

## Legislative Assembly of Alberta

Title: **Tuesday, May 17, 1994** **8:00 p.m.**  
Date: 94/05/17

head: **Government Bills and Orders**  
head: **Committee of the Whole**

[Mr. Tannas in the Chair]

MR. CHAIRMAN: I'd call the committee to order. As we have been mentioning, when we call the committee to order we only want one member standing in order to speak, and right now that presumably is the Government House Leader. Do you wish to speak?

The hon. Government House Leader.

MR. DAY: Thank you, Mr. Chairman.

20. Moved by Mr. Day:

Be it resolved that further consideration of any or all of the resolutions, clauses, sections, or titles of Bill 19, the School Amendment Act, 1994, shall be the first business of the committee and shall not be further postponed.

### Point of Order Sequence of Business

MR. COLLINGWOOD: A point of order, Mr. Chairman.

MR. CHAIRMAN: The motion is not debatable, so I'm wondering how you can have a point of order, which is the beginning of a kind of debate.

MR. COLLINGWOOD: We adjourned debate on Bill 24. There is a motion on the floor at this point in time from when we recessed at 5:30.

MR. DAY: Debate was adjourned.

MR. COLLINGWOOD: Debate was adjourned?

MR. CHAIRMAN: The debate was adjourned. Yes, it was. It's a good point. But, no, the debate was adjourned. That's agreeable? All right.

### Debate Continued

MR. CHAIRMAN: The hon. Government House Leader has made a motion, which I can't phrase in the exact same words, but it is in fact the closure motion. All those in favour of the motion as moved by the hon. Government House Leader, please say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Call in the members.

[Several members rose calling for a division. The division bell was rung at 8:02 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Fritz	McFarland
Amery	Haley	Mirosh
Calahasen	Hlady	Rostad
Clegg	Jacques	Severtson
Coutts	Jonson	Smith
Day	Laing	Sohal
Dunford	Langevin	Stelmach
Evans	Magnus	Taylor, L.
Fischer	Mar	Thurber
Forsyth	McClellan	West
Friedel		

Against the motion:

Beniuk	Dickson	Soetaert
Carlson	Kirkland	Van Binsbergen
Collingwood	Percy	Yankowsky

Totals: For – 31 Against – 9

[Motion carried]

### Bill 19 School Amendment Act, 1994

MR. CHAIRMAN: The committee is reminded that we have under consideration first the amendments as proposed by the hon. Minister of Education, the amendments to Bill 19 which for lack of anything else we will call A-1, amendments 1, the nine-page document that was started earlier. Are there any further comments on the amendments?

The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. Naturally, I have a few concerns about Bill 19. What a pity we have to push it through. They must be afraid of something. So let's talk to these amendments.

In 2.1 a board, a separate school council must also have the same faith . . . So obviously now this government has worked out a deal with the Catholic school system that makes them a bit happier than they were. However, what has it said for the public school system? Shouldn't they be given the same rights as the Catholic school system? If you look at the fact that the Catholics are now allowed to tax part of their jurisdiction, why shouldn't the public schools be able to do the same thing? So naturally I do have a few concerns with these amendments' not addressing several of the issues of Bill 19 that make it a terribly bad Bill.

I'd like to speak to some of those amendments that I would like to see. For example, we've had two Conservative governments that have failed to act upon the advice and preference of school boards that the government undertake a boundaries review during the past six years, set up a task force to do it right. But no, this government just lowers the boom and says, "We'll do it this way." If the government's focus is really on children and communities, why is such a significant decision being forced through with insufficient analysis and without assurance that the new structure will mean better education for our students? I don't think so.

I'd like to address why this government hasn't looked at the jurisdictional cost issues that accompany a regionalization process. It seems again rule by regulation. How are these boards going to accommodate the expense of amalgamation, and who's going to take over other people's debts? Since regionalization must occur before August 31, is the minister going to force amalgamation?

### Chairman's Ruling Decorum

MR. CHAIRMAN: Hon. members, we know it's going to be a long evening. I wonder if we could listen to the speakers and give them their fair hearing. If you wish to discuss some other matter or anything else, please feel free to leave the Chamber after you've gotten clearance from your Whip.

Hon. member.

### Debate Continued

MRS. SOETAERT: Thank you. It seems that this government has failed to exercise its authority and responsibility in the past to provide a statute to discourage proliferation of new jurisdictions. So now suddenly it's like we woke up and said: "Oh, my God. We're pregnant. We have to marry up some of these boards." So we forced these marriages of boards. Shotgun marriages are a tough way to start. It's a pity that we have done this with school boards. It seems to me that the Minister of Education has reneged on his responsibility to help with the formation of these new districts and give them guidelines, give them some money, some route to go that would guide them in forming some of these new districts. It's not like we're opposed to new districts, but we're certainly opposed to the way this is being done, when you're forcing boards to amalgamate. For example, in my own riding, Spruce Grove Catholic and Stony Plain Catholic joined together, and this wasn't just forced on them by the Minister of Education. This was a process that's been in the works for a few years, and instead, we're telling boards that they have to amalgamate by August. Now, Mr. Chairman, we know that's an amicable agreement that took years of consideration and co-operation, and now we're just saying boards across this province will amalgamate come heck or high water by August 30. So I have real problems with that part.

8:20

Now, I'd like to ask a question about the amalgamation of counties and if this has been addressed in the amendment. Will the government provide funds to assist the board of education in splitting the assets with the municipal council? As far as I know, no funds are going to be provided to counties when splitting assets between the school board and the municipality. I know in my own riding where the county of Parkland is involved, they will be concerned about that, and county boards of education involved in amalgamations will need to resolve internal financial dealings with the municipality. So then the arrangements for disposition of assets will need to be approved, and this is a major process that I don't think they will have time to address by August 31.

I'd like to know how the government came to the conclusion, too, that there would be a significant reduction of administration costs and bureaucracy as a result of regionalization and what is the estimate of savings? I love the way the government goes on about, "Yeah, it'll be all taken from administration." Well, I got a call just tonight before I came in here, and St. Albert Catholic will be losing all their temporary staff and one permanent contract. So if you're telling me that won't affect the classroom, well, you're dead wrong because it's going to.

DR. L. TAYLOR: How much administration did they cut, Colleen? Did they tell you that?

MRS. SOETAERT: Their administration has been cut, but teachers have been cut, and that means that the average class size has nothing to do but go up. [interjections] My, they're rude over there, but that's okay. I can quite take it.

DR. L. TAYLOR: As if you never chirp.

AN HON. MEMBER: Oh, you're all heart.

MRS. SOETAERT: I'm all heart; I know.

AN HON. MEMBER: Oh, you're always so quiet.

MRS. SOETAERT: I'm always quiet when they're speaking. [interjections]

### Point of Order Decorum

MR. CHAIRMAN: Order. Edmonton-Norwood rising on a point of order.

MR. BENIUK: Mr. Chairman, are we also allowed to fire back shots like that when it's their turn?

MR. CHAIRMAN: Order. The hon. member is asking whether he can be equally impolite, and the answer is no to anybody in that category. There is repartee, and there's also just plain drowning someone out. I indicated earlier that we would like to see people, given the limited time that we have, let hon. members speak when they rise to speak.

Spruce Grove-Sturgeon-St. Albert.

### Debate Continued

MRS. SOETAERT: Thank you, Mr. Chairman. My pleasure to be back here.

As I was saying, at least when I speak in my community, I will say I gave the government the best shot at trying to change Bill 19, but they wouldn't. I think this is the most drastic and most devastating piece of legislation that has ever gone through this House, and it's a pity that we only have till midnight to discuss it.

How will the Department of Education develop a valid and verifiable measurement of the percentage of Albertans satisfied with learning expectations, satisfaction of employees, and the percentage of parents satisfied with their children's school? Which begs the question: you know, are we going to now judge kids by the mark they make on a test? Because I can teach any amount of material and force rote memorization, and the students can repeat it back to me, but that doesn't mean they've learned something. The key to education is teaching people how to learn, because we have to be lifelong learners. By saying that we're going to test them more to prove they are learning more is truly misguided thinking, because students don't learn by testing them more.

Satisfaction of employees. Though this government has had a great deal of fun bashing teachers, I think that's a sorry state that we would criticize the people who have dedicated their lives to educating our children. I think it's a sad statement that we say, "We're not making you take 5 percent, but in order to make some of these cuts you're going to have to." We download that to the school boards, and school boards that used to be very amicable and got along well are now faced with all these rules of Bill 19 and funding shortages. There they are, working out things with

employees that before were never, never anything to disagree about, and now they're all at each other's throats.

It'll be interesting to see what the percentage of parents is who are satisfied with their children's schools. You know, parents are, to my knowledge, quite involved in their children's education. Certainly, there've been school councils in every school I have worked at, and that's been quite a few. Those parents have been very concerned about their children's education and their quality of education and have been very involved in their schools. But now the government's going to say you must have a school council, and furthermore, the council has a right to talk about where the money will go and how it will be spent and what programs will be offered. Well, that concerns me because if you have maybe two or three parents who have their own hidden agenda as to what they want to see happen at a school, we're going to have some schools that in no way reflect the needs of the community but just the needs or the wants of a few parents. For example, if a few parents said, "Phys ed is not necessary in the school; let's cut it out," that's not for a few parents to decide. This is something that has been proven, that with a decent phys ed program – physical education is important to the whole overall learning process. What a pity that would be if a few people decided that would not be necessary.

With all these cuts and teachers being taken away and Bill 19 totally rejigging the whole system, how could we ensure that teachers' assignments match their areas of specialization in small rural schools that employ a limited number of teachers? You know, in many places it's always been difficult to staff small schools with a full slate of specialists. I see amalgamation is helping some of these areas, but I would hate to see it close some small rural schools that are in many ways the heart of their communities. You know, we have this utopian ideal that if we amalgamate and marry all these boards, we will save all these dollars, and things will work out. Well, it's hardly addressed in the amendments to Bill 19 or in Bill 19 itself, which is, by the way, a pathetic Bill, if I haven't mentioned that yet.

Is choice a reality for students if transportation is not provided to the school of choice? Which begs the question: how are we going to work these different areas, and what's going to be involved? If I live in Sturgeon, can I send my child to St. Albert? Will busing be provided? If I want my children to go to the Catholic school in St. Albert that is not offered in Sturgeon, does that money follow the student? How do we set up programs in a school in June? Because by now high schools are setting up their programs for the fall, and if they don't know how many students are going to be there, they don't know what programs they can offer. So how is this choice of jurisdiction hopping going to affect programs that can be offered and just the basic organization and running of a school? In fact, I see somehow these choices may be – are they only possible for those with sufficient personal means? To cover those additional costs, are there additional costs? Is transportation provided? With this hodgepodge we have in front of us, the regulations aren't in place, so no one really knows. Will access to the school of choice continue uninterrupted, or will access be renewable only by reapplication each year? If I send one of my children to St. Albert for grade 10, do I have to reapply the following year? Or am I going back to Sturgeon? Or, heck, I could even go to Spruce Grove, where I live. Being the Member for Spruce Grove-Sturgeon-St. Albert, what a choice.

8:30

Which begs me to wonder: what is this government's concept of basic education? I seem to think it's just the view of basic

control: if we get control of that tax dollar and if we get control of the superintendents and if we get control of the school boards, well, that's what education is all about. I'd love this government to just explain what they think basic education is, because to me it's equal opportunity across this province for every child. As this government definitely starts tinkering with public education, pretty soon we won't have a fair playing field for all our students, because in many cases school is the only thing that gives kids a fair chance at a fair playing field.

I think of a wealthy man who came up to me the other day. He said: "You know, Colleen, I think private schools are fine. I don't see the big deal about Bill 19." His dad was quite ill. "Could your mom have afforded to send you to a private school?" He said, "Well, no." I said, "So you had the opportunity of public schooling." That gave him a fair playing field, and that man is a successful businessman because he had equal opportunity to public education, that I really fear is being definitely attacked by Bill 19.

In a basic education plan I would like the government to summarize what a student needs to learn. I think the first obligation to provide a solid core program fits with what students need to know in the future. I just don't see this Bill as addressing that issue.

I have a few questions about the administrative role of elected trustees in the larger regional jurisdictions, and in many ways it seems like they have to become full-time bureaucrats for this government. The pity of it is that they feel they have lost any power they had. When you think of it, every one of us should know our school trustee. We elected him or her, and we expect them to be answerable to us for our child's education. Now suddenly we've said: "Well, the trustee doesn't really have a role to play. You can sit there if you'd like and talk about things, but the superintendent doesn't really answer to you. You aren't really accountable to those parents who have elected you because, well, we now have school councils" – which, of course, can be hijacked by two or three very active parents who just happen to go that way. So trustees are sitting there saying, "Well, what role have you given us?" Really what you've done is taken away the power of an elected body that we as voters elected in there for that purpose. Now you've taken that away, and I have real problems with that.

Who are school councils accountable to? Presently elected school boards – presently: this Bill will probably be pushed through tonight, regretfully – have a strong sense of community. They live in that community. They know the values of that community and work not just representing one school; they represent an area so that all the trustees have to work together to do what's best for that whole region. Instead we see here that we have different groups collected at different schools. "I want what's best for my school at the price of anyone else's school." It's the old NIMBY syndrome: not in my backyard. That's a pity, because that's going to happen with these councils. As our trustees have less power, the councils have more power. I just don't see how all three of those – the superintendent, the trustees, the councils, add the principal: who's steering the boat, as it were? It's a pity to me that this government has – can I use the word "emasculated"? – emasculated the trustees.

AN HON. MEMBER: You can.

MRS. SOETAERT: But there are some females, you know. I can't really say that.

They are our voted-in representatives, and I think we've done them a terrible disservice with this Bill. I think they're feeling very much frustrated and helpless by what has happened.

MR. CHAIRMAN: Time.

MRS. SOETAERT: You're kidding me.

Well, in conclusion, I'm darn proud that I've made 20 minutes speaking to this fiasco of a Bill. Thank you, Mr. Chairman.

MR. CHAIRMAN: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Chairman. May I first of all compliment you on having established within this Chamber a playpen in the northeast corner there.

MR. CHAIRMAN: Are you challenging the Chair?

MR. BENIUK: I was pointing out, Mr. Chairman, that the fiasco that's taking place in that corner I find to be not quite the decorum of this House.

#### **Chairman's Ruling Decorum**

MR. CHAIRMAN: Hon. member, the Chair is in charge of that.

MR. BENIUK: I realize that, Mr. Chairman.

MR. CHAIRMAN: If you've got a point of order, rise on a point of order. If not, then confine yourself to the amendments before us.

