

Legislative Assembly of Alberta

Title: **Tuesday, May 3, 1994**

1:30 p.m.

Date: 94/05/03

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I beg leave to introduce a petition signed by 524 people within St. Albert and north, west, and east of St. Albert urging the government "to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region."

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I'm presenting a petition from 517 residents from St. Albert and surrounding area who urge the government

to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac Ste. Anne, Parkland and Westlock.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I, too, would like to table a petition with the Legislature with 619 signatures from the Morinville area, the Sturgeon MD requesting that the Sturgeon general hospital and St. Albert be included in the health district to the north rather than with the city of Edmonton.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you very much, Mr. Speaker. I'd like to present a petition today on behalf of 1,488 members of my constituency in southwest Alberta urging the government

to maintain the existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I ask that the petition I tabled on April 18 regarding cuts to seniors' lodges be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter funding arrangements for Alberta's

Seniors Lodges and Seniors Subsidized apartments until changes to funding arrangements have been confirmed and agreed to by seniors.

MR. SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to request that the petition I submitted recently be read and received, please.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the existing Alberta Children's Hospital in Calgary as a full service, active hospital which will continue to serve the children of southern Alberta.

MR. SPEAKER: The hon. Member for Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd like to request that the petition which I presented on April 19 concerning the Children's hospital be now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to maintain the Alberta Children's Hospital in Calgary on its current site and as it currently exists as a full service pediatric health care facility.

MR. SPEAKER: The hon. Opposition House Leader.

MR. MITCHELL: Thank you, Mr. Speaker. I request that the petition I presented recently be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I'm giving notice that tomorrow I will move that motions for returns stand and retain their places on the Order Paper with the exception of Motion 199 and Motion 200.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Speaker. Pursuant to Standing Order 30 I intend to rise after the daily routine and before Orders of the Day to request leave to adjourn the ordinary business of this House to discuss a matter of urgent public importance; namely, the independence of our judiciary.

head: **Tabling Returns and Reports**

MR. CARDINAL: Mr. Speaker, I would like to file responses to questions 145, 148, 149, and 150.

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. I, too, would like to table answers to Written Question 144 and motions for returns 157 and 158.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Speaker. I'm standing to table copies of 17 reports – and they're excerpts from

reports – all dealing with the matters of judicial independence and compensation of judges, sir.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure today to introduce two high school students from the Sherwood Park area that are attending Salisbury composite high school: Kirsten McLaughlin and Diana Gruf. They're here today to see the Legislative Assembly in action and to later conduct an interview with myself concerning the perspectives of an opposition MLA. I would like them to rise and receive the warm welcome of the Legislative Assembly.

MR. SPEAKER: The hon. Leader of the Opposition.

MR. DECORE: Mr. Speaker, thank you. I would like to introduce Joan Cowling to you and to members of this Assembly. Mrs. Cowling was for many years a school trustee in the Edmonton public school system and for many years was the chair of that school board and went on to become the national president of school trustees in Canada. She is a graduate of the University of Alberta and is presently studying at Queens just for a short time; she's due back soon. I'd like her to stand and receive the welcome of this Assembly.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. On behalf of my colleague from St. Albert and myself I'd like to introduce to you and to members of the Assembly 54 energetic students from Ronald Harvey school and their teachers Mr. Tony Swaré, Mrs. Peggy Bergmann, and their assistant Mrs. Pat Alain. I'd ask them to please rise and receive the warm welcome of this Assembly.

MR. DAY: Mr. Speaker, it's a delight to have with us here from Red Deer today students from the Oriole Park school. Nous avons avec nous des étudiants qui sont dans les études françaises. They are accompanied by their principal, Mr. Don Falk, teachers Mme Brenda Rae, Mrs. Sharon Edlund, Mr. Larry Pimm and parent traveling with them Mrs. Pikula. I'd ask them all to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**
Independence of Judiciary

MR. DECORE: Mr. Speaker, a fire storm has developed over the comments made by the Premier concerning Alberta's judiciary. There is a clear perception amongst many – a clear perception – that the government is attempting to manipulate the judiciary. Judges have hired a lawyer to act on their behalf against the government. One judge has invited lawyers to state whether or not they think a fair trial can be held in his court in Calgary. The head of the Law Society says that the Premier's comments suggest that judges have to heed their political masters. My first question is to the Deputy Premier. Will the Deputy Premier admit that the comments made by the Premier went too far, that there is a suggestion of manipulation of the judiciary, and that corrective action is needed by the government now?

1:40

MR. KOWALSKI: Mr. Speaker, as far as I can determine, the vast majority of citizens in the province of Alberta endorse the

position of the Premier when he stated that people should not expect to get paid for not working.

MR. DECORE: I want to ask the Deputy Premier whether he still endorses the comments – and nobody has refuted those comments – whether the Premier is right when he says: we hire and we can fire. Does the Deputy Premier still subscribe to those comments?

MR. KOWALSKI: Mr. Speaker, the Premier of Alberta responded to the question yesterday and made his views very, very clear. In addition to that, a statement was issued by the Justice minister in the province of Alberta yesterday, and I'll invite the Justice minister to add something further to what I've just said.

MR. ROSTAD: Mr. Speaker, I think that very clearly when you read *Hansard*, the Premier said that we hire and we do fire ultimately and that he stood to be corrected. In his words he said, "I stand to be corrected" in the sense of the procedure that needs to take place before that event would ever happen, if it ever, ever did happen. We have made it emphatically clear that this government thinks the paramount thing is judicial independence, and we stand behind that.

MR. DECORE: Mr. Speaker, judicial independence is the issue here, and I want the Justice minister to tell Albertans whether the Premier's statements were in error in any way whatsoever. Yes or no?

MR. ROSTAD: Mr. Speaker, the Premier's comments of yesterday were very clear and were not in error.

MR. SPEAKER: Second main question. The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Speaker. The Supreme Court of Canada was also very clear when it declared that the financial security of judges is one of the minimum conditions of judicial independence. Until five years ago provincial judges in this province were paid 80 percent of what federally appointed judges were paid, but five years ago the government simply scrapped that agreement. The government now decides from year to year what it will pay provincial judges. To the Minister of Justice: will the government immediately appoint a credible arm's-length body to fix compensation for judges?

MR. ROSTAD: Mr. Speaker, the hon. Member for Calgary-Buffalo issued today Liberal Caucus News that says "Issue Information," which is a copy of *Hansard* of April 11, which was the estimates of the Minister of Justice, where he railed on about judicial independence and how important this issue was. It is. Absolutely it is. There are three tenets that the Charter in section 11(d) sets up for judicial independence, and in fact one is financial security. There was a long-standing practice, not a written agreement, where 80 percent of a federal court judge's pay was what was accorded to Provincial Court. In September of 1988 that long-standing practice was in fact abrogated; it was changed. But also there was negotiation going on with the judges of Alberta at that stage that related to pensions, and in fact the pension moved from being contributory by the judges to being noncontributory to appease the cutoff of that 80 percent. Subsequent to that I became the Minister of Justice, and I can give my personal testimony to what has happened since that in negotiating or trying to come to some accord for setting a salary. Perhaps I'll wait till the supplementary, and I'm sure I'll have that time to give the answer.

MR. SPEAKER: Supplemental question.

MR. DICKSON: Well, thank you, Mr. Speaker. I want next to ask the hon. Minister of Justice, then, what he will do to convince Albertans now that when they go into provincial criminal court in this province, the judge and the prosecutor will not be seen as working for the same boss?

MR. ROSTAD: Mr. Speaker, I think that was clearly enunciated yesterday, that there is in fact judicial independence. There was some comment that in fact the judges in their own vernacular are public servants and not civil servants, but the context of the debate at that time related to: somebody has to pay them. There has to be a banker. Somebody has to provide working conditions. In that context, any reference that was made aside from being independent which relates to the hearing of cases and the goings-on in a courtroom – that was the only context in which that was meant. I can assure all Albertans and most certainly anybody that's steeped in legal knowledge that this government adheres to the principle of paramountcy of judicial independence.

MR. SPEAKER: Final supplemental.

MR. DICKSON: Thank you, Mr. Speaker. When will the government, then, pass the long-awaited legislation to ensure that justices of the peace are also seen as being independent in this province?

MR. ROSTAD: Mr. Speaker, I should make one added comment to my last answer, and that is that I want to assure not only the judiciary but all interested Albertans that in no way can the government fire a judge, nor is there any way the government is interested in firing a judge.

In the context of the justices of the peace, the justices of the peace come under the jurisdiction of the Chief Provincial Court Judge. It is not under the auspices of the government of Alberta. At one time it was. That has in fact changed, and they do have an independence from that context.

MR. GERMAIN: Mr. Speaker, the Minister of Justice negotiating with the Provincial Court over salaries does not sound particularly independent to me, with respect. A truly independent judge can look a government department in the eye without fear and say in the right case that you've committed fraud. When that happened recently, the government immediately referred it all to Saskatchewan for an independent, unbiased review. My question today is to the Minister of Justice. Will you refer the issue of judicial independence in Alberta out of the province for an independent review of this matter?

MR. ROSTAD: Mr. Speaker, I can assure the hon. member and again anybody that's interested, which is a broad, broad spectrum of Alberta, that any judge in our Provincial Court can look any department of the government in the eye and say: I'm not afraid to make a judgment based on the facts. In fact they will do that, because there is judicial independence.

In context of the preamble, which was again fraught with error, I am not in fact as the Minister of Justice negotiating with the judges in terms of their salaries. There is a process that has been undergone for quite some time where in fact they have a solicitor that has been working with my department to come to an accommodation. In fact, I can share one of them with the hon. member and with the Assembly. They at one time thought that perhaps they should attach their salary to the average of the top five

deputy ministers. When in fact the deputy ministers found out they were taking a 2 percent reduction in their salaries a year ago, there was all of a sudden a change of direction in that. We are sitting down in very, very sincere negotiations to set up a process, and in fact as I'm advised by the judges, they're almost ready to bring forward three or four or five different proposals that we will look at to accommodate that. We are committed again, Mr. Speaker, to judicial independence.

1:50

MR. GERMAIN: Well, following up, then, from the minister's comments, will you now appoint an independent director of prosecutions to decide appeals of serious cases simply on the facts?

MR. ROSTAD: Mr. Speaker, realizing who made the request and the question and in fact his integrity as a lawyer, I won't say that I'm offended by that, but I can assure him as the Minister of Justice that there is no other way we make the decision on appeal here other than based on the facts, legal questions.

MR. SPEAKER: Final supplemental.

MR. GERMAIN: Thank you, Mr. Speaker. Then will the minister tell us very simply put what concrete steps he will take immediately to restore any concerns about judicial independence in this province?

MR. ROSTAD: Mr. Speaker, it is unfortunate that the rhetoric and some of the reporting that has gone on has raised this issue to what it has been. I think very, very serious and very, very thoughtful comments were made yesterday by the Premier and certainly on my behalf as Minister of Justice that in fact we can assure people and the judiciary that we think judicial independence is of paramount importance, that we in fact as the government do not have the right to fire a judge other than if a process by an independent council has been undertaken, and that there are ongoing and in fact almost imminent proposals brought forward by the judiciary and by the court services section of my department to look at ways of setting salaries that will be taking place. We are committed to judicial independence.

MR. SPEAKER: The hon. Member for Calgary-Varsity.

Economic Outlook

MR. SMITH: Thank you, Mr. Speaker. Here we are again defending the government policy of saving taxpayers' money. Critics of reduced government spending say that the reduction of government or indeed taxpayers' money in the marketplace will lead to increased unemployment and slow or no economic growth. Also a recent report released by the federal government indicates that small business loans have been reduced by the chartered banks. Given the substantial changes in the marketplace over the past year, could the Provincial Treasurer please tell this House how the province of Alberta and its citizens have survived these major spending reductions?

MR. DINNING: Well, Mr. Speaker, I hear from the hon. member a concern about the economic situation in this province, and I also hear from him a concern about access by small business to capital. On the first score I can advise the hon. member that last year Alberta's economic growth in nominal terms reached almost 4.9 percent according to a release from Statistics Canada

yesterday, and that means that our real gross domestic product growth in 1993 was somewhere in the order of 4 to 5 percent. I can advise the hon. member that corporate profits were up last year by some 62 percent, and net farm income grew by 67 percent to a record level of \$1.1 billion. Members across the way don't agree with the kind of approach we're trying to take to create the environment where our economy will grow, but cutting government spending, getting our financial house in order and eliminating the deficit is the number one way to create jobs in this province and to create growth across this entire country.

MR. SMITH: All well and good, Mr. Speaker, but can the Provincial Treasurer then tell us the forecasted projected economic impact of further and continued reduced spending?

MR. DINNING: Well, Mr. Speaker, I look to economic forecasters, who despite our rather conservative forecast for growth in 1994 – we estimated it to be some 2.8 percent in the budget that came down on February 24. But here now I read the likes of the Toronto-Dominion Bank saying that we are going to grow in the order of 3.4 percent this year. What they're saying is that

among the prairie provinces Alberta will continue to be the star performer, helped by a vibrant natural gas industry and an expanding manufacturing sector.

That's the confidence that Alberta businesses and Alberta businesspeople have in the future of this province. With the plan of action that we've brought forward, the action we're taking to reduce and eliminate our deficit, Albertans and Canadians and people around the world are investing their money here, and by investing their money, what do they do? They create jobs.

MR. SMITH: Well, Mr. Speaker, can the minister of economic development, then, tell us what this government is doing for those seeking employment and for newly emerging businesses so that this rate of economic growth will indeed continue?

MR. KOWALSKI: Mr. Speaker, this is further to that which has already been stated by the Provincial Treasurer, which sets out the broad philosophical approach that we're taking. This government is very unified, all members of this caucus are very unified in terms of the position that we have in terms of fiscal responsibility and balancing the budget. In the short period of time since we've set out on this particular course, we have already seen some of the prime indicators coming forward, as the Provincial Treasurer has already pointed out. Between March 1993 and March 1994 there was the creation of 42,000 new jobs; in other words, there were 42,000 more Albertans employed in March 1994 than there were in March 1993. Our unemployment level decreased itself from 10.1 percent in March 1993 to 8.9 percent in March 1994. We're not satisfied and we're not happy with an 8.9 percent unemployment rate, and our target is to go to that 110,000 jobs collectively, a unified caucus one hundred percent behind the Premier, and with the determination that we're going to do it in the time frame we set out for it.

MR. SPEAKER: The hon. Member for Edmonton-Gold Bar.

Senior Citizens' Programs

MRS. HEWES: Thank you, Mr. Speaker. The government promised that we would have today the report on the final consultation on cuts to seniors. Well, the minister's got the report, but now we've got another broken promise. This House and seniors are still waiting. My questions are to the minister

responsible for seniors. Why are you holding up tabling this report, Mr. Minister?

MR. MAR: Mr. Speaker, the panel has done some good work, and I received their report earlier today. In fairness to my colleagues, I have elected to brief them on the contents of this report before releasing it to this House.

MRS. HEWES: Mr. Speaker, that's just so much nonsense. What's to hide?

Isn't the real reason that the report is being held up that there are dissenting views and they don't conform to your plans?

MR. MAR: I can't comment on that, Mr. Speaker, because I haven't read the report yet.

MRS. HEWES: Mr. Speaker, you sow the wind; you reap the whirlwind.

Just a very simple question to the minister: will you undertake today to table this report to this House this week in its entirety?

MR. MAR: Yes, Mr. Speaker, in its entirety and without amendment.

MR. SPEAKER: The hon. Member for Olds-Didsbury.

2:00 Highway Cleanup Program

MR. BRASSARD: Mr. Speaker, yesterday morning I met with the 4-H selection conference, a group of 124 bright and energetic young people representing 4-H from all areas of our province. I was reminded that this is the weekend when 4-H and others are involved in the highway cleanup. Could the Minister of Transportation and Utilities inform this Assembly just what activities are planned for this weekend?

MR. TRYNCHY: Mr. Speaker, I'm pleased to advise the House that I just recently had a news release that the highway cleanup will be this Saturday, May 7, and if the weather is difficult or bad in some areas, it will then take place on Saturday, May 14. We will have a number of young people – 4-H clubs, Junior Forest Wardens, Boy Scouts – and a number of seniors involved in this cleanup. Hopefully that'll take place all across the province this weekend.

MR. BRASSARD: With as many as are going to be involved in this program and recognizing that there has been tragedy in the past, could the minister inform this Assembly what precautions are taken to ensure their safety?

MR. TRYNCHY: Mr. Speaker, yes, there will be some 1,300-plus young people on the highways this weekend, and they'll be representing some 500-plus clubs across the province. We have taken the leaders of these groups and given them some instructions in regards to safety. That was done by the department of transportation. We will have the young people wearing bright vests. We'll have the people using bright orange bags, and we'll also have the RCMP patrolling the highways to make certain that the safety is there. I would like to encourage all Albertans and all those traveling across our highways this weekend to be very, very careful because of the role our young people are playing in regards to cleanup across the province.

MR. SPEAKER: Final supplemental?

The hon. Member for Leduc.

