## **19) Effects of Prorogation on Committees**

Prorogation terminates a session of the Legislature, and without statutory authority or a resolution of the Assembly, the Assembly and its committees may not sit again until summoned by proclamation of the Lieutenant Governor.

## **20) Effects of Dissolution on Committees**

Dissolution of a Legislature immediately terminates all standing and special committees.

## **21) Budgets**

At the beginning of each fiscal year a budget is allocated by the Special Standing Committee on Members' Services for the active standing and special standing committees, and anticipated select special committees, based on past spending experience and projected need.

A committee clerk reviews all expense claims submitted by committee Members and submits these to the Chair for signature. Expense claims are then submitted to the Clerk of *Journals* and Committees for approval. Invoices are also reviewed by a committee clerk and submitted for approval by the Clerk of *Journals* and Committees.

## **22) Notices of Committee Meetings**

Notices of meetings are prepared and distributed to all committee members by a committee clerk. As well, all notices are posted on the Assembly's website, the OurHouse intranet site (<http://ourhouse>), and on the notice board outside the Chamber.

It should be noted that Standing Order 57(1) provides that a standing or special committee may not meet when the Assembly is sitting except in certain circumstances during main estimates consideration by the Legislative Policy Committees as provided for in Standing Order 59.01 or with the permission of the Assembly.

## 23) Committee Staff

### a. Committee Clerk

The Committee Clerk is an impartial employee of the Assembly assigned to work with a committee by the Clerk of the Assembly. The Committee Clerk is the principal adviser on the rules, procedures, and practices of committees. The Committee Clerk's advice is available to all members of the committee on a confidential and impartial basis.

In addition to being the principal adviser on parliamentary procedure and practices, the Committee Clerk is responsible for the overall administrative and financial operation of the committee subject to the direction of the Chair and members of the committee.

The Committee Clerk also

- drafts motions for use by committee members;
- prepares minutes, agendas, correspondence, reports, and briefing notes;
- makes all arrangements for public hearings;
- arranges witnesses' attendance;
- arranges for public relations and departmental specialists as required;
- provides support services to committees such as booking meeting space, arranging for catering, and travel requirements; and
- maintains all committee records.

### b. Parliamentary Counsel

Parliamentary Counsel provides legal advice to the Assembly's standing, special standing, and select special committees. Parliamentary Counsel's advice is also available to all members of a committee on a confidential and impartial basis.

### c. Research Staff

Research Services provides nonpartisan, impartial research services for the standing committees of the Assembly. Research Services prepares cross-jurisdictional comparisons, various types of briefings, including research reports on numerous different topic areas, written submission summaries, stakeholder lists, and draft committee reports for committee approval prior to being tabled in the Assembly. Research staff also assist Members in committee by providing oral briefings and by being available to respond to questions respecting the topics and issues under review. They travel with committees when required and support committee members at conferences.

### d. Other Staff

All committee meetings (save for the portions that are in camera) are recorded by *Alberta Hansard* staff, who in turn produce verbatim transcripts of committee proceedings.

A committee may wish to hire experts or consultants to provide specialized or technical advice. The Chair may consult with the Clerk and Parliamentary Counsel prior to negotiating and

entering into contractual agreements with persons qualified to fill the positions for which funding has been approved.



# Officers of the Assembly

## 1) Clerk

The Speaker and the Members are assisted in their roles and duties by the Clerk of the Assembly, who in turn is supported by the Clerk Assistant and Executive Director of Parliamentary Services, Clerk of *Journals* and Committees, and Law Clerk, all of whom serve as Table Officers in the Chamber. The Sergeant-at-Arms also plays an important role in the Chamber. The Clerk has the status equivalent to a deputy minister and is secretary to the Special Standing Committee on Members' Services.

The position of Clerk is borrowed from British parliamentary tradition. The position of Clerk is more than 650 years old, which is longer than the position of the Speaker, dating back to the year 1363. For centuries prior to the position of the Clerk's being formally recognized, monarchs had officials to record their decisions and those of their advisers. In fact, the title "Clerk" was derived from the word "cleric," which in the language of the time meant a person who could read and write (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 307, footnote 154).

The early Clerks were servants of the Crown appointed to assist the House of Commons with its business since most Members could neither read nor write. Their duties included reading petitions and bills. In the 16<sup>th</sup> century Clerks began keeping records of proceedings and decisions, which evolved into the Journals, and it was only during the Long Parliament (1640-53), when the Commons was struggling to survive, that the Clerk became an adviser to the Speaker and the House on procedure (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., p. 307, footnote 154). Two Clerks of the British House of Commons prepared procedural works which form the basis of Canadian parliamentary procedure: John Hatsell (1768-96) and Sir Thomas Erskine May (1871-1886).

The Standing Orders of the Assembly state:

**107(1) The Clerk of the Assembly**

- (a) is responsible for the safekeeping of all the papers and records of the Assembly, and
- (b) has the direction and control of the officers and staff of the Assembly, subject to any orders that may be received from the Speaker.

(2) The Clerk shall be responsible for the printing of the Votes and Proceedings and the *Journals* of the Assembly.

The Clerk of the Assembly is the senior permanent procedural adviser to the Assembly. The Clerk provides advice, research, and support to the Speaker and Members of the Assembly concerning the privileges, rules, usages and proceedings of the Assembly (Bosc and Gagnon, eds., *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., pp. 307-308). As the chief administrator of the Legislative Assembly Office (LAO) the Clerk is responsible for the safekeeping of the official records of the Assembly as well as the preparation of Assembly documents (e.g., Votes and



Proceedings and Order Paper). With the assistance of staff in the LAO the Clerk is also responsible for providing financial management, human resource, information technology and broadcasting, communications, public education, purchasing, legal, security, library, and venue services for the Assembly.

Interparliamentary Relations, also overseen by the Clerk, is responsible for organizing Alberta's participation in various parliamentary associations and organizations as well as managing relations between the Assembly and other Canadian and international parliaments.

Responsibilities of this branch unit include

- coordinating the Legislative Assembly's participation in conferences, seminars, and exchanges of a parliamentary nature in Canada and abroad; and
- organizing programs for incoming parliamentarians and legislators from around the world.

## **2) Clerk Assistant and Executive Director of Parliamentary Services**

The Clerk Assistant and Executive Director of Parliamentary Services is a Table Officer and provides executive leadership over Assembly and committee proceedings, *Alberta Hansard*, Visitor Services and Venue Services.

Other responsibilities include

- overseeing the production of nonpartisan research and issue analysis as directed and in support of the mandates of the committees of the Assembly;
- processing items to be placed on notice on the Order Paper, including Bills, motions, written questions, motions for returns, and motions other than Government motions; and
- providing procedural advice to the Speaker and Members and preparing documents for the daily business of the Assembly.

## **3) Clerk of *Journals* and Committees**

The Clerk of *Journals* and Committees, who reports to the Clerk Assistant and Executive Director of Parliamentary Services, serves as a Table Officer and oversees the *Journals* and Committee Operations units of House Services.

Responsibilities include:

- Oversight of the production of various Assembly and committee documents and records, including the Order Paper, Votes and Proceedings, and the *Journals*. For more information on the Order Paper and other documents and records see the section on House Documents.
- maintaining custody of current and historical Assembly records;
- maintaining and updating the House records contained on the Assembly's website;
- providing procedural advice to the Speaker and Members and preparing documents for the daily business of the Assembly; and

- ensuring that all administrative, financial, and support services are available for the effective operation of standing and special committees of the Assembly.

#### 4) Law Clerk

The Law Clerk heads the office of Parliamentary Counsel, which also includes Parliamentary Counsel, Legal Counsel and paralegal staff. The branch provides advice to the Speaker, Members, committees, and the Legislative Assembly Office, including advice on contracts, employment law and leases. The office is also responsible for

- defending and asserting the rights, privileges, and immunities of the Members and the Assembly;
- assisting Members and caucuses in interpreting statutory provisions concerning Members' benefits, rights, and immunities, including the *Legislative Assembly Act* and Members' Services Orders;
- assisting Members with administering oaths and using their ex officio notarial powers;
- drafting private Members' public Bills and amendments to all types of Bills as well as providing advice on Private Bills;
- assisting Members and caucuses in drafting amendments;
- serving as counsel to Committees;
- serving as corporate counsel to the LAO and to Members;
- providing legal advice to Members, caucuses, and the LAO in addition to advice to the Speaker and the Clerk.
- approving petitions prior to their presentation in the Assembly; and
- preparing official copies of the Bills enacted by the Legislature.