MR. BENIUK: I will be speaking to the amendment and to the Bill, as this apparently might be the last chance to address some very serious problems about this Bill.

#### **Debate Continued**

MR. BENIUK: This Bill personifies a lot of things. There is a massive tax grab here of money that will be going to the provincial coffers from property taxes that in the past were collected at the local level. Mr. Chairman, there is the fact that the school boards will no longer have control over the finances. They will be allowed once every three years to have a plebiscite to see if they can raise 3 percent of their budget, but as they do so, once again the tax grab is there. They raise the money, that 3 percent, for whatever project they might have in mind, but by this Act it is the minister who will decide where and how that money will be spent. So the school boards have virtually no power. They have no power. We will find that the school boards will be in a similar situation as we now have with the universities, et cetera. When the government cuts funding for a particular institution, they will say: "We're not responsible for the chain reaction that takes place. It's an autonomous body." Here they will say, "We're not responsible for what the school boards are doing." The facts that they have no money, they have to lay off teachers, increase the classroom size are not going to be, they say, their fault; it's going to be the fault of the school board trustees, elected but with no power – no power – over how much money they have to spend. It will be the provincial government that will determine the amount of money raised throughout this province.

The minister has indicated that there will be equal funding for each student. This is interesting because he has also introduced some other concepts. So as we look at this equal funding, what we have to ask ourselves is: is it equal funding on operating and capital expenditures? What happens in areas that are expanding? Are they going to get extra funding? Of course not, because by

this Act they get equal funding. So what happens to schools when you have an expanding area and another area of the province that's contracting in population size?

#### **8:40**

We have the situation that in the inner cities you need new schools. Many of the schools in the inner cities are virtually museum pieces. They're historical buildings, not very functional. What happens? How are they going to be replaced when you have equal funding to each school board per student?

Mr. Chairman, there is a massive power grab here too. Not only is the minister intent on making sure he controls every single penny and decides how that money is spent, with the school boards taking the flak; the minister also wants to make sure he has total de facto control over the entire school system in every corner of this province through the superintendents. He and he alone, or he and his fellow members of the cabinet, will determine who is hired as a superintendent, who will be the superintendent in every single school board jurisdiction in this province. If he and he alone is not happy, that person is gone. The school board may think he's doing a wonderful job. The superintendent could be doing a great job, but if one man, in this case one man, doesn't like him for whatever reasons, he is gone. That means there will be a great deal of pressure on the superintendent because his contract would have to be renewed every three years or terminated. The superintendent will be wise to follow the instructions of the minister and when there is a difference of opinion totally ignore that of the school board and of the local community. This is not very democratic, but then neither is closure.

As we look at this Bill, looking at the power grab, looking at the tax grab, one must ask oneself: why would anybody want to, then, in the future be a member of the school board? For what they will be doing, those members of the school board, is being the shield. When people criticize, it will be to the superintendent appointed by the minister; it will be to the school board. Elected. Yes, the minister has to approve the superintendent. The school board will be getting the flak. The minister will simply say: "It's not my responsibility. Take it up with the school board." Whether it's in High River, High Level, or in Edmonton or Calgary, there will be this insulation to protect the provincial government. As property tax levels rise, the provincial government will say, "It's not us; it's the people at the local level," even though it is the provincial government. To restrict superintendents to be appointed with the approval of the minister takes away from the power of the school board. To insist that the minister and his colleagues in the cabinet will have the final say on how much will be taxed from the property throughout this province takes away also from local autonomy and local authority. To say, "Oh, yes, we'll allow you to have 3 percent every three years by plebiscite," but then to decide how that money is spent is not giving any power over financing to the local school board. This Bill is very regressive.

One thing I must tell you, Mr. Chairman. In the short period that I have been in this House, I now realize more than ever how precious democracy is and how precious the Legislature is in the scheme of things to make sure we do have a democracy. For as power shifts to one man, to a handful of people in the cabinet, the people of Alberta become more and more powerless. At the local level the school boards have no power. In the future perhaps the municipal councils will have no power. Perhaps this is the first of many interesting changes that will take place where power, in the form of massive taxation grabs, and authority shifts to the provincial government from the local levels.

It is interesting that the minister talks about and this Bill has provisions for charter schools to allow people at the local level to have greater control over the education their children will be receiving. At the same time, he is taking total control over the entire educational process in this province. There is not going to be one school, one class, one school board, one area of this province that is not going to be under the total control of the Minister of Education. The consequences of that will be immense. All one has to do, Mr. Chairman, is take a good hard look at some areas of the world – and I can name some – where the consequences of having so much power in the hands of one or two or five people has resulted in very severe consequences.

DR. L. TAYLOR: Name some.

MR. CHAIRMAN: Through the Chair, hon. member.

MR. BENIUK: I gather you don't want me to respond to that comment.

Mr. Chairman, the issue here is the education of our young people and of adults. The issue here is how we are going to determine how we are going to educate our young people and determine what type of material they're going to learn. Is it right to give so much power over the education of every young person in this province into the hands of one man? Now you have massive input through the school system and through independent superintendents over what and how things are taught throughout this province. This centralization is very, very disturbing.

The minister in his amendments has attempted now to start dealing with some of the concerns that were raised on this side of the House and by some of the school boards. He has started to do that, and I compliment him on that. As he starts to do it, whether it was his idea or the people from the northeast corner there or other people, suddenly the process has stopped, and we are going into a closure period, which means denying debate. Parliament was established as a means of communication. We are dealing, Mr. Chairman, with a Bill dealing with education, and in a school system parliamentary procedure is also taught. I wonder how often it is taught that closure is so common in this Legislature as compared to other jurisdictions around the world where parliamentary procedure prevails.

DR. L. TAYLOR: Not often enough.

MR. BENIUK: The temptation to respond is very, very great.

Mr. Chairman, the minister has attempted to overcome some of the problems created by this Bill, as were raised, for example, by the Catholic school boards. He can go one step further and alleviate some of the concerns now being expressed by the public school system. He can go one step further and alleviate some of the concerns about the massive centralization of financial and administrative power in his hands. It would be a great step forward if he would do it, but judging from the closure motion, it will not happen. What we have here is what we're going to have for another three or four years, and the damage will be quite severe. Why he would want to dismantle an education system that was regarded as one of the best in the world – one of the best in the world – to go on this tangent not of reform but of change boggles the mind. The minister, I'm sure, in the years to come will ponder why he did what he did and think back if he did the right thing.

Mr. Chairman, I really would appreciate it if that minister would explain how it will be possible to have equal funding and justice at the same time. When you consider the very diverse

character of this province within the cities and within the rural areas, how is it going to be possible to have charter schools come in, to have a voucher system come in and still claim that we will have equal funding per student?

8:50

It will also be interesting to see how much greater the people of this province will be paying on property taxes for education because of this Bill than they would have paid if this Bill had not gone through. It is one thing for this government to say they're not going to increase taxes and then go ahead and do it through property taxes, thinking people will not notice that now they control how much money is going to be raised for the schools of this province through property taxes. It's going to be a very interesting situation over the next few years. I am sure history will record that when this Bill passed – and I am sure it's going to, because there are 52 Tories and only 31 of us Liberals in this House. The Bill in all probability will pass, and it will become law. In years to come the people will ponder why the government with its massive majority rammed this through.

There is, Mr. Chairman, a very, very serious concern by many people in this province about provisions in this Bill. This concern, whether it is on charter schools, whether it is on the tax grab, on the administrative grab, and many other areas, could have been resolved in a very parliamentary fashion by the minister through dialogue in this House by accepting some of our suggestions as we would have compromised and accepted some of his instead of going with closure, a closure to stifle debate and to make a mockery of the very term "Parliament," being a place where people meet to debate and discuss.

Mr. Chairman, as I look at these amendments and look at this Bill, I must tell you that I do believe very few people would want to run and be members of the school board, for to be a member of the school board in years to come will be basically to accept the position of being what I would call a masochist: getting blamed for things that you have no control over and knowing that you're going to be blamed for it and not having any choice and being forced to carry out reductions in expenditure if the government decides to cut back on the money going into education and channel funds into other areas.

What we have here is a shift of property taxes into the hands of the government without any guarantee that every penny that is raised will absolutely go into education, education as we now know it. You will have other things happening that . . . [interjection] What does that mean? Is that it?

MR. CHAIRMAN: That's the signal, hon. member, that you have three minutes left.

MR. BENIUK: Just three? Is it possible, Mr. Chairman, that your watch is going fast?

MR. CHAIRMAN: That's a timely question, but I'm sure it's not so.

MR. BENIUK: I don't want to imply anything improper, Mr. Chairman, but is it possible that maybe Cypress-Medicine Hat may have speeded up the clock? No, I don't think so. I don't want to make that implication now.

Mr. Chairman, as my time is running out, I really would like to stress that in years to come those who will look at this Bill – the people on the school boards, the parents, the students, the administrators, the superintendents – will see the flaws in it.

They'll look at it and realize what a serious mistake the Tories made in this House when they invoked closure under the guidance of the Member for Red Deer-North, who is also the Minister of Labour, and pushed this thing through at a time when there should have been more debate, more consultation on both sides of the House to try to find common ground. All the people in this province would have found this Bill to be a positive contribution rather than such a negative contribution to the education system.

We are going into a course that the children, the young people of this province will be paying a very high price for. I suggest that all the property owners in this province will also be paying a very high price as their property taxes skyrocket courtesy of the Minister of Labour, who is also the Government House Leader, and of course the man who one day will be well known, as he is now, the Minister of Education, but I'm sure that in years to come his name will become very well known as the father of a Bill that will be causing so much pain to the taxpayers who own property, to the young people, to all Albertans.

My time is running out, and I would really like to carry on. I will try to rise again at a later time and allow one of my colleagues now or maybe somebody from the other side to rise. I would very much like an opportunity to rise and speak for another half hour, two hours, as I'm sure I'll have the time.

MR. CHAIRMAN: The hon. Member for Edmonton-Whitemud. [interjections] Hon. minister, are you speaking?

DR. PERCY: I hope that didn't cut into my time.

MR. CHAIRMAN: No, it doesn't.

DR. PERCY: Mr. Chairman, I rise to speak against the motion of closure and the amendments. I'd like to first chart out a number of points. I was fortunate at 7 o'clock this evening to go to a meeting of parents who in fact were debating the setting up of a charter school.

#### **Chairman's Ruling Clarification**

MR. CHAIRMAN: Hon. member, a clarification. The closure motion has already been moved and passed. So we're really on the amendment now, not other debates.

#### **Debate Continued**

DR. PERCY: I was fortunate, Mr. Chairman, that I was with a group of parents who were debating in fact setting up a charter school. There were members there also from the Department of Education. It was interesting, because the issue and debate came up about closure and the fact that they still felt that the amendments – what was interesting in fact is that they had the amendments to Bill 19 and the charter schools with them, so they had been circulated relatively quickly. Their view was – at least some of them that I spoke with still had significant uncertainties regarding charter schools in the system, because so much of the structure regulating charter schools was through regulation and at ministerial discretion. Individuals investing considerable time and effort really are unsure in a world where it's not in legislation, where it's at discretion, because it means that, you know, you might be trying to catch a moving target.

[Mr. Clegg in the Chair]

Since significant elements of this education Bill are driven by regulation as opposed to legislation, that will make it far more difficult, I think, for a number of groups to come forward to set up charter schools simply because the rules of the game will be known only by learning and doing, trial and error. I think that's the cost of having so much of a Bill embodied in regulation as opposed to having more set out in legislation. Now, I can understand that this approach has been taken and embodied as it has been in the amendments, because the government is not quite clear in fact what it's doing in terms of the detail and is going to attempt to do this through regulation as opposed to setting it out in legislation, basically learning by doing.

I think in fact it's counterproductive. The government would have been well advised to allow far more debate on these amendments, because it may have been the case then that the legislative structure of this Bill could have been fleshed out in more detail so that people who do want to take advantage of some of the provisions related to charter schools or home schooling would have far more security in the knowledge that they were dealing with a structure that was in place, had been fully debated, rather than being subject to a high degree of ministerial discretion through regulation.

**9:00**

Now, with regards to some of the other elements of the amendments as brought forward, I have to register very, very strong concern over the amendments that relate – I would think it's section J; it would be on page 8 – to the shift in 1.2, where it says "is consistent with the principle that each board is entitled to receive the same amount per student for the school year." All members on both sides of the House, particularly rural members, should be concerned about the notion that it's the same amount per student, because there are significant differences across this province in the cost of providing schooling services.

#### **Point of Order Questioning a Member**

DR. L. TAYLOR: A point of order. Will the member consider a question?

DR. PERCY: Not on my time, Mr. Chairman.

DR. L. TAYLOR: He obviously knows nothing about sparsity and distance, which is going to be included in the formula, and if he would learn something about that, he wouldn't be talking about rural members. He's an urban member who knows nothing about . . .

DR. PERCY: Mr. Chairman, that type of redneck garbage really puts me off. We know as much about the rural sector as he knows about the urban.

DR. L. TAYLOR: Point of order.

DR. PERCY: I mean, members of both sides of this House have a very good idea. I was born in Banff, and for that hon. member to continually get up and have a monopoly – a monopoly – on knowledge of the rural sector is offensive to every member of this House from Calgary, from Edmonton.

MR. DEPUTY CHAIRMAN: Hon. Member for Cypress-Medicine Hat, you didn't get up on a point of order. You got up

on a point – you wanted to ask the hon. member if he would entertain a question. The answer is no, not on his time.

Did you have another point of order?

**Point of Order  
Parliamentary Language**

DR. L. TAYLOR: Yes, a point of order, *Beauchesne* 459, in regards to calling members opposite rednecks. He certainly knows nothing about rednecks, coming from the campus of the University of Alberta, and knows less about rural Alberta. He knows the area a little bit up here, just over here. That's the only area university professors live in, a very protected, rarefied atmosphere. I was one for 10 years, and I was smart enough to get out. He wasn't smart enough to get out.

MR. DEPUTY CHAIRMAN: The debate's closed.  
The hon. member.

**Debate Continued**

DR. PERCY: Thank you, Mr. Chairman. As I was saying, if you look at section 1.2, the issue is that they "receive the same amount per student for the school year," and that is the principle that is set out here. I think it should be set out very clearly, in fact, the differences that exist both within the urban sector and the rural sector in providing school services. As a general principle I far more preferred the term "equitable" as opposed to "equal," because I think equal can be interpreted in a way that could work to the disadvantage of some of those school boards which through no fault of their own have widely dispersed students, high transportation costs . . . [interjection] Although the member can continually interject, the bottom line is that these things are not set out through legislation.