Municipal Government Act

MR. KIRKLAND: Thank you, Mr. Speaker. This government has repeatedly boasted of their supposed consultation with Albertans on education, health, and seniors' issues. Yesterday the government introduced the 260-page Municipal Government Act, that consolidates some 21 Acts and will have serious consequences to every taxpaying Albertan. During that introduction of the Bill the government claimed extensive consultation with municipalities and stakeholders. My question is to the Minister of Municipal Affairs this afternoon. What other stakeholders were consulted in the public forum or government roundtables prior to tabling Bill 31?

DR. WEST: First of all, to correct one of the innuendos that this will mean an increase in taxation or that at the local level, that's wrong. To have been in this province the last five to six years and have been in contact with municipalities as these individuals should have been and to ask a question like that in this Assembly is irresponsible. The AUMA, the Alberta Urban Municipalities Association, representing some 285 municipalities, plus the Association of Municipal Districts and Counties, the improvement districts, special areas, and all other jurisdictions in this province have been consulted for five ongoing years. In fact, we tabled a Bill, Bill 51, last session, and then put it back out again for renewal. We had some 300 submissions after the closing date of submissions. I accepted. I opened up the end from when Mr. Fowler was the Minister of Municipal Affairs. We have gone back and forth with the statute review commission in this province, and two members on this side were on that during those days and had excessive – I would say excessive for any piece of legislation – consultation.

MR. SPEAKER: Supplemental question.

MR. KIRKLAND: Thank you, Mr. Speaker. I didn't suggest or allude that new taxes were forthcoming, but we'll take the warning from the Minister of Municipal Affairs to heart.

My second supplemental, Mr. Speaker. Besides the municipal councils and their administrators and the other groups he alludes to, will the minister give the average Albertan an opportunity for input to this Bill by letting it sit on the Order Paper until the fall session?

DR. WEST: The municipalities have been awaiting this piece of legislation for upwards of seven years. I will certainly take forward to the AUMA and the rest of the municipalities in this province your suggestion that you're not willing to bring this new piece of legislation forward. We want to pass this legislation in this session, and with your help we'll do so.

MR. SPEAKER: The hon. Member for Calgary-Egmont.

Senior Citizens' Programs

(continued)

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Community Development responsible for seniors. Now, I was pleased to hear the minister indicate that he will be tabling the report from the seniors' review panel this week in the House. My question is: would the minister please explain the remaining steps in his decision-making process?

MR. MAR: Mr. Speaker, the review panel was charged with a number of responsibilities, including making recommendations

upon things like income thresholds, phase-in rates for health care premiums, optical and dental benefits, and so on. Accordingly, after briefing my caucus colleagues on the contents of that report and releasing that report as a public document, we will then be in the process of making decisions based on the recommendations that are made in that report. Those recommendations, of course, will be taken into account as well as many of the other great volumes of input that have been given by seniors throughout the province of Alberta.

MR. SPEAKER: Supplemental question.

MR. HERARD: Thank you, Mr. Speaker. When does the minister expect to make a decision on the seniors' benefit program?

MR. MAR: I expect that the answer to that, Mr. Speaker, is fairly shortly. I expect that over the next couple of weeks the matter will go through procedures in government, in caucus, and in cabinet.

MR. SPEAKER: Final supplemental?

The hon. Member for Lethbridge-East.

Farm Income Program

DR. NICOL: Thank you, Mr. Speaker. The gross revenue insurance program is designed to help provide a stable economic environment for farmers. This stability has been greatly eroded due to recent changes in the direction of the program here in Alberta. These changes as well as international trade pressures have made this program obsolete. My question is to the minister of agriculture. Is the minister going to allow participants in this program to withdraw unpenalized if they signed up before these most recent changes were announced?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker, and thank you to the hon. Member for Lethbridge-East for asking that question, because it is timely. The farmers are now in the planting season and planning their management for the coming year.

As far as GRIP is concerned, this is a tripartite program that involves the federal government, the provincial government, and the producers. In order to change the fundamental policy of the program, we would have to have the agreement of all three participants. At this time we don't have that agreement, so even if the province wished to allow people to exit the program, that agreement would have to come forward from all three participants in this program.

MR. SPEAKER: Supplemental question.

DR. NICOL: Thank you, Mr. Speaker. Again to the minister of agriculture: why haven't you just opted out of this program when everyone knows that this approach is no longer effective or desired by farmers?

MR. PASZKOWSKI: Well, evidently I wasn't heard with my first answer in that it's not just a matter of the province acting independently. This is a tripartite program where we have to have agreement from all three participants. The federal government is certainly not a willing participant to opting out of this

program. We are, however, in the process of negotiating with the federal government and all the other provinces in developing a new safety net process. There is general agreement that the process should be changed in order to accommodate the needs of programs such as GATT and NAFTA. Those negotiations are ongoing, and it is hoped that by this summer we will be able to develop a further program that indeed will remove commodity-specific types of safety net programs.

MR. SPEAKER: Final supplemental.

DR. NICOL: Thank you, Mr. Speaker. It's too bad the minister doesn't know his programs any better, because he has the option to take the province out.

My third question is again to the minister. Is the minister pushing this program on farmers in order to keep collecting federal transfers and producer premiums to compensate for deficits that currently exist?

2:10

MR. PASZKOWSKI: I feel very badly that the hon. member approaches a question in this manner. This minister does understand the GRIP program, and this minister does understand that there has to be three years notice given to opt out of the program. Three years notice, Mr. Speaker. We are now engaged in discussions with the federal government to change the whole safety net process, which has to be changed long before the three years. So, indeed, it is Alberta's intention to develop a program that will be useful to the farmers long before the three-year process.

MR. SPEAKER: The hon. Member for Little Bow.

Agricultural Trade Dispute

MR. McFARLAND: Thank you, Mr. Speaker. Grain producers in my constituency have been calling me to express concerns over the actions taken by the U.S. government to restrict Canadian exports of wheat and barley to the United States. I understand that last week a hearing of the U.S. International Trade Commission was convened to investigate whether Canadian wheat imports were interfering with American price support programs. Would the Minister of Agriculture, Food and Rural Development advise me and this Assembly as to who participated in this hearing and whether or not any outcome has been reached?

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'd certainly be pleased to, because these are important discussions that are now proceeding and affect Alberta in a very direct way. First of all, I think it's important that we put this in some perspective. Wheat, as far as Canadian exports are concerned, is exported to the amount of \$321 million. Yet we buy \$6.3 billion worth of agrifood products from the United States. So that puts it in a little bit of a perspective as far as the trade relationship is concerned.

Indeed, President Clinton has asked the ITC to investigate the whole process of wheat pricing and wheat marketing in Canada. There were hearings held in Montana and in North Dakota and a final set of hearings were held in Washington just this past week. Representing the United States, presenting the American view and the American case were people such as Senators Conrad and Dorgan from North Dakota, the U.S. Department of Agriculture,

the National Association of Wheat Growers, the United States Wheat Associates, the North Dakota Wheat Commission, and some American farmers.

Indeed, the presentations were not all one-sided. Surprisingly, Mr. Speaker, there was a lot of support at the Washington hearings about Canada's position. The Canadian Wheat Board made a presentation. The Canadian Wheat Growers Association made presentations. I think it's interesting that further to that the U.S. Grain Trade Council made a submission. The National Pasta Association made a submission. The national millers association made a submission. The United States National Feed Grain Association made submissions supporting Canada's position and actually endorsing the whole process that Canada is endorsing.

MR. SPEAKER: Supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. My supplemental is to the same minister. Have there been any indications as to whether or not the Canadian and American governments have resumed discussions towards averting any of this possible terrible trade war?

MR. SPEAKER: The hon. minister.

MR. PASZKOWSKI: Thank you, Mr. Speaker. Yes, there have been ongoing discussions. As late as yesterday there was a conference call with the people that are involved. Unfortunately the conference call did not go well, and it's now felt that there may have to be some renegotiation, perhaps even starting the whole process over again. The intention is to have the ministers meet some time during the fourth week of May to further discuss the whole issue.

MR. SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. I know that there's more than just wheat and barley involved in this dispute. Perhaps you could indicate to members of this Assembly and to our producers if there's been any indication of what other commodities might be involved in this dispute.

MR. PASZKOWSKI: Yes, Mr. Speaker. Actually there has been no change of focus. The discussions are still ongoing, primarily regarding wheat and the issues that were originally on the table. To date the issues have not moved off the focused ones that the debate broke down on some two weeks ago.

MR. SPEAKER: The hon. Member for Sherwood Park.

Enforcement of Forest Regulations

MR. COLLINGWOOD: Thank you, Mr. Speaker. Recently in British Columbia MacMillan Bloedel illegally cut 900 cubic metres of timber in Clayoquot Sound, was fined \$206,000, and forfeited that timber to the government. We understand that last summer in Alberta Weyerhaeuser illegally cut three times that amount of timber when it trespassed into the Musreau Lake recreation area, was fined \$8,000, and was allowed to keep the timber worth almost a quarter of a million dollars. The paltry fine did not deter Weyerhaeuser, and it repeated a trespass in the fall of 1993. My first question is to the Minister of Environmental Protection. Why doesn't this government get tough with repeat offenders?

MR. EVANS: Mr. Speaker, it's very interesting. The initial questions that were asked today were on the independence of the judiciary in this province. The question from the hon. member

opposite is: when an issue is brought before the courts, a conviction entered by the courts in this province, and a fine levied based on the evidence before the courts, why don't we interfere? Well, quite clearly we don't interfere because of the independence of the judiciary in this province.

MR. COLLINGWOOD: Now we let the courts make the law.

Mr. Speaker, the issue was the timber management regulations. My question to the minister: will the government change the timber management regulations so that the fines become a meaningful deterrent and a company has to forfeit illegally obtained timber?

MR. EVANS: Mr. Speaker, the rules that we have in dealing with our forest industry are rules that are reviewed on a regular basis to ensure that the penalties that are available to the courts to impose are relevant, are consistent with other jurisdictions, and mete out a punishment that is consistent with the degree of guilt and the guilty mind that goes into the activity. Now, I am confident that this kind of process is the right process for us to have in this province, and I will continue to support that process.

MR. SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. My final supplemental also to the Minister of Environmental Protection: is the government being lenient with companies that remove timber from protected areas illegally because of timber shortages in northern Alberta?

MR. EVANS: Mr. Speaker, prosecutions for illegal processing, harvesting of timber are initiated by our staff. We are very, very clear to the forest industry in this province and the people of this province that we have some of the toughest regulations, the toughest legislation in all of Canada to deal with these problems. We take these issues seriously. We will continue to do so.

MR. SPEAKER: The hon. Member for Wainwright.

Ethanol

MR. FISCHER: Thank you, Mr. Speaker. My question is also to the Minister of Agriculture, Food and Rural Development. A number of the potential investors in this province are exploring the feasibility of the use of ethanol in this province, and some have even proceeded with business plans on production. In addition to the programs that the Alberta government has put in place to help facilitate the industry, the new federal Liberal government has also indicated that they are considering changes to the previous national policy that would eliminate the 8 and a half cents per litre exemption for oxygenated fuels. The elimination of this exemption would literally ensure failure for Alberta's ethanol industry along with the numerous value-added ethanol based spin-off industries. [interjections] Could the minister advise us whether he has had discussions with the federal minister on these issues and what the results of these discussions were? [interjections]

2:20

MR. SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. The hon. members across the way say that it's a long question, but it's an important question, and certainly very meaningful to the agricul-

tural community. I appreciate the intelligent question that has been asked by the hon. member.

The ethanol discussion has been an ongoing one for some time, and indeed the hon. member has correctly identified that the federal Liberal government during the campaign had indicated that they would be establishing a national ethanol program. This is important to us, and this fits very well with the thinking that the Alberta government has had as well, in that any program regarding the development of the ethanol industry should be a national program rather than a provincial one where indeed the provinces start competing with each other as far as production is concerned.

I have been involved in several discussions with the federal minister. I think everyone appreciates that the federal minister has quite a few other things on his platter at the present time and obviously has some other high-priority items on his platter. As a matter of fact, at the present time he's in China, I believe. However, it is still my hope that we'll be able to sit down and discuss the whole process of ethanol development in this province, as it will directly affect the producers in this province, from a federal perspective. Again, whatever we're going to do, we have to develop a strategy that is going to allow the industry to be a stand-alone industry.

MR. SPEAKER: Supplemental question.

MR. FISCHER: Thank you. Under the current incentive program have any proposals been approved and are projects under way now?

MR. PASZKOWSKI: Yes, Mr. Speaker. There are two groups that have indicated that they are interested in developing an ethanol program in Alberta. However, again they're being held up by direction from the federal government. We hear the federal government talking about things like a carbon tax and all, and our suggestion from agriculture to the federal department basically is: let's start looking at value added; let's start developing something that's positive rather than a negative type of tax.

MR. FISCHER: Can the minister advise of any alternative uses there may be for grain, other than ethanol, for additional value-added opportunities in the province?

MR. SPEAKER: The hon. minister.

MR. PASZKOWSKI: Thank you, Mr. Speaker. It's very, very important that we look at all aspects of utilization and value added within the province. We've recently done a study to see what other value-added types of processes we can add to our grains and oilseeds sector within the province, and one of those sectors that's come out looking very bright as far as the province is concerned is the area of starch production. Now, starch production, ethanol production, and cattle feeding all work into a similar type of mode and could be very useful.

MR. SPEAKER: The hon. Minister for Edmonton-Meadowlark.

Education Grants

MS LEBOVICI: Thank you, Mr. Speaker. This government has by its funding cuts affected ESL programs, kindergarten, and community schools throughout this province and would like us to believe that the enhanced opportunity grant will provide funding for these programs. To qualify, a school must be identified, to quote the minister, as an "inner city type" of school, but the

minister has been more than vague about the criteria these schools must meet. My questions are to the Minister of Education. What are the specific criteria, and is the grant only available for urban schools?

MR. JONSON: Mr. Speaker, there are a number of criteria which are being established and will be circulated to school boards in this province. In direct answer to the question, the grant will be directed, yes, towards urban schools. This is based on one of the criteria, which is that there is a certain percentage of the students, according to federal statistics, which are in the category of English as a Second Language students, students with needs which require that concentrated type of attention which we'll be providing through the grant.

MS LEIBOVICI: How much is available in the fund?

MR. JONSON: If I recall correctly, Mr. Speaker, \$2.9 million.

MS LEIBOVICI: As schools are waiting for these criteria, what's the deadline for application?

MR. JONSON: Mr. Speaker, sufficient time will be provided to submit applications on projects so that these projects can be in place for the September 1994 start-up of the school year.

MR. SPEAKER: The hon. Member for Edmonton-Mayfield.

Video Lottery Program

MR. WHITE: Thank you, Mr. Speaker. The moral question surrounding government-operated gambling has yet to be answered, as again restated by the Member for Olds-Didsbury just last week. With two-thirds of the net profits for gambling and gaming going directly to the general revenue fund, this government is definitely in the business of being in business. The taxing through gambling of the poor, the constitutionally weak, and the young has yet to be justified. To the minister responsible for lotteries: how can the minister on behalf of all Albertans decide that the installation of double the current number of machines, from some 4,000 to 8,500 slot machines, is justified in this province?

MR. KOWALSKI: Mr. Speaker, as I recall, a policy announcement was made by this government nearly two years ago as a result of consultation with Albertans. Since that time as well there has been a provincial election in the province of Alberta. It was certainly raised, and as I assess the vote count, there are 51 here that represent the government. This is a formal government policy, and our policy was announced well before the election. The citizens of Alberta had an opportunity to vote on this matter. They've clearly given a message to the province. In addition to that, I'm inundated with requests from establishments all over this province for additional units and machines. Wherever I've gone, people have said that they're really pleased to have a chance to participate in this activity in Alberta without having to leave the province of Alberta and spend their money elsewhere.

MR. WHITE: How has the minister ensured that teenagers and the like do not have access to these machines then?

MR. KOWALSKI: Well, Mr. Speaker, if there ever was a puffball in this Assembly, that's it. I've only said it about 50 times. First of all, the only places that video lottery terminal

machines can be placed are those which have a duly certified liquor licence, which means that you must be beyond the age of majority, in other words, to go into such an establishment. This is not Liberal New Brunswick, where they're located in corner stores and grocery stores and service stations. This is Alberta, where very clearly you must be 18 years of age or over to enter such a room. Secondly, these machines are also out of sight. It's very clear, and it's been repeated ad nauseam in this Assembly, ad nauseam, and I'll repeat it again: you've got to be 18 years of age or over.

MR. WHITE: How, then, Mr. Minister, can the installation of these machines in Smitty's family restaurant in plain view be justified with that statement?

MR. KOWALSKI: Mr. Speaker, they are not. In Smitty's restaurants and other places they have a liquor licence as part of a separate establishment. The hon. gentleman should go and talk to Smitty's family restaurant, not the government. Smitty's has two components of their restaurant: one very clearly where children can go, and one place where those under the age of 18 cannot go. Let's really underline it: they can go, or they cannot go. I think that the hon. gentleman should go and accost Smitty's about this: why are they doing that? It's very clear to everybody involved that if they're eligible for a liquor licence, if they have the liquor licence, children cannot access these machines.