In addition, some employees of the office serve as Table Officers, providing legal and procedural advice in the Assembly.

#### 5) Sergeant-at-Arms

The Sergeant-at-Arms oversees the Ceremonial and Security Services (CSS) branch of the Legislative Assembly Office (LAO). CSS maintains security systems for the Legislature precinct and constituency offices, oversees the LAO security access card program, liaises with external intelligence and security organizations, and advises on security matters.

In addition CSS and is responsible for

- the Page program;
- taking attendance of Members in the Assembly;
- providing the care and custody of the Mace;
- planning and executing ceremonial events and liaising with the Chief of Protocol.

The Legislative Assembly also employs two Deputy Sergeants-at-Arms and an Assistant Sergeants-at-Arms.

Each year the LAO employs parliamentary Pages to serve Members and Table Officers in the Chamber while the Assembly is in session. They perform various duties, including acting as messengers for the Members, photocopying, bringing glasses of water to the Members and officers of the Assembly, and other similar tasks. The Sergeant-at-Arms is responsible for the Assembly's Pages.

Pages are chosen from high schools throughout the province and in order to serve in the Assembly must maintain grades above 80 per cent. They are interviewed and selected on a competitive basis by virtue of their academic profile, knowledge of the legislative process, sense of tact and discretion, as well as their involvement in extracurricular activities.

# House Documents

## 1) Order Paper

An Order Paper is published for every sitting day and lists the possible business to be considered by the Assembly in the course of the day, similar to a business agenda. One copy is delivered to the Members' offices each morning, and a second copy is placed on the Members' desks in the Chamber prior to the start of each sitting day. The Order Paper is also available on the Assembly's website. An abbreviated Order Paper is produced for Tuesdays, Wednesdays, and Thursdays covering Government business only. For Mondays a long or regular Order Paper is produced, setting out all items of business which may be brought before the Assembly. Notices are found at the back of the Order Paper. Generally, Assembly business must remain on notice for one full sitting day prior to being introduced to the Assembly.

## 2) Votes and Proceedings

The Votes and Proceedings are published every sitting day and are a record of the proceedings of the Assembly from the previous day. One copy is delivered to the Members' offices each morning and additional copies are available in the Chamber before the start of the next sitting day. The Votes and Proceedings are also available on the Assembly's website.

## 3) Journals

The *Journals* consist of all the Votes and Proceedings of a session and are the permanent official record of the proceedings of the Legislative Assembly. The *Journals* are published following the prorogation of a session or the dissolution of a Legislature. The *Journals'* index contains valuable information such as a summary of all Sessional Papers, written questions, motions for returns, Bills and Committee of Supply business. The *Journals* are available on the Assembly's website.

## 4) Alberta Hansard

Hansard is a substantially verbatim record of what was said by Members in the Assembly or its committees and is produced under the authority of the Speaker.

The Standing Orders state:

- 112 (1) There shall be a printed record of the deliberations and proceedings of each sitting day of the Assembly and committees of the whole Assembly, to be known as *Alberta Hansard*, which shall be compiled, edited, printed, distributed and administered under the direction and authority of the Speaker.
- (2) The Speaker may engage staff and obtain materials and equipment as are necessary for producing and distributing *Alberta Hansard*.
- (3) The Speaker shall ensure that the sound and recording equipment required for the Assembly and its committees is properly operated and maintained.

(4) The Speaker shall be responsible for recording the deliberations and proceedings of the sittings of the Assembly, committees of the whole Assembly and any other committees that request recordings to be made, and for the custody of those recordings.

(5) *Alberta Hansard* and transcripts of committee meetings shall be produced from the recordings described in suborder (4).

**113** The guidelines used by the Speaker in editing shall be as follows:

- (a) revisions shall be limited to the correction of grammar, spelling and punctuation, ensuring that the correct parliamentary forms are observed, and minimizing superfluous repetition and redundancies, but no material alterations shall be made, nor any amendments that would in any way tend to change the sense of what has been spoken;
- (b) the transcript shall remain an accurate and, as far as possible, an exact report of what was said;
- (c) a Member has no right to alter the report of any speech or remarks attributed to the Member in any way, and the Speaker shall determine whether a Member's suggested correction shall be admitted;
- (d) a Member wishing to suggest any correction, shall inform the Editor within one hour of the posting of the blues, unless the Speaker has agreed otherwise;
- (e) unless a Member can demonstrate to the satisfaction of the Speaker that
  - (i) the Member has been misrepresented, or
  - (ii) that the record of the Member's remarks is manifestly erroneous,a Member may not change the sense of anything that the Member has been recorded as saying, nor shall the Member be permitted to make any insertion or strike out any passage that the Member regrets having uttered.

#### **a. Blues**

The first draft of *Alberta Hansard* text is called the Blues. The Blues come in five minute segments and are available on the OurHouse intranet website 60 - 90 minutes following the occurrence of the proceedings they report. The Blues are not public documents.

#### **b. Corrections Requested by Members**

Apart from editing corrections, no correction is normally made of errors in a statement since the record is of what was said as opposed to what was meant to be said. Members who notice errors in the Blues are asked to inform the Hansard office as soon as possible.

If the official record is correct but a Member made an error in speaking, a Member may rise in the Assembly and state what was meant. That explanation will appear in *Alberta Hansard*, but the text of the original record is not altered.

### **c. Final Version**

The final, official version of *Alberta Hansard* morning Assembly debates is available on the Assembly's website by 5 p.m. of the day on which the proceedings took place. For afternoon sittings the final transcripts are available online by 11 p.m. of the day of the proceedings.

In the event of evening sittings, final transcripts are typically available online by 1 p.m. the following day. In all cases, the printed issues are delivered by 8 a.m. the day after they appear online. Final transcripts for standing and select special committees are usually posted to the Assembly's website within two days. Until such time as the final transcript is posted to the Assembly's website, the Blues for the Assembly as well as committee meetings are available through OurHouse.

## **5) Bill Status Report**

The Bills and Journals unit produces a bill status report on a daily basis showing the current status of every Government Bill, private Member's public Bill, and private Bill. This document is posted on the bulletin board located to the right of the Chamber's main doors and is available on the Assembly's website. A copy is also published in each Thursday's issue of *Alberta Hansard*.



# Appendix A

## Selected Bibliography

Bosc, Marc and André Gagnon, eds. *House of Commons Procedure and Practice*, (3<sup>rd</sup> ed.) Ottawa: House of Commons, 2017.

Canada. Parliament. House of Commons. Annotated Standing Orders of the House of Commons 1989. Queen's Printer for Canada.

Dawson, W.F., Alistair Fraser, and John A. Holtby. *Beauchesne's Rules & Forms of the House of Commons of Canada* (6<sup>th</sup> ed.). Toronto: Carswell Co. Ltd., 1989.

Flint, Thomas Barnard, ed. *Bourinot's Parliamentary Procedure and Practice in the Dominion of Canada* (4<sup>th</sup> ed.). Toronto: Canada Law Book Co., 1916.

Griffith, J.A.G. and Michael Ryle. *Parliament: Functions, Practice and Procedures*. London: Sweet & Maxwell Ltd., 1989.

Hawtrey, S.C. and H.M. Barclay. *Abraham and Hawtrey's A Parliamentary Dictionary*, (3<sup>rd</sup> ed.) London: Butterworth & Co. Ltd., 1970.

Natzler, Sir David and Mark Hutton, eds. *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, (25<sup>th</sup> ed.) London: LexisNexis, 2019.

Legislative Assembly of Alberta. Office of Parliamentary Counsel. Guidelines for Submitting Petitions to the Legislative Assembly.

[http://www.assembly.ab.ca/pro/petition\\_guide.pdf](http://www.assembly.ab.ca/pro/petition_guide.pdf)

Legislative Assembly of Alberta. Office of the Parliamentary Counsel. Petitioner's Guide to Private Bills Procedure: How To Petition the Alberta Legislature To Pass a Private Bill.

<http://www.assembly.ab.ca/pro/petpro.pdf>

MacMinn, E. George. *Parliamentary Practice in British Columbia*, (4<sup>th</sup> ed.) Victoria: Queen's Printer for British Columbia, 2008.

Maingot, J.P. Joseph. *Parliamentary Privilege in Canada*. (2<sup>nd</sup> ed.) Toronto: Butterworth & Co. (Canada) Ltd., 1997.

Marleau, Robert and Camille Montpetit, eds. *House of Commons Procedure and Practice*. Ottawa, Chenelière/McGraw-Hill, 2000.