What is set out in legislation, Mr. Chairman, is the principle of equal funding, and that could easily be interpreted in a way that could work to the disadvantage of some rural and some urban students, some Liberal and some Conservative constituencies. It's independent of the party stripe. I much prefer, then, a focus on equitable funding that clearly takes into account that there are differences in the cost of providing these services and it should be taken into account. So this amendment, in fact, I certainly have concerns about, because as I say, the focus should be on equitable. It should in a sense be enshrined that there are these types of differences, and then it should be set out very clearly the mechanisms by which these differences will be taken into account. As it stands right now, we have to rely, then, on ministerial discretion, regulations to ensure that the disadvantages of geography are taken into account. Again, the object is to ensure that any student, regardless of where they live, gets access to a superior education.

Another element of the amendments that I certainly have concerns with deal again with the issue of superintendents. The amendments have weakened somewhat the discretion which the minister had in dealing with superintendents, but I still think in fact superintendents should be appointed by the boards, fired by the boards, and there should not be a role for the minister in either approving or in fact having a veto on the renewal after three years. I think if you're going to get school boards that are going to function, they must have control over superintendents, because the reality is that superintendents know, then, that the ultimate decision of whether or not they're renewed rests with the minister, and that will in a sense erode the responsiveness to local concerns and local boards.

The reason we have elected school boards, Mr. Chairman, is to have local concerns, local interests paramount, and one would expect superintendents to reflect those local concerns. As it's now been set up, not only then is taxing authority going to be centralized under the dome, but ultimately it's going to be the minister and the deputy minister, Reno, who will have significant control over the appointments of superintendents. Who are the superintendents going to respond to? The person that has the veto. So I think this is a significant erosion of local authority, and I think the government has not gone far enough in these amendments to address the concern of school boards that their concerns are paramount.

So what do we see with this Bill? We still see that the elements of centralization that were in place with Bill 19 as it stood are still in place with the centralization of taxing authority and ultimate control over superintendents. There has been some weakening but not enough for my liking.

I'm also concerned when I read this Act, Mr. Chairman, that there's in a sense a ready-made court case here. I'm just looking for the specific point. I guess it would be on page 8 again, section 1.3, where there's the phrase, "and subject to the rights under the Constitution of Canada of separate school electors." The presumption is that every piece of legislation that is brought forward is in accord with the Constitution. That goes without saying. Nobody would ever bring in a piece of legislation that says, "This supersedes the Constitution of Canada." It's very clear that there's still ambiguity with regards to this point, and this is in a sense an invitation for a court challenge. There's no other reason why this phrase would be here. I would defy the hon. members on the front bench to come forward with any other legislation where they explicitly say "and subject to the Constitution," because it is implicit that every piece of legislation that's passed here is subject to the Constitution. Why you actually have to say it I think suggests some real concerns in this regard.

Again, this is another argument for not invoking closure on this Bill. Have it sent to a reference, have it examined by lawyers, because six months down the road we do not want a court case. We do not want this can of worms to be opened again. There's a clear case for such a challenge to occur, and in the absence of those reviews being tabled by the government, I think we have to assume a priori that there is legitimate concern and that this is going to be opened up further down the road.

The major concern I have with these amendments, Mr. Chairman, is that they in a sense move us away from the notion of a level playing field. Initially with the unamended Bill 19 all parties were treated equally unless they opted out. Now we have the concerns of the separate school boards being addressed, and addressed in some detail, and the separate school boards say, "Although we do not like Bill 19, we in fact think this is the best of a bad lot, and this is better than a poke in the eye with a pointed stick." In a sense many of the boards have grudgingly accepted these amendments as the best they can get.

Now where is the input of the public school boards? Are they going to now ask how this affects their position vis-à-vis the separate school boards? Again, what legislation should always do is enshrine the notion of a level playing field, that no group is advantaged over another group. The way this Act has been amended it's now clear that there have been distinctions made for the separate school boards in terms of opting out, but there are not similar provisions then, Mr. Chairman, for public school boards to opt out. I can only ask: what is wrong with allowing public school boards to opt out of this legislation? Why not give them

exactly the same rights that have been accorded to separate school boards. I cannot see any problems with doing that because it just strikes me then as allowing the various groups to have equivalent rights. As it is now, it's no longer a level playing field. One set of boards has a different set of rights than another. Although the hon. minister shakes his head, I mean, it is clear that one group can opt out and another can't. That to me is a significant difference. Although he may say that none wish to opt out, they should have the right to do so if they choose. I would think that when I look at this, this takes us away, then, from the notion of a level playing field between both separate and public school boards.

Also when I read the amended legislation, it does nothing to address our concerns of basically government by regulation. The whole purpose of a Legislature is to pass legislation to set out the rules of the game.

**9:10**

AN HON. MEMBER: A framework.

DR. PERCY: Well, again, Mr. Chairman, you know, an interjection has been made that legislation sets out the framework. I believe legislation sets out very clearly the rules of the game and to the extent possible removes the role of discretion by ministers through order in council, because once you enter a world where there's discretion and there's no recourse or accountability in legislation, that really does erode the legislative authority of this Chamber, and it also then reduces the accountability of individual MLAs, whether they be private members or opposition members. I think the role of legislation is to set out very clearly the rules of the game, and this Bill does not do it. It's like many other pieces of legislation that have come to this Chamber; it basically provides a skeleton with no flesh, no bone, and no muscle. It allows, then, all of these other elements to be enacted by the Executive Council and then through fiat, through order in council, imposed, and I think they should be debated in the House.

Again, amendments I would like to have seen would be amendments that would have provided much more detail on the role of these parent advisory councils. In theory it's a very good idea, but much of their role will be set out through regulation. They'll be possibly appointed by the minister or elected, and there's just too much room in this Bill, particularly because of these amendments, that leave too much scope for discretion, too much scope for order in council. We can have a fundamental restructuring of our educational system going through order in council and regulation as opposed to being debated in this Legislature.

That is why I am deeply saddened by the fact that the government has brought closure in, because I think there is time and the need for a discussion of restructuring the school boards and the school system. The issue, then, is how we best do it and how it's set out in legislation and how all of the stakeholders have their say in terms of the restructuring. Now they're not going to have their say. The mechanism will be lobbying the minister, lobbying the deputy minister. It won't be in fact talking to MLAs or debate in this Legislative Assembly. We cannot, except through the vehicle of question period, address any of the changes that would come through order in council. Even if we do debate it through question period or try to get an answer as to why and the consequences, we would not get an answer. It's been brought home very clear to me, Mr. Chairman, why it's called question period and not answer period.

When I go through these amendments, I'm struck by the fact that much of the debate in second reading – and some private members did discuss the Bill.

MR. DAY: And the front bench.

DR. PERCY: And some members in the front did discuss the Bill. We on this side of the House brought forward many concerns in second reading that have not been addressed in any of these amendments. What we see is, in a sense, a band-aid solution to the concerns brought forward by the separate school boards without any reflection about the implications of that band-aid solution for the public school boards and whether or not it's a level playing field. I assure you, Mr. Chairman, that many of our concerns in this regard could be easily addressed were the government to bring in a subsequent amendment which would allow public boards to opt out and give them exactly the same sets of rights that have been brought forward in these amendments which will be driven through by closure by midnight tonight.

I would certainly hope that the government would take it as a friendly amendment that they would introduce such a move to allow the public boards to opt out, because I cannot understand, Mr. Chairman, why they would object. If the public schools do not want it, they won't use it, but at least they should have the choice of dealing with it.

Another issue I have concerns with which is not dealt with in any detail in these amendments is the whole issue of consolidation of school boards and the mechanisms by which these shotgun marriages are going to be effected. If there's one thing that is now leading to increasing concern about those boards that have not yet come to an agreeable set of linkages, it is that they're going to be basically driven to a geographical partnership that may not be in their best interests. I was saddened to see that the minister in fact did not bring forward any other types of amendments that related to the issue of consolidation, because again, Mr. Chairman, we strongly support regionalization. I mean, there's real scope there for some savings in efficiency, but there is still the issue of effecting it on an equitable basis.

So as I look at the amendments, I have a number of concerns that I would hope that the hon. minister would address before debate ends tonight so it will be part of the record. My concerns then relate to: why have they not given up the ability to appoint superintendents and allow the full accountability to rest with the board, who are elected? Why centralize that much power with the Department of Education? It's local people who elect the board. It's local people who then make the decision whether or not the superintendent is performing adequately. It's not the role of the Minister of Education or the deputy minister to say who's been good, who's been bad. It's the people that pay the school taxes, the people that elect the trustees that have that right, and that right should remain, then, with the trustees.

I have concerns, then, about the high degree to which this Bill still is fleshed out through regulation as opposed to legislation. I would argue that if we allowed the stakeholders to have further input, amendments could be brought in that would set out in legislative terms the roles of parent councils, for example, rather than allowing the high degree of discretion that presently is set out here.

The issue of the level playing field between separate and public school boards. The hon. minister and government may have gone part of the way to alleviating the concerns of the separate school



boards. They've only heightened now the concerns of the public school boards as to their sets of rights.

Thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** The hon. Member for Edmonton-Ellerslie.

**MS CARLSON:** Thank you, Mr. Chairman. I rise to speak to these amendments. Some of them I don't have a great deal of problem with, and they are improvements on what is truly a very flawed Bill. But I do have some concerns that I was certainly hoping would have been addressed prior to this Bill being brought to closure.

The first concern I have is with 2.1 in section 8, where they talk about:

A separate school district or a division made up only of separate school districts, by resolution, may require that the parents of students enrolled in a school operated by the board who are members of the school council must also be of the same faith.

Well, what happens here with mixed-faith marriages? Are there going to be exceptions? Who is going to decide what the exceptions are, and how are the rules going to be enforced? I also have to ask here: what about people in situations like mine? I'm not a Catholic, and yet I send my children to a Catholic school for what I find are very valid and concrete reasons. It's not specifically addressed in this amendment, and I think that's something that certainly should be.

**9:20**

The next one that I have a concern with is under 28(5), where A parent of a student enrolled in a school shall not request that the student be enrolled in another school during a school year unless the board operating the other school consents.

Well, I find it very unusual and quite undemocratic that a parent can't decide in fact which school they're going to send their child to, and they have to get permission from the board. I'm very surprised to see an amendment like this in this Bill.

Section 22 is being amended under (a) and (b) with regard to the three-year period for the superintendent appointments. It doesn't lay out in here what the criteria for the reappointments are going to be, and I would think that would be a fundamental step to be taken here. If it's not addressed here, then I think that another amendment should have been brought in, and I wonder if that's going to be happening now in light of the hour and in light of closure being invoked.

The concern with 155(3) when it talks about how the moneys are going to be paid to a board or to the Alberta school foundation. They're going to be now

in equal quarterly instalments on the 15th day of each of the months of March, June, September and December in that year.

Why wouldn't the money be coming in June, when it in fact is collected? Will there be any allocation or consideration for interest or additional penalties on here? What this looks like is that actually the school boards might in fact be penalized. They're not going to have the full use of the funds, which is something I think quite separate and distinct from what currently occurs.

I was also concerned with 155(6) where it talks about

A debt referred to in subsection (5) may not be recovered by suit at law unless permission to enter suit is granted by the Minister.

Well, what kind of discretionary use is this? Who is going to benefit from this and who isn't? What criteria will the minister use to decide who will be able to enter into a suit and who won't be able to? Again it's not addressed, and it certainly should be before we proceed.

Mr. Chairman, the nature that these amendments have been brought to closure tonight and in fact the way this whole Bill has been brought to closure I find upsetting. To no degree is this a democratic process when closure is invoked on what is a basic Bill for this province, a Bill that's going to be changing the nature of education forever in this province. It will be very hard to reverse any of the problems encountered by this Bill. Many of those problems could have been unravelled and discovered and worked through had the minister been prepared to enter into proper debate and proper negotiations with the stakeholders in this situation. I find it just completely appalling that the minister would make a complete mockery of the parliamentary process.

I have to say that it brings to mind a quote in a book by a very great American author, which I found an appalling situation when I read it then. It applies to this government and to the way they have moved forward on this Bill by invoking closure not only at second reading where in fact I hadn't had a chance to speak yet. I wanted a chance, an opportunity to speak to the principles of this Bill in second reading and to represent the interests of my constituents because they had serious concerns that they wanted to be raised, and I was not allowed to do that because closure was invoked. Now here we are again with this happening. It reminds me of this quote. I would suggest that everyone pay attention to this one. Prior to 1933 the public schools had been under the jurisdiction of the local authorities and the universities under that of the individual states. Now all were brought under the rule of the minister of education, just like what's happening here. It was he who appointed the rectors and the deans of the universities. Now, this minister is appointing the superintendents. And he also appointed many of the other leaders, and that may be what in fact happens here.

This is a book that was written by William Shirer, and it's *The Rise and Fall of the Third Reich*, ladies and gentlemen. I find a few too many similarities in this book and in the process being undertaken by this government to make it a comfortable situation for me. [interjections]

#### **Point of Order Abusive Language**

**MR. DAY:** Well, Mr. Chairman, I think you know there are certain things that are allowed and a certain latitude that is given when people are speaking. But citing Standing Orders 23(i), and you can throw in (h) and (j) also, when somebody starts to use a comparison in our society in Alberta today about another person or a group following certain procedures and comparing them to the Nazi party, I think that is going to a very gross extreme. I'll remind people that the Nazi party stood for the National Socialist party, of which members opposite, if anybody has certain policies more closely aligned to that . . .

Well, I'm taking issue, Mr. Chairman, with a very gross insult here, and I know the member got caught up in her own speaking. I know she's just waiting for the opportunity to show her loud-mouthed colleagues that she's a reasonable person and that she's about to withdraw that comment.

**MR. DEPUTY CHAIRMAN:** On the point of order.

Okay; hon. Member for Edmonton-Ellerslie.

**MS CARLSON:** Yes, in the interest of freedom of speech and the democratic process, I have every right to take direct quotes out of a book that directly patterns itself after the motions of this government.

DR. WEST: May I speak to this motion?

MR. DEPUTY CHAIRMAN: We don't normally do that, Minister of Municipal Affairs. Thank you. We could spend all evening on a point of order. We've had both sides speak.

Hon. Government House Leader, on the point of order. I didn't hear the Member for Edmonton-Ellerslie specifically state that any member on any side of the House was – and I don't want to use that word. However, she was using a comparison of that. So the point is that the hon. member didn't use a direct quote that any member is entitled to whatever. She was just using it as an example. It reminds her of that example.

The hon. Member for Edmonton-Ellerslie.

#### Debate Continued

MS CARLSON: Thank you, Mr. Chairman. In fact, I find a number of other parallels which I would like to discuss that the steps of this government, this direction that they're taking, bring to mind. I think when I share them with you, you will see that this is in fact a very close parallel.