MR. SPEAKER: The time for question period has expired. Before proceeding to the next order of business, could there be unanimous consent to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.
The hon. Member for Olds-Didsbury.

head:
2:30

Introduction of Guests *(reversion)*

MR. BRASSARD: Yes, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly 58 students from the Olds junior/senior high school. They are accompanied by teachers Mr. Garry Woodruff and Ms Annette Valerio and parents Mrs. Darlene Ross, Mrs. Debbie Richards, Karen Pinegar, and Mrs. Brenda Schalin. I wonder if they would stand and receive the very warm welcome of this Assembly.

head:

Members' Statements

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

Appeal of Sexual Orientation Ruling

MR. YANKOWSKY: Thank you, Mr. Speaker. Recently, Justice Anne Russell ruled that The King's college discriminated against a lab instructor when they fired him because of his sexual orientation. Since then many Albertans have called upon this government to appeal the ruling, but the silence has been deafening as the 30-day clock for the government to appeal this ruling ticks down. Early indications were that indeed the government was going to appeal. Has there been a change of mind? If this ruling is allowed to go unchallenged, 1 percent of the population will be imposing their morals on the remaining 99 percent. Is it fair?

More serious than that is the idea of judges writing in legislation. If only because of this, this government should have run, not sat on their hands, to the provincial Law Courts Building to file an appeal. It's a sad day for Alberta politics when politicians allow judges to write the province's laws – judges don't listen and don't too much care for the electorate – as politicians who are duly elected and whose job it is to do so. If certain moral values are going to be imposed on the electorate, then let the people decide through a referendum or some other process. Otherwise, it's not fair and it's undemocratic.

Mr. Speaker, this is much of the concern that I've been hearing from recent calls I've had from my constituents and from people outside of my constituency. My plea to this government is not to hide their heads in the sand until it's too late to appeal. Do it now so we can hear both sides of this debate and come to a democratic conclusion. [interjections]

MR. SPEAKER: Order please. Order. [interjections] Order please.

The hon. Member for Taber-Warner.

Agricultural Marketing

MR. HIERATH: Thank you, Mr. Speaker. In the last decade agriculture has seen dramatic changes in technology and trading practices: GATT, NAFTA, and U.S./Canada free trade. Unfortunately, the federal government and some provincial governments and companies with vested interests have prevented Alberta producers from fully benefiting from these advances. Not all agricultural products have suffered this fate. In fact, canola and beef producers have benefited substantially from the advances made in the last years in production practices and marketing information because they have been basically unregulated. But wheat and barley producers remain at the mercy of the Canadian Wheat Board system, a system perpetuated by those who love regulations: the federal government and the three prairie pools and the railroad.

Profits realized by wheat and barley producers enhance all Alberta's economy. Therefore, it is imperative that our government move swiftly to deregulate the marketing of agricultural products. If this occurs, wheat and barley producers will take advantage of new efficiency in transportation, marketing, and production. The result will be a more profitable industry, a benefit to all Albertans. For this to happen, the Canadian Wheat Board's arbitrary power as a sole exporter of wheat and barley must be removed. Wheat and barley growers must be allowed the same freedom to market their products as canola and beef producers.

The bottom line is that marketing boards, which have the power to control production through quotas or supply management agreements, are dinosaurs. They exist for a socialistic system of the past, when marketing information systems were not available and the production of wheat and barley was much less competitive than it is today. The government of Alberta must take a stand and insist that wheat and barley producers have the right to escape the oppressive regulations of the Canadian Wheat Board and its harmful spin-off effects that it has on producers.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Member for Edmonton-Meadowlark.

Support for Teenagers

MS LEIBOVICI: Thank you, Mr. Speaker. At a time when our youth is receiving considerable negative press, I would like to draw the attention of all members to two initiatives that are taking

place in my constituency, Edmonton-Meadowlark. The first is West Edmonton Services to Teens, WEST for short, a group that has been meeting for almost two years with the goal of improving the delivery of services to teens. To do this, they have asked various focus groups to determine the basic needs of youth.

Since last fall one team has been operating out of Westlawn junior high school. The Westlawn youth network is comprised of six to eight committed individuals who one afternoon per week hold an open house for teens to encourage them to sit and chat. A more formal meeting takes place in the afternoon. A similar program is being scheduled to begin at St. Thomas More junior high school next year. These preventative measures being operated in two schools in Edmonton-Meadowlark will surely be examples for other constituencies in Alberta.

The second initiative, Mr. Speaker, is Parent Talk, a community service offered by Boys' and Girls' Clubs of Edmonton. This group is helping parents take back a healthy and responsible leadership role in their families. Currently operating in Mill Woods and targeted for start-up in Edmonton-Meadowlark this spring or summer, Parent Talk is a self-help, mutual aid support group for parents of difficult teens.

Both these initiatives, Mr. Speaker, are providing a foundation for parents, their teenagers, and other service groups to learn to communicate, solve problems, and ultimately replace negative press with positive achievements. I believe that both West Edmonton Services to Teens and Parent Talk are worthy of the time and commitment that we as community leaders can give.

Thank you.

Point of Order Pecuniary Interest

MR. SPEAKER: The hon. Government House Leader has indicated he wishes to raise a point of order.

MR. DAY: Mr. Speaker, today in question period the first three questioners for the Liberals, who coincidentally enough were all lawyers, were visibly upset not about health or education issues or the economy. In fact, they were directly or indirectly suggesting that it was terrible that judges' salaries were being reduced, and they asked the Minister of Justice for ways to deal with that, to deal with the salary issue. Since all three are still lawyers and since all judges were former lawyers and since most lawyers aspire to the high honour of judge, I would ask from the point of view of *Beauchesne* 315 that you would rule whether this in fact was not a matter of personal interest in terms of the salaries that these three lawyers were pursuing.

MR. SPEAKER: Some hon. members might feel that even the Chair might have a conflict. Notwithstanding the impediment of the Chair's profession the Chair really does not think that any of the questions asked in question period today were out of order.

There is the matter of the notice given by the hon. Member for Calgary-Buffalo regarding an application under Standing Order 30. The hon. Member for Calgary-Buffalo.

head: **Emergency Debate**

Independence of Judiciary

MR. DICKSON: Thanks very much, Mr. Speaker. I believe the requisite notice under Standing Order 30 has been given, the two hours' prior notice.

Mr. Speaker and all members, the independence of the judiciary is a matter of critical importance in any democracy. Indeed, it is one of our most important assets, that of an independent judiciary.

But in this province the independence of the judiciary is now in a crisis situation, and it's in a situation which requires the immediate, urgent attention of this Legislative Assembly.

Yesterday, Mr. Speaker, a Calgary Provincial Court judge indicated in open court that until he gets clarification of the Premier's recent comments – these would be comments over the last four days – he will ask all accused who appear in front of him to waive their constitutional and Charter rights.

2:40

AN HON. MEMBER: Is that Percy?

MR. DICKSON: I said in Calgary, Mr. Speaker, if I wasn't loud enough the first time.

Mr. Speaker, what we have is the prospect not just in the city of Calgary and not just in the city of Edmonton but throughout this province that we will have counsels standing up, raising a jurisdictional issue, a constitutional issue, which means that those things have to be dealt with. Our courts are going to be backlogged, unable to deal with serious issues that normally come in front of them until and unless this other matter is resolved. This matter can't wait to be dealt with. It's critically important that it be dealt with immediately.

Also in terms of the timeliness and the urgency, Mr. Speaker, it's been over the last four days that the Premier has by his public statements gravely undermined, I submit, public confidence in our provincial court system. I refer specifically to his criticism of comments and in fact actions of Provincial Court Judge Landerkin and the Premier's repeated assertion that he can hire and he can fire provincial court judges.

Now, I expect that my colleague from Fort McMurray may wish to address what's happening outside those two major centres of Edmonton and Calgary, but my understanding, sir, is that there will be and currently there are applications being made in this city and in the city of Calgary all focusing on the independence or the apparent compromise in the independence of our provincial court.

Judicial independence is not simply an abstract quantity. It was described by former Chief Justice Brian Dickson of the Supreme Court of Canada as, and I quote:

the complete liberty of individual judges to hear and decide the cases that come before them: no outsider – be it government, pressure group, individual, or even another judge – should interfere in fact, or attempt to interfere, with the way in which a judge conducts his or her case and makes his or her decision.

But, Mr. Speaker, it's not simply a question of what a judge does in an individual case. Our court system only works if it enjoys the confidence of Albertans.

Speaker's Ruling Relevance

MR. SPEAKER: Order please. The Chair hesitates to interrupt the hon. member, but the remarks the hon. member is making now appear to be going to the merits of this matter, whereas the hon. member is restricted by Standing Order 30 to speak only to the question of urgency and as to why this matter should be discussed now, not the merits of his views on the subject.

Debate Continued

MR. DICKSON: Well, I'll simply conclude my observations and my remarks with respect to the urgency by saying it is not simply a question of apparent intervention in a particular case that speaks to the timeliness and the urgency of this matter. It's also public perception. I suggest to you, Mr. Speaker, that unless arrested immediately, what we're going to see is a marked level of

suspicion that the Alberta public has in their court system. We can't allow that to continue, and it has to be dealt with immediately.

Thank you.

MR. SPEAKER: The hon. Minister of Justice.

MR. ROSTAD: Thank you, Mr. Speaker. There's no doubt that the issue of judicial independence is not an abstract issue, as then Chief Justice Dickson stated. It's extremely important. It's one of the pillars of how our democracy operates. In fact, the rhetoric that's been flying around of late is serious, but I fail to see how setting aside the business of this House for this afternoon to have debate indicates where the emergency is. We aren't into an emergency situation. There's absolutely no doubt that we're into a serious situation. [interjection] I'm sorry for the interruption, Mr. Speaker, but is there a little chirping gopher over there from Edmonton-McClung?

Mr. Speaker, there were allegations by the hon. Member for Calgary-Buffalo as to the Premier's clarification being required by a judge in Calgary. In fact, the Premier stood in this House yesterday – yesterday's *Hansard*, there's no use citing it or reading it because it was in fact before all of us. I can share with the House, if you'll allow me to read, and I'll file the page from the particular speech that the Premier made today in Calgary where he again said in a preliminary part of his speech:

I mentioned the court system, and it is appropriate today that I once again stress the need for an independent judiciary.

This Premier, and this government, and every employee in it, is deeply committed to an independent judiciary, which we understand very well is the cornerstone of our society.

Every judge and justice in the system must be secure in the knowledge that their decisions from the bench are rendered completely independent from any political interference.

Mr. Speaker, the hon. member also raised that there are counsel raising jurisdictional or constitutional issues in courts in Calgary and Edmonton and perhaps even outside. Yes, there are, in fact, because there are some people that have not yet heard. I think the dialogue today in question period, if in fact yesterday's clarifications weren't adequate, would indicate that this government believes the paramount thing is judicial independence. In fact, the firing of a judge cannot be done without a recommendation of an independent body, the Judicial Council. Our checking as of about 1:30 to 2 o'clock this afternoon is that in fact there were five instances where counsel have had adjournments on the basis of a constitutional or jurisdictional issue. I don't make light of those five instances. Again, they're very, very serious. But out of the many hundreds of cases that are being heard on a daily basis throughout Alberta, that is not a significant portion that has been in fact raised. Again I make the submission that, in fact, once the judges see the firm and clear position of the government to their independence, those will cease.

There was an allegation of a repeated assertion that we can hire and we can fire. I am not aware of this repeated assertion. In fact, it was cleared yesterday that, yes, we technically fire as well as we very well in each case hire. But again I do not see that that is bringing an emergency to this situation.

In wrapping up, Mr. Speaker, if we had not had the intensive and, I think, extensive debate even in question period today, which again clarified each time I stood up that in fact we attest to the paramountcy of judicial independence and we attest to the fact that we cannot fire, perhaps there might have been some issue other than just urgency.

I submit, Mr. Speaker, that there is definitely a serious matter for consideration but not an emergent matter for consideration.

MR. DECORE: Mr. Speaker, I think the government had very ample and great authority and opportunity to clear the air today and to make it very clear to the judiciary that they were independent and they will always be independent. But the Minister of Justice didn't take that opportunity. In fact, the Minister of Justice continued to defend the statements of the Premier, and this just adds to the continued difficulty on the issue.

The issue is one of the judiciary and the perception of the public that the government can hire and the government can fire. That is still not cleared up. The Minister of Justice didn't clear it up. This has reverberated through the court system now to the point where judges have hired a lawyer and are contemplating or have contemplated or are about to sue the government. That's unheard of in this province.

Secondly, we've got cases being adjourned on the basis of constitutional challenge that the judiciary isn't independent. You've got judges making statements and saying to lawyers: I invite you to comment on whether or not I have the independence I need to try this case. That's never been heard of in our province. This is a crisis. It needs to be debated, and there needs to be much more clarity by the Minister of Justice, by the Premier, and this government that the judiciary is independent and will always be independent.

2:50

MR. SPEAKER: The hon. Member for Fort McMurray briefly on the question of urgency.

MR. GERMAIN: Thank you, Mr. Speaker. Speaking only to the issue of urgency on this application today because the minister himself acknowledges that it is a serious problem. I want to put a rural complexion to this particular debate. In rural Alberta the court that the public identifies most with is the Provincial Court of Alberta because of its widespread outreach into rural Alberta. In many cases in many northern areas, in Fort Chipewyan, for example, they may get judicial sittings there only once or twice a month. The window to schedule matters is very narrow. On the other hand, the Supreme Court of Canada has ruled in the past that it is necessary that cases proceed quickly through the courts. It is of interest to Albertans that the matter hanging over their heads also be dealt with in an expeditious way.

The concerns that have been raised about judicial independence in the province of Alberta over the last few days were certainly not the doing of Her Majesty's Official Opposition. Nevertheless, those issues are out there now and should be dealt with now and on an urgent matter. If we have to start rolling over cases and people adjourn them and adjourn them in rural Alberta, waiting for some clear indication and reconfirmation that justice will not only be done but will be seen to be done, then it does become a matter of urgent necessity.

Thank you, sir.

MR. SPEAKER: One more. The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Very quickly on the issue of urgency. [interjections]

MR. SPEAKER: Order. [interjections] Order. There'll be one more intervention.

The hon. Member for Sherwood Park briefly on the question of urgency.

MR. COLLINGWOOD: Thank you, Mr. Speaker. The Minister of Justice in his remarks this afternoon on the issue of urgency made reference to the fact that while there are now some matters that are looking to be adjourned on the basis of the constitutional crisis that has been created, while they are in fact serious, they are not sufficient enough to demonstrate urgency for this debate this afternoon.

I think what's important to state, Mr. Speaker, is that these are just a small part of a very large and growing problem that will continue in the courts given that while one judge may in fact have stated his concern about his independence, whether or not those cases move down the hall to another courtroom or to another judge, it makes no difference whether or not that judge in fact states publicly in open court that he is also not independent. The fact is that one judge cannot be separated from his fellow judges on the question of his independence. If one judge is concerned that he is not independent, the whole provincial court system therefore becomes concerned about its independence. It would matter not if it were one or five or 500 that come before the court in open court in terms of an application. The court sees itself as having been compromised by the comments of the Premier.

I think it's important to state that it doesn't matter what the Premier thinks. It doesn't matter what the Minister of Justice thinks. It doesn't matter what members opposite think. What matters is that the courts of this province and the people of this province do not see our courtrooms now, today, as being fair and independent and impartial tribunals. What essentially has been said by the provincial court system to the people of Alberta is that you can no longer get a fair trial in this province. The Charter of Rights in section 11 requires that every citizen of this province be given a fair hearing before an independent and impartial tribunal. Judge James has indicated in his comments in open court that unless individuals are prepared to waive their constitutional rights, they will not be getting a fair trial in his courtroom. We cannot at this point simply make that . . .

MR. SPEAKER: Order please. The Chair feels that the hon. member is debating this subject of judicial independence and is not speaking to the question of urgency. Therefore, the Chair is now prepared to rule on this matter. As the hon. Member for Calgary-Buffalo indicated, he gave the Chair more than the required notice of his intention to make this application. The application is properly before the Assembly.

The Chair recognizes that this is indeed a very serious matter that is before our province at this time. On this issue the motion relates to a matter of current concern, but the Chair is of the view that judicial independence is guaranteed by the long-standing traditions of our country as buttressed by the Charter of Rights and Freedoms. That guarantee is enforceable by the courts of this country, of which there are many, two different systems.

As a result of this background, this Assembly made a decision some time ago to remove itself from the question of regulating the judges by establishing a statutory mechanism pertaining to the tenure, removal, and conduct of provincial court judges. That was established by the passage of the Provincial Court Judges Act. It has been indicated in the Assembly today that this mechanism is in the process of operating as we speak, and the Chair really feels that this matter is before the chief judge of the province of Alberta, who is an important part of the mechanism established by the Assembly. Therefore the application for debating this question

should not proceed at this time, and the mechanism established by the Assembly should be allowed to work.

head: **Orders of the Day**
 head: **Public Bills and Orders Other than**
 head: **Government Bills and Orders**
 head: **Second Reading**

Bill 211
Economic Strategy Act

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. It's a pleasure for me to rise today to move second reading of Bill 211, the Economic Strategy Act.