*Standing Orders of the Legislative Assembly of Alberta*, effective November 20, 2023.





# Appendix B

## Glossary of Parliamentary Terms

Some of the definitions of the following terms are excerpted from *Abraham and Hawtrey's A Parliamentary Dictionary* (Hawtrey, S.C. and H.M. Barclay, *Abraham and Hawtrey's A Parliamentary Dictionary*, 3<sup>rd</sup> ed.) and adapted for the Legislative Assembly of Alberta.

### **Abuse of the Rules of the House**

The use of the right to move motions by a Member for an improper purpose (e.g., to impede the transaction of business) is an abuse of the rules of the Assembly.

### **Acclamation**

In Canada a Member is said to be elected, or returned, by acclamation when no other candidate has come forward at an election and no vote is held.

### **Act**

An Act is a Bill passed by the Assembly and given Royal Assent by the Lieutenant Governor.

### **Acting Speaker**

A Member, other than the Deputy Speaker, who is called upon to take the Chair during the unavoidable absence of the Speaker. Usually the Deputy Chair of committees is chosen, but any Member may act in this capacity.

### **Address**

When the Assembly wishes to make known its desires or opinions to the Crown, it does so by means of an address. A motion is made, beginning with the words "That an humble address be presented to Her Honour (His Honour) the Honourable the Lieutenant Governor" and setting forth the request or sentiments to be communicated.

### **Address in Reply to the Speech from the Throne**

An address expressing the Assembly's thanks to the Sovereign for the Throne Speech, adopted after a debate dealing with various aspects of the Government's program.

### **Adjournment of Debate**

A motion to adjourn the debate may be made by any Member who has not exhausted his or her right to speak and who has been recognized by the Speaker. This motion is not debatable.

### **Adjournment of the House**

The adjournment of the House means the termination of the sitting until the next sitting, either later that same day or at some later date.

### **Adjournment of the House for Emergency Debate**

A motion may be made for the adjournment of the House for consideration of urgent business. Should the House decide to set aside its normal business, debate continues until all Members who wish to speak have spoken or the normal adjournment time is reached. No decision of the House results from this debate.

### **Affirmation**

A solemn declaration which a person is allowed by the *Legislative Assembly Act* to make instead of taking an oath should that person object to taking an oath either because he or she has no religious beliefs or because the taking of an oath is contrary to his or her religious beliefs.

### **Amending Act**

An Act whose sole purpose is to modify another Act or Acts. Restrictions exist on the type of amendments that may be proposed to Bills which seek to amend other Acts.

### **Amendment**

An amendment is an alteration proposed for or made to a motion or Bill. It must take the form of a proposal either to insert certain words in the motion or Bill, to leave out certain words, or to leave out certain words and to substitute others.

### **Amendment, Hoist**

An amendment at second or third reading of a Bill which has the effect of rejecting a Bill. It proposes that the Bill not now receive second (or third) reading "but that it be read a second (or third) time this day six (three) months hence."

### **Amendment, Reasoned**

A reasoned amendment is moved on second or third reading of a Bill. This form of amendment seeks either to give reasons why the Assembly declines to give a second or third reading to the Bill or to express an opinion with regard to its subject matter or to the policy which the Bill is intended to fulfill.

### **Amendment to an Amendment (subamendment)**

A proposed amendment to add words to a motion, Bill, clause, or schedule may be amended in the same way as a motion. Only one amendment to an amendment is allowed at any one time. Should the amendment to the amendment be defeated or carried, a further amendment to the amendment may be moved.

### **Appeal a Decision**

To request the reconsideration of a decision made by a committee Chair. In standing, special standing, and select special committees the appeal is made to the committee itself. Decisions made by the Chair of a committee of the whole Assembly may be appealed to the Assembly. Decisions made by the Speaker may not be appealed.

## **Appropriation**

A sum of money allocated by the Legislature for a specific purpose outlined in the Government's spending estimates.

## **Appropriation Bill**

A Bill to authorize government expenditures, introduced in the Assembly following concurrence in the main, supplementary, or interim supply estimates. An appropriation Bill can only be introduced by a Minister.

## **Auditor General**

An officer of the Legislature, the Auditor General is the auditor of all government ministries, departments, funds, and provincial agencies, including universities, public colleges, and technical institutes and may be appointed the auditor of a Crown-controlled corporation or any other organization with the approval of the Standing Committee on Legislative Offices. Reporting to the Legislative Assembly through the Standing Committee, the mandate of the Auditor General is to examine and provide independent reporting on the Government's management of and accountability practices for public resources.

## **Bar of the House**

In the Chamber the brass bar of the House is the line beyond which persons who are not Members may not cross during sittings of the House and from beyond which Members may not speak. The Bar is the place to which persons are brought in order that the Speaker may address them on behalf of the House. Persons summoned to attend in order to answer charges are brought to the Bar by the Sergeant-at-Arms in the same way and stand there while they answer the Speaker's questions.

## **Backbencher**

Correctly termed a private Member, a backbencher is a Member who is not a Minister of the Crown.

## ***Beauchesne's***

The name popularly given to *Beauchesne's Parliamentary Rules & Forms*, originally by Arthur Beauchesne, formerly the Clerk of the House of Commons in Ottawa, which is now in its sixth edition.

## **Bell**

An electronic bell used to summon Members at the beginning of a sitting, for the taking of a vote, or to seek to establish a quorum in the Assembly. When used with respect to a vote, it is called a division bell.

## **Bill**

A draft Act presented to the Assembly. It consists of the title and preamble, the enacting clause, and the body of the Bill, divided into clauses. After the clauses schedules are sometimes inserted. Bills are of two kinds, public and private.

## **Bill, Money**

All Bills having expenditure or taxation as their main object are money Bills and may only be introduced by a Minister of the Crown and must be accompanied by the recommendation of the Lieutenant Governor.

## **Bill, Private**

A private Bill is a Bill for the particular interest or benefit of some person or body of persons as distinguished from a measure intended for the general public. Private Bills are reviewed by the Standing Committee on Private Bills.

## **Bill, Private Member's Public**

A private Member's public Bill is a public Bill introduced by a private Member; that is, a Member who is not a Minister of the Crown. Some Government Bills may be sponsored by private Members of the governing party. In such cases a Minister of the Crown moves that those Bills be considered as Government Bills.

## **Bill, Public**

A public Bill is a Bill intended for the general benefit of the public.

## **Blues**

The unedited *in extenso* transcript of proceedings in the Assembly or in one of its committees, so called because they were traditionally printed on blue paper. This is no longer the practice in Alberta, but the name has nevertheless been retained.

## **Breach of Privilege**

An infringement of one of the specific privileges of the Assembly or its Members that prevents Members from carrying out their functions. The Assembly is asked to deal with an alleged breach only when it appears to the Speaker to be evident (*prima facie*).

## **Budget**

The Budget entails the collection of proposals which the President of Treasury Board and Minister of Finance puts before the House or Committee of Supply in the form of estimates in order to meet the Government's projected expenditures. The speech made by the President of Treasury Board and Minister of Finance is known as the Budget Address and includes a review of public revenues and expenditures and sometimes of the economic state of the province.

## **Budget Debate**

A debate on a motion approving the Government's budgetary policy. The motion is moved by the President of Treasury Board and Minister of Finance following the presentation of the Budget Address.

## **Business of Supply**

The process by which the Government submits its projected annual expenditures for parliamentary approval. It includes consideration of the main, supplementary, and interim supply estimates and appropriation Bills.

## **By-election**

An election held to fill a vacancy arising during the course of a Legislature.

## **Cabinet**

The executive level within the Westminster parliamentary system, consisting of those Members appointed to Executive Council by the Lieutenant Governor on the advice of the Premier. It is responsible for the administration of the Government and the establishment of its policies.

## **Cabinet Minister**

A member of the executive, appointed by the Lieutenant Governor on the advice of the Premier and chosen from Members of the governing caucus. Ministers are responsible to the Assembly for their official actions and those of their departments. Cabinet Ministers are given the title "Honourable."

## **Casting Vote of the Speaker or Chair**

When a vote count is equal, the Speaker or the Chair casts what is termed the casting vote. When the Speaker or a Chair has to give a casting vote, he or she votes, if possible, in such a manner as to afford the Assembly or committee a further opportunity of considering the question.

## **Catching the Speaker's Eye**

A Member who wishes to speak must rise in his or her place and either merely present himself or herself to the notice of the Speaker or address the Speaker. If two or more Members rise at the same time, the Speaker calls upon the Member whom he or she first observes rising.