The next step, ladies and gentlemen, was that great teachers were fired or retired, great teachers like Einstein. Now, early retirements in this province, great teachers who have the time and wisdom and knowledge on their part are taking early retirement or being laid off. Same parallel as what happened with great teachers there: fired or retired. Layoffs of first- and second-year teachers: those who are the best and brightest, who are our future and our children's future in this province are not being rehired. I find distinct parallels here.

I would just like to let you know what happened in that case. In that case 2,800 people were fired in the first five years of their regime. We're talking about professors and teachers. Now, I would like to know if the government is also going to follow this parallel, and if so, they should let the teachers and professors of this province know that those are their intentions, and they should let the parents in this province know.

So the result here is quite comprehensive, hon. minister, and it would be well worth it to take a copy of this document and read it and see where you are going.

9:30

MRS. MIROSH: And history repeats itself.

MS CARLSON: "History repeats itself," as the minister without portfolio stated, and you'll see that there are many parallels here in the path that you are following.

The result here was that after six years the number of university students dropped by more than one-half. So what happens to the education of the province as a whole when university enrollment drops by 50 percent? What's the direction and the nature that the province is going to take thereafter? This decline in enrollment at the institutes of technology was even greater. So in an age when research and technology, when developments in telecommunications are the major employers in this province, we see parallels here which look like . . .

#### Point of Order

##### Reading from Documents

MR. DAY: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: A point of order by the hon. Government House Leader.

MR. DAY: Mr. Chairman, 23(d) points to the very relevant section here in terms of it being a point of order when members read copiously quotes from various documents, including books. There's good reason for that. I'm not knocking her ability to write or not write a speech, but standing and reading from a book is out of order according to 23(d), and I wonder if we could have a ruling on that. Standing Order 23(d) is very clear in that a person may quote from time to time certain relevant sections of a document, but to stand and read verbatim page after page, line after line is somewhat of an insult, and it is in violation of 23(d).

MR. DEPUTY CHAIRMAN: Hon. member, would you like to speak on the point of order?

MS CARLSON: I certainly would like to speak to that point. It actually says here under 23(d): speaks copiously. I would be quite happy to pass on to the minister for his perusal afterwards the little footnotes that I made in the book. I am not reading from the text of the book. I have made several little notes which address the key issues that show the parallels between this government and that government, and I think it's important for people to hear this.

MR. DAY: Mr. Chairman, with respect, she's still talking about parallels, which was already ruled on. I accept your wise ruling on that, but that's not the point of order. The point of order is that it is out of order to stand and read bedtime stories from some book she dusted off in the restaurant and brought down here. You're not allowed to do that, and we'd like a ruling on that. [interjection] No. He hasn't ruled yet.

MR. DEPUTY CHAIRMAN: No, I haven't ruled yet. Because we let the hon. Government House Leader, would you like to make another . . . [interjection] No, no. Hon. Member for Edmonton-Ellerslie, would you have something more to say?

MS CARLSON: Well, Mr. Chairman, I find it very interesting that that minister would find the *Rise and Fall of the Third Reich* to be akin to a bedtime story. To make him happy, I'll close the book and finish my debate off my notes.

MR. DEPUTY CHAIRMAN: Section 23(d) clearly states that you can in fact refer to and make quotes from *Hansard* or any book. However, it has to be a judgment call, and I'm very happy that you have put the book to the side. I know you're going to continue without reading any more of that.

#### Debate Continued

MS CARLSON: To carry on with the bedtime story of this government, what happened in that situation was that academic standards fell to an all-time low, and this in fact jeopardized the national economy. Well, when we take a look at the employment stats in this province right now, where we currently have 68,000 people in this province who want to work and who can't find a job and when in fact 60 percent of those people are women, I find the direction of this government as it relates to this Bill and these amendments to be out of line and out of order and unreasonable and certainly a road to destruction.

What happened in the final analysis in this situation: the real final twist to education here in the Third Reich came in the establishment of three types of schools.

**Point of Order  
Relevance**

DR. WEST: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The hon. Minister of Municipal Affairs.

DR. WEST: Mr. Chairman, I've had absolutely enough of reference in this debate, and I quote 459 of *Beauchesne*, relevance. To keep relating back to 1933 and to the policies of a regime that slaughtered 6 million humans, that many ancestors of mine and of people of this Assembly laid their lives on the line to stop – I've had just about enough of relating that to this Bill and the policies in 1994 in Canada and Alberta. I go back one more time, that you keep using that reference in this House. I can also state 23(i) on that. You're inciting this House to disorder. I don't have to stand here and take that in a debate on an education Act in this province, knowing the history of this country, of this province, and the people that died overseas to get rid of that damn policy that was written in those days by that government. [interjections]

MS CARLSON: All you need to do is follow the text in this book and you will see the identical parallels.

MR. DEPUTY CHAIRMAN: Order. [interjections] Order.  
Hon. member, have you any statements on the point of order?

MR. DAY: On relevance. You haven't even talked about the amendments.

MS CARLSON: There's absolute relevance here in terms of the direction these amendments and this Bill are taking and this government invoking closure not once but twice on this Bill. [interjections]

MR. DEPUTY CHAIRMAN: Order. The hon. Minister of Municipal Affairs has a good point of order. We try and be very lax with relevancy. When there's a closure motion on the floor, we allow that relevancy to broaden, but we aren't going to allow it to continually get off the amendments. We are not going to allow it. It has no relevancy whatsoever. So, hon. Member for Edmonton-Ellerslie, you lose your turn unless you get on to some relevancy on the amendments.

MS CARLSON: Well, Mr. Chairman, I certainly wouldn't want to lose my turn; would I?

**Debate Continued**

MS CARLSON: Certainly when we're talking about the appointments of superintendents, if that in fact happened at another point in time, at another point of history on this planet, then I find it to be relevant in this House in the manner of keeping with freedom of speech. It's a very undemocratic process, which we have seen several examples of in this House tonight and in the past week, and I refuse to be a party to that.

AN HON. MEMBER: Speak to the amendments.

MS CARLSON: I spoke to the amendments when we spoke about superintendents. We spoke about the changes that are happening in terms of the Catholic and public systems here. I'm just about finished with the parallels. These in fact are addressed here in the

changes that are happening in these amendments and in this Act when we talk about different classes of school systems now, when we talk about the changes you're making to the separate school boards and not letting those same rights go to the public school boards. You're changing the format for charter schools, and you're changing the format for other private schools.

I want to relate it to one final comment, and this is what happened in the Third Reich when they brought in three types of schools. They brought in one for the brightest, one for those who could pay, and one for everyone else. I want to know where our children fit in this today, and I think that's relevant debate here.

**9:40**

MS CARLSON: Now, I have some specific concerns that my constituents want addressed tonight in addition to those that were brought here. Will the Department of Education provide the funding to ensure that the government directive to implement site-based management by 1996 is achieved and that those to be held accountable under this new model have sufficient training? Well, certainly the least that should happen here is that we should begin to be given what types of professional development programs principals may require to carry out their roles and responsibilities. It hasn't been addressed here, but it's certainly an issue for my constituents out there, and I think that before this government can invoke closure, invoke that undemocratic process, they should address this issue.

With the expanded management role of principals will the government now remove them from the ATA bargaining unit? This is a very real concern for people out there. The School Act defines a principal as "a teacher designated as a principal or acting principal under this Act." In 1991 the Edmonton public school board applied to the Labour Relations Board to have principals and other school administrators excluded from the bargaining unit because they exercise managerial functions. Then the school board's application was denied as the Labour Relations Board held that it was without jurisdiction to interpret another Act. On appeal, Court of Queen's Bench Justice Roslak found that the labour board did not have the jurisdiction in this particular matter and referred it back for a decision. The Alberta Teachers' Association appealed the decision to the Court of Appeal, and Chief Justice Fraser found that the School Act defined the bargaining unit and that the Legislature intended that all teachers have the right to bargain collectively unless excluded by mutual agreement under section 77(2). This decision was not appealed to the Supreme Court of Canada. If the school administrators are to be excluded . . .

**Point of Order  
Relevance**

MR. SEVERTSON: A point of order, Mr. Chairman.

MR. DEPUTY CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: *Beauchesne* 459, relevance to the amendment. I don't see anything in the amendment about appointing the principals.

MR. DEPUTY CHAIRMAN: The hon. Member for Edmonton-Ellerslie on the point of order.

MS CARLSON: We're talking about school governance here, and this is clearly addressed under these amendments. I find it to be completely relevant.

MR. DEPUTY CHAIRMAN: Well, the hon. Member for Innisfail-Sylvan Lake has brought another good point of order. I was listening very carefully to the hon. Member for Edmonton-Ellerslie. When she kindly put that book away, then she certainly was talking about the amendments, but I think the hon. member has strayed a little ways away from the amendment. I'm very confident that the hon. Member for Edmonton-Ellerslie will get back to the amendments.

### Debate Continued

MS CARLSON: Speaking to the amendments specifically, Mr. Chairman, I want to go back to the superintendent issue here and how that relates to what their roles and duties are going to be under this new section. I wonder, because it's not spelled out here at any point, if in fact the government has decided what the current role of the superintendent is as compared to what it's going to be under this amendment, and I speak specifically, for your reference, to sections 22(a) and (b). What's going to happen now with these new superintendents? Are they going to have a role similar to the current superintendents, or is it going to be quite different and distinct? It's something that certainly isn't addressed here. I find it very surprising that we can go forward with this Bill before these major holes in the road are filled. I think it needs to be addressed this evening if in fact we go forward with closure, and I would expect the Minister of Education to stand up and defend his position.

I wonder if the government understands that the superintendents now serve as the chief educational officer as well as the chief administrative officer and that they act as a vital link to the community, parents, employees, and the board, as well as the Department of Education. Now, how is that role going to change when all of a sudden these superintendents are under the direct control of the minister? I think it's certainly an issue that needs to be addressed. Will locally elected trustees under this new mandate that we've got here and the government-appointed and -contracted superintendents be able to develop into a strong leadership team? You know, when you've got all the responsibility and none of the authority, who's really in charge, and who really calls the shots in the day-to-day operations? That's something that hasn't been addressed here, and it needs to be addressed here. It needs to be addressed before we go forward one more moment on this Bill.

The government refuses to acknowledge that these are in fact valid concerns for all people in this province. They believe they can just go ahead and make changes willy-nilly and hope that with the minor adjustments they've got in these amendments, they're going to appease the general public, that they're going to appease the school boards, that they're going to appease the parents. But guess what? It just isn't going to be good enough. It's not good enough for our students and not good enough for the future of this province. I think the government will find this out when they move forward on this Bill and people really start to feel the implications of all of these changes and exactly how they're going to impact their children and the future of this province.

Let's talk about how this funding is going to happen again. I bring you back to 155(3) – heaven forbid, I would hate to be called on a point of relevance – where it talks specifically about how the school boards are going to be funded. What specific guarantees will be provided that all local school requisitions will be accounted for and used only for public and separate schools? Well, there's nothing that's been addressed in this Bill which meets those needs at all. It's a huge concern when you're talking

about the massive power grab we have built into this Bill. People need to know what's going to happen to that money. They need to know that it's going to be spent where in fact it's being said that it will be spent.

Of course, it brings up again the concern of the discretionary use of funds. How is it that all of a sudden, whereas schools used to get their money at the beginning of the year, it's now going to be doled out in quarters? They have no access to those funds in terms of investment or proper allocation, and it's certainly not addressed here. It's not laid out what the government's role is going to be in those funds and, in particular, how it will be requisitioned for any of those other areas that are discussed here. This one was specifically brought up by one of the principals in my school, which is an urban school. His concern was for the rural schools and how that was going to affect them. I think that's a very relevant matter to be addressed in this debate here tonight.

What assurances does the public have that these funds will not be subject to political whim or expedience? Now, particularly, given the past track record of this government and the way that they've done business in terms of handouts of loan guarantees to a selected few and a complete lack of ability or response to full disclosure in terms of what they do with lottery dollars, how can we expect them to act any differently when they have full power and full control of the school funds? I think this is a very valid concern, and I challenge the Minister of Education to stand in this House tonight and defend that position and tell us exactly how these funds are going to be spent and that he will guarantee this House and put it in writing that they will not be available for political whim or for his expedience.

Now, if the government persists in this move to full funding of education and seizes the boards' requisitioning authority and their ability to respond to the variant costs of local collective agreements, why would the government not assume the full collective bargaining role? Again, this is an issue that hasn't been addressed here, and we speak to that particular section of the amendment, 155(3), that deals with funding. I think it's very relevant in the debate tonight, and it's certainly something that's got to be addressed by this House. Now, I can't understand, when we have all of these huge, substantive concerns, that they're not addressed by this government.

### 9:50

MR. DECORE: Mr. Chairman, I stand to speak to the amendments brought to a major Bill that affects Albertans in a most profound way, amendments that have been, I think, poorly thought out, poorly crafted, taken in context with the whole of the School Act and the process that's gone on in the development of that Act, the new Act and the new amendments: a sloppy piece of work and poor content that's come with it.

Mr. Chairman, I think it's necessary to do a little bit of a historical review of what's happened since the autumn session. This review is necessary to show how bad these amendments have become and how badly the School Act changes will affect Albertans. We start in the autumn session with a minister who fumbles his way through that session not knowing whether the cuts to his portfolio will be 5 percent or 10 percent or 15 percent. I remember him looking to the Premier and, when the Premier was in China, to the Treasurer to find guidance to know exactly what the plan would be in terms of the cutbacks to his portfolio. If there's an area where Liberals distinguish themselves from Conservatives, it is in education, because during the election we said, yes, there had to be efficiencies in education from K to 12, there had to be efficiencies in postsecondary education. But after

all of those efficiencies were effected, we calculated and we still calculate and we still say that resources have to be added to education and not taken away, because the key to economic success for Alberta is in the education of its young men and women.

Well, we saw the fumbling and the mumbling that the minister gave us in the autumn. We saw no plan, and we saw the cruel way in which he dealt with Albertans. We were told by the minister and the Premier and the government that they were going to go out and consult with Albertans. Roundtable discussions were set up, handpicked so that there wouldn't be any embarrassment, I guess, created for the minister and for the government, and rushed through.

I remember attending some of the meetings that were organized quite independently from the minister, quite independently from the government. I remember in particular the meeting that was held in Calgary. That was a meeting where Calgarians were asked by teachers and parents and students to come forward with ideas because, remember, the minister had challenged Albertans to come forward with ideas on how the system could be made more efficient and how expenses could be taken out of the education system. I sat for three hours at that meeting in Calgary and with the other 3,000 or 4,000 people listened to good idea after good idea after good idea on how change could be effected that could give efficiency, that could reduce costs. But where did it lead? Nowhere.