Mr. Speaker, the government is always asking the members on this side of the House for good ideas and good suggestions. Understandably so. That of course is the purpose and the intent behind Bill 211.

Mr. Speaker, the future of the province of Alberta is going to be largely determined by how well we can grow our economy, how well we can help our small businesses grow and develop, and in fact how well those small businesses can in turn create jobs. Mr. Speaker, I first learned of the concept of networking relatively recently at a forum that I attended in the United States, in fact with the Pacific Northwest Economic Region. There was a presentation there from a representative from the state of Oregon, and I asked for information to be sent to me, which I've received. I'll get into that in just a moment.

The thrust of the Bill, Mr. Speaker, says: yes, we need to grow our economy; yes, we need to diversify; yes, we need to create jobs, but we won't do that effectively and efficiently by simply throwing money at particular businesses. So what we need is an alternate strategy. I would argue a better strategy. The Bill proposes that we create networks of businesses that are operating in similar kinds of enterprises to be able to work together for the joint benefit of each of the independent businesses and also for the three or four or 10 or 20 or 100 of them together as a whole. The concept behind this, in short, as an example, is that you might get three companies together where one plus one plus one equals four; in other words, the sum of the whole is greater than the parts individually, where three companies together can grow . . . [interjection] Three ones equals four. That's right. The whole is greater than the sum of the parts; okay?. The idea being that you're going to get more value, more jobs, more businesses by this proposal.

3:00

Now, Mr. Speaker, the Bill has in total nine sections to it, and it talks about some definitions in the first section. It talks about the kinds of things that we are going to do and the kinds of sectors in section 3, what it is the activities would be that are held under this Bill. It talks about the kinds of policies we're going to get going and even includes – as a result of the North American free trade agreement, now we've brought in Mexico as traders with us in a larger, enhanced North American market. It talks about allowing for trades to occur or for a pairing of our cities in the province of Alberta with cities in Mexico to, hopefully, their joint benefit.

Mr. Speaker, I want to talk a little bit about what I learned about the Oregon model, and then from there I want to go on to in fact some international models that have been proposed. The Oregon model identified in total 13 areas or business sectors that

were critical to the economic development of the state of Oregon. What they then did in those 13 areas was they proceeded to pursue a variety of activities. One was roundtable proposals. They proposed, for example – and I have one little brochure here that talks about the aerospace industry as a key industry in Oregon. The concept that they followed was: let's first of all identify our key industries, which indeed is proposed under Bill 211. It says: let's identify our key industries, not to say that there aren't other industries that are important, but let's look at our key industries and let's work from strength.

So in the state of Oregon they looked at some of the strengths they had, and one of the first things they did in many of their areas and in many of their sectors was look at the key players. In other words, within an industry they looked at who the businesses are that are really developing, that are doing unique things in this area, that are leading along in the development of that particular sector, whether it was agriculture or aerospace or whatever. So the first thing they did was they created an inventory and identified those key areas, key players, if you will.

Following the development of the inventory, Mr. Speaker, that then led to discussions. Those were sometimes roundtable discussions, sometimes discussions between government and individual corporations, but the focus and the underlying question was: what can we do to help our key industry grow? How can we help, first of all, the industry as a whole? How can we help each other? Then, of course, how can we help the state of Oregon? Although each one of the players themselves grows and develops and becomes more productive, the upside of course is that not only do you grow your own company, but you also start to grow your home state or province. They came up with some clearly identified targets about where it is that they in that particular sector wanted to identify and wanted to grow and wanted to develop in the state themselves.

Now, many of the key industries that were identified in Oregon in fact are similar to industries we have here. Aerospace is perhaps not as large here as there but certainly one that we could grow. Agriculture – I'm sure the minister of agriculture would agree – is a key industry certainly in our province. Biotechnology is one that is growing and increasing in both the size of the number of employees and in terms of value. Environmental services indeed are growing across the province. Film and video in the province of Alberta: we've got great potential here both in what we've got right now and future expansion. Forest products and value added: I think we've got tremendous potential in that area in the province of Alberta. High technology: certainly Calgary is becoming known as a world leader in the development of computer software. Metals, plastics, professional services, and indeed tourism: the province of Alberta I think is already well recognized as being one of the leaders in the development of tourism, certainly with ATEC, the Alberta Tourism Education Council, and with some of the proposals we have coming before us with respect to future development of the tourism industry in the province of Alberta.

Now, the initiative here that we are seeing suggests a future of where we might go with the development of these key industries. Why is that important, Mr. Speaker? Why do we need a new approach? Well, I certainly don't need to remind hon. members of interventions that have been attempted by the government that simply have not worked. There's been a long list of corporations that we have invested direct taxpayers' moneys into and in large amounts, I might add, that quite frankly just did not work. So we need something else.

MR. CHADI: Quite frankly.

MR. BRUSEKER: Frankly speaking, and I usually do, yes.

In fact, the Western Centre for Economic Research at the University of Alberta has started to investigate this particular concept, dealing primarily with manufacturing networks. What my Bill proposes would be a broader approach rather than just manufacturing networks; in fact, a whole variety of networks in all of the key industries that are mentioned in the Bill. One small start has been made with respect to manufacturing networks. In fact, in the Information Bulletin #17, October 1993, sponsored by the Western Centre for Economic Research, there is on page 70 a line that says, "Alberta's approach is fragmented and uncoordinated on both the supply (support services) and demand (SMEs) side." Indeed, Mr. Speaker, the proposal talks about developing a single, coherent campaign which has a clear focus, a clear sense of direction.

I mentioned value-added wood products. Two important restrictions or constraints right now in the development of secondary wood manufacturing in the province of Alberta are the lack of high-grade cuts of wood – that's one – and, two, the lack of good quality skilled labour.

So we need to develop a variety of areas. We want to develop our economy. We want to help develop the Alberta advantage, Mr. Speaker. Well, the Alberta advantage is not going to be created simply by passively sitting back and waiting for something to happen or someone to discover us or who knows what exactly. This Bill says: let's go out, let's do something positive, and let's go ahead and go forward with it.

Now, Mr. Speaker, what I'm suggesting for the province of Alberta in fact is not entirely new even to this country, and I want to get to a little bit about the Danish experience in a moment, because that's where much of the development of the concept of flexible networks really began. One flexible network has been created in the energy sector, and it's something called Petro-Trade, the Petroleum Services Trading Association of Alberta. Indeed, this is probably the first flexible network, I guess, that we've seen in Alberta, and I think that's probably a step in the right direction. The Minister of Energy says that it's a good direction, and I'm inclined to agree with her. The difficulty I have with that is that flexible network has been created through the federal government and particularly through the Department of Western Economic Diversification. Not to say that it's inappropriate for the federal government to get involved with this, but I would like to see the provincial government become also involved and get involved in a direct, meaningful, hands-on network.

3:10

In fact, Mr. Speaker, when I did a little research, the only Alberta-based, Alberta-oriented, Alberta-started, if you will, flexible network that I could find came out of the Alberta Research Council. There is one that has been created there. It's called AMNet, which stands for the Alberta Manufacturing Network formed in 1992. That one has been started up and is operating. It deals with and ties in with the concept of flexible networks, as mentioned earlier, that have occurred in Oregon and were given consideration by the Western Centre for Economic Research. Again, this is one where the Research Council, as I understand it, is currently operating the network and is going to continue to manage and operate that network until the industry feels they can take hold of it, I guess, and move along themselves. In the long term, of course, that's ultimately where this has to go. Certainly the Canadian Manufacturers' Association is indeed getting involved, and they have started another network called CANet, which is the Canadian business networking foundation sponsored as an initiative of the Canadian Manufacturers' Association.

So it sounds like some of these things are getting going, Mr. Speaker, and indeed they are going. But what we don't have going, as far as I can tell, is a clear focus, a unified direction from this government. I presume it would come under the department of economic development, but it's not coming from any department anywhere. What I'm suggesting is that this kind of a project could be undertaken fairly easily, fairly quickly, and in fact would have a tremendous positive impact.

Now, by positive impact, Mr. Speaker, let's talk about some of the upsides that can occur and result when a flexible network can be created, because I think it's important to get an idea of what it is that can occur. As I mentioned earlier, the concept of flexible networks was really started in Denmark, and the nation of Denmark started with funding of \$25 million over three years. I'm not necessarily saying that we need that particular amount of funding in Alberta, but that is probably the greatest commitment of funding that has been given to a flexible network so far, and it is the one that is being used as a model.

What are the kinds of benefits that you can get, Mr. Speaker? Why is it that flexible networks are important to the province of Alberta and to Albertans? Some of the kinds of things you get, some of the positive kinds of things: you get an increase in exports. Certainly much of our economy in the province of Alberta is based on exports, either in the energy sector or, alternately, in the agricultural sector. So certainly for a province like Alberta an increase in exports would be an improvement.

Stimulation of research and development. Alberta's energy sector has been a world leader, unquestionably, in the development of research and development, particularly in energy exportation. If we can stimulate research and development and get better enhanced recovery of our various products, certainly that's got to be an upside.

Stimulation of innovation. You know the old saying, "Necessity is the mother of invention." Well, we are in difficult financial times. We're trying to grow our economy at the same time as we're trying to reduce a deficit and ultimately pay off a long-term debt. Certainly we need that.

Technology transfer. Sometimes you develop a product in one area – for example, these little yellow stickies that all of us love to use. The glue that was invented for them was not initially designed for this kind of purpose at all, but as it turned out, it carried over into another product, and now we can't live without these little yellow sticky tabs that we're all using all over the place. So, in fact, you do get new products being developed, and as a result of new products, certainly you get the development of new jobs. If we can get rid of the 10 percent unemployment rate that we've got in the province of Alberta and get it down to 8.9 percent – the point is, if we can cut it in half, from whatever it is now to half of what it is now, that will benefit all Albertans because we will have more people working, we'll have more people paying taxes, we'll have fewer people drawing on social services. It's a win, win, win. That's what we're looking at with this Bill, Mr. Speaker. That's the point of flexible networking: to create jobs.

New training. You know, you develop new jobs. You develop new products. Obviously, you're going to have new training programs to meet the needs of the individuals that are going to be coming into the new businesses that are going to be growing as well. The balance of trade improves even in the soft sectors like tourism. I've talked earlier that Alberta has a tremendous natural advantage in tourism. We've got a variety of products. We've got mountain ranges. We've got prairies. We've got large cities. We've got a terrific opportunity in tourism. Certainly, that's an area where we want to see some growth occurring.

When I give some consideration to why we should consider investigating this at this time, if we look at Alberta as a piece of our larger Canadian economy, certainly the kinds of things we need to look at are increasing not only our own competitiveness within the state, within Canada, but also on a competitive basis. I note that all of the little booklets that I received from Oregon in fact have a large title, but in smaller type each one of them bears a subtitle which is: A Global Competitiveness Agenda. Certainly, Mr. Speaker, that's something we here in Alberta need to pursue as well. Unfortunately, Canada right now, our manufacturing industry, is low in competitiveness amongst the G-7 countries. That's something we can work on and we can hopefully improve by working towards flexible networks.

There's no doubt that change is occurring rapidly in the business sector, in the business world. Change is something you can either fear or embrace. What this proposal suggests is: let's embrace the change, let's make it a positive change, and let's use it for growth. If we don't do this, then what will end up happening in fact is that we will see ourselves falling behind. When I say "see ourselves falling behind," the fact of the matter is that there are not just a couple of places where flexible networks have been introduced, but in fact, many of the nations in Europe have introduced this concept as a part of the European Economic Community. The end result, of course, is that their economy is growing at a rate greater than ours. So what we can do is either sit back and watch it happen to us or we can jump in and make ourselves a part of it.

Collaborative efforts. Mr. Speaker, I mentioned the concept of one plus one plus one. That's three individuals, but if you add them together, maybe the total can be four. So collaborative efforts certainly will be the future development.

In Denmark, in particular, they have had a very positive impact, particularly amongst small- and medium-sized enterprises. Of course, we already know the fact that 85 percent of job growth occurs in small- and medium-sized enterprises. So what we need to look at is: if that's the area where the growth is occurring, let's do something that will help facilitate that growth. That's what this talks about. This isn't the concept of getting big businesses, and big businesses getting together, because quite frankly they're probably already doing it. What this talks about is the concept of getting a small group of people together. The interesting thing when you look at the experience of Denmark, for example – in terms of: is this going to be a big cost to government? – is that in fact many of the networks that were created were being undertaken by only one individual.

I guess that's the end of my time, so I'll look forward to comments from other members. Thank you.

MR. SPEAKER: The hon. Member for Lethbridge-West.

MR. DUNFORD: Thank you, Mr. Speaker. It's a pleasure to rise in the House this afternoon to speak to Bill 211, sponsored by the hon. Member for Calgary-North West. I'd like to begin by thanking the sponsor of this Bill for the discussion particularly on the Oregon model. *Hansard* will now have this information at hand, and I'm sure that between the sponsor and myself we'll ensure that the Minister of Economic Development and Tourism will gain access to this information.

To deal specifically with this Bill, the purpose of Bill 211 is to provide for a means by which government working with private enterprise, industry associations, and others can encourage co-operative strategies to promote industrial competitiveness. The Bill deals specifically with industry development activities, a network broker training program, filing annual reports in the

Legislature, an awards program, and a Mexico trade strategy. While I applaud the efforts of the member opposite to bring these ideas before the House, I feel that the government has already dealt with many of these ideas in a real and meaningful way. I say this because this government has gone further than any other government in Canada by developing and implementing three-year business plans. Within these plans the government has laid out the goals and objectives, strategies, and measurement indicators for each department. Referring to section 3 of this Bill regarding industry development activities, such activities are included in the major goals and objectives of the economic ministries such as Economic Development and Tourism; Agriculture, Food and Rural Development; Energy; Advanced Education and Career Development; and Transportation and Utilities. Each department has developed strategies and programs to achieve these goals.

3:20

Bill 211 speaks of support for formation of industry associations, publications of association directories and related efforts to create or expand the activities of industry associations.

At present Economic Development and Tourism publishes directories for several industries.

Bill 211 speaks of "helping [to] establish research consortia." The departments of Economic Development and Tourism; Agriculture, Food and Rural Development; and Energy all promote the formation of research consortia.

Bill 211 speaks of "joint training and education programs and curricula related to the specific needs of Alberta industries." The Department of Advanced Education and Career Development provides apprenticeship programs in collaboration with industry associations and Alberta businesses. Postsecondary institutions are also seeking input from industry in order to refine current programs and create new programs that will meet the work force requirements of Alberta industry both in the present and in the years to come.

Bill 211 speaks of the "analysis of the need, feasibility and cost for establishing product certification and testing facilities and services." Government-funded research and development organizations such as the Alberta Research Council, the Alberta Microelectronic Centre, the Alberta Agricultural Research Institute, and the Alberta Oil Sands Technology and Research Authority provide product development and testing services.

Bill 211 speaks of providing for methods of electronic communication and information dissemination among enterprises and groups of enterprises to facilitate network activity.

There are a variety of commercial information networks available to Alberta businesses. Furthermore, the Alberta government supports the Canadian Network for Advanced Research, Industry and Education, CANARIE, which is a national information network jointly being developed by participants from government, industry, and academia.

Section 4 of this Bill would require the Minister of Economic Development and Tourism to

develop a network broker training program designed to provide persons with the necessary knowledge, skills and abilities to assist private enterprises in the formation of flexible networks.

Networking is becoming an effective way of co-ordinating the business activities of several companies in achieving their common goals. Networking, sometimes called strategic alliance, goes beyond a normal business relationship and involves co-operation among competitors for specific goals. Networking has been used for many purposes, including common procurement processes, technology and product development, market development, and

export promotion. Networking is a working arrangement by private companies for their benefit. Experience of successful networks shows that facilitators play a major role in the formation of networks by assisting member companies in identifying new business opportunities and developing business plans to realize these new opportunities. Facilitators could be consultants, government employees, or businesspersons themselves.

Many government departments had occasionally used this approach but are now considering using it more extensively and systematically. The concept fits well into the new way of doing business in this government. There are several organizations in the province which promote networking among Alberta businesses, such as Industry Alberta, a nonprofit corporation with representatives from industry, labour, and government. Another one is the Alberta Manufacturing Network, a program currently funded and operated by the Alberta Research Council. In February of this year Alberta Economic Development and Tourism organized a business networks training session for its managers.

Once again, I'd like to mention that the sponsor has brought forward good information in this debate with the experience that he talked about in Denmark. This information is valuable to all of the members in this House and to the departments of this government.