## **Caucus**

All of the elected Members from one party.

## **Chair**

The presiding officer at a meeting of the Assembly, whether the Speaker, the Deputy Speaker, the Acting Speaker, or in committee the Chair, whose duties are, in general, to call upon Members to speak, to put the question, to preserve order in debate, and to secure the due observance of the rules.

**Chamber**

The room where the Legislative Assembly holds its sittings.

**Chief Electoral Officer**

An officer of the Legislature responsible for the administration of provincial elections, including the monitoring of compliance with statutory provisions respecting election expenses.

**Child and Youth Advocate**

An officer of the Legislature responsible to the Legislative Assembly through the Standing Committee on Legislative Offices to advocate on behalf of children and youth receiving “designated services” as defined in the *Child and Youth Advocate Act*.

**Citation**

Sometimes a numbered paragraph in a procedural authority usually referred to in the course of debate on a question of privilege or a point of order.

**Clause**

A clause is a subdivision of a Bill. In Committee of the Whole each clause may be considered by itself and amendments may be proposed to it. New clauses may be added to a Bill, provided they are relevant to the subject matter of the Bill.

**Clerk of the Assembly**

The Clerk is the permanent chief procedural and administrative adviser to the Speaker and Members of the Legislative Assembly and is secretary of the Alberta branch of the Commonwealth Parliamentary Association. As the senior permanent official of the Assembly the Clerk is also responsible for a wide range of administrative and procedural duties relating to the work of the Assembly and its committees.

**Coming-into-force Clause**

The clause of a Bill stating the date upon which an Act will come into effect. Such a clause may also indicate only that an Act or some part of it will come into force on proclamation, which is a date fixed by order of the Lieutenant Governor in Council.

**Committee**

A body of Members selected to consider such matters as the Assembly may refer to it or empower it to examine, including Bills. There are several types of committees: standing, special standing, select special, legislative policy, and committees of the whole Assembly.

**Committee Clerk**

The procedural clerk acting as administrative officer and adviser on parliamentary procedure to a committee. The Committee Clerk takes minutes of proceedings at all committee meetings and provides administrative support to the Chair and the committee at large.

### **Committee of the Whole House**

For the transaction of certain kinds of business the House resolves itself into committee, presided over by a Chair instead of the Speaker (in colloquial language, it “goes into committee”). A committee of the whole House, like a select committee, is appointed for a specific purpose and with limited powers. It can only consider whatever is referred to it by the House, and when it has completed its consideration, must make a report to the House. Two such committees exist in Alberta, Committee of Supply for estimates consideration and Committee of the Whole for debate on Bills.

### **Committee Stage (of a Bill)**

Detailed study of the clauses of a Bill by a committee. This stage is the first at which amendments may be proposed to specific provisions of the Bill.

### **Concurrence (in a report)**

Agreement with a committee report, including the conclusions or recommendations it contains. Concurrence is arrived at in the Assembly by the adoption of a concurrence motion.

### **Conflict of Interest**

A conflict arising from any interest, pecuniary or otherwise, which interferes with a Member’s ability to perform his or her functions. Such a conflict may prevent a Member from voting on a particular issue.

### **Consequential Amendment**

Subsequent amendment(s) to the text of a motion or Bill made necessary for coherence following the adoption of an amendment.

### **Contempt of the House**

Any action that obstructs or impedes the House in the performance of its functions or any offence against the authority or dignity of the Assembly.

### **Cross the Floor**

To change political allegiance, signified in the Assembly by taking a seat as an independent or among the Members of one’s new party, usually located across the Chamber from one’s former party.

### **Daily Routine**

A generic designation for prayers, statements by Members, oral questions, tabling of documents, et cetera, which occur daily in the Assembly.

### **Debatable Motion**

A motion which, because of its substantive nature or procedural importance, is subject to debate before being put to a vote. The Standing Orders give a complete enumeration of the various types of motions which are debatable.



## **Debate**

Debate may only take place in the Assembly when a motion has been made and a question has been proposed from the chair. It excludes the asking and answering of questions, ministerial statements, and personal explanations by Members.

## **Decision**

- (1) (of the Speaker) A ruling on the procedural acceptability of some matter before the Assembly which unless otherwise specified serves as a precedent to govern future proceedings. Such rulings are final; they may not be debated or appealed.
- (2) (of a Chair) A ruling on the procedural acceptability of some matter before a committee. A Chair's ruling may be appealed to the committee or if delivered in Committee of the Whole, to the Assembly.

## **Declare Null and Void**

Decision of the Assembly or ruling by the Speaker invalidating any business which the Assembly or one of its committees is or has been considering.

## **Deferred Division**

The deferral of a division vote on the motion for third reading of a Bill to the Daily Routine on Thursday.

## **Deputy Chair of Committees**

A Member chosen to serve as a replacement for the Chair of Committees during the latter's absence, including taking on the role of Acting Speaker when required.

## **Deputy Minister**

The public servant, reporting directly to the Minister, who is the permanent administrative head of a government department and is responsible for day-to-day management of that department. Appointment to such a position is by Order in Council.

## **Deputy Speaker**

Title given to the Member elected as Chair of Committees at the beginning of every Legislature. The Deputy Speaker replaces the Speaker when the latter is unavoidably absent.

## **Dilatory Motion**

A dilatory motion is the generic name for a motion the object of which is to put off further consideration of the business at hand for the time being. Dilatory motions include motions for the adjournment of the Assembly moved while another question is under discussion, motions for the adjournment of a debate or motions that the Chair do leave the chair.

## **Dissolution**

The Legislature may be dissolved by proclamation of the Lieutenant Governor. On dissolution the Legislature ceases to exist. A new Legislature begins following a general election.

**Division**

When a question has been put by the Speaker and the Speaker's opinion that the ayes (or the noes) have it is challenged by three or more Members rising, the Assembly divides so that the exact balance of opinion may be determined. This is also known as a standing vote. Members' names are recorded in the Votes and Proceedings following a division.

**Division List**

A list giving the results of a recorded division, printed in the Votes and Proceedings and in *Alberta Hansard*. Members, identified by name, are listed under for or against.

**Dropped Orders**

An item that is under debate in the Assembly when a motion is adopted to read the Orders of the Day or to proceed to another order is dropped from the Order Paper. Likewise, in Committee of the Whole if a motion is adopted requesting that the Chair of the committee leave the Chair, the item under debate is dropped from the Order Paper. The adoption of motions to adjourn the Assembly or the debate do not result in dropped orders.

**Election Commissioner**

An officer of the Legislature responsible to the Legislative Assembly through the Standing Committee on Legislative Offices. The Election Commissioner ensures compliance with and enforcement of the *Election Act* and the *Election Finances and Contributions Disclosure Act*.

**Embargo**

A restriction on the distribution or publication of a document or the information it contains until the time stipulated for its release. An embargo is often placed on documents given a limited distribution prior to their tabling in the Assembly.

**Emergency Debate**

A debate held on a motion to adjourn the ordinary business of the Assembly, devoted to the discussion of a specific and important matter requiring urgent consideration. When a Member requests an emergency debate under Standing Order 30, the Speaker decides whether or not the request will be granted after weighing certain criteria such as whether the matter relates to a genuine emergency and whether it can be dealt with by the Assembly in another way.

**Enabling Clause**

The part of a Bill giving appropriate authorities the power to bring the provisions of the Bill into force.

**Enabling Legislation**

Legislation which confers the power to do something.

**Enacting Clause**

An enacting clause is a short formal statement in a Bill of the authority by which the proposed Act is to be made.

***Erskine May's Parliamentary Practice***

The name popularly given to *A Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, by Sir Thomas Erskine May, Clerk of the House of Commons, United Kingdom, from 1871 to 1886.

**Estimates**

Estimates are annual detailed statements of the public expenditure proposed to be undertaken by the Government.

**Ethics Commissioner**

An officer of the Legislature responsible to the Legislative Assembly through a standing committee for oversight of the conduct of Members when carrying out their duties and functions.

**Executive Council**

The Members of Cabinet, headed by the Premier, who are almost always chosen from among elected Members of the Assembly, normally the party holding the majority of seats in the Assembly.

**Expel a Member**

The action of the Assembly in ridding itself of one of its Members who is, in its opinion, unfit for membership in the Legislative Assembly.

**Fiscal Year**

The 12-month period from April 1 to March 31, used by government for budgetary and accounting purposes.

**Floor of the House**

That part of the Chamber reserved for the Members and the officers of the Assembly.