The minister tried to challenge Albertans into having them define what basic education should be. That cruel process suggested that there should be cutbacks in a number of areas that infuriated Albertans. But I listened at that Calgary meeting to some suggestions where in terms of defining basic education, good suggestions were made, where Calgarians said: "I think you can get rid of this, and I think you can get rid of that, but please government, please Minister of Education, don't touch this area, don't touch this area, and don't touch this area, because these are integral to a basic education for Albertans."

I then attended a meeting in Edmonton where the minister listened to similar ideas and similar concerns from 4,000 Edmontonians. I see nothing in the amendments or in the School Act or in the plan the minister has brought forward that in any way gives credit and credence to that consultative process that he asked Albertans to participate in. He so cruelly stabbed them in the back by ignoring their concerns and their desires. The minister shakes his head, and I regret that the minister attended those meetings and heard good suggestions and took those suggestions nowhere.

I attended meetings in my own constituency where parents took time with their children and teachers took time from their busy days to come to a meeting to discuss how the system could be made more efficient, how some cutbacks could occur in certain areas, how the system could be a better education system. They took the time to send those suggestions to the minister, and I see no evidence tonight or last night or the night before or the day before or the month before of any of those suggestions that have come from Albertans to perfect the system. In fact, the amendments fly in the face of everything that Albertans are proud of.

Albertans are proud of the fact that they had an education system when Premier Manning and Premier Lougheed were Premiers of this province. In terms of support and guidance and nurturing, the government saw and gave as its number one priority resources to that education system. It was no accident and is no accident that Alberta created the best-educated work force in Canada and created some exciting new ventures at its

universities and colleges. But we've gone from being first. Slowly, slowly that erosion has taken place under the Conservatives to a point where we're now seventh in terms of support for students compared to other provinces in Canada. Mr. Minister, that's an embarrassment that you should be most unhappy about and most unhappy to hear about. When these cuts are effected, Mr. Minister and government, Alberta will be last in terms of assistance to students across this province compared to other provinces in Canada. Now, how could you be proud of that? How do these amendments help and show and strengthen and nurture the kind of education system that's needed when you strike at the very heart of education and its concept, and that is local autonomy?

When I said that education has been made strong in this province, it's because this is a diverse province. It has agriculture that's very different in the southeast than in the northwest. It has people that I think are different from the north to the south. It has people that are different from city to city. Local autonomy has been allowed and has given us a diversity of strength, because local school boards could determine what different teaching was needed, what different courses were needed, what different programs were needed, and what different resources were needed to make that particular region or city or area strong in comparison to the rest of Canada. What we have in these amendments is a reduction of that local autonomy concept, a watering down, an erosion of that local autonomy concept, and it flies in the face of good education and strong education.

Mr. Chairman, we were chided by the minister today suggesting that I hadn't read the amendments. Now, a word about the timing of this process. We've spoken about the cruel process of dealing with Albertans and asking them for suggestions and then ignoring them. But there's another concept that's important, and that is parliamentary debate, parliamentary input. The role of an opposition is to look at law and to look at amendments, and we see eight pages of amendments that the minister brought forward yesterday evening.

MRS. HEWES: Fourteen amendments.

MR. DECORE: Fourteen amendments on eight pages. The minister gives but one day, less than a full day of debate to an opposition party to show the weaknesses of the ill-conceived plan and the poorly set out amendments that have been brought forward. And the minister . . . [interjection] Well, you have shown weaknesses, Mr. Minister. You showed weaknesses right from the fall session, when you didn't know what your plan was, when you didn't know how much you were going to cut back, to your weakness in dealing with the Catholic school board, telling them that you had a deal with them at one moment, going back to your caucus and scuttling them the next day. This went on and on and on and on with the Catholic community. Do you think that's fair? Do you think that's reasonable? Do you think that's the sort of activity that a minister should involve himself or herself in? I don't think so.

10:00

I think that you owe a certain sense of dignity to your portfolio, to your ministry in the way you deal with people. You went forward with the Catholic community, and you made a deal with the Catholic community through its lawyers in saying: I'll take this back, and I'll get it through caucus. You couldn't get it through anywhere, in the same way that you couldn't tell us in the fall whether you were going to cut by 5 percent or 10 percent or 15 percent. Mr. Minister, you seem to be taking your orders

from somebody else, either from a Treasurer who is your guide or a deputy minister. That's what I fear most: that this deputy minister really has had the last laugh, that he wasn't able to do his dirty work with the previous minister, but he had a softy. He had a softy, and this time he was able to pull the wool over the minister's eyes and get exactly what that deputy minister wanted.

What the deputy minister wanted and got in these amendments was a diminishing of the local autonomy by taking superintendents, for example, and having those superintendents become completely at the mercy of the minister and the deputy minister, to put them at the mercy of the ministry. If the minister doesn't like the superintendent, the minister just has to flick his fingers and that superintendent is gone. For cause, for whatever cause, the minister – albeit the minister now has to give some reasons in writing – can get rid of somebody that is a thorn in his side. We've seen this government and the way it deals with the people of Alberta. I suspect there are going to be a lot of thorns in the side of the minister and a lot of superintendents that get their walking papers because the minister isn't going to like the way local government is administered by those superintendents. That's bad legislation. That's a bad amendment, and the fixing that you've attempted to do, Mr. Minister, has I think just made things worse. In the final analysis the minister has the ability to fire, to keep superintendents dangling on a string to do whatever the minister wants, whatever bidding he wants. The superintendents I guess are expected to cozy up and do whatever the minister wants. That flies in the face of local autonomy.

It flies in the face of local autonomy when you take away the power to tax. You got into trouble with the Catholic school board because I think in the end your own lawyers told you that you were in trouble with constitutional matters, and I think you're probably going to be in trouble with the public school board because this tax grab in giving some concessions to the Catholic community now has created a very discriminating situation in terms of public school boards. I think, Mr. Minister, you're going to pay the price for sloppy work, sloppy planning, sloppy drafting, and sloppy amendments that you've brought forward to this Assembly.

Mr. Minister, I look back at seven weeks of turmoil and acrimony that you created amongst Albertans.

#### **Chairman's Ruling Addressing the Chair**

MR. DEPUTY CHAIRMAN: Hon. Leader of the Opposition, please go through the Chair. Your eyes have stared specifically at the minister for several minutes, and you've never come through the Chair once. It's strictly against the rules of this House. Would you kindly address your remarks through the Chair, please.

MR. DECORE: Well, I'll try to look at you from time to time now, Mr. Chairman, but I can't ignore the minister because he sits there and laughs at a number of the comments that I've made. [interjections] Hon. House leader on the government side, I don't think it's funny when you stick it to Albertans the way your colleague and your government is sticking it to Albertans on the education system.

#### **Debate Continued**

MR. DECORE: Mr. Chairman, a very cruel game has been played on Albertans in terms of the amendments, in terms of the process of bringing forward ideas. I think the price will be paid, because instead of having the best education system in Canada,

we're going to end up with I think a very mediocre education system. That is going to be your legacy, Mr. Minister, that you leave with Albertans, a legacy where superintendents are at your beck and call, a legacy where you decide. I guess superintendents will do whatever you want when you wink and nod at them, because if they don't do what you want, you'll get rid of them. You'll make it clear to them on that score. A legacy of a tax grab that's been unique because that particular system of being able to meld and adapt in Alberta will be lost, and a system that I think will fly in the face of constitutional right: you're going to pay the price for that, Mr. Minister. The sad part is that Albertans are going to pay the price for poor work, poor crafting of legislation. Mr. Minister, of all the legislation that I've seen in this Assembly in the five years that I've been here, this has got to be the worst, and the process that's been employed to bring us to this time of imposing closure is the worst process that I've ever seen. The hoax on Albertans, the cruelty to Albertans that you've effected has been more than unreasonable, and I feel sorry for Albertans for what you've done.

#### **Point of Order Decorum**

MR. BENIUK: Mr. Chairman, on a point of order. Is it now the decorum of the House that people can do that? I notice you were watching him and didn't do anything. Is that permissible now to do that? I'm referring to the fact that the Member for Calgary-Shaw had two cups on his ears. Is that proper decorum now? [interjections]

MR. DEPUTY CHAIRMAN: Order. On the point of order.

MR. HAVELOCK: Mr. Chairman, thank you. If I could respond. I was so interested in listening to the comments of the hon. Leader of the Opposition that actually they helped amplify his comments. I found them to be quite helpful, so thank you. [interjections]

MR. BENIUK: If that decorum is proper, and if that's the case . . .

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Norwood, you're correct in – I really can't judge how people look. Just because he's got big ears, I can't help that. I was about to send a note to him and tell him to please remove the cups from his ears. He wasn't handsome.

MR. BENIUK: Mr. Chairman, this is a serious issue. Are you saying that it is proper decorum to have cups put on one's ears in this House the way the Member for Calgary-Shaw did? [interjections]

MR. DEPUTY CHAIRMAN: Order. [interjections] Order. Absolutely not. It is not proper, and I was about to write a note to him and ask him to remove them, hon. member.

The hon. Member for Highwood.

#### **Debate Continued**

MR. TANNAS: Thank you, Mr. Chairman. I'll endeavour to gaze fondly in your direction from time to time as I go through my notes.

I was interested in some of the comments that have been offered, presumably on the amendments, which I think are

important amendments when we only some days ago heard various people saying: "Mr. Minister, why are you beating up on the Catholics? Why are you doing this? Why aren't you doing something else?" Then when the minister begins to make some changes, that's wrong too.

It seems to me that the key principle of the Bill is reinforced by the series of amendments: equity for school boards, equal per student funding from the local tax base for all Alberta students, and even allowing separate boards to opt out of the Alberta school foundation fund and go to local requisition of their ratepayers. The principle still stands for all Albertans that wealthier boards will be assisting less wealthy areas of the province. That principle is maintained. If we think of the wealth that we have shared in this province for many years, for decades, particularly after the discovery well in Leduc when oil revenues went to great heights, eventually reaching 50 percent of the tax revenue of this province, we all shared in it. So in this Bill and in these amendments to the Bill we're looking at refinements of trying to ensure that all Albertans, whether Catholics or members of the general public, will get equal access to the money. I think that's got to be a very worthy goal.

#### 10:10

I was concerned about the comments being made that somehow Alberta soon will be last in financial effort of all the provinces. When you think of it, Mr. Chairman, we are 10 provinces and two territories. There are three net taxpaying provinces in this country: Alberta, British Columbia, and Ontario. We can hold up, as some hon. members do, Newfoundland as having a great, high effort. When we know such a high percentage of their budget in fact comes from those other three provinces, you wonder what the effort is. Some hon. members appear to have forgotten the recent news broadcasts from other parts of Canada. Newfoundland is now undergoing a teachers' strike. Students have been dismissed and are sent home and do not expect to return for the months of May or June. Nova Scotia has a strike vote in hand. What I'm trying to say is that although we are predicting all kinds of gloom, whether it be from *The Rise and Fall of the Third Reich* or from the rise and fall of Newfoundland, we seem to think that all the other provinces are somehow going to retain their places and only Alberta is going to move. Well, a number of other provinces are looking at their funding of all of their areas of expenditure and looking at how they can bring that in hand with their ability to pay. So I think it's a bit premature until we know what those budgets are all about to indicate that Alberta is in fact going to be 10th out of the 10.

I think the importance of the superintendency shows a willingness on the part of the minister to hear criticism of the original proposal and to make some adjustments to it. I think that's an important thing: to set out your goals, show how you're going to reach them, and when some people draw to your attention that there are some difficulties there, then to make the necessary adjustments in the amendments that have been proposed to meet those helpful criticisms. Many of us went to school when the superintendents were completely directed by the Department of Education. After all, the superintendents came in in the late '30s when we got a consolidation into the school system over much of rural Alberta. That system served us well until 1970 when we switched and went to the locally appointed superintendents. Because there are some difficulties with that present system, this is, I think, an important move to make a joint responsibility. Ultimately, the superintendents, although not clearly in law, were in fact responsible to the department. It is of course the provin-

cial government that is charged with the responsibility for education under Canada's Constitution as brought to us by the BNA Act and reaffirmed in subsequent Acts.

I think that retaining the authority to approve the appointment of superintendents and the authority to approve the reappointment of the superintendents on a three-year basis is an important change. It's important to keep that linkage in there that they are responsible to the Minister of Education as well as to their board. Some people say that you can't serve two masters. Well, anybody who's been either a principal or a superintendent knows that you don't serve two masters; you serve many masters. You have the community, you have the board, you have the department, and you have, if you're a superintendent, the whole teaching body. It's an onerous position. It's a well-respected position. This just lines in law that there is a connection between what that superintendent permits in the way of educational activity in their domain and what the provincial laws and regulations are. So I think the amendment here is a useful one.

Some people talk about tax grabs. It's not that long ago that we had members of the association to which I have belonged most of my adult life, the ATA – I can well remember them talking about those wonderful days back in 1970-71 when the provincial government paid 90 percent of the local costs of education. I have had the occasion to hear many members of the opposition in the previous Legislature refer to those great days. Well, if 90 percent is good, why isn't 100 percent a lot better? That's what this Bill achieves, and that's what is important: that these amendments support that as well.

I feel there are a number of areas that do, however, give me some concern. I look at section 15, and I'd hoped that maybe either it could be amended or more properly clarified that the regulation is going to take out some of the questions that one might have. We look at section 15(c.1): "ensure that students in the school have the opportunity to meet the standards." Is this putting upon the principal, then, that somehow he's making a guarantee? It's just a question. How do you measure opportunity? That has to be a highly subjective matter, so when it's in the law, it's sometimes a little bit disconcerting.

One of the questions that I have. When we have section 15(b), striking out the words "or provide for the evaluation of," this limits the principal to doing the evaluation. We could have, I'm sure, situations in a school that might be a problem. If the principal is directly responsible for evaluation of all teachers in the school, this appears to leave no alternative open to the board in situations where it would be necessary or advisable to have another individual besides the principal evaluate a teacher. The teacher and the principal may have a conflict. There may be other reasons of perceived bias, or it may simply be as we have in . . .

#### Chairman's Ruling Decorum

MR. DEPUTY CHAIRMAN: Order, hon. member. We're always reasonable around the House, but on both sides of the House we've got little conferences going. Nobody can hear anybody else. We're going to give every member of this House an opportunity to speak their words, so if we could just have a little order, we can continue on.

The hon. Member for Highwood.