Sections 5 and 6 of Bill 211 would require the Minister of Economic Development and Tourism to table in the Legislature annual reports on, one, options and opportunities for Alberta's economic development and, two, the competitiveness of Alberta's main industries. In respect of the report on options and opportunities, the hon. member opposite would have the minister report on potential initiatives to modify government policies and programs to assist industry to become more competitive and to make economic development programs better suited to meet the needs of key Alberta industries. A product of the three-year business plans is the development and implementation of measurement indicators. These indicators will allow the department to judge the performance of their programs and services. If after review programs and services are not meeting the needs of Alberta business, the departments have the flexibility to alter their programs in order to better serve the needs of Alberta business. To address the issue of assisting Alberta industry to become more competitive, this is an ongoing activity of Alberta Economic Development and Tourism. In the recent provincial throne speech the government stressed again its commitment to improve Alberta's competitiveness.

The Member for Calgary-North West argued in favour of embracing change, and I agree with him. I am proud of the changes that this government is implementing and facilitating. However, in respect to the annual report on the competitiveness of Alberta's industries, I have several reservations. Again referring to the three-year business plans, each of those key economic departments that I referred to earlier has developed measurement indicators which include monitoring various sectors of the Alberta economy and their competitiveness. It would be my belief that to undertake a formal analysis of the international competitiveness of Alberta's industries will be costly and time consuming. In 1991 the federal government commissioned Professor Michael Porter to conduct such an analysis: Canada at the Crossroads. In 1988 the Ontario government conducted a similar analysis for Ontario industries called Competing in the New Global Economy. Both studies took almost two years to complete. Aside from the time required to compile such a report, a report on the competitiveness of Alberta's key industries would present a number of technical problems, none more difficult than the very subjective nature of determining the elements required to judge competitiveness.

MR. SPEAKER: I regret to interrupt the hon. member, but the clock has now reached the hour of 3:30, and we are required by Standing Orders to move to the next order of business.

head: Motions Other than Government Motions

3:30 Victims of Crime

512. Moved by Mrs. Laing:

Be it resolved that the Legislative Assembly urge the government to take necessary action within its powers to ensure that victims of crime are treated fairly and with dignity and respect throughout every stage of their involvement with the justice system.

MR. SPEAKER: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. It's a privilege for me to rise today to initiate debate on Motion 512. Currently the government has two statutes which are intended to meet the needs of victims: the Victims' Programs Assistance Act and the Criminal Injuries Compensation Act. While each Act has been structured with different objectives, both represent crucial first steps taken by this government to recognize the role of victims.

The criminal injuries Act was developed to provide financial support to individual victims of crime. It was proclaimed in 1969 to assist victims of violent crime who suffer financial loss as a direct result of injuries or death. The Act establishes the Crimes Compensation Board, a three-person body appointed by the Lieutenant Governor in Council. During hearings throughout the province this board reviews each applicant's claim and decides on the amount and type of compensation it can award.

The other Act, the Victims' Programs Assistance Act, was designed to encourage and support organizations which provide services to victims. The Act establishes the victims' programs assistance fund and the Victims' Programs Assistance Committee. Mr. Speaker, the victims' programs assistance fund is backed by surcharges imposed by courts on persons convicted of Criminal Code, the Narcotics Control Act, and the Food and Drug Act offences. Surcharge assessments total approximately \$50,000 per month, or \$600,000 per year, and are deposited into the fund. Groups and organizations who provide or propose to provide programs and services that benefit victims can apply for this funding. The purpose of the Victims' Programs Assistance Committee is to assess applications and make recommendations for grants to the Minister of Justice.

I'm happy to see that under the direction of the Minister of Justice and Attorney General this government has taken the first important crucial steps in recognizing that victims may have special needs. However, it's unfortunate to note that Alberta is one of the two provinces that do not have a victims' rights Bill. Perhaps, Mr. Speaker, we might be able to see something evolve from the discussion of this motion such as a victims' bill of rights. The criminal has his or her rights strongly entrenched in the justice system, but it's often the victims whose rights get lost in the legal proceedings.

Mr. Speaker, I would like to focus the rest of my speaking time this afternoon by expanding upon basic principles which apply to the treatment of victims of crime. Victims should be treated with courtesy, compassion, and respect for their personal dignity and privacy. Victims do not choose to become victims. While many are inconvenienced by having to take time off work – and even families – to either recover or testify at a court trial, many however will be affected for the rest of their lives. Their lives will be changed forever.

We also have to understand that there's more than one victim for every crime. A victim could be a young child who's lost her father through a car accident caused by a drunk driver. This child's entire life will be impacted. Changes in the family circumstances could alter the life-style and future of the entire family. The mother may have to go to work full-time, leaving her with less time and energy for her child. Frequently the family's economic status is lessened significantly, providing diminished opportunities for the child's future. The young mother may find the loss of her husband and the responsibilities of being a single parent to be overwhelming. Through the stress created through criminal actions of others, this family may become very dysfunctional. The criminal's sentence may be five to 10 years, but the child's sentence is for life.

It should be the policy of this government to ensure that victims such as this family receive the necessary counseling and financial supports needed to assist their recovery and an opportunity for a more normal life and a brighter future for these victims. The victims should be kept informed by the investigating officers about the investigations of the crime. Victims are under a great deal of stress during and after the crime. Frequently they cannot sleep properly. They are nervous and insecure. They do not feel safe, and they fear another attack. By keeping the victims aware of what's being done to investigate the crime, some of these frustrations and fears can be alleviated.

Providing for the victims' safety is another important facet. Attention should be given by the police to ensure the victims' home is secure and that they receive training to protect themselves from harm. These steps can be very important to the victims' well-being and feeling of security.

Victims should receive information from prosecuting Crown attorneys concerning the proceedings of the case. I have spoken to a Crown prosecutor in Calgary, and he said that much of this is now being done in the Calgary area. He now spends a lot of time talking to the victims, explaining procedures and counseling them. This is certainly a step in the right direction and is something that should be expanded to all the courts of Alberta. However, he also indicates his workload has significantly grown as a result, and I have a fear that this strategy could become lost due to the pressures of time and energy. I would like to see this become a prescribed part of the court routine.

Victims must be notified of changes in a criminal's status . . .

MR. SPEAKER: Order please. The hon. Member for Calgary-Bow has the floor.

MRS. LAIN: . . . especially in a rape or a violent assault case. Changes in proceedings for the criminal which may result in an early parole, release from custody pending a trial, or day parole should be communicated to the victim. The accused are often released on bail within hours of their arrest. The victim must know this. How often have violent crimes been committed by felons out on bail for a previous crime? I don't expect the police to have to track down all the victims and keep track of them, but I feel there should be a victims' registry with the police which could facilitate the victims listing themselves. With the computer systems of today surely a cross-reference could be identified with a victim and the criminal whenever the accused is released from custody.

I believe victims of sexual assault should have the right to be interviewed only by a police officer of the same gender. While this has often been the practice, we need a legal provision which would guarantee that this choice be recognized regardless of where the victim lives in our province. Relating the experience

of a sexual assault can be a very traumatic experience. A compassionate officer of the same gender may greatly ease the fears and discomfort of the victim in giving an accurate account of the incident.

The inclusion of a victim's impact statement should be an integral part of all the court hearings and also of the official court transcripts. This gives the victims the opportunity to express how this criminal act has affected them. We often forget the victim in the proceedings. The criminals' rights are highly profiled and protected, but what about the victims' rights to have the suffering they've experienced acknowledged?

The impact on the family through the loss of a son is traumatic and eternal. When we hear that criminals will be only serving 10 years of a life sentence, it makes you question: what is justice? My constituents Stu and Marge Garrioch have a life sentence. They will live their entire lives without their son Ryan. Their loss deserves to be part of that record so that when the murderer's term comes to the parole board for review, they remember also the anguish of the family.

During the legal investigations and proceedings the victims must be treated with courtesy, compassion, dignity, and respect. Trained officers and members of the court who realize the anxiety and stress the victims are under are very important. When you're suffering emotionally from the impact of an attack or the loss of a loved one, you're hypersensitive. Every single sentence, every expression can take on an ominous meaning. Workers who understand and can respond to the victim with compassion are an important part of the healing process. A simple change in procedure such as saying the victim's name during court hearings brings reality to the jury and the audience. It makes the act personal. Referring to the victim as "the deceased" or "the victim" throughout the trial makes the crime seem less severe. The victim tends to be rendered to a nonentity. Mrs. Garrioch told me that throughout the court case of her son's attacker her son was referred to as "the deceased." She often felt like standing up and yelling, "His name is Ryan."

Mr. Speaker, some communities have victim assistance units. Some in smaller centres use trained volunteers to assist victims. This service is a very necessary one to achieve the balance that we need in our justice system. Justice should be for everyone, and that includes the victims.

Thank you.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much, Mr. Speaker. I rise to speak in support of the motion and specifically to thank the Member for Calgary-Bow for bringing this motion forward. It is often said that victims tend to be the forgotten element in our justice system. Having had the opportunity of speaking with many victims who felt that their needs weren't even recognized or acknowledged never mind addressed, I think that is an issue. I think it's something that we tend not to do particularly well with. I fully accept the comments of the Member for Calgary-Bow, who said that when we deal with victims, they should be entitled to expect courtesy; they should be entitled to expect compassion; they should be entitled to expect a degree of responsiveness. I think it's fair to say that the system overall doesn't provide that.

3:40

There are three major areas in terms of dealing with victims, Mr. Speaker, that come to mind. One that I want to focus on is the Crimes Compensation Board. The second one is the victims' programs assistance fund, and the third one is the kind of support

that's provided. I call it not perhaps institutional support, but I'm talking now about the relatively small teams that exist with the city of Calgary Police Service and the Edmonton Police Service, where mostly for domestic cases you have social workers; you have people with psychological training that go in to deal particularly with victims in domestic violence cases. So I'm going to concentrate mainly on those three areas.

Dealing firstly with the Crimes Compensation Board, one of the things that I think is difficult is that when you have a statute called crimes compensation, when you go into what used to be Alberta Liquor Control Board outlets and there'd be a little brochure there, "What Do You Want to Know about the Crimes Compensation Board?", you raise people's expectations. What's happened, from many people I've spoken to, is they thought that the Crimes Compensation Board in fact had a much broader mandate and had a larger arsenal of remedies than in fact turned out to be the case.

We spend I think about \$1.5 million a year on the Crimes Compensation Board. I think that's been fairly constant. I acknowledge the fact that the government didn't cut back in that area. I think that's been fairly stable, but the concern that's been brought to my attention is: sometimes you have extremely serious injuries, and what happens is there's no provision for compensation for those serious injuries. I raise this question. I suppose we're going to have to deal with it in some more formal way than simply speaking to a motion, but I flag the concern that I think the jurisdiction of the Crimes Compensation Board is too narrow and that not in every case but in legitimate cases we consider being able to give more comprehensive kinds of compensation than is the case now.

The other thing: we sometimes see this difficulty where there's a perception that there's one set of rules for police officers who are involved and are trying to access the Crimes Compensation Board funding and a different set of rules for laypeople. I think we have to find some way of communicating that under the Act it should be basically the same criteria, the same standards, and the same kind of coverage available.

Moving on to speak about the victims' programs assistance fund: a great initiative, tremendous initiative, an important thing to have in this province. What we found is that this fund has been growing and growing and growing, and for some reason a very small portion of those moneys are being paid out to help victims. They're being paid out to programs. In fact, we've got a situation where the 1992-1993 public accounts had valued the fund at \$1.9 million. That was up from \$1.3 million in '91-92. Now, despite the fact that the fund has grown substantially, in 1992-1993 we only had \$457,000 paid out. Well, it surely isn't because there's a lack of victims. It's surely not because there aren't services being provided by organizations for victims. I've never had a satisfactory explanation in terms of why we've got this nest egg sitting there. It's expressly for victims. There was a surcharge on fines targeted for victims. The money is doing not a whole lot of good sitting in a fund accruing interest, and I'm anxious, Mr. Speaker, that we put that money to work benefitting victims who have bona fide losses.

You know, there are organizations that work - I'm thinking particularly in domestic assault cases and that sort of thing. There's a rich diversity of services and assistance provided through not-for-profit agencies, and it seems to me a substantial portion of these funds could be used. I don't know what it takes. I guess, firstly, a commitment on the part of the government. I hope, with some gentle suasion from the Member for Calgary-Bow to her colleagues, particularly in cabinet, that we get going and disburse these funds. Now, if there's some problem with the program, then let's deal with that. Or if it's a difficulty with the

application process, let's find out what the barriers are and eliminate them. We want to get those funds out working for victims. That, of course, is the intent of the whole program.

It's been suggested to me, Mr. Speaker, that the criteria for accessing the victims' assistance fund are too narrow. Well, the fund isn't brand-new. It was established in 1991, so it surely isn't a revolutionary thought in 1994 that we should now know what parts of the program aren't doing the stated purpose. If there are barriers, we now know what they are. Let's dismantle them. Let's be able to get past that.

The other concern I have with the victims' program assistance fund right now is that a full 26.3 percent goes to administration. Well, if there's one thing that I find victims are frustrated by it's the fact that the surcharge is being collected and it's going to pay administration. It's going to pay administrators. It's buying file folders and computer time or whatever. It's not money going into the pockets of victims. I know that there are lots of fans of privatization in this Chamber. I know that many members opposite are keen on privatizing whatever we can. I have to say that here's a program that's run extensively for victims. We've got 26 percent of those moneys going to administration. Isn't this something we should be considering privatizing? Isn't this something where we can find agencies, and not-for-profit agencies, that would be able to get this money out quickly into the hands of people that need it and not see all this money bled off in administration? So that's something we have to address in this province, and I think everybody who's anxious about advantaging victims would share that concern I have, Mr. Speaker.

It's also important to note that, you know, \$254,000 last year, in 1993, came from the federal government, so these aren't simply moneys generated locally. We can do a better job in terms of managing that particular fund.

It would seem, Mr. Speaker, that the funding from the program, to the best I can determine, now seems to be targeted to areas where there's already no victim program in place, not necessarily to where the greatest need exists. I say this with respect to those people who know better than I about this program: why wouldn't we target the area where the greatest need is, whether it's the greatest number of victims or the victims with the most severe kind of loss? Isn't that where we should be assigning the highest priority? It appears that's not the case now. We've got to do better in that respect.

They have a committee that overlooks this. The committee really does not reflect to a large extent the community at large, and maybe that's reflected in the fact that we have such a high administration component and cost. Perhaps what we can do is ensure that if the government is going to continue to run this - and I question whether they should, whether it shouldn't be turned over to some not-for-profit sector. But if the government insists on running it, then I think what we need is more community representation on the panel.

I guess then another huge problem is that in the enabling legislation for the victims' assistance fund there is an expressed prohibition against funds being used for projects and programs that are, and I quote: within another government department's mandate. Well, at a time when we see government cutbacks, when we see contractions in terms of government service, we're getting more and more areas that at least nominally are being serviced by a department of government, but the need isn't being met. We've still got victims out there whose needs are not being fully addressed. Well, it seems to me that it's time to re-evaluate that. In a time of severe government cutbacks we ought to look at whether it is not possible for the fund and the fund committee

to be able to support programs even if part of a department's mandate if the need isn't being met, Mr. Speaker.

3:50

I guess another issue with the fund is that programs have to continually reapply for funding every year, and this makes it difficult for organizations to do multiyear budgeting. You know, we've seen some positive initiatives from the Provincial Treasurer in terms of the government financing, in terms of talking about three-year plans. Well, it seems to me that the same advantages would accrue to having some sort of a multiyear funding commitment when we're talking about the victims' assistance fund. I encourage members and particularly members of cabinet to consider that change.

Now, the other matter I wanted to deal with is what I'll call the noninstitutional kind of victim assistance. In the city of Calgary they have a crisis unit, a crisis team. Their whole job is to move in when there's domestic violence, when there are problems, to sort of clean up. The police are there, perhaps, to ensure that there's no loss of life and if there's a criminal offence being committed, that that process is engaged. What doesn't happen now all the time is that sometimes counseling is required, whether it's psychological therapy or other kinds of therapy. What I understand is happening is that we have a relatively small unit in the city of Calgary that works exceedingly hard. In fact, they are swamped with demands for assistance. The city police just don't have enough resources to be able to provide this. It's not a SWAT team but sort of a crisis intervention team. My understanding is that the same thing applies with the Edmonton Police Service as a result of the cuts in police funding.

You know, what we've got are two problems. The first one is that I fully expect that police are going to find the level of policing in communities deteriorates as we see the full impact of the cutback in provincial assistance to the municipalities, maybe not in this year but certainly in year 2. When that happens, I expect you're going to see an increase certainly in terms of property offences and a range of other offences, so we're going to have more victims, I anticipate. Then, on the other hand, what we're going to find is that the resources to assist those victims are shrinking. They're certainly keeping pace with the increasing number of them. So I think that's critical.

From my discussions with the two police services in Edmonton and Calgary, the problem for victims' services is going to be felt perhaps not immediately but certainly in year 2 of the government's three-year program. I'm anxious that there be some support provided at that time.

You know, I think the Member for Calgary-Bow spoke very effectively about the variety of victims we find. Mr. Speaker, victims do present many, many different faces, whether it's a child who's the subject of domestic abuse, whether it's a spouse or a common-law partner, whether it's a senior whose home has been broken into, or a Calgarian or somebody who lives in Grande Prairie who's had their car stolen. Each of these victims has some different kinds of needs.