**Free Vote**

A nonprocedural term meaning a vote during which party discipline is not imposed on individual Members. Votes on private Members' business are sometimes conducted as free votes.

**Front Benches**

The first two rows of seats in the Assembly, which on the government side are occupied by the Premier and the Cabinet.

## **Government**

In the parliamentary sense the Cabinet (Executive Council), headed by the Premier.

## **Government Bill**

Any Bill usually introduced by a Minister. Numbered in the Assembly from 1 to 200, they are all concerned with public policy and may contain financial provisions. From time to time private Members from the governing caucus introduce Government Bills. When this happens, a Minister moves that the Bill be considered as a Government Bill.

## **Government House Leader**

The Minister responsible for managing the Government's business in the House, including negotiating the scheduling of business with the House Leaders of the Opposition parties.

## **Government Orders**

Any Bill or motion initiated by the Government and placed on the agenda of the Assembly (the Order Paper) under the rubric Government Motions or Government Bills and Orders.

## **Grandfather Clause**

A clause protecting a prerogative of an individual or a collectivity from being affected by new legislation.

## **Guillotine**

A provision in the Standing Orders which requires that the Assembly reach a decision on a given matter by a particular date or at the end of a specified period of time. Some guillotines are applied automatically; others are invoked at the request of the Government.

## ***Hansard***

Hansard is the official record of the debates in the Assembly and in its committees, named for Thomas Curson Hansard.

## **House**

The Legislative Assembly and the Chamber in which it meets.

## **House Leader**

The Member of a party responsible for its management in the House. The Government House Leader determines a schedule of House business through consultation with the House Leaders of the other recognized parties.

## ***House of Commons Procedure and Practice, Third Edition***

A volume of parliamentary rules edited by Marc Bosc and André Gagnon and based on the work of Robert Marleau and Camille Montpetit, formerly the Clerk and Deputy Clerk of the House of Commons.

### **Housekeeping Motion**

A motion of a routine nature dealing with administrative or purely formal matters necessary to expedite Assembly business.

### **In Camera Meeting**

A meeting from which the public is excluded. Committees sometimes meet in this way to deal with administrative matters and to consider draft reports.

### **Independent Member**

A Member who is not a member of a recognized political party. A Member may be elected as an independent or may leave or be expelled from a party during a Legislature and sit as an independent.

### **Information and Privacy Commissioner**

The Information and Privacy Commissioner is an officer of the Legislature, responsible to the Legislative Assembly through a standing committee, that undertakes to: facilitate the resolution of matters dealing with access to information and protection of personal privacy under Alberta statutes, advocate protection of privacy for Albertans, and advance open and accountable government in all Alberta public bodies.

### **Instruction to a Committee**

A direction by the Assembly to a committee which has already received an order of reference, further defining its course of action or empowering it to do something. There are two types of instructions, permissive and mandatory.

### **Interim Supply**

Funds approved by the Assembly to cover government expenditures for the period from April 1 of each fiscal year pending approval of the main estimates after that date.

### **Interpretation Clause**

A clause of a Bill that contains the definitions of certain terms used in the Bill.

### **Interruptions**

Members must not interrupt another Member's speech except to call the attention of the Assembly to a point of order or to request the permission of the Member speaking to intervene (only available during Government Bills and Orders and the Member speaking may decline).

### **Intersessional Deposit**

During an adjournment of more than 14 days any return, report, or other periodic statement that is to be laid before the Assembly in accordance with an Act or resolution of the Assembly may be deposited with the Clerk and will be deemed to have been laid before the Assembly on the day it was deposited.

**Intervention**

A request by a Member to make an intervention of up to one minute on a Member who is speaking in debate on Government Bills and Orders or Private Bills (Member speaking may decline the request).

**Invitation to Appear**

An invitation to a private individual or the representative of a group to appear before a committee for the purpose of providing information about some matter to the committee.

***Journals***

The *Journals* of the Assembly are the official record of the proceedings of the Assembly, prepared under the authority of the Clerk. The *Journals* are a compilation of the daily Votes and Proceedings, with their own index, and are published as soon as possible after prorogation of a session or dissolution of a Legislature.

**Leader (of a party)**

The person chosen by a political party to provide leadership in the Legislative Assembly and during election campaigns. Those chosen are either already Members or are expected to seek a seat in the Assembly as soon as possible.

**Legislation**

The laws enacted by or on the authority of the Assembly. These include orders, regulations, and other statutory instruments adopted as a result of power delegated by the Assembly to a variety of government departments, boards, and commissions.

**Legislative Agenda**

The Government's legislative plans for the session, usually set out in the Throne Speech. The Government is free to modify its legislative plans without notice during the course of the session.

**Legislative Policy Committee**

Legislative Policy Committees review all Bills referred to them as well as any regulations, amendments to a regulation, or prospective regulation within their mandate. Annual reports of government departments, provincial agencies, Crown-controlled organizations, boards, and commissions are permanently referred to a Legislative Policy Committee, and reports of the Officers of the Legislature stand referred to the Standing Committee on Legislative Offices unless otherwise noted. The main estimates are also referred to Legislative Policy Committees according to the committees' respective mandates.

**Lieutenant Governor**

The representative of His Majesty the King and as such the representative of the head of state in Alberta.

**Lobbyist**

A person or group who actively attempts to influence legislators with respect to some specific area of interest.

**Lock-up**

A closed-door information session arranged prior to the presentation of a major initiative such as a budget. Journalists are not permitted to leave the briefing room until the official presentation of the initiative has begun although parliamentarians may. Also referred to as an embargo.

**Mace**

The Mace is an ornamented staff carried by the Sergeant-at-Arms which rests at the Table during a sitting of the Assembly. The Mace is the symbol of the authority of the Crown. No business can be done without the Mace being present in the Chamber.

**Maiden Speech**

A maiden speech is the first speech a Member makes in the Assembly. It is customary for the Speaker to recognize a Member on this occasion in preference to other Members rising to be recognized to give a speech at the same time.

**Main Estimates**

A series of government documents providing a breakdown of the planned budgetary spending for the coming fiscal year.

**Main Motion**

The principal question before the Assembly or a committee. A proposed modification to it, or an attempt to supersede it, is considered a subsidiary motion.

**Majority Government**

A government formed by the party or the coalition of parties holding the majority of seats in the Assembly.

**Members' Statements**

A period during the Daily Routine when private Members may make statements on matters of national, regional, or local importance. Statements are limited in length to two minutes, and the opportunity to speak is given to all private Members. The number of such statements per sitting day is limited, and Members' Statements are allocated to the various caucuses typically according to an agreement of the House Leaders.

**Ministerial Responsibility**

The principle that Ministers are responsible to the Assembly for their actions and those of their department officials.

### **Ministerial Statements**

An item in the Daily Routine during which a Minister may make a short, factual announcement or a statement of government policy. A Member of the Official Opposition is given an opportunity to respond.

### **Minority Government**

A government formed by a party, possibly in a coalition with one or more other parties, which does not hold a majority of the seats in the Assembly. While a minority government does not hold the majority of seats, it usually holds more than any other party or coalition and must maintain the confidence of the Assembly to continue in power.

### **Minority Report**

A brief appendix to a standing committee report containing dissenting or supplementary opinions or recommendations proposed by a member(s) of the committee.

### **Money Bill**

A money Bill imposes a tax or authorizes the expenditure of money. Only Ministers of the Crown may introduce money Bills, and all money Bills must be accompanied by a recommendation from the Lieutenant Governor.

### **Motion**

A proposal made to the Assembly by a Member that the Assembly do something, order something to be done, or express an opinion with regard to some matter. A motion must be phrased in such a way that, if assented to, it will purport to express the judgment or will of the Assembly. Motions are usually expressed in the affirmative even though their purpose and effect may be negative. Motions may also be referred to as resolutions.

### **Motion for Returns**

An order of the Assembly to the Government to table a document. An order for return is not abolished by prorogation and does not need to be renewed the following session.

### **Motion of Non-confidence**

A motion of non-confidence is a motion, usually moved by the Opposition, expressing lack of confidence in the Government. If the motion is carried, the Government either resigns or asks the Lieutenant Governor to dissolve the Legislature.

### **Name a Member**

A disciplinary procedure used by the Speaker to maintain order in the Assembly. The Speaker names a Member for persistently disregarding the authority of the Chair. He or she uses the name of the Member rather than the name of the Member's electoral division, and the Member is then usually suspended from the service of the Assembly for the rest of the sitting day.