#### 10:20

#### Debate Continued

MR. TANNAS: Well, thank you, Mr. Chairman. As I was saying, there could also be an apparent conflict. Many of our

rural schools have husband and wife teaching on the same staff, and either one could be the principal. Then they would be in a sense obliged to evaluate their spouse in a professional situation, and if it's that restrictive, I see a problem with that. The question is: who is the principal ultimately responsible to?

When we get into some of the parts on the school council, there are some concerns there. Perhaps it will be resolved with the regulations that come, but the question has come from trustees as well as teachers as to who has paramountcy. Is it really the board, or would it be the school council? What happens when the principal, who often is the meat in the sandwich between parents and teachers or between teachers and the superintendent – here is another area, where they could now be between the board and the council, and that's a problem.

The word "implement" in section 17 referring to the school councils: there may be direct conflict, then, between the principal and the school councils and also with boards. If we look at the legislation and in there, there are a number of areas where it says "shall," we assume, then, that this is enabling legislation. "Shall" is a bit of a strong word. However, if we take into account that in many instances it says "shall" and later on "subject to the regulations," then the regulations become the instrument as to how we will define the roles of school councils and maybe at that point take away many of the apparent conflicts that appear now.

Because I can hear so many others wishing to speak on this topic, I'll perhaps sit down and let them carry on.

Thank you, Mr. Chairman.

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

MR. SAPERS: Thanks, Mr. Chairman. You know, I was hopeful that these amendments that we have before us would have addressed the most serious flaws in the Bill, and unfortunately they don't. Now, the most serious flaw in Bill 19, of course, is the common thread that runs throughout it, which is the centralization of power to the minister. This is evidenced by the transfer of requisitioning power from school boards to the province. Of course, they've tried to address half of that problem by coming up with something as an offer of appeasement to the Catholic boards. It is also evidenced by the provincial approval and the right of removal of superintendents. Now, they've also tried to modify that by limiting the approval and appointment to three-year intervals, but this provision also means that superintendents are still responsible for the implementation of ministerial policy. This is unacceptable.

The creation of charter schools with the provision that an agreement can be established by the minister, bypassing local school boards, is more evidence of this ministerial power grab that has not been addressed in the amendments to Bill 19.

Finally, establishing school council authorities, including program and school management, creates considerable confusion regarding the roles and responsibilities of school councils, principals, school boards, and parents. Again, all left up to the minister to resolve by regulation. None of this is adequately addressed in the amendments that the minister tabled in this House.

Finally, I'm finding some difficulty with the amendments simply because of the process. Now, Mr. Chairman, this is the second time on this Bill, and it is such a fundamental Bill that the government has invoked closure. The government stifles, in fact, democratic debate, and in doing so, the Minister of Labour, the Government House Leader, has the gall to stand up and say that

there's been enough debate. At the earlier stages of this Bill he said there'd been enough debate and that's why we have to have closure and we'll allow more debate at committee. Now we know that's not the case, because he stood up in this Assembly at almost the earliest opportunity to call for closure again, and that is unacceptable.

Keep in mind that during the debate on this Bill, that same minister, this Government House Leader, has used words like phony faced, duplicitous, hypocritical to describe members of the Liberal opposition who have been trying to reflect the legitimate concerns of constituents around this province in opposition to this Bill. Those Albertans know, as we know, that this Bill is wrong, and the Government House Leader and his colleagues on the front bench can't hide behind name-calling to try to make this Bill less wrong.

Mr. Chairman, the Minister of Labour threatened, in fact, to tell all Albertans about what members of the Liberal caucus were saying about this Bill and about these amendments. He stood and he threatened us, you know, and I wish he would – I can't wait for him to circulate the debates on this Bill and this amendment, because then Albertans will see the hypocrisy of that member and of this government. This minister, if in fact he does circulate these things, will help bring down a government that apparently cares more about scoring political points than it does about a child's education.

Now, Mr. Chairman, it's clear that the Minister of Education has confused consolidating power with deficit control. His colleague the Treasurer talks about the need to control debts. He in fact talks about what we have in Alberta is an expense problem and not a revenue problem. But then what happens? The Minister of Education brings in a Bill that allows taxes to go up. Do we see anything in the amendments to protect Alberta taxpayers against higher taxes brought about as a consequence of this government imposing its political will and taking power away from local authorities? No. In fact, we see just the opposite.

Now, it would be unfair of me to not mention that this Bill is not totally without redeeming value, and these amendments are not totally without redeeming value. That's because these amendments in fact reflect the goodwill evidenced by the Catholic school boards in this province to negotiate almost endlessly with the minister and with his colleagues to bring about a fair resolution to their disputes. Apparently the minister, at least, recognized that there were serious deficiencies in his Bill, and he was willing to address that. I give him full credit for the willingness to address those deficiencies and to bring to this Assembly amendments. Unfortunately, he couldn't quite convince his cabinet colleagues about how serious those deficiencies were, because what we see are amendments that only go halfway. In spite of all of the hard work, in spite of the good intentions, in spite of the goodwill on the part of the Catholic boards, and in spite of all the endless hours and the public submissions, we see that this government has failed to respond in a way that demonstrates their commitment to listening and caring about education. It's clear now that what they care about most is centralizing power through that tax grab that still continues.

Mr. Chairman, where is the fairness now? Where do public school boards go for fairness? Where is the real equity, if that's what this Bill is supposed to address and what these amendments are supposed to help this Bill address, between public boards and separate school boards when in fact they have mirror rights? What is the minister saying to us now in terms of the threat by



public school boards around the province that they, too, will be seeking either amendments or a legal remedy through the courts?

Mr. Chairman, the amendments before us do not address the fact that resources will still not be made available for local programs of excellence, for local school boards to fully fund programs of excellence for exceptional students. It still doesn't make available the right resource base so that school boards can do what they know is right, and that's provide a full curriculum of early childhood schooling. When he had the chance to listen to the thousands and thousands and thousands of Albertans who are demanding that ECS be made part of the curriculum, when he had the chance to amend this Bill and make ECS part of the curriculum, why didn't the minister do that? Is it because he thinks it would be wrong for education? No. It's because he knew that he couldn't sell it to his cabinet colleagues.

**10:30**

Mr. Chairman, where in Bill 19 or in the proposed amendments can we find hope for increased co-ordination between and amongst government departments? We all know that report after report after report, study after study that has looked at education, that has looked at the needs of students has called for increased co-ordination between the ministries of Education, social services, Justice, Health, and Municipal Affairs. Where in this Bill is that addressed? In fact, it's not addressed at all. In fact, the hopes for that kind of co-ordination are dashed through this Bill.

**Point of Order  
Relevance**

MR. JACQUES: A point of order.

MR. DEPUTY CHAIRMAN: Hon. members, order.  
Grande Prairie-Wapiti.

MR. JACQUES: Thank you, Mr. Chairman. I'd like to cite 23(b)(i) and also 23 (h), (i), and (j). Particularly I would like to concentrate on 23(b)(i) with regard to the question under discussion. From the time that this speaker started, there have been numerous references to the Bill, to the minister, to hypocrisy, and on and on and on, with the odd reference to the Bill and then back into ECS funding, into publications, into on and on and on. I would request that the speaker speak to the subject on the floor, which is the amendments. Thank you.

MR. DEPUTY CHAIRMAN: Hon. Member for Edmonton-Glenora would you like to say something on the point of order?

MR. SAPERS: There was no point of order, Mr. Chairman, so I'll just continue, if that's okay, because I am clearly speaking to the amendment, as I'm sure you're aware.

MR. DEPUTY CHAIRMAN: I have been extremely lenient towards this because every member that's spoken tonight has really strayed away from the amendments. There's been some lovely speeches here tonight, but they should have been made in second reading or third reading. The relevancy: I know all members have mentioned the amendments to just keep it on track, but the truth is there's not been discussion on the amendments. Now, I know the hon. Member for Edmonton-Glenora has certainly mentioned the amendments, but we've strayed all over. I really would like to be lenient, but let's try to at least have some connection with the amendments.

The hon. Member for Edmonton-Glenora.

**Debate Continued**

MR. SAPERS: Mr. Chairman, thank you. I hope that the Member for Grande Prairie-Wapiti will continue to pay close attention because of course he may have missed my references to the amendments.

MR. COLLINGWOOD: Maybe he would even participate in the debate. No, he wouldn't have participated in the debate.

MR. SAPERS: No, that wouldn't happen.

As I was saying, there is little hope of course for the co-ordination that we would like to see by these departments of government. Now, also devoid in the amendments, we had the opportunity for a statement of principle regarding public education, regarding choice for parents and students, regarding entrenched rights for school boards. But, again, absolutely no action. The amendments are devoid of such references, and this is particularly troubling.

Now, Mr. Chairman, I'll note that when my colleague for Edmonton-Ellerslie tried to refer to a page from history, in terms of talking about the dangers of centralizing education and education governance, the members of the government bench became outraged, indignant. We even had a history lesson about Nazi Germany from the minister who wanted to bring forced labour camps to this province. I just can't help but wonder out loud whether or not those comments from my colleague for Edmonton-Ellerslie maybe struck too close to home because those members of the government bench know that the amendments are silent in terms of stopping the kinds of problems that we've seen in history when the power around education is centralized into the hands of a government that is more concerned with their politics than with policies for their constituents.

Now, Mr. Chairman, I'd like to know why the amendments don't address the question about how the government came to the conclusion that there would be a significant reduction of administrative costs and bureaucracy as a result of regionalization, and if they came to that conclusion, on what basis? What are the estimates of the savings, in fact? I'd like to know: will this government and succeeding governments resist the powerful lobby to lower industry taxes under the guise, of course, of competitiveness, or will residential taxpayers be obliged to make up the difference that is sure to emerge, as has occurred in other jurisdictions, such as British Columbia, who have gone down this troubled path before us?

I wonder if locally elected trustees and a government-appointed and -contracted superintendent will be able to develop into a strong leadership team when the superintendent is ultimately responsible to the deputy minister, totally usurping the local authority of boards. Mr. Chairman, won't regional government-appointed superintendents spend a majority of their time in their mission to fulfill their eyes-and-ears role for the deputy minister instead of paying attention to local school board issues? And if they don't, how successful will they be at seeking their reappointment?

I'd like to know how the minister can argue that a hundred percent funding will yield significant savings when the government intends to assume responsibility for capital debt. The Member for Highwood talked about, well, if 90 percent funding was good and we yearned for those good old days, then why isn't a hundred percent funding better? Well, a hundred percent funding would be fine as long as the power to requisition was still in the hands of those local boards and as long as those local boards still had the ability to put the money where they put their priorities. I know

that the Member for Highwood is aware of that distinction. Mr. Chairman, education . . .

AN HON. MEMBER: A strange process.

MR. SAPERS: It is indeed, and this Bill, of course, will be their cross to bear.

[Mr. Tannas in the Chair]

MR. SAPERS: Education funding cuts to school boards across the province will actually be over 15 percent, and the Minister of Education knows that. It won't be the 12 percent that's been previously announced. We know that discrepancy is there, and it's likely to get worse with inflation as time goes by.

Again, Mr. Chairman, why do the amendments not deal with the issue of how rural boards will be able to provide educational opportunities for isolated areas when the fees for distance education are going to escalate dramatically?

I think that we really had a true and honest effort on the part of the government to address the deficiencies in Bill 19. These are the issues that we see before us in the amendment. They're not addressed. It makes it difficult to recognize the good work done by those involved in the negotiations to try to resolve the impasse created by the sloppy drafting of Bill 19 in the first place. It makes it difficult to recognize the goodwill that we thought existed on the part of the government and the school boards around this province. Obviously that goodwill has been squandered on the part of the government.

Mr. Chairman, it is truly unfortunate that closure has been brought on this Bill. It is a very sad day for education and a very sad day for the future of this province.

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

MRS. LAING: Thank you, Mr. Chairman. I'm pleased to stand to talk on the amendments to Bill 19. I think it's timely to remind everyone, as my hon. colleague for Calgary-Currie did last night, that there has been significant consultation on this Bill and on these amendments. In the fall there were 17,000 letters that the minister and the caucus received. There were two years previously of regional meetings with all the school boards in the province, two roundtables, and most of the MLAs have met with student bodies, parent councils, teachers, and principals and certainly the school boards. The amendments are here because we have listened and we do care about education. If we didn't, there would have been no amendments. There would have been no movement to appeal to the suggestions that people have made.

This amendment before us allowing the separate board to opt in or opt out helps to give them more comfort in what they feel is their position. The fact that they can be topped up from the school foundation fund ensures that we will achieve equity, which is the main reason for most of the restructuring, that we will have an equitable system throughout the province. Regardless of where children live, they will receive a fair and equitable education.

**10:40**

The separate school boards may by motion require that parent members on the council be of the separate school faith. This is in agreement with everyone, I'm sure, because we know that their system is based on their faith, and it would not be appropriate to have people who are not of that faith coming on the school

council. So these are amendments that have been made because we have listened to what Albertans are saying.

The site-based management brings democracy to the grass roots. It promotes participation. It does not alienate and isolate, as people are saying. It is not government from the top down; it is government from the bottom up. Parents have a responsibility in their children's education. They have a very significant role to play, and they are certainly invited to do that with the councils.

I'd like to just read a little piece from *Trying to Teach: Necessary Conditions*, which is a report of the committee on public education and professional practice from the Alberta Teachers' Association. This report is in line with Bill 19.

Teachers must play an important role in decisions made in education at all levels – school, school system and provincial. Structures need to be developed to ensure that teachers have input as individuals, as school staff and as a profession.

A second paragraph I'd like to just briefly reference:

Parents, too, have an important role to play in this collaborative approach. Their active support can enhance the learning of children and needs to be encouraged. They have a right to input into decisions at the school, school system and provincial levels. Accordingly, structures are needed at all three levels to ensure that parents as well as teachers are effectively involved in decisions in education. At the same time, there are reasonable limits. Parents have the right to information and to give advice; teachers have the right to make professional decisions and be accountable for these decisions.

Members of the Assembly, that is the parent and school council. The school council is made up of teachers, principals, and parents. That report definitely supports the school councils, and I'm very pleased to see it. I think it's a very forward step.

This is the '90s. The '90s are based on partnership, collaboration, and it's the way of the future. We must involve all participants in the school system, and that also includes the children. They also have the right to help make the determination on the things that affect them.

The plebiscite is another possibility for all boards to raise funds for a specific project using 3 percent of the operating budget, which would be voted for through their electors for a special tax levy. This would be operable for three years, and if they wished to renew it or had an ongoing project, then it could be brought forward at the next municipal election. So, again, I really think that's a good mechanism to have for the boards, and they can target it to very specific projects. It could also be a program. Perhaps it would be an ESL program. It could be just about anything that they felt was educationally valuable and wanted by their electorate.