You know, one of the things that I'd always been very impressed with with victim offender reconciliation – and this is something we don't do enough of in this province, something mandated by, that can be done under, section 4 of the Young Offenders Act. If you have a young offender that's broken into a senior's house, for example, what you've got is a situation where the impact on the senior cannot be overestimated. I can think of a particular case where we've got a woman living by herself in a small house. There had been a break-in by a young offender. This woman was at the point where she felt so violated

that her house had been broken into that she couldn't sleep nights. She was fearful to go out at night. It had just completely turned her entire life upside down.

In a case like this, you know, what has happened in other jurisdictions is to consider, in one of the range of sentencing options, victim offender reconciliation. The young offender – this would be if the senior I'm speaking of wished to do so – would meet the victim. It wouldn't apply in every case, and many victims would choose not to. What happens is that the senior has the opportunity to sit there with the young offender and tell the young offender the impact that this has had on her life. This kid, who simply thinks that breaking into a house was no big deal and there were no long-term consequences, might begin to see that what we're dealing with here was a huge impact on this senior, get some understanding of the kind of consequences that float from that single act of breaking into that house. What might happen at the same time is that the senior, this elderly lady, would find out that the young offender is not some stranger who's anonymous, who's faceless. In fact, it turns out that it's the kid from four doors down the street. I think, Mr. Speaker, what happens is one of two things. One, the young offender may develop a sense of the seriousness of what he's done that otherwise is not going to come home to him. The second thing is that the senior may find out that the offence, as I say, wasn't by some anonymous stranger, but in fact she can put a face to him, she knows who it is, and it helps her in terms of trying to restore some equilibrium in her own life.

That's just one example. As I say, that's not going to apply in every case, but there are lots of things like that that have been done in other cases that speak to victims' real needs, needs that can't just be solved with a cheque, Mr. Speaker, but other kinds of needs that they have. They're real needs, and they're needs that deserve to be respected and recognized. So there's a good deal more we can do.

I thank the Member for Calgary-Bow for recognizing the importance of the needs of victims. I hope we on both sides of the Chamber can work to ensure that there are more programs that work better for the people that need them, the Alberta victims.

Thanks, Mr. Speaker.

MR. SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. It is a pleasure for me to rise this afternoon to speak in support of Motion 512, which seeks to ensure the government exercises every possible measure to protect, promote, and respect the rights of victims of crime. I would like to congratulate the Member for Calgary-Bow for sponsoring this motion. The issue of victim's rights is one that exists in all areas of the province and is a concern to many of my constituents. I would hope that this motion receives the support of all members of the House, as it is an issue which at times tends to be overlooked. Alberta society, and the rest of Canada for that matter, is at a crossroad. Albertans and Canadians alike are concerned about the rise in all forms of crime. It would seem that in some cases persons convicted of offences have more rights and privileges than do their victims. Critics have argued that the rights of victims must be enhanced and protected. Many programs and statutes created by government at the federal level up to the early '80s tended to be skewed towards a system which revolved around what the accused had done and what his or her rights were. Sometimes support given to criminals in Canada has bordered on ludicrous. Seldom has it focused on victims and their families and the pain and suffering inflicted upon them by criminal actions. Strengthening the rights of victims could level the playing field.

4:00

In Ontario, while I will not comment on the trial, the *Toronto Star* last month reported that Paul Teale's legal aid bill had approached the \$300,000 mark. Why don't we look at the hundreds of thousands of dollars the government of Canada spent on Charles Ng's defence? Furthermore, let us look at the privileges given to convicted killer Karla Homolka. Just two months ago, while testifying at the preliminary hearing of her estranged husband, Paul Teale, Homolka was given up to four holding cells at the Niagara regional police headquarters. While two cells were being upgraded in line with federal prison standards for her use, she was given access to two others for her wardrobe if she needed them. Once again according to the *Toronto Star*, Homolka, who is serving a 12-year sentence at the Kingston Prison for Women, has a colour television set and a microwave oven in her cell to complement her Mickey Mouse wallpaper. Mr. Speaker, this is a prison, not the Magic Kingdom.

Shifting from the rights of the offenders, I would like to examine issues facing the rights and privileges allotted to victims. Victims of crime, Mr. Speaker, often feel shortchanged by the system. They are frustrated and confused by the long waits and successful adjournments. They are delayed in getting over their victimization and getting on with their lives when they continue to be involved in a drawn out legal process, and in many cases they themselves are treated like criminals or secondhand citizens.

Earlier this year the health policy journal *Health Affairs* determined that a single crime-related injury costs an average of \$41,000 for medical and psychological problems. The total in the United States is over \$20 billion a year for gunshot wounds alone. Moreover, this study estimated the total cost for all injury-causing crimes that occurred in a single year in medical, psychological, and productivity losses at \$202 billion U.S. over the victims' lifetimes. However, the study's authors felt this figure was underestimated because our neighbours to the south lack better data on violent crime.

While it may be difficult for government to ensure all victims are compensated in full, I, like my colleague for Calgary-Bow, feel that victims should be treated with courtesy and compassion while respecting their personal dignity and privacy. Support like psychiatric assistance should be readily available to all victims regardless of their income. We must realize that victims did not choose to be victims. The plague of victimization does not just attack the higher income of our society.

Victims want to be able to get on with the rest of their lives. This government must continue to ensure that victims and, for that matter, the community are notified of the impending release of sex or violent offenders. Long waits, successful adjournments, and mistrials shortchange victims of crime. They are frustrated and confused. They are delayed in getting over their victimization and getting on with their lives when they continue to be involved in a drawn-out process. In many cases they themselves continue to be treated like criminals or second-class citizens.

Furthermore, to follow through on the theme of our judicial system, victims should be given more impact during court hearings. While victim impact statements are permitted in our courts depending on the case, I believe they should be used in every circumstance. Offenders and judges need to know how the lives of victims are impacted. When the traditional family unit is undermined as it has been, self-reliance is lost and responsibilities tend to disappear.

Mr. Speaker, members of this Assembly know full well that the destruction of the family unit – children need mothers and fathers. A social assistance or victim compensation cheque is not a

husband or wife. The province is not a father or a mother. For instance, no one knows what long-term impact the second-degree murder of respected Calgary doctor Geoffrey Cragg will have on his family. How will his widow's and children's lives be affected? This motion does not call upon this government to necessarily spend more money. The constituents of Calgary-Fish Creek, like their fellow Albertans, do not believe that you can solve a problem by simply shovelling money at it. If spending more money were a panacea, then Canadians would be living in utopia. It would be preposterous to think that any amount of money will ever bring back the life of a loved one or erase the emotional trauma which has been inflicted upon the victim and his or her family.

This motion does, however, call for the government to ensure that victims of crime are given access to the services they need and to be treated with compassion, dignity, and respect both during and after their involvement with the justice system. I realize that this is a tall order for this government to fill, Mr. Speaker. Members of the Assembly might ask: how will we know whether the government can deliver on a promise? We will know that we have succeeded when victims are capable of and comfortable coming face to face with their perpetrators. A victim could tell his or her perpetrator how their lives have been violated and how, because of this intrusion, the victim's life has been changed and maybe scarred for life.

I would hope that this House will support the motion of my hon. colleague. While it does not address all of the problems with the rights of victims, it does address many important issues for this government to consider. The intent of this motion is to increase the protection of victims as well as the rest of society. While motions do not legislate, I do hope that this issue of victim's rights will be discussed further. I do hope that during my first term in this House Alberta might have a victim's bill of rights. Any initiative which will accomplish this goal is one that should deserve the support of the public and especially the lawmakers.

Thank you.

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I just want to make a few comments on Motion 512 before the House today. I, too, intend to support this motion. I wish the motion had a little more in it than what it does. When you look at the wording, "that victims of crime are treated fairly and with dignity and respect," I think that certainly is a laudable intent, certainly nothing wrong with that.

In introducing the motion, the Member for Calgary-Bow mentioned a couple of things that kind of twigged with me, based on some experiences that I've had in my constituency. Members will recall that not long ago I asked a question on behalf of a constituent who was having difficulty with the Crimes Compensation Board. Indeed, Mr. Speaker, one of the comments that the member made in introducing the motion is that although sometimes the direct victim may only be one individual, there are indirect victims, if I can use that term. By that I mean the family. Certainly in the incident that I'm talking about where a young man ended up as a quadriplegic as a result of a drive-by shooting, the parents of that young man certainly are victims also. There needs to be consideration given for the impact of that event not only on the individual involved but also on the parents, because there is no doubt that the impact of the event was broader than just on the particular individual.

[Mr. Deputy Speaker in the Chair]

Also, of course, Mr. Speaker, is the issue that for many of these individuals, the victims of a crime, the crime can be anything from a stolen bicycle in your backyard to an event that will change your life and your life-style and the goals of your life forever for the balance of your life. I think that somewhere – and I wish this were in the motion. It doesn't make it a poorer motion, but I wish somewhere there was some consideration given also to the severity of the event, because certainly there are crimes and there are crimes, so to speak. There are some crimes that in a sense you can almost shrug off and say, "Well, okay, tomorrow I'll get on with my life," and away we go. There are other crimes that change your life forever, and certainly I think I would like to see some direction given to that as well.

Mr. Speaker, one of the concerns, I guess, is the concept – and I'm not sure whether this is the right term to use here – of one window for services. When people that have been impacted by a crime are trying to get back on their feet, whether getting back on their feet takes a day, a year, or however long, they shouldn't get the feeling that they're getting the runaround. They shouldn't get the feeling that they've got to go here and there and this agency and that department and so on and so on to try and get the assistance that they need. They need to be able to go to one individual who can then steer them in the right direction – an integrated service policy I guess would be the way to describe it – so that they don't feel they're being victimized, in a sense, by the system afterwards, when they try to get back on their feet and they try to get back in the mainstream and get their life turned around as much as possible, depending upon the circumstances.

4:10

Mr. Speaker, the Crimes Compensation Board has been alluded to by my hon. colleague from Calgary-Buffalo. Certainly, at least in my perception, there are some problems with that area. I've seen some of the decisions that have come out of that quasi-judiciary body, I believe is the way the Minister of Justice refers to it. There are times when I've been reading a decision and I literally end up shaking my head, saying: this isn't in the best interest of the victim; this isn't a fair decision.

I guess I would like to see that concept of fairness and dignity and respect addressed particularly to the Crimes Compensation Board. I have no doubt that the individuals who are on that board are dealing with issues in the best manner they can. The problem is that the restrictive guidelines that the board operates under in fact prevent them from doing some of the things that can and should be done. I hope that perhaps when we pass this motion, that will be a direction the government will take, that in fact they will review the guidelines of the Crimes Compensation Board in terms of what can be done in an attempt to adequately not necessarily compensate with the financial dollars and cents but make people feel that they're not again being victimized by the system secondarily after having the initial event or incident, whatever it was, that caused the problem. So I hope that this motion in fact looks at a review of those kinds of considerations so that members such as myself don't have to stand in this House and say, "Hey, why is my constituent being treated in the manner that he is by the Crimes Compensation Board?" because I think that is a big issue.

Mr. Speaker, the Member for Calgary-Buffalo talked about counseling. Again, that is an issue where depending upon the individual, depending on the crime, perhaps all it takes is a day or two or, you know, a number of sessions where you can go and speak with someone, speak about your anger, if that's what it is, speak about the sense that you have.

A friend of mine had his home broken into on Christmas Eve, and all the parcels were ripped open and destroyed. I mean, talk about destroying Christmas for him and his family in that particular event, and you get up Christmas morning knowing that someone has been through your home. I mean, that's just the kind of thing that impacts your family for a long, long time. It took him and his family a considerable amount of time to get over that. They weren't looking for financial compensation. I don't think there was any financial compensation that really could have been offered or was even sought. But I think they needed someone to talk to and share their concerns with, just to speak with, to help them deal with it, people that understand the kinds of feelings that you go through with that kind of thing happening to you or being foisted upon you.

So grief counseling is the term that I use. I'm not sure if that's quite the correct term, Mr. Speaker, but I think you get a concept of what it is I'm trying to express here in terms of the concern. I think that's something that whether it's offered through the police department – I don't think that's necessarily appropriate. But if they just make the reference and say, "Go over there; there's someone there who can help you and is ready to deal with you," and in fact that service is there, I think that's something that'll help the victims along the way.

So in closing, Mr. Speaker, because I know there are others who would like to speak to this, I support the motion. I think it's an important first step in this important direction.

Thank you.

MR. DEPUTY SPEAKER: The hon. Minister of Energy.

MRS. BLACK: Thank you, Mr. Speaker. I wanted to make a few brief comments on Motion 512 as well today, because I think it's an important motion that the hon. Member for Calgary-Bow has brought forward. Along the lines of the Member for Calgary-North West, I'd like to make just a few comments on what it's like to be a victim and what we've heard from our constituents on what it is like to be a victim.

You sometimes wonder if the victim does in fact have any rights or any sympathy coming their way. I often think of the case of the families that have had a child injured or murdered or the child is gone. As a mother I've often wondered how they've ever coped with that in the long term, because unless you are a parent and all of a sudden a child is plucked away from you, you would never have that feeling of tremendous loss. That I don't think would ever disappear; I think it would always be there.

I often wonder what happens with families that – and I think of probably one of the worst cases in all of Canada: the Clifford Olson case and the mass murdering of children that went on there. Every time that man's appeal comes up for parole, those families must go through anguish in reliving the crime that was committed and the tremendous void that was placed in their lives. How would they deal with that void time and time again when it comes up in the paper every time he's looking for a parole hearing or is being protected in a cell, is receiving special treatment of protection within our penal system so that he isn't injured or damaged? Please correct me; it was either 11 or 13 children that were brutally murdered by someone. That comes out each time.

Where do those people turn to have that shoulder or have that compassion shown to them? I don't know that money is the answer for them, because that's probably the least of their worries right now. Their worry is how they feel in their heart and in their soul towards something that has happened to them. Where do they reach out to find that? There are many community groups around that do just a tremendous job, but they need to know that

these things are coming. The hon. Member for Calgary-Bow said that they must be notified. You shouldn't read about that in the paper if it's been your family. You should have preparation so you know that again another standard application is coming up, have someone there with you so it gets you through that phase again, instead of reading it in the paper and reliving that horror day in and day out and not knowing.

We hear of cases in Calgary where some of our police officers have been murdered. There are parole hearings coming up, for those people that have been charged with the murders, prematurely or ahead of the – today you get sentenced to 15 to 25 years in jail and you're up for parole in five. You sort of wonder why. A family has gone through a tremendous heart-wrenching trial, a conviction is made, and they start to cope with life. That's years and years and years of adjustment; they may never adjust to that. Then all of a sudden in the paper someone's up for a hearing.

I think we lose sight of the rights of the victim in this whole process. The victim, as the hon. Member for Calgary-Bow said, again isn't necessarily the person that was injured, but it is in fact the whole circle around that person that is affected, Mr. Speaker, and affected I think directly. So I think the motion draws in an awful lot of consideration and respect, of dignity in dealing with the victims and broadening that to the circle of victims.

Just an incident that happened to us this spring. My sister and my niece were coming to the opening of the Legislature this spring. They had not been and were driving, someone made an error on the highway, and they were in a head-on collision three days before the opening. Fortunately they survived, but the person who hit them didn't have any insurance. It was a stolen car, and on it goes. Now, how many months have we been here, Mr. Speaker? A number of weeks. They're still injured, and the person, of course, that was in the other vehicle wasn't injured. There's no consideration.

Now, I look at what's happened with my niece. She started a career path. She's been home from work for six – well, I guess it's eight weeks now that she's been home. Her career has been interrupted. There's no consideration as to what happens to her in the future. It will probably be at least a year before she's physically well enough to return to full work. There she sits, and she's wondering why. You talk about fear. She's gone through enough pain that I don't know whether she'll ever get behind the wheel of a car again. She's a very young lady, just starting off in life, and there she sits. There's no counseling; there's no one to talk to her. What she needs is a friend, someone who's been through that. Now, the family gathers around, but we need things.

In some of the incidences – the hon. Member for Calgary-Fish Creek has talked about it before – we have parent support groups that come forward and talk. We need more community-based support, Mr. Speaker. I think that's more the solution. I think we as a community have to show outwardly that greater respect for the victims. We have to be asking the question "What about the victim?" instead of "What about the rights of the criminal?" We all too often tend to say, "the rights of the criminal." Well, maybe it's time we started saying: "What about the victim? What about the person whose home was broken into? What about the senior citizen who was terrorized by the young offender?" Are we going to leave them sitting in their home, terrified to go out on the street any longer, or are we going to follow up and have a community group talk to them, help them get out of that dilemma of being terrified to turn the lights out at night, being terrified to walk down the street to the corner store to get milk or cream for their coffee or something?