**Notice (on the Order Paper)**

A portion of the Order Paper that presents all items (Bills, motions, and questions) for which notice has been given. Notice appears at the back of the Order Paper.

**Notice of Motion**

An announcement, either oral or written, of an intention to bring a substantive proposal before the Assembly.

**Oath of Allegiance**

No Member may sit in the Assembly or vote until he or she has taken the Oath of Allegiance to the [King] or made an affirmation to that effect and signed the roll.

**Officer of the Legislature**

An officer responsible to the Assembly through the Standing Committee on Legislative Offices for the carrying out of duties assigned by statute. The officers of the Legislature are the Auditor General, the Chief Electoral Officer, the Child and Youth Advocate, the Election Commissioner, the Ethics Commissioner, the Information and Privacy Commissioner, the Ombudsman, and the Public Interest Commissioner.

**Officers of the Assembly**

The Clerk, the Clerk Assistant and Executive Director of Parliamentary Services, Clerk of *Journals* and Committees, and Law Clerk are commonly referred to as Table Officers. The Sergeant-at-Arms is also an officer of the Assembly.

**Official Opposition**

The party or coalition of parties holding the second largest number of seats in the Assembly. It is accorded certain financial and procedural advantages over other parties in opposition.

**Ombudsman**

An officer of the Legislature responsible to the Legislative Assembly through the Standing Committee on Legislative Offices to promote high standards of administrative fairness through independent investigation and recommendations in government departments, boards, agencies, commissions, and some professional organizations.

**Omnibus Bill**

A Bill consisting of a number of related but separate parts that seek to amend and/or repeal one or several existing Acts and/or enact one or several new Acts.

**Opposition Critic**

A Member of an opposition party responsible for presenting that party's policies in a given area and commenting on the related policies of the Government.

**Opposition Party**

A political party that is neither the Government party nor part of the coalition of parties forming the Government.

**Oral Question Period**

The time period set aside in the Assembly (50 minutes) for Ministers' oral answers to questions posed by private Members on matters for which Ministers are responsible to the Legislative Assembly.

**Order**

A decision of the Assembly giving a direction to its committees, Members, or officers or regulating its proceedings.

**Order in Council**

An order issued by the Lieutenant Governor in Council either on the basis of authority delegated by legislation or by virtue of the prerogative powers of the Crown. It may deal with, among other matters, the administration of the Government, appointments to office, or the disallowance or reservation of legislation.

**Order Paper**

A document published daily during sittings of the Assembly which contains all business which has had proper notice and which has not previously been disposed of by the Assembly.

**Orders of the Day**

Matters to be considered on a particular day under the rubric called Orders of the Day. The public business of the Assembly consists daily of a number of orders of the day, which are arranged by the Government in whatever order it thinks most suitable but are subject to the Standing Orders, giving precedence on Mondays to private Members' business.

**Out of Order**

Contrary to the rules of parliamentary procedure. The expression may be applied to motions, Bills, or to any intervention which runs contrary to the rules of the Assembly.

**Page**

One of a group of high school and first-year university students selected each year to be employed by the Assembly to carry messages and to deliver Assembly documents and other material to Members in the Chamber during sittings of the Assembly. Pages also participate in Assembly ceremonies.

**Parent Act**

In relation to a Bill the parent Act is the statutory law(s) which the Bill is amending.

### **Parliamentary Assistant**

A member of the Government caucus named to assist a Minister as the Minister directs. For the purposes of the Assembly, Members occupying these positions are considered private Members.

### **Parliamentary Association**

An international association which provides a forum for the exchange of ideas and information and for the sharing of knowledge and experience through person-to-person contact. The main activities of these associations include exchanges, conferences, and seminars on various subjects.

### **Parliamentary Counsel**

An official of the Assembly who provides legal advice and guidance to the Speaker, Members, the Legislative Assembly Office, and committees of the Assembly. He or she assists Members in the preparation of private Members' Public Bills, amendments to Government Bills, and related legislative matters.

### **Parliamentary Privilege**

Those rights and immunities enjoyed by the Assembly as a collectivity and by each Member individually without which Members could not carry out their duties and the Assembly could not fulfill its functions.

### **Parliamentary Procedure**

The rules by which the Assembly conducts its business, based on statutes, the Standing Orders, authoritative procedural works, precedents, and tradition. Decisions by the Speaker on points of order and questions of privilege are based on these rules.

### **Party Discipline**

The control exercised by a party over the positions held by its members and over the way in which they vote. The enforcement of party discipline is one of the Whip's duties.

### **Passage of Bill**

The process by which a Bill obtains parliamentary approval and becomes law. The principal steps in the passage of a public Bill by the Assembly are introduction, first reading, second reading, Committee of the Whole, and third reading. The Bill then receives Royal Assent.

### **Petitions**

Petitions addressed to the Legislative Assembly should state the facts which the petitioners wish to bring to the notice of the Assembly and in the prayer request the Assembly to do or refrain from doing something. Petitions must be presented to the Assembly by a Member (although a Member is not obliged to present a petition, even from a constituent). It is the duty of the Member to have the petition reviewed by Parliamentary Counsel before presenting it to make sure it is in order.

### **Petitions for Private Bills**

A petition for a private Bill is submitted by an individual or an organization and must comply with chapter 8 of the Standing Orders. These petitions are presented to the Assembly by the Chair of the Standing Committee on Private Bills and then considered by the committee.

### **Plebiscite**

An official consultation conducted by a government on a specific issue by way of a ballot. The results of a plebiscite are not binding.

### **Point of Order**

A question raised by a Member with respect to any departure from the Standing Orders or customary procedures either in debate or in the conduct of Assembly or committee business. Points of order are decided by the Speaker, whose decision is final, or in committee by the Chair, whose decision may be appealed to the committee or in the case of the Chair of Committees, to the Assembly.

### **Political Party**

A group of people sharing a particular ideology and set of goals that nominates candidates for election to the Legislature.

### **Portfolio**

The responsibilities of a Cabinet Minister, especially the subject matter or government department with which he or she is charged. Portfolios are assigned by the Premier.

### **Power to Send for Persons, Papers, and Records**

The power to send for persons, papers, and records is given in the Standing Orders and the *Legislative Assembly Act* to all committees of the Assembly. It gives the committee power to summon witnesses before the committee and to bring specified documents to the committee.

### **Prayers**

Each day's sitting begins with a prayer read by the Speaker. The expression "prayer" is also commonly applied to any motion for an address; i.e., the address prays that the Lieutenant Governor will be graciously pleased to use his or her statutory powers in the desired manner.

Any motion to oppose or annul a statutory instrument or other rule, order, or regulation is now, by extension, commonly referred to as a prayer. A prayer is also contained in petitions presented to the Assembly.

### **Preamble**

A preamble is an introductory paragraph in which the reasons for introducing a Bill are set forth. No preambles are allowed to motions in the Alberta Assembly (by Standing Order), nor are preambles to supplementary questions during Oral Question Period permitted (by Speaker's ruling). During the 28<sup>th</sup> Legislature, a practice developed whereby the caucus leaders

or their designates could, during the first series of questions, have preambles to their supplementary questions.

### **Precedent**

A Speaker's ruling or a practice of the Assembly taken as a rule for subsequent cases of a similar nature. Not all decisions and practices constitute precedents.

### **Precinct of Parliament**

Buildings accommodating Members, the Chamber, and the rooms reserved for committee meetings. As parliamentary privilege recognizes the right of each Assembly to regulate its own affairs, the parliamentary precinct is outside the jurisdiction of local or provincial regulatory control.

### **Premier**

The title given to the leader of the Provincial Government.

### **Press Gallery**

The press gallery is a gallery for the accommodation of the media. The press gallery is above and behind the Speaker's chair.

### **Previous Question**

A debatable motion preventing any further amendment to a motion or Bill before the Assembly at second or third reading. If the previous question is passed, the main motion is immediately put to a vote; if negated, the Assembly proceeds to another item of business and the main motion is removed from the Order Paper.

### **Private Bill**

A Bill designed to exempt an individual or group from the application of the law such as a Bill to incorporate a private company. A private Bill can only be introduced by a Member who is not part of the Cabinet.

### **Private Member**

All Members of the Assembly who are not members of the Government (the Cabinet) are private Members.

### **Private Member's Bill**

A Bill sponsored by a Member who is not a Cabinet Minister.

### **Private Members' Business**

Private Members' business includes proceedings on Written Questions, Motions for Returns, Motions for Concurrence in Committee Reports on Public Bills other than Government Bills, Public Bills and Orders other than Government Bills and Orders, and Motions other than Government Motions. Private Members' business is considered on Mondays.