The separate school councils and the parent councils are a very important part, and I think this is something that we should commend the minister for. It doesn't mean that they become the superintendent. They have a role to play. The superintendent is appointed by the boards, and the minister does have a review of their status, but I can't see the minister going out and personally looking for 60 new superintendents every year or two. I know he's a very responsible person, that the boards are responsible, and there would not be any frivolous dismissal of superintendents. They would have the same type of tenure, I'm sure, that they have today.

I would like to also say that I really agree with the changes to the charter school. There are many of my constituents who are very excited about the charter school. I've had several parents come and see me and talk about it. They feel this is a real opportunity to try some innovation, to try some new things, to be part of a new vision for education, and they are very, very

supportive of the charter school. The minister has said many times over that there will not be a flood of charter schools. They will be piloted. They will be carefully examined, and they will not certainly be allowed to just spring up like mushrooms. So I really agree with the charter school. I think it's a very interesting innovation. I think that it will give us all a chance to try many of the new ideas and look at new ways of doing things so that they are in line with the '90s model.

I would certainly like to recommend the amendments. I think they are very appropriate. They have been a result of consultations and listening to people. I would certainly urge the Assembly to support them.

Thank you.

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

DR. NICOL: Thank you, Mr. Chairman. Just a few words on the government amendments to Bill 19. I'd like to kind of go through them in order. First of all, I'd just like to make a couple of comments about the process. I think that had the minister been interested in getting real input, he would have provided us with these amendments one at a time, because some of them are very good, others need slight modification, and others are totally unacceptable. What we're being asked to do is deal with these amendments as a package, and it provides very little opportunity for us to deal with them in the framework that they could have been done had they been handled individually.

To begin through his package, the first set of amendments deals with the approach to charter schools. These, I think, are some of the better amendments in the package, where they clearly go a step further in defining how the charter schools will be organized. The fact that they specifically now allow them to be associated with both public and separate school boards is a good move.

The next part of his amendments set deals with the inclusion of trustees and the responsibility of the boards. This is amendment B, section 24.5(1). Does this mean that trustees now will be in a position to be totally liable, as the board might? Could individual trustees now be separated out, singled out, for action by a disgruntled parent or a disgruntled contractee with the board? It doesn't go far enough to protect the rights of the trustee in the context of responsibility. So a little clarification there either in terms of the regulations when they get put in place or further elaboration would be appreciated.

The third point that I'd like to bring up deals with amendments group B on 24.5(2). What we're dealing . . .

MR. CHAIRMAN: Hon. member, do you have a point of order? [interjection] Sorry; the Chair mistakenly took someone rising to leave for other parts as someone rising on a point of order and apologizes.

DR. NICOL: Mr. Chairman, nobody rises on a point of order while I'm speaking. I speak so coherently.

MR. CHAIRMAN: I'm sure they would have no occasion to do so.

Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. This second part of the charter school set of amendments, B: here I'm wondering. It basically says that the Lieutenant Governor in Council has the option to remove or waive any of the other requirements for a

charter school. Does this mean that the council can basically open the whole area up to a charter school that sounds reasonable at a presentation level so that we could end up with curriculum changes in the name of a charter school that wouldn't have been approved by a board? Similarly, we could have a focus on education, methods of teaching, a process of teaching, an extracurricular focus like a fine arts or technical school. What about options in terms of funding, spending money, reporting money, expenditure patterns? Are these criteria that the Lieutenant Governor in Council may consider when they deal with changes or the options to licence and grant a charter for a school?

10:50

The fourth point that I'd like to bring up, Mr. Chairman, deals with the group of amendments under C. Specifically, the first one is 28(1), (2) and (3) as a group. Basically here they remove the option for parental choice of which school their children would attend. In the other amendments the parent was included: subject to parental approval or at the discretion of the parent. In each of those sections now, that clause dealing with the parent is removed, and basically all it says is that the school board or the school can say which school the child will attend. There's no parental choice left for them. I would just like to suggest that from the parents' point of view many of them would like to have the choice of where their children attend. It may be closer to a place of work so that there's easier transportation for the child. There are a lot of things that can determine where parents want their children to go to school, including the perceived quality or actual quality of education. I was disappointed to see that clause on parental approval removed from those sections in the Bill.

Basically, also under that 28(5) in there, it says that the parent option in terms of transferring a student from one school to another is removed or lessened. I question the likelihood of, say, parents moving from one part of the province to another. Does that mean that they're still going to have to have permission of that receiving school to have their child enrolled? What if the school is full? Does that mean they have to be assigned somewhere else? Or is it conceivable they may have to be left in their original school until the end of the school term and we may end up with separation of families during that period? There are a lot of questions that aren't very well brought out and that I would hope either a clarification comes or else the regulations can be brought in to explain this a little more and give parents a little more guidance in how their children can be transferred from school.

My next point, Mr. Chairman, deals with the group of amendments under section D of the government amendment package and the definition of the superintendent's responsibilities. In looking at the original amendments to the School Act and the new amendment to the amendments, we see that the superintendent has the stipulation to manage removed from their frame of reference. I would say that, you know, it's the board's responsibility to plan, to develop strategy, to develop a framework under which the school board would operate. The managing that this actually carries out has to be done and has to become the responsibility of an individual, and if it isn't going to be the supervisor, I'd like the minister to explain who that might be. I can't see it happening at the principal level because there's a co-ordination problem in terms of putting together strategic plans that has to be dealt with at a major level. So it kind of bothers me that there's a hole left in the management structure when you see that that word "manage" has been left out of the responsibilities. The superintendent's responsibility now is solely to supervise. So in terms of

management function there's a void in getting things carried out, and I'd like some further explanation there to clarify that for both my use and that of people in my constituency.

I guess one of the areas that still raises a lot of concern in connection with the separate school boards comes up in part of the amendments that are dealt with in section E of the amendment to the amendments. When section 29 is struck out, basically this eliminates the options for parents in a mixed-faith marriage to direct the funding from their tax base. I would suggest that from my perception this again is another encroachment on parental choice. If the parents choose to have their child attend a separate school, why is it that they should not also have the right to choose that the funding from their tax base follows their child into the separate school system? I think this is a really critical exclusion and one that I would hope the minister would consider a revision on before this Bill becomes law. It seems to be a major discretion in the proposals to correct some of the discrepancies that exist before the separate school boards that have been covered as they moved from the original amendment package to the additional amendments included in our submission from yesterday. So I think that again the parents feel that their choice framework has been limited not only in terms of the education for their child but now in terms of the funding that they can provide to support that education.

Mr. Chairman, the next point that I'd like to bring up deals with some of the changes again in the section specifically dealing with 155(2). Here we see what seems to me to be a little bit of a conflict. This section, which is under G on page 5 of the amendment package, says that the municipalities have an obligation to make sure that the total amount of dollars transferred to the school foundation fund are at the level that is stipulated. Later on, down in section I under the amendment to 49(4), it says that the municipality is to calculate the amount to be paid based on the mill rate. So what we've got is that in one place in the Act they're saying that the municipality calculates the amount to be transferred in, and in another place in the amendments it's saying that the municipality is told how much they have to pay in and they have to meet that level. Which is it? Are they told how much to pay in, or do they calculate how much gets paid in?

I think that in those two sections under the funding transfers it would be good to have some clarification. Basically, there is going to be a possibility here of conflict. Whose figure takes precedence? What are the mediation processes that come about when a conflict arises between the amount requested by the government for the municipality to submit and the amount that the municipality says they will submit based on their calculation of the assessed properties and the mill rates? We need some clarification on that particular section, if the minister would, or else further explanation as to how this will be handled possibly in regulations.

Another one that I'd like to bring up deals with section J of your amendments. I think we've had this addressed a little bit tonight, but it says that you're going to have the same amount of dollars – excuse me, I'm on the wrong page here; that would be section 159(1.2) – per student. We've heard comments tonight about how is this going to be calculated to reflect differences for the imputed costs per student in the different school divisions? How do they know that basically transportation differentials, teaching style differentials, school size differentials all get built into this calculation? The basic premise here is that there is some kind of a set calculation or a set formula that can be used.

It's unfortunate that this couldn't have been put out and released to the school divisions for discussion while they were dealing with

the consideration. I was wondering what parameters will be put into this. Will those parameters be built into a system that's flexible enough so that if we have a school division that has a number of very small schools, there may be an incentive for them to amalgamate some of those schools into bigger schools? Will the funding mechanisms be set up so that not only are they equitable, but do they provide an incentive to be effective and efficient in the process?

This transition may require, you know, three, four, five, 10 years to take place, but there should always be an incentive built into those formulas to make sure that the schools are moving in the direction where they are becoming more effective and efficient. We don't want to see a system that's set up that encourages school divisions to go back and create a whole bunch of little schools that have high cost-per-pupil allocations just so they can end up with a larger number of dollars to deal with within their structure.

**11:00**

The next point I'd like to address is under J, 159.1(1.5). There are references made there to the high level of funding. I take it that the last one, (1.5), deals with the separate schools that opt out. But is there any provision here that if they opt out, they're not going to have to pay back into the school fund, the similar way to separate schools that stay in? If their revenues per student are above the triggered amount by the school foundation Act, they have to pay the surplus in. So if a school opts out, they get to keep that. That's how I read that section. In essence, they can overfund their students if they opt out and have a high level of tax base. What guarantees are there, if the separate school decides to opt out, that subsequent changes in the tax system, such as maybe a change in the M and E, wouldn't greatly affect their funding base and create a problem for them in terms of the relationship they have on this opt-in or opt-out provision? They should be told in advance that these possibilities exist. It may discourage them from opting out just to have an extra funding allocation.

In section L I have a couple more comments. The final one there on section 60 – what is actually section 210(1.1) – talks about the municipality and the government getting involved in negotiations for land, to take land into the use or to take land out of the school use. Why is it that the school boards are not involved in this transfer? I know the land base is potentially owned or taxed by the municipality and the minister is involved with the allocation of capital funds, but at least I would like to see a situation where the school boards, the school division, the school unit are also involved in the transfer of the land base in or out of the school land base for each of the municipalities.

Some generalized comments now. Basically, if we deal with the way the amendments are set up, the centralized negotiation that comes about, not specifically mentioned in the subsequent set of amendments but in terms of the focus and the control that's given to the regional boards – how is this going to deal with the negotiation for labour contracts, like with teachers? We saw a lot of success in the past couple of months with local boards, dealing with their teachers at a local level, getting local input into the negotiation process. As this is changed, is it going to be more difficult for local authorities to have influence in the negotiation process?

Also, in terms of the amendments that are put in place now for taxation with the option for the separate school boards to opt out, effectively we have created or reauthorized a complex system of taxation which is almost as complex as the one we have now. It's not going to save us any in the administration of our taxation because what we've got is a municipality still being responsible

for collecting taxes, transferring it now to the central fund, where before they transferred it to the public or the separate school board. They still have to deal with separate school boards if they opt out. So we've got a lot of administration that's associated with handling the tax system that hasn't been simplified by the amendments. The original set of amendments did create a more simplified taxation system where all the dollars were collected and put into one pool. Now we're going back. So why not just leave it the way it was and allow for the local jurisdiction? The equalization can still occur through differential influences on mill rates and taxation proposals.

A final comment, Mr. Chairman, if I might. In section D on 94.1 you've got a group of subclauses there of (1) through (5) that talk about the contracts with the superintendents. A question came up in some of my discussions with constituents and school board groups: what's going to happen to the situation where school boards are not going to be regionalized, amalgamated, they're going to be left as a current board, and they have a contract with a superintendent that is a continuing contract? How long does that continuing contract last? Until the superintendent retires? There's no provision that I can see in the Act or that they could see in it that says that contract has automatically been converted to a three-year renewable. So there's a possibility there that some superintendents in the province, because of their current contracts, the current status of the school board that they report and they administer, could continue with an indefinite, continuing contract. I'd like the minister to clarify if possible or to bring an amendment in to deal with that.

Mr. Chairman, that basically covers the 12, 13 points that I had, and I would like to let some of my other colleagues speak.

#### **Chairman's Ruling Decorum**

MR. CHAIRMAN: Hon. Member for Cypress-Medicine Hat, I would wish you to remove the unusual headgear, which is not permitted under *Beauchesne* 329. You have a point of order on the point of order?

DR. L. TAYLOR: Yes. I have *Beauchesne* 329 in front of me, Mr. Chairman, and it says, "Speakers in recent years have frowned on unorthodox headgear." Well, I would argue that a McDonald's hat is not unorthodox headgear. It's quite common in our society.

MR. CHAIRMAN: The point of order raised by the hon. Member for Cypress-Medicine Hat with regard to the unusual headgear is not found to be in favour by the Chair.

The hon. Minister of Education.

#### **Debate Continued**

MR. JONSON: Yes, Mr. Chairman. I would like to speak very briefly in response to the Leader of the Opposition opposite. I certainly don't intend to waste much time on that particular presentation, but I notice that the leader seems to be very hung up on the word "cruel." I have to conclude from his remarks the following, because I think that is definitely the message that was there: first of all, it is cruel to provide for fair and equitable funding for all students in this province; secondly, it is thus so to provide for the recognition of the constitutional rights of separate school boards; and it is cruel to provide for the meaningful involvement of parents.

I know that the members opposite, through previous debate, seem to have a real problem with meaningful involvement of

parents and the school community in the operation of schools. I recognize that that is part of their direction, obviously part of the position they've taken on the future of education in this province. I assume it is cruel to provide a guarantee that resident students of government – and that's provided for in one of the amendments – are assured of an education in their resident area, in their resident jurisdiction, that guarantee of a suitable program. I could go on, Mr. Chairman, on this particular thrust of the remarks of the Leader of the Opposition. The directions are there for the benefit of the students in the province. This has been the motivation of the government. It is the motivation of the minister. The tack taken by the Leader of the Opposition seems to be completely contrary to that focus on the good of students.

I would like to go on though, Mr. Chairman, to address four key areas that have been raised by members that have spoken to the amendments. First of all, the issue of public education has been brought up relative to many of the amendments and many of the very general comments that have been made. The thrust of Bill 19 and the amendments before the House are very much in support of a public education system in this province. I think we have to consider the definition of a public education system: it is one that is publicly funded; secondly, it is accessible to all students; it is publicly governed by elected people at the various levels of the system; and it is a system which functions around a common core curriculum and standards.

While the previous three characteristics are directly dealt with in Bill 19 and in the amendments, I acknowledge that the core curriculum and standards are part of the program of education in this province, but they are certainly part of our business plan and something that gets a strong emphasis in the direction of the government. There is the opportunity for a public window, a window on the system, and for involvement of the public. The system must be held accountable. Throughout Bill 19 and the amendments these themes are supported. I would like to just refer specifically to some of those.