We've got to get beyond that in society. We've got to say that the victim has the right to have respect and have dignity shown to

them through this whole process. They shouldn't read in the paper or find out that someone got off on a technicality. That takes away that victim's right. That instills that fear. We've got to stand firm on this, Mr. Speaker, and come forward and say that the victims are the innocent bystanders. They didn't ask for this to happen. They didn't ask for it. The criminal is the one that perpetrated the crime and went ahead and did it. It's the innocent bystander that becomes the victim.

4:20

Mr. Speaker, I would say that I think this is a good motion. I would like to promote it from the standpoint that we all as a community get out and start talking about the individual, the victim, and focusing on that and saying that enough has been done for the criminal. The criminal is protected all the way through our judicial system – it's had a lot of talk today – but the victim is not. The victim can experience delays. The victim can experience additional cost. The victim ends up almost having to prove that they are in fact the victim. When you look at an older person who goes through psychological pain and suffering that they have experienced because somebody entered their home and caused them damage, what happens? Nothing. They have to go down to a hearing time and time again. It can be delayed. It can be postponed. There's no consideration or thought that it may not be appropriate for them to go. It may put them at financial risk. It causes emotional trauma and strain on these people.

It's always the rights of the criminal, and to me, we have got to get away from that. We've had a lot of discussion this last few weeks on our system and where our rights are protected. Again, I'll go back – and I'm not trying to draw it into this discussion, but we've done it to ourselves in society. Instead of looking after the majority of the people, we tend to focus on the small groups, the minority, the minority that is not good for our society: the criminal. We focus on that. There is a report I was reading here of where again there's special consideration given to the Clifford Olsons. What for? Why should someone like that have special consideration? The families that are suffering receive no special consideration, not even advance notice of parole hearings, Mr. Speaker. It's unforgivable and unconscionable that we would go through that kind of a process in a country that prides itself on being a caring country. We forget to care for the victim. We care for the criminal, but we forget to care for the victim.

I support this motion, Mr. Speaker. I think the hon. Member for Calgary-Bow has brought forward a good motion, and it's one that looks at the victim and puts them ahead of the criminal, so I would support this motion.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I understand time is short. I'll be brief.

This is a very worthwhile motion, albeit a very vague motion. Victims' rights should never, never be placed in a position of conflict or contest with anybody else's rights. It should never be a contest between the accused and the victim for who is recognized as having needs. Victims deserve to be recognized. Their needs need to be addressed. Victims for too long have had to rely on a system that simply treats them as bystanders. Our technical legal system by its very process discounts the harm to the victim. It treats the victim's loss not as a personal one but as a loss to the state.

So certainly I'm in favour and I know this entire caucus is in favour of doing everything possible to make sure that victims'

needs are legitimately dealt with. I certainly hope that members of the government bench have been listening to this debate, because they have within their control the ability to pay attention to victims' needs in a way that has not been done.

Mr. Speaker, I will support this motion. It is unfortunate that time has elapsed.

MR. DEPUTY SPEAKER: Under Standing Order 8(4) I must put all the questions to conclude debate on the motion under consideration.

[Motion carried]

PARLIAMENTARY COUNSEL: Motion 513, Mr. Mitchell.

MR. DEPUTY SPEAKER: Hon. members, it has been suggested that because there are only two minutes before I would have to interrupt the debate on Motion 513, if we can receive unanimous consent, we would move forward to government business.

HON. MEMBERS: Agreed.

MR. DEPUTY SPEAKER: Opposed? Carried.

head: **Government Bills and Orders**
head: **Third Reading**

[It was moved by the members indicated that the following Bills be read a third time, and the motions were carried]

| No. | Title | Moved by |
|-----|---|---------------------------|
| 6 | Mines and Minerals Amendment Act, 1994 | Coutts |
| 11 | Dairy Industry Amendment Act, 1994 | Paszkowski |
| 12 | Brand Amendment Act, 1994 | Day (for Jacques) |
| 13 | Livestock Identification and Brand Inspection Amendment Act, 1994 | McFarland |
| 14 | Agriculture Statutes Repeal Act, 1994 | Black (for Paszkowski) |
| 16 | Government Land Purchases Act Repeal Act | Evans (for Dinning) |
| 2 | Alberta Sport, Recreation, Parks and Wildlife Foundation Act | Mar |

head: **Government Bills and Orders**
head: **Second Reading**

4:30 **Bill 19**
School Amendment Act, 1994

[Adjourned debate May 2: Mr. Woloshyn]

MR. DEPUTY SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I am indeed pleased to resume debate on Bill 19, an Act which is going to set the stage, I think, for a lot of changes in Alberta which will be copied across the rest of this country.

I made some references to the charter schools when I adjourned debate, and I look forward to seeing some of those schools come to fruition so that we can see in fact how well they are going to work.

Members opposite have expressed numerous concerns with respect to this, concerns that they present as being valid but are really, I think, desperation moves to be critical. This is not an Act about control, as was mentioned last day. It's a foregone conclusion that in this country there's a process by which education is delivered. You have the local school boards, and they work with Alberta Education or whatever provincial education bodies there are. It is, however, about streamlining and making a more efficient system. I think when the Bill goes through committee, most members on both sides of the House will be quite satisfied that this legislation is appropriate, progressive, and will in fact ensure that a high-quality education will continue to be delivered in this province.

There is a degree of concern. Change brings concern. I think when the minister brought forward legislation to meet the many, many requests to downsize, if you will, the number of school boards in this province, the idea was certainly well accepted, but I guess we'll see just how many boards will truly be supportive. My last information is that quite a significant number of boards throughout the province are talking to one another and bringing forth on a voluntary basis the process of putting together workable school boards. It's certainly our intent on this side of the House to ensure as much as possible that boards whose jurisdictions would want to be together and it's feasible for them to be together will, in fact, end up being together. Some of the issues that have been raised I think will likely get resolved with time as they're better understood.

Now, we do know that we have a few fundamentals in here. One is that more dollars does not necessarily a better education make, nor does more time in a classroom such as kindergarten necessarily make a better product, because along with this we have to have quality. The direction that we're taking here is to ensure that there will be quality delivery.

One of the areas that has created some differing opinions has also been the whole role of school councils. I think the concept of having the parents meaningfully involved on a local school level is a very good one. I think it will address some of the areas of concern very appropriately. One that comes to mind quite quickly is the whole field of discipline. It's perhaps long overdue since parents have been involved in setting the rules of conduct right within the school. I would imagine that through these councils there would be a degree of advice – and I do stress it's advice giving – as to how resources will be allocated and to some degree the priorities. I think when you have the staff and the parents and the principal working together, the outcome should certainly be a better educational product for that particular school.

So, Mr. Speaker, I think all hon. members would be quite prepared to support this legislation. I'm looking forward to it moving quickly out of second reading into the committee stage so that the clause-by-clause study can be addressed. I think as we get into that area – we've had considerable debate, I believe in excess of five hours, from here on the principle of the Bill. We do seem to have a slight difference of opinion from this side of the House to the other, and I'm looking forward to the members opposite coming on side as we go through this Bill in a clause-by-clause study as they understand what we are doing. Being the responsible people I hope they are, they will support that.

On that note, Mr. Speaker, I will close debate on this.

4:40

MR. DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I, too, would like to see us move to agreement, and as soon as the government side adopts some of our positions, I'm sure we will have a great intention to move ahead. So I guess we're agreed on what we'd like the process to be. It's just that the process of how to get there may differ from one side of the House to the other.

However, Mr. Speaker, I do want to enter into the debate on Bill 19, the School Amendment Act, 1994. In reviewing the Bill, one of the processes I always go through when I'm looking at a piece of legislation that will impact the education and the educational system in this province is that I ask myself a question: what is in the best interests of the kids? Because that is the bottom line here. It's not what is in the best interests of the Premier or what is in the best interests of the Minister of Education, but what is in the best interests of the kids. [interjection] Or the deputy minister for that matter, as an hon. colleague reminds me.

As I look through this Bill and ask myself that question as I go through the various sections, I come to the conclusion that this Bill is not in the best interests of the students. I'd like to highlight why it is I have those concerns, Mr. Speaker, and why it is that at second reading I will be voting against the Bill. I look forward to amendments that may be coming in in the committee stage, but I guess in particular I have some concerns about what's going to be happening.

Mr. Speaker, one of the concepts in this Bill is the idea that we will see an increase in the school council role, I guess is the best way to describe it. Most schools already have a parent advisory council, and I certainly applaud parents that take the time and the initiative and certainly the energy that it takes to become involved with their child or their children and their education. Certainly the concept here is that school councils will become more directly involved with the, I guess, day-to-day function of the school.

[Mr. Clegg in the Chair]

The difficulty here, Mr. Speaker, is that there are a number of players in the education system, if you will. Certainly, of course, the students are the recipients, or the clients if you prefer to put it in business type terms. I'm not sure that's appropriate in education, but some people would like to use that term. So we have the students, we have the teachers, we have the parents, and of course we have the community as a whole. We've got school boards, and now we're introducing the school council as some kind of a quasi-elected or quasi-judicial board. I guess I have some concerns about where that may take schools in different directions.

Mr. Speaker, one of the roles of the Minister of Education is in the establishment and the setting of curriculum for each grade and for each subject area. But when I look at the direction of the school councils, it almost begs the question: if the school council – particularly if the school council is involved in one of the new charter schools, which I want to get into shortly – is one of these new school councils, then indeed are we going to see school curricula, government-provided curricula, in fact being abandoned? That in itself could create tremendous problems.

Mr. Speaker, one of the sections here talks about fiscal management, and of course the government has long spoken about the issue of the need to get our debt and initially our deficit under control, certainly laudable goals. I've had the opportunity to teach in schools where in fact – and it depends upon the board policy – deficits can be carried by a school and carried over into the next fiscal year and into the next fiscal year. Of course, if you continue that on, eventually you reach a point where there is no money left to operate that particular school. Then that begs the question that if the parent council has the responsibility, are

they going to come back to the provincial government and say, "Gee, we need some more money for our schools"? The provincial government says, "Gee, there is no money left," and all of a sudden you're faced with a situation where you cannot operate the school, where there's simply not the cash. Now, maybe the intention of the government is that teachers should work on a volunteer basis. That may be a noble intention, but I don't think it's necessarily particularly practical. Yet this Bill suggests that that would be a possibility.

So when you look at the concept of school councils, I think it's important that we get a clearer understanding of what the roles of each of these different bodies will be. In fact, Mr. Speaker, I've had the opportunity to speak with a number of trustees both in Calgary and outside the city of Calgary about their concern where Bill 19 will leave the trustees, because of course one of the big issues that this Bill proposes is that it deals with the collection of taxes. In fact, it even deals with setting mill rates and a variety of related issues in terms of who's going to be responsible for the collection of taxes.

Mr. Speaker, by taking over the collection of property tax as is proposed in here, really what it does is it eliminates, as far as some of the trustees are concerned, the need for a trustee at all. It begs the question: why would we bother having school boards? Why would we bother having elections? So on one hand the government says, "Let's have local decision-making, and let's let the local authorities, for example in hospital boards, make the decision about what it is that is needed in your area." But in respect to education it looks like a massive centralization of the decision-making, because they're going to have all of the decision-making authority, because the superintendent is going to be hired and fired directly or indirectly by the minister, and they're also going to have control of the purse strings. So the obvious question is: what's the point of having trustees? This is what some of the trustees indeed are asking.

That concern then will translate down to the obvious conflict, and I come back to the issue of the school council. School councils are supposed to be your local – I guess we're going to eliminate the need for trustees on one hand, and we're going to have these school councils on the other hand who are going to ensure that the fiscal management of the school, et cetera, et cetera, is in accordance with the requirements of the board. Now, does that mean that we're going to start seeing school councils negotiating teacher salaries with the teachers in that school? Is one school council going to have one role and another school council, because they choose not to accept that role, won't have it or will have an enhanced role, if they choose to go that way? That's the difficulty with this Bill, Mr. Speaker. It doesn't define what the roles will be.

So, Mr. Speaker, that one issue, school councils, is in and of itself I think an area that has a lot of concern not only for parents, not only for trustees, but should be a concern for members of this Legislature.

Mr. Speaker, there are many sections of this Bill that say we will later see at some point regulations, regulations for this and regulations for that. Indeed, some speakers on the opposite side of the House have said: "You know, once the Liberal opposition sees the regulations, they'll be satisfied with the Bill. Once they see the regulations, they'll see that we have their best interests at heart and everything's hunky-dory, and there'll be no problems." So show us the regulations. Table them in the House. Provide us with copies of them.

In the past, for example, we had a piece of legislation that was introduced by the Member for Rocky Mountain House called the Safety Codes Act. We were told, "Oh, when you see the

regulations, everything will be fine, everything will be hunky-dory, and you'll be satisfied with them." I said, "Okay, table them," and indeed those regulations, draft regulations admittedly, were tabled in the House. The end result, Mr. Speaker, when we saw the draft regulations was that there were some glaring errors and omissions in those regulations, errors and omissions which were then corrected by members on this side of the House following a careful reading of those regulations.

Now, if indeed we have regulations to follow – and Bill 19 in many, many places in this particular piece of legislation talks about the fact that the minister may make or the minister shall make regulations. Then let's see the regulations. Let's see a draft copy of the regulations. That's not to suggest that even when we see them, I will necessarily think they are wonderful regulations, as has been suggested by the members across. What it does allow us to do is to consider the total part of the Bill. In fact, what we're seeing with Bill 19 is only a piece of the Bill, because the regulations are a key part of that Bill. This government is saying: "Trust us. Trust us to provide you with the regulations, and the regulations will be wonderful and great." Quite frankly, Mr. Speaker, I don't trust the government to provide us with those regulations. I've seen errors before. I'd like to see them in this House; I'd like to see them discussed in this House so that we can then get on with a complete discussion of all of the issues that are proposed to be addressed under Bill 19.

So if we are going to have regulations, let's have them now. Let's not have them after proclamation; let's not have them after Royal Assent. Let's have them now, while we're debating the principle of the Bill, so that we can debate those regulations as well. And if it's not possible to have those regulations, then it shouldn't be possible to have this Bill before the House either, because the two of them go hand in hand.

4:50

When I look at all the different sections that prescribe regulations, the Lieutenant Governor in Council may make regulations, and then there's a whole section dealing with grants. The difficulty with having regulations – and this is assuming that the regulations are acceptable, and that may be too great of an assumption on my part. But let's assume for the moment that the regulations are logical, fair, equitable, and so on. I'm not prepared to assume that that's a correct assumption, but even if they come in and even if they are thoroughly covering the issues that are addressed in Bill 19, Mr. Speaker, then what happens is that the minister can come in and can table regulations. He could come in tomorrow and table regulations in the House and say: "Look, here's how we propose to address these issues. Here are the regulations that go with the issues covering grants, for example." Okay? What's to prevent the minister from then two days later throwing those out the window and saying, "Well, now we've got Bill 19 passed," – or whenever we've got Bill 19 passed – and proposing new regulations? That's the difficulty with government by regulation as opposed to government by legislation.

What we're seeing more and more in this government is government by regulation. The difficulty with that is that you can simply get an order in council, regulations can be passed – boom – changed, and we can see increases of 10 percent, decreases of 20 percent. Who knows what the government may choose to do in a cabinet meeting? For that reason, regardless of what the regulations may say when and if they come out before the passage of this Bill, I have great difficulty with a piece of legislation that says that we're going to govern by regulation. Indeed, Mr. Speaker, that to me seems to be governing in the back rooms rather than out in the public domain in a public forum, which is

what this legislative Chamber is all about. Any Albertan can come in here, can attend in the galleries if they choose, and can witness the debate that occurs.

Mr. Speaker, without getting into all of the different sections that talk about regulations – indeed, there are many of them – I want to go on record as saying that I oppose the concept of how and where regulations are to be introduced because I'm not persuaded that that is in the long-term best interests of the kids. What is required for the long-term best interests of the kids is to have some stability, is to have something in place that the teachers and those involved with the direct service delivery, if you will, can count on and can be sure that those legislative guidelines, not regulated guidelines, will be in place, will be consistent, and will be there for them to work with.

That addresses the issue of the concept of increased regulations. I want to go on to the concept of charter schools that has been proposed here, Mr. Speaker. One evening I had the opportunity to go to a school, West Dalhousie elementary school, which used to be in the constituency of Calgary-North West, and then as the boundaries changed, it now is in the constituency of Calgary-Foothills. The Member for Calgary-Foothills as well as the Member for Highwood and myself were in attendance that evening. One of questions that was put forward and was answered by the Member for Highwood dealt with the issue of charter schools. Charter schools, it says in this Bill, "shall be non-sectarian." The question that was put forward to the Member for Highwood was: does that mean that Catholic schools could not have a charter school? The answer he gave at that time was that that was indeed his understanding, that Catholic schools could not have a charter school.

The difficulty I have with that is that if indeed we are proposing a new system of collecting taxes, and if indeed we are proposing a new system, I guess a charter school system, of new schools – and I understand this is to be a pilot program. In the long term it seems that there's a move or a desire or a willingness by the government to start with a pilot program. I almost have the sense that the decision is already made that this is going to become a much wider, more frequently occurring type of delivery of education, and that indeed this will be again another shot at the Catholic school boards in the province of Alberta. Now, I'm not sure if that's really the intent behind that, but I would like someone from the government side to give me some indication of what it is that that section really means.