**Privilege**

See Parliamentary Privilege.

**Procedural Authority**

A work dealing with the procedures and practices of the Assembly which may be referred to for guidance in resolving points of order and questions of privilege. The most frequently cited works are *House of Commons Procedure and Practice*, 3<sup>rd</sup> ed., *Beauchesne's*, *Bourinot's*, and for British procedure *Erskine May*, 25<sup>th</sup> ed.

**Procedural Motion**

A motion that deals with a purely routine matter such as the first reading of a Bill.

**Proceedings**

The actions taken by the Assembly or by a committee. The most important parts of the proceedings are the decisions that are taken.

**Proclamation**

An official notice or order issued by the Crown. A Legislature is begun and ended by proclamation.

**Projected Government Business**

A tentative working agenda, of which notice is given by the Government House Leader to the Clerk no later than the time of adjournment on Thursday afternoons, listing items of Government business expected to be taken up the following week and which shall be published in the Order Paper for the next sitting day.

**Prorogation**

The act by which a session of the Legislature is brought to an end. The Assembly is then said to be prorogued until the day named for the next session. Prorogation automatically closes all proceedings and business in progress at the time. The work of all committees of the Assembly ceases upon prorogation.

**Provisional Standing Order**

A Standing Order adopted by the Assembly for a certain period of time. This type of order is often used for the purpose of trying out some new or modified procedure. It may also be referred to as a temporary Standing Order.

**Public Accounts**

A report on the financial transactions of the Government prepared by the President of Treasury Board and Minister of Finance. These are automatically referred to the Standing Committee on Public Accounts.

## **Public Bill**

A Bill concerned with matters of public policy. It may be sponsored either by a Minister (Government Bill) or by a private Member (private Member's public Bill).

## **Public Interest Commissioner**

An Officer of the Legislature responsible to the Legislative Assembly through the Standing Committee on Legislative Offices to ensure strong protection for public sector employees who report a wrongdoing or face reprisals for doing so. The Commissioner provides oversight of disclosures and investigations as well as investigating complaints of reprisal in the public sector covered by the *Public Interest Disclosure (Whistleblower Protection) Act*.

## **Question**

A question is a matter which is to be or is being determined by the Assembly or a committee. A question may be disposed of by being agreed to (with or without amendment), by being decided in the negative, by adjournment of the debate, or by the adjournment of the Assembly.

## **Question, Putting the**

In putting the question, the Speaker or Chair ascertains the will or opinion of the Assembly or of a committee with regard to a motion, an amendment, or any other matter required to be determined by the Assembly or committee. When debate has concluded on the item before the Assembly, the Speaker puts the question to the Assembly; that is, the Speaker asks Members in favour to say aye and those opposed to say no. The Speaker then declares that the item is either carried or defeated.

## **Quorum**

The number of Members, including the Speaker, necessary to constitute a meeting of the Assembly for the exercise of its powers. In the Assembly it is set by the Standing Orders at 20; in a committee it is one-third of the committee members.

## **Readings (First, Second, and Third)**

Readings are the stages through which a Bill must pass in its progress in the Assembly. Except in unusual circumstances a Bill must be read on three separate days.

## **Recall of the House**

Pursuant to the Standing Orders the Speaker may recall the Assembly when it stands adjourned during a session to meet prior to the date that it is scheduled to reconvene.

## **Recess**

When the Legislature has been prorogued, it is said to be in recess, and the period between the prorogation and the next meeting of the Legislature, that is, between two sessions, is known as a recess. The word is, however, often loosely used in speaking of any period during which the Assembly is adjourned for more than a weekend.

### **Recognized Party**

For administrative and financial purposes, under the provisions of the *Legislative Assembly Act* a party that has a recognized membership of four or more persons in the Assembly and has received at least five per cent of the popular vote.

### **Recommendation of the Lieutenant Governor**

Each money Bill introduced in the Assembly must be accompanied by the recommendation of the Lieutenant Governor. This is required to be signified to the Assembly before the introduction and consideration of any Bill authorizing the expenditure of public funds is entered upon. See also Royal Recommendation.

### **Recommittal of Bills**

The referral of a Bill back to Committee of the Whole for further amendment in a specific area or for the reconsideration of a certain clause or clauses. The recommittal is moved as an amendment to the motion for the third reading of the Bill.

### **Recorded Division**

A vote where the names of those voting for and against a motion are registered in the official record of the Assembly or one of its committees. In the Assembly a recorded division may be requested by three Members rising or indicating otherwise. Members vote by rising in their places or otherwise indicating and bowing to the Speaker as their names are called by a Table Officer.

### **Reprimand**

Pursuant to an order of the Assembly a formal reproof addressed by the Speaker to a person adjudged to be guilty of a breach of privilege or of contempt of the Assembly.

### **Rescind a Resolution**

To cancel the effect of a resolution previously adopted by the Assembly. A motion to rescind does not deal a second time with a question already decided during the session.

### **Responsible Government**

The principle that Ministers are collectively responsible to the Assembly for actions of the Government. The legislative branch of government thus exercises control over the executive.

### **Right of Reply**

The right of the mover of a substantive motion or a motion for second reading of a Bill to speak a second time in debate. As this second speech closes the debate, the Speaker will so inform the Assembly when recognizing the Member.

### **Roll**

A newly elected Member takes the Oath of Allegiance or makes affirmation and immediately afterwards signs his or her name in a book known as the roll.



## **Routine Motion**

A motion required for the observance of the proprieties of the Assembly, the maintenance of its authority, the management of its business, the arrangement of its proceedings, the establishment of the powers of its committees, the correctness of its records, or the setting of its sitting days or the times of its meeting or adjournment.

## **Routine**

See Daily Routine.

## **Royal Assent**

The final stage in the making of a law, Royal Assent is the act whereby the Lieutenant Governor concurs with the Assembly in passing a Bill and thereby converts it into an Act of the Legislative Assembly, or a statute of Alberta. The Lieutenant Governor indicates his or her assent in the Alberta Legislature by touching a portfolio and later signs each Bill individually.

## **Royal Prerogative**

The rights, powers, and privileges exercised by the Crown.

## **Royal Recommendation**

A message from the Lieutenant Governor required for any vote, resolution, address, or Bill for the appropriation of public revenue. Only a Minister can obtain such a recommendation. See also Recommendation of the Lieutenant Governor.

## **Schedule**

An appendix to a Bill containing matter which cannot readily be reduced into the proper form for a clause or which would be inconvenient for the reader if inserted in the body of the Bill, e.g., blank forms, tables, lists, et cetera. A schedule forms part of the Bill to which it is attached.

## **Scope (of a Bill)**

The field of applicability of a Bill is indicated by its text. The adoption of a Bill at second reading establishes its scope, which may not be altered or extended by subsequent motions to amend. Committees reviewing a Bill which has been referred before second reading may recommend modifications to its scope.

## **Seat**

- (1) The desk in the Assembly assigned to a Member. Members are accorded seats in the Assembly not as individuals but in their capacity as representatives of their electoral divisions.
- (2) The electoral division which a Member represents.

## **Seating Plan**

A floor plan of the Chamber showing the location of each Member's desk. Printed copies are distributed to Members and to visitors in the galleries.

## **Seconding of Motions**

Seconding a motion is an expression by a Member of his or her approval of a motion moved by another Member prior to its being considered by the Assembly. In the Alberta Assembly no motion is now required to be seconded; however, it is still the practice for a motion for an address in reply to the Lieutenant Governor's speech to be seconded.

## **Second Reading**

The stage in the passage of a Bill at which the principle and object of a Bill is either accepted or rejected. Detailed consideration of the Bill is not given to the clauses of the Bill at this stage.

## **Section of an Act**

Each separate division of an Act, numbered separately in numerical sequence. The clauses of a Bill become sections once the Bill is assented to.

## **Sergeant-at-Arms**

A permanent officer of the Legislative Assembly in charge of the security of the Legislature and its precincts and the Members and who also has custody of the Mace.

## **Session**

Each Legislature consists of one or more terms or periods known as sessions. The first of these begins on the day on which the new Legislature is directed by proclamation to meet and continues until the Legislature is prorogued by the Lieutenant Governor in Council.

## **Sessional Calendar**

A calendar which presents a fixed timetable of sittings and adjournments for a given year in accordance with the provisions of the Standing Orders.

## **Sessional Papers**

Papers are tabled in large numbers every session for the information and use of Members. Certain papers are required to be tabled by statute, others are ordered to be tabled by the Assembly (responses to motions for returns and written questions), and other papers are presented voluntarily.

## **Shadow Cabinet**

The group of Members in each Opposition party, especially the Official Opposition, chosen to act as party critics for each of the ministerial portfolios.

## **Sittings of the House**

The House meets, or sits, Mondays from 1:30 p.m. to 6 p.m., on Tuesdays from 10 a.m. to noon and from 1:30 p.m. to 6 p.m., on Wednesdays from 9 a.m. to noon and from 1:30 p.m. to 6 p.m., on Thursdays from 9 a.m. to noon and from 1:30 p.m. to 4:30 p.m., and upon passage of a Government motion may sit on Monday, Tuesday, and Wednesday evenings beginning at 7:30 p.m. Sessions may also be divided into spring sittings and fall sittings.

## **Speaker**

He or she is elected by the Assembly (by secret ballot). In particular, he or she is responsible for maintaining order and decorum. As Chair of the Special Standing Committee on Members' Services the Speaker oversees the administration of the Assembly. In addition, the Speaker is the spokesperson and representative of the Assembly in its relations with the Crown and other bodies outside the Legislature.

## **Speaker's Chair**

The chair at the south end of the Chamber occupied by the Speaker or another presiding officer when the Assembly is in session. When the Assembly is in Committee of the Whole, the Speaker's chair is vacated and the Chair of the Committee occupies the Clerk's place at the Table.

## **Speaker's Procession**

A procession consisting of the Speaker, Deputy Speaker and Chair of Committees, Deputy Chair of Committees, the Sergeant-at-Arms carrying the Mace, the Clerk of the Assembly, other Table Officers, and Pages which processes from the Speaker's office into the Chamber at the opening of an afternoon sitting.

## **Special Committee**

A group of Members appointed to study a particular matter. Once it has made its final report, the committee ceases to exist.

## **Sponsor (of a Bill)**

The Member or Minister who presents a Bill in the Assembly.

## **Standing Committee**

A permanent committee established in the Standing Orders of the Assembly for the life of a Legislature.

## **Strangers**

In the parliamentary vocabulary all persons who are neither Members nor officers of the Assembly are termed strangers. Security staff, Pages, and certain members of the media are also permitted on the floor of the Chamber. Strangers may observe the proceedings of the Assembly by gaining access to the galleries.

## **Standing Order**

A Standing Order is an order made by the Assembly for the governing and regulation of its proceedings. Orders of this description do not expire with the session in which they are made but remain in force until they are repealed by the Assembly. The Standing Orders do not provide a complete code of procedure; much of the procedure is governed by custom and precedent and supplemented by rulings from the Chair. The parliamentary authorities also provide procedural guidance.

### ***Sub Judice***

The rule set out in Standing Order 23(g) whereby Members refrain from making reference to certain matters which are before the courts.

### **Subamendment**

An amendment to an amendment. A subamendment must be relevant to the amendment it seeks to modify rather than to the original question. Subamendments cannot be amended.

### **Subcommittee**

A committee of a committee to which the latter may delegate its powers except the power to report to the Assembly. Not all committees are granted the power to establish subcommittees.

### **Substantive Motion**

An independent proposal that is complete in itself. Normally such motions require notice before they can be moved in the Assembly.

### **Summoning a Witness**

Ordering a witness to appear at the Bar of the Assembly or before one of its committees, which happens very rarely. Witnesses are summoned before committees only after they have declined an invitation to appear.

### **Summoning the Legislature**

The convocation of the Assembly following a general election. The Legislature is summoned by a proclamation issued by the Lieutenant Governor on the advice of the Premier.

### **Superseding Motion**

A motion moved for the purpose of superseding or replacing the question before the Assembly. It may be either a dilatory motion or a motion for the previous question.

### **Supplementary Estimates**

An expenditure plan introduced to provide funds to the Government to meet new or increased costs. The Government may introduce as many sets of supplementary estimates in a given fiscal year as it deems necessary.

### **Supplementary Question**

A question seeking clarification or further information following a Minister's response to a question during the Oral Question Period.

### **Supply**

The provision of money to the Crown for public services.

### **Suspension from the Service of the House**

Suspension from the service of the Assembly is the punishment imposed by the Assembly upon a Member who has been named by the Speaker or by the Chair of a committee of the whole Assembly for grossly disorderly conduct, disregard of the authority of the Chair, or persistent and wilful obstruction of the business of the Assembly by abusing the rules of the Assembly or otherwise.

### **Suspension of a Sitting**

A pause during the course of a sitting of the Assembly. When the sitting is suspended, the Speaker leaves the chair, but the Mace remains on the Table.

### **Table**

- (1) To place a document before the Assembly or a committee.
- (2) The Table of the Assembly occupies the space in front of the dais on which the Speaker's chair rests and is between the two front benches. All documents presented to the Assembly are laid on the Table, and notices from Members may be sent to the Table.

### **Table Officers**

The Clerk, the Law Clerk and Executive Director of House Services, Manager of Research and Committee Services, Senior Parliamentary Counsel, Research Officer, and Parliamentary Counsel are commonly referred to as Table Officers.

### **Third Party**

The political party represented in the Assembly with the third-largest number of seats.

### **Third Reading**

The last stage of consideration of a Bill in the Assembly, at the conclusion of which the Bill as a whole is either finally approved or rejected.

### **Throne Speech**

At the beginning of a session the Lieutenant Governor reads a speech which is prepared by Cabinet and which sets out the policy which the Government intends to pursue and the legislation which it proposes to introduce during the session.

### **Time Allocation**

The allocation of a specific period of time for the consideration and disposal of proceedings on a Government Bill or Government motion.

### **Unanimous Consent**

The consent of all Members present in the Assembly that is required when the Assembly wishes to set aside its rules or usual practices without notice. Actions taken by unanimous consent do not constitute precedents.

## **Unparliamentary Language**

Words or expressions which, because they make improper accusations or imputations against a Member or by reason of their abusive nature ought not to be used in debate, are termed unparliamentary. The use of such language is a breach of order.

## **Visitors**

Distinguished persons who are invited to the Speaker's gallery in the Chamber and introduced by a Member following the prior permission of the Speaker.

## **Voice Vote**

An oral vote held without recording individual Members' votes or the number of ayes and noes.

## **Vote**

This word is used in three different senses in parliamentary language:

- A vote means a formal expression by an individual of his or her will or opinion in regard to some question put from the Chair
- Decisions of the Assembly were formerly often referred to as votes, hence the title Votes and Proceedings
- Each class of the estimates is divided into a number of headings known as votes, which are voted upon separately

## **Votes and Proceedings**

Votes and Proceedings is the title of the daily record or minutes of the Assembly. The Votes and Proceedings are a record of the Assembly's proceedings and when combined constitute the Journals, which are the formal and permanent record of the proceedings of the Assembly.

## **Whip**

A Member charged with keeping other Members of the same party informed concerning Assembly business and ensuring their attendance in the Assembly or in committee, especially when a vote is anticipated. Each party normally has a chief Whip and one or more deputy Whips.

## **Withdrawal of Motions, Amendments, and Bills**

With the leave of the Assembly or the committee a motion or an amendment may be withdrawn by the mover at any time before the question on it is put. Withdrawal of a motion requires the unanimous consent of the Assembly. Prior to the motion or Bill being moved, a Member may withdraw the item by notifying the Clerk's office.

**Witness**

Persons from whom committees wish to take evidence are called witnesses and will usually attend at the request of the Chair (the power to summon witnesses is rarely used). While testifying, witnesses enjoy the same privilege of freedom of speech as Members.

**Writ**

Writs are issued, in a parliamentary sense, in accordance with a proclamation from the Lieutenant Governor in Council to summon Members to a new session or with respect to the dissolution of the Legislature or in the event of an election or a by-election.

**Written Question**

Written questions are requests for information which are not of an urgent nature or which require too detailed a response to be asked as an oral question.

## Appendix C

### Information Available on the Assembly's Website ([assembly.ab.ca](http://assembly.ab.ca))

- *Alberta Hansard*
- Audio and Video of Assembly and Committee Proceedings
- Bills and Amendments
- Bill Status Report
- Committee Websites
- Committee Transcripts
- Government Motions
- Intersessional Deposits
- *Journals* (also Index)
- Member Information
- Motions for Returns
- Order Paper
- Petition Information
- Private Bills Information
- Private Members' Motions
- Required Tablings
- Sessional Calendar
- Sessional Papers (all Tablings)
- Standing Orders
- Votes and Proceedings
- Written Questions