Charter schools, as I understand it, are being proposed as a solution – if you feel there's a need for a solution – to some of the difficulties in education. I'm not convinced that that indeed is the right way to go, Mr. Speaker. An individual can apply for a charter. That could indeed be granted by the minister to an individual, but then a society has to operate that particular school. The difficulty that arises here as I see it is: how do you decide what the charter of your particular school will be in a neighbourhood? Do you start taking over a school facility? If you take over your local community school as a charter school, what happens to the kids that live in that community whose parents moved into that community to live near a school? All of a sudden in a sense they have the school jerked out from underneath their feet.

I have some great difficulty with the concept of charter schools, unless of course you suddenly go in blanket, en masse, throw in all of the schools and say that all schools shall be charter schools. Then, of course, that as well would be chaos.

I have some difficulty with the proposed outline for charter schools. I've not heard a clear answer from the Premier, I've not heard a clear answer from the Minister of Education as to what it

is that's being proposed, even in the case of pilot schools. I guess if we're going to go with a pilot program, the question is: what are you piloting? You've got to have some idea of where you're going, because if you try to be the pilot of a plane and you don't know where you're going, the end result is that you're going to crash. I'm afraid that's what's going to happen. Again the end result: the question that has to be asked is if this is in the best interests of the kids.

Mr. Speaker, there are numerous instances of I guess educational breakthroughs, if you want to call them that, new proposals, new concepts being introduced which, quite frankly, fell flat on their faces. This is one of those issues that I suspect may well be a case that falls flat on its face and again leaves kids wondering where it is they're going.

AN HON. MEMBER: That's why it's a test.

MR. BRUSEKER: That's why it's a test? Indeed it's a test, or "pilot" is another term that is applied to it.

I guess what I'm saying is that if you're going to have charter schools, tell us what you're going to do, tell us how you're going to measure it, tell us how you're going to evaluate it before you begin, rather than simply saying, "Let's do it and see what happens." That's what I'm asking for. I'll leave that as food for thought for the members opposite.

The issue of superintendents is one, Mr. Speaker, that still creates some difficulty for me, I guess as a member, and certainly for school boards that I've had a chance to speak with. The concept of a superintendent as a chief executive officer or chief educational officer in itself is not new. I guess the difficulty that many school boards have is the idea, again, that "the superintendent . . . shall supervise and manage the operation of schools" and so on. Then it lists a whole long set of conditions – this is in section 94(1) – that the superintendent is expected to fulfill. Although on one hand the minister has the ultimate control, if you will, by being able to replace the superintendent, the panacea, I guess, is being offered to the school boards that, "Gee, you can go ahead and you can hire him as long as you hire the person I want and as long as he does what I want him to do." Then you can have absolute control. Toeing the line is certainly an important concept, but I guess the question is: whose line is the superintendent going to be toeing?

5:00

Currently under what we have right now, before Bill 19 is passed – I'm assuming that it will eventually be passed – the superintendent is responsible to the school board that hires the superintendent. It seems to me that that is an issue that will continue to be of concern to a great number of school boards and certainly to a great number of teachers. I think that's an issue, quite honestly, that the government could move on fairly easily without having a great deal of difficulty, and I would suggest to them that that's an area they should reconsider.

Thank you, Mr. Speaker.

MR. ACTING SPEAKER: Thank you.

The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. I'm pleased to rise to speak to Bill 19. I am concerned about the Bill, that it will end the role of school boards as quasi-autonomous bodies. If the Bill is passed in its present form, a board's income will be entirely dependent on the minister and/or cabinet and grants will be tied

to a task or a purpose. It appears the boards will have no discretion to reallocate funds in response to local priorities.

Descriptions of the responsibilities of school boards, school councils, and principals are fuzzy, and they tend to overlap. This is causing confusion among school staff. We can't determine who will be in charge of what, and this is of great concern to both the public and to local boards.

Changes in our school system have been needed for some time, but the public doesn't believe that central control by the minister or cabinet is in the best interests of the school system. When questioned about education, the government constantly speaks of letting the community decide, but then it goes ahead and puts forward legislation that will hamstring boards, school principals, and superintendents. While control is centralized in Edmonton, accountability will be decentralized to the regional boards and the school levels. This plan is not only about cutting costs and improving education services in Alberta, but it's also about implementing the ideological beliefs of this government. We see the same scenario developing in the health care system. Human services of all kinds appear to be moving towards privatization and two tiers of service. You can pay if you have the money, and you get by with less if you don't.

We need to consider some of the realities here. A few weeks ago I spent some time talking with school principals in schools across my constituency, Edmonton-Highlands-Beverly. Income levels in my constituency range from the lowest in Edmonton to some of the highest. The schools that I talked to served both well-to-do and poor communities, and by far the most common concern which was emphasized by every principal and every teacher was related to school councils and the extent of their authority over program and school management. This hesitation is not rooted in territoriality or a desire to keep control for control's sake, but it's based on past experience and commitment on the part of principals to ensure that all students get an equal opportunity for a good quality education.

In our conversations there was agreement across the board that school councils with more decision-making authority than principals may work well in small rural communities where social, ethnic, and moral values are consistent within the community. But the story will be very different in the mixed populations of urban centres. Experience with parent advisory groups has shown that middle-class, well-educated people are far more likely to have the time, the inclination, and the desire to be active members of a school council. In schools where you have a broad socioeconomic range, in some poor households, to quote one principal, there is someone in that house away at work 24 hours a day on shiftwork, delivering flyers or at other low-paying jobs, and the parent or older sibling who isn't working at any given time takes a turn watching the children. What leftover time and energy there is goes to just surviving. There is nothing left over for volunteer work, no money for sitters, and no money for bus fare. It follows, then, that parent input into programs is more likely to come from more educated and affluent people.

However, if you really believe in public education, you can't apply the middle-class concept to schools. Schools need to prepare children for the world, and the world that poor children will grow up into will be very different than that of the children of affluent families. One inner-city principal told me that it took her a year to get seven parents to come to parent advisory council meetings. Most of the time what meetings they had were spent addressing the needs of the parents rather than the children. They asked questions like: how do Canadian schools work; what about street safety for my kids; how do I get recreation for my children when I don't have any money?

I visited a class in a school near a deteriorating public housing development. Out of 250 units 83 are condemned by public health. There is considerable drug dealing and prostitution by residents in this complex. One woman told me that she has go outside in the morning to pick up needles and condoms before she lets her toddlers out to play. This is only one of the four high-density, very low-income developments near the school that I was visiting, and the majority of the students in that school lived there. How will you form a functional school council in a development like that?

In some higher income communities school councils may be made up of representatives of competing special interest groups. In a case like this the principal would change from being an administrator and a teacher to a mediator. He or she would be forced to tread the middle road to get ideas and plans through council and the local school board, and it could kill innovative ideas and encourage mediocrity.

There is a real danger that the direction Bill 19 appears to be taking the school system in Alberta will undermine public education and the cherished principle of equal opportunity regardless of socioeconomic status. There is also a danger that education could become a political football where various interest groups in communities compete for their wishes. Those people with more knowledge, more skills, more time, and more money would invariably win the political struggle. It would truly be a tragedy if our public school system were to fall under the influence of political forces in a community. The concept of public education could be destroyed.

Because this Bill is vague and poorly drafted, some professionals are concerned that under the new funding schools may no longer be able to do their own fund-raising for special projects. While there is no indication in Bill 19 that this may be true, this sort of misunderstanding is typical of what happens when government acts with undue haste, without wide-reaching, thoughtful, and considered consultation with all of the stakeholders. Again it is the schools with the low-income families that cause concern, and I trust that this rumour is not based on fact.

Take, for example, field trips that most schools take part in. It has been the practice of many schools with students from poor families to get teachers, parents, and students involved in fund-raising activities of various kinds. The money raised is used to lower the cost of extracurricular activities such as field trips to make sure that all of the children can take part. This type of fund-raising by individual schools to meet the needs that are specific to their community and their school is a healthy and a unifying process. It doesn't ask anything of the public purse, and parents and students work towards a common goal. The students have an opportunity to work towards something that they really want and to make it happen through their own efforts, and that's always a good experience.

Kindergarten was another prime concern with the schools that I talked to, particularly in the schools where a large number of the children come from single-parent or immigrant families. Many of these kids begin their schooling with little or no experience in socializing or playing with others. Some have little knowledge of the English language. Many are children of parents who work long hours at low pay, and the children have been watched by a relative or a neighbour or a succession of those. This frequently results in a five year old who only knows how to relate to the family. Without the full 400 hours of kindergarten these children may fall behind in grade 1, and the importance of a positive first year, grade 1 experience is common knowledge. I urge the minister to reconsider the cuts in early childhood education.

5:10

Mr. Speaker, I believe that this minister is committed to a good public education system with equality for all children. I also believe in community decision-making in most situations. But I am convinced that in this case there are some real dangers, particularly if the representation on school councils does not reflect the racially and culturally mixed community, which happens in so many of the larger cities. In this case we're not only talking about community input and decision-making into policy or general priorities, but if I interpret this Bill correctly, the danger is that as a result of a school council decision, principals in some cases may not be able to do what's best for all of the students in the school. I urge the minister to consider amending this Bill to limit program setting authority of school councils. In these times in Alberta stress and anxiety runs high in many families, and this affects the children deeply. It is more important than ever that kids spend their days in schools where they are accepted as part of the mainstream, where they study in programs that are appropriate for them and they take part in as many of the school's activities as is possible.

Thank you.

MR. ACTING SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. Some hon. members have stated that provisions or changes that help kids to learn are by definition good, but we must all keep in mind that some of the changes are system improvements which then will indirectly benefit children.

I rise to speak on Bill 19. I'm excited by the amendments to the School Act which are contained in this 1994 School Amendment Act.

As a schoolteacher for much of my life I welcome the school-based management system. I think that has tremendous potential to help kids. I commend the Minister of Education on laying before us a fair system of funding, an equitable system to ensure that each and every school receives a fair share, an equitable share of the funds available for schooling. This helps students.

The elimination of tuition fees, Mr. Speaker, for Alberta students is another timely change to permit students to attend the school where their educational needs would most appropriately be met. This allows access to quality education in our public and separate school systems. This helps kids.

I feel that the changes related to the superintendency are useful reminders that the superintendents do indeed serve two masters. The compromises reached in this permit authority for school boards to select and appoint superintendents, but the department still has an important role to play here.

The constitutional rights of Roman Catholics with respect to separate schools are honoured and maintained, and I believe this is amplified in the preamble. I know that many Roman Catholic separate school districts are in support of this Bill.

Charter schools are introduced to offer wider choices for parents and students, and I've heard of a number of interesting proposals that will be coming forth for consideration in the coming years.

The hon. Member for Calgary-North West referred to my participation in a panel exercise at one of the schools that used to be in his riding and is now currently in the riding of the Minister of Energy. At the time I guess I was asked the question on the matter of the charter schools for Roman Catholic separate schools: did I think that they would be included? Although I didn't and don't now pretend to be a great authority on this Act, I was led to my comment, I think, by the provision under 24.3(4), where it

says that "a charter school shall be non-sectarian." If you go to the definition of nonsectarian: nondenominational. So I assumed it from there. But I am not the Minister of Education and had not looked further on that particular one. So I would just maybe explain my comment of the day as much as provide any light on the matter.

The provision for continuing the traditions and provisions of the school foundation program fund to ensure that property taxes collected for public schooling continue to be spent on the public and the separate school systems is important. This will be a transparent system called the Alberta school foundation fund, which will have an audit board composed of three public and separate school board association trustees and one government appointee. No money raised will be allowed to flow into the general revenue fund of the province.

As I looked at many of the letters that were written to me as an individual MLA and I'm sure to other MLAs, it seemed that for many people one of their number one objections was: was this system going to be another means by which a province, such as happened – it is alleged anyway. In British Columbia, where the province had a fund for the corporate sector, it is reckoned that considerable sums have flowed from that corporate pooling into the general revenue of the province. People do not want that to happen here. We have 33 years of the foundation program where no one has been able to substantiate that any money was lost to schooling from the property taxes that were gathered and pooled.

Mr. Speaker, this Bill also provides a window of opportunity for school boards to propose a plebiscite vote, a special school tax levy, which should not exceed 3 percent of the board's budget for a time certain not later than the next municipal general election. So there's a provision there that not many have spoken about.

Mr. Speaker, this Bill also provides for the amalgamation of school boards into regional school boards under the authority of the Lieutenant Governor in Council. The possibility of government-directed amalgamation has encourage most rural school boards to reach voluntary arrangements for regional school districts. For the rural areas this exercise has offered great potential for new arrangements when you consider that 63 of the current boards each have fewer than a thousand students and many of them have fewer than 200 and a number even have fewer than a hundred students for the whole board.

I'm excited by the changes that this Bill offers to Alberta's education system, changes that I believe will benefit children, the children of our province. After all, the whole system of education of any society whatsoever is based on the society's need to educate its young. Mr. Speaker, I have, however, a few concerns related to some of the wording. I'm concerned that obligatory words will unnecessarily restrict various elements of the education system. At times there seems to be what I would suggest is a blurring of some of the lines of responsibility and authority. Regulations, I'm sure, will clarify these matters.

The position of the school board is not entirely clear to some of my constituents, because in parts it appears to be assumed that the board policies and school policies would not in any way conflict. Teachers, principals, and superintendents need to have clear lines of authority to deal with potential conflicts in these kinds of policies. I'll address these concerns in committee.

Mr. Speaker, in short, I see important changes in education that will offer challenge to teachers, parents, students, trustees, school councillors, and superintendents well into the next century as they move to improve education for Alberta's children.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Glenora.

5:20

MR. SAPERS: Thank you, Mr. Speaker. I appreciate the opportunity to speak to Bill 19. Bill 19 is not totally without redeeming value. It does make some progress towards finding some efficiencies and some needed legislative reform in the administration of schooling in this province. The School Act could stand to be reviewed, and certainly there are some elements of the Bill which will give Albertans comfort. Unfortunately, those elements are pretty few and far between.

This Bill is primarily about the centralization of power. This Bill is primarily about the government of this province acting in total disregard of local authority or local autonomy. This Bill calls for the transfer of requisitioning power from the school boards to the province. It calls for provincial approval and right of removal of superintendents. There's a provision where superintendents will be responsible for the implementation of ministerial policy, not even government policy or that discussed by the Assembly, but ministerial policy. It creates charter schools with the provision that an agreement can be established by the minister alone, bypassing local school boards, local input. It establishes, Mr. Speaker, school council authority including program and school management, creating considerable almost unimaginable confusion regarding the roles and responsibilities of school councils, principals, and school boards.

Mr. Speaker, this Bill confuses the deficit control that Albertans called for on June 15, when 84 percent of those Albertans who voted voted for one of two parties who put forward a deficit control plan. It confuses that call for deficit control with this power grab, with the consolidation of power.

Mr. Speaker, when I was anticipating Bill 19 coming forward to this House, I was anticipating a Bill that would truly pay attention to the local desires and needs of Albertans, that would truly move us towards equity in school funding, that would truly reflect the diversity of choices that parents have to make and do make day to day regarding the schooling of their children. I was looking forward to a Bill that might even take a look at what the rest of the world was doing and pay attention to the decisions made in every other jurisdiction to enhance and enshrine education, not as a privilege but as a right, to take a look at early childhood schooling in particular and to take a look at the head start that children need so that they can fully compete in this very complex world that we now live in.

Instead, we see a Bill that doesn't do anything about early childhood schooling, and in fact we see a plan being put forward by the government that's going to gut early childhood schooling. The government members say that it's not their plan to gut. They're just simply not going to make funds available any more. It's all those local school boards, and darn them for not doing their job better. Well, Mr. Speaker, that's not good enough. The responsibility for the gutting of early childhood education in this province lies squarely at the feet of those cabinet members who with some glee have decided that it makes far more sense to simply cut across the board, to take funds out of education, really to take opportunities away from children, than it does to make much more careful, considerate cutting decisions, than it does to demonstrate some leadership in terms of finding those areas of duplication and those areas of overlap and the administrative fat that we all know exist. But no. Instead, Mr. Speaker, we see that the cabinet, the Minister of Education, the government are perfectly willing just to make these, in the Treasurer's words, "no-brainer," across-the-board cuts without really thinking about implications down the road.

It's clear that this government wants to be able to wash its hands of the implications of what it's doing and simply be able to campaign at some point in the future and say, "We told you we'd

balance the budget." It doesn't matter how they plan on doing it, and we see that they plan on doing it with a certain lack of compassion and understanding of education.

Mr. Speaker, in light of the hour I would move that we temporarily suspend debate on Bill 19, and I look forward to rising again when it's back on the Order Paper.

MR. ACTING SPEAKER: We've got a motion on the floor to adjourn debate from Edmonton-Glenora. All in favour?

SOME HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed if any?

SOME HON. MEMBERS: No.

MR. ACTING SPEAKER: Carried.

[The Assembly adjourned at 5:26 p.m.]