#### **11:10**

First of all, the whole section on funding, Mr. Chairman, is directed at providing a fair and equitable basis of funding for all the students in the province no matter which publicly funded system they're in. That is a fact, and that is a strong direction of this legislation.

Secondly, we have a system in this province that is accessible to students, and Bill 19 and its amendments continue that particular characteristic. I will refer to just one specific example by way of the amendments which are before the House. With respect to section 28 and the change that was made there, which provides that students have access to either of the two publicly funded systems, that is one of many provisions in this legislation.

Certainly this legislation, Mr. Chairman, has provided public governance for the school systems of this province, the schools of this province. In the thrust of Bill 19 you have the decentralization of focus, of decision-making, of involvement with additional flexibility at the school level, where education is delivered.

In the legislation there are provisions, particularly with respect to reporting information, financial information, which enhance the accountability of the system, and that meshes very well with the overall education business plan that the government is operating from. Overall there is an opening up of the system to avenues for more public discussion, more public scrutiny across this province, and I think, Mr. Chairman, that is for the good of education in the long term.

Secondly, Mr. Chairman, there have been many references to the process of amalgamation and regionalization of school jurisdictions. I find, quite frankly, an inability to really conclude as to where the members opposite are coming from on this particular question. On the one hand, they object to the process of amalgamation and regionalization. [interjection] On the one hand, there are objections to the process of amalgamation and regionalization. Great concerns were raised about this and that. On the other hand, I do acknowledge that some members opposite in their remarks on the Bill and on the amendments have supported amalgamation and regionalization.

MR. HENRY: We supported Bill 8. Remember that, Halvar. We voted for Bill 8.

MR. JONSON: Mr. Chairman, I hear that they supported Bill 8. Well, that is good, and they should support Bill 19 and its amendments because this furthers that very worthy process, and I'm glad you're on side on that particular question.

Mr. Chairman, on a third very important overall issue, there have been a number of objections raised with respect to the amendments that are before the House with respect to the emphasis on school councils. In fact, I recall that in previous debate one of the hon. members opposite – I believe it was the Member for Edmonton-Mayfield – referred to parental involvement as being a kind of cruel hoax or joke, and I certainly do not share that view. I do not share that view, Mr. Chairman.

The fact of the matter here is that we have a direction and overall emphasis, but in this province – and I give credit to schools and to school systems in the province – there are very successful school councils which we can learn from and, I think, the activity that you, Mr. Chairman, are involved in as chairman of the implementation team on this particular topic. We'll be able to learn from those particular real-life examples of school councils having a major, meaningful role in improving the education of the schools to which they are related.

We also have in the province, Mr. Chairman, site-based budgeting operating very successfully, a very important element of this overall thrust that's provided for in this legislation and in the amendments. This is a flatter system. It is a system which emphasizes resources being placed at the school level, where education is delivered, and cutting down on the administration and the cost of governance.

In the amendments there is a provision for further clarification with respect to the nature of school councils. That is clarified further, but that overall thrust is there. And I really have concern for the members opposite that they are so critical, so negative towards this very, very healthy direction that is being taken.

You know, Mr. Chairman, as far as the teachers in this system are concerned, they often want – I've heard them express the desire for more flexibility to be able to use their professional expertise, their knowledge of methodology, and get the job done. Generally speaking, the teaching force of this province are proud of what they do. They do a fine job and they aren't afraid of being held accountable for what they accomplish, but they want the ability, the means, the flexibility in the school to get the job done. I hope the members opposite are not opposing that particular direction.

The fourth major area I would like to comment on, Mr. Chairman, is with respect to the amendments pertaining to the Alberta school foundation fund and this overall very, very important part of this legislation. There obviously is a very

fundamental lack of understanding about the Alberta school foundation fund, although I believe it is very clear in the legislation and in everything we have said with respect to its formation. I'd like to comment on one particular aspect which has been brought up here three or four times this evening with respect to the debate on the amendments.

Out of the Alberta school foundation fund will be paid across this province an equal outcome grant or payment per student in whichever system they are in, in whatever school they happen to be going to. That equal outcome approach to the funding of students across this province is for everyone. There is no discrimination here with respect to public over separate or vice versa. The sort of paper tiger that is raised is that somehow or other, because of the recognition of the constitutional rights of the separate school system with respect to opting out of the fund, conditions may be put on the allocation of money, whether it be from general revenue or from the Alberta school foundation fund, after the development of our fiscal framework or provincial grant structure. There seems to be this false message that somehow or other any conditions that might be applied – let's say it is for an administrative cap – will apply somehow differently for one system over the other. Any overall conditions apply to both of the two systems, all of the school jurisdictions, and it is equitably applied. This particular, as I say, paper tiger or some type of element that's been brought in here just doesn't apply, doesn't ring true in this whole debate.

#### 11:20

Also with respect to the overall funding of education, I think there has been the issue raised as to how you provide for some of the special costs that parts of this province incur. The obvious one, Mr. Chairman, is with respect to transportation. We still have the capacity, we must keep in mind, that we can spend from the money allocated to Alberta Education by Treasury out of the general revenue fund. There is a place, of course, for allowances for sparsity and transportation and some of these essential other areas where you have to recognize that the cost of delivering a quality education will be different, depending upon circumstances, in parts of the province. That has been clearly stated all along, but I think it bears repeating here because questions on that particular issue have been brought forward.

The important thing about the overall approach to funding, Mr. Chairman, is that we focus here on students. Every student in this province should have the best education possible, the best quality education possible, and to the greatest extent possible we should avoid in any way inhibiting that occurring on a fair and equitable basis across this province.

Mr. Chairman, I'd like to deal with one other item. There were a number of questions raised, and I think in the general remarks I've made I've addressed many of them, but I'd like to deal with the issue that has been raised with respect to parental choice. The ability of students to choose to move within the public and separate school systems is provided for in this legislation. Yes, there is one practical consideration, and that is that if you're going to operate a viable transportation system, that has to have a location and boundaries to be identified with. So in practical terms that has to be done.

The other thing I'd like to just clarify and make very clear is that in the legislation the element of choice that we have been talking about all along is provided for. What has been referred to – and the question has been raised as to this being interpreted as being somewhat contradictory to this matter of choice – is that while there is that choice, there has to be an assurance that students in the attendance area of a local school do have the first

opportunity to go to their local school, and in logical, practical terms those coming from other areas have to take a position second, shall we say, to the local students of the resident area. That is a practical consideration and a necessary consideration for local students.

I'd like to conclude my remarks, Mr. Chairman, by indicating that Bill 19 and the amendments before the House are designed to restructure the education system with a focus on the student, a focus on the school, a focus on the local school community. It focuses on a good quality education, the best quality education possible for all students in this province. It provides fair and equitable funding. It provides for a more effective and efficient system with respect to governance and administration so that resources can be directed to the school and to the student. What we are doing here as a government, what I want to accomplish as a minister is a streamlined education system with resources focused on the school and all possible effort focused on the students of this province.

MR. CHAIRMAN: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Chairman. Following the initial comments of the hon. minister, I'll try to be a bit less direct than the Leader of the Opposition, because although some of us may be thinning on top, the minister's skin is wearing thinner and thinner as the day goes on.

MR. HAVELOCK: Just like yours, Mike.

MR. HENRY: For the hon. Member for Calgary-Shaw, this skin isn't going to get any thinner. It keeps getting thicker, you may note.

Mr. Chairman, to the amendments. There's been significant debate on the amendments, and I want to raise a couple of points that I think need to be pointed out. Let's be very, very clear about what's happened here. We had this broad consultation in the fall, and Albertans told the government several things about their education and about their education system. People from across this province, literally tens of thousands of people, participated in the consultation in one form or another in good faith. Then in January announcements were simply made, and everybody knew they had been had, that this government was not interested in listening to the people but in fact had its own agenda or, if you look at Bill 19, several different agendas that look like various steamrollers all crashing at the centre. The government, though, when they made the announcements in January and again in February, awakened some Albertans to the reality of how this government operates.

I'd like to give a significant tribute to the Roman Catholic education community in this province for having seen that this government was trying to centralize control of education so this government could make all the decisions and deny citizens of Alberta their constitutional rights, which have been there long before any member of this House stepped in and will be there, thank God, long after all of us leave. The Catholic community persisted. The education community in Alberta persisted through letter writing, through reasoning, through meetings, through public demonstrations, through any mechanism they could find to try to convince this government that they were wrong. They finally said, "You're not willing to change your mind." The government said, "Back off; we're not going to listen to you."

So the Catholic community said, "We have no option but to take you folks to court." That's when the government sat up.

Now, it was interesting that when this Bill was tabled on March 31, the minister said: we are on solid constitutional ground; we don't have a problem here; we have legal experts to say that we're right on track and we've respected every constitutional provision. Unfortunately, the minister has refused, in a subsequent motion for a return, to make those legal opinions public. I might note for the record that the legal opinions and the record show, hon. minister, that the legal opinions which have been attained by this board have been made public to whoever has asked for them, and believe me, several people and several boards in this province have asked for them. I might also point out that the legal opinions that the minister has refused to release are paid for with taxpayers' dollars, unlike the legal opinions on this side of the House, which are paid for by non taxpayer dollars, Mr. Chairman.

The government then said: "Well, we'd better negotiate. These guys are going to take us to court. We're in a problem. We'd better go back to our lawyers." The lawyers said, "Whoops, you made a mistake; we're not on quite solid ground; we're a bit shaky here in San Francisco," or something. And the San Andreas Fault flew right up through them, in between the minister and his government. Then the minister said: okay, let's negotiate; we have a deal. The minister repeatedly went back. Every time the Catholics would come with a deal, the minister would say yes. The minister would go back to his caucus and then back to the Catholics with more conditions and more conditions and more conditions. Finally the minister has said: oh, I don't have unanimity; I've got to go it alone. Well, he got unanimity, and he went it alone anyway. So now we have these amendments in front of us.

I want to acknowledge that these amendments capture some of the substance of the agreement that has been worked out by the Catholic boards and the province's lawyers. I also want to acknowledge that this respects in a very minimal way but does respect the 1901 constitutional guarantees. However, I want to bring the Assembly's attention to page 7 of the amendments where section 51 is amended, and after the proposed 159.1(1), you go to (1.3) on page 8. It says that

a separate school district or division to which Division 4 does not apply [is] subject to the rights under the Constitution of Canada of separate school electors.

I would hope that any piece of legislation we pass in this Legislature we would know for sure is constitutional. We wouldn't have to put some clause in there to say that it's subject to the Constitution. In all my years dealing in public policy, I've never seen a piece of legislation that says, "We want to do this, but we have to do it subject to a constitutional provision." Let the record be very clear. What you've got here is something that says: "Whoa, Catholic boards. Back off. You'll be able to go to court. You'll be able to go to the Supreme Court and hold us to it when we start raking off your money, but don't do it now. Do it later. We'll consider it then. Just let us get through this horrible thing that the Liberals and Catholics and teachers and boards and parents and citizens of this province are putting us through."

Mr. Chairman, I've said that the amendments here that deal with the separate school division are a step in the right direction. I think it needs to go further, much further, and to that end I'd like to propose a subamendment that I'll circulate now. This subamendment does what this government should have done three months ago, which is bring in a Bill and make sure the Catholics and publics are treated equally. What this does is allow the

provisions that are outlined in the minister's amendments with regard to . . .

**11:30**

MR. CHAIRMAN: Hon. member, we're late, as you can appreciate. While the pages are handing these around, would you care to either wait a moment until people have them or to read the amendment?

MR. HENRY: Perhaps I can explain the amendment in very general terms.

MR. CHAIRMAN: Sure you can.

MR. HENRY: The amendments, in general terms, allow public school boards the same provision that the government's amendments provide for separate school boards so that we now have – and as I spoke yesterday in this House – a situation . . .

MR. CHAIRMAN: Sorry, hon. Member for Edmonton-Centre. We appear to have a point of order. Point of order, Calgary-Shaw?

#### Point of Order Amendments

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. Just simply could we wait a moment before you discuss the motion until we get it so we can go along with you? I'd appreciate that, if possible, please.

MR. HENRY: Mr. Chairman, my colleagues and I agree on that, and I find it kind of ironical coming from the government bench, the people who want to shove through legislation in this Legislature and give minimal time for debate, that these are the folks who now want a bit of time to consider it.

MR. CHAIRMAN: The hon. Government House Leader, on this point of order?

#### Point of Order Imputing Motives

MR. DAY: The citation is Standing Order 23(i) on alleging certain motives. The member talked about the government trying to limit debate, trying to shove through debate. That is not a fact at all, and it is alleging certain motives to members on this side of the House which, in fact, has not been true. Members on this side have been very patient, have listened very carefully to the . . . [interjections] Well, I can't speak . . . [interjections] The record is very clear. Members on this side have been patient, and when you see the amount of minutes spoken by various members, we have done everything possible to allow the full allotment of 20 minutes at every possible juncture for members opposite, so I would ask and hope that the Member for Edmonton-Centre would withdraw his comment about government members trying to stifle, trying to limit debate. That has not happened at all.

MR. HENRY: Mr. Chairman, in response to the point of order, the record of the Blues will show that I did not talk about individual government members, and I will not withdraw my remarks that the government is trying to shove this Bill through.

MR. CHAIRMAN: Hon. members, we do have before us a closure motion. Some people may wish to characterize that as

appropriate process or shoving it down our throats, whichever way, and I think that's a debating point and not necessarily a point of order. However, we were on the point that Calgary-Shaw made, and that was that he wanted to have the subamendments. However, we had made a ruling on that, Calgary-Shaw, that the hon. Member for Edmonton-Centre could speak to these while they were being circulated. So that had actually been dealt with.

Now, I wonder if we could return to the debate and have Edmonton-Centre's time begin again.

#### Debate Continued

MR. HENRY: Mr. Chairman, now that the hon. Government House Leader has used up time and bought some time for his members to be able to look at the amendment, I'll speak directly. There is, I understand, a convention in law that says that when a government, when a majority enshrines rights for a minority, it is assumed by enshrining those rights that the majority already have those rights. I know the government members across; every time we talk about rights, they like to talk about special status. On this side of the House we believe in individual rights, and we believe in constitutional rights. A right is a right. What this subamendment speaks to is the fact that when in 1901 the North-West Territories Ordinance outlined that separate school supporters could collect their own taxes and administer their own taxes, that was a constitutional provision but was a mirroring of what the public system had all along. That's a sound constitutional argument. I've been advised by several sources. It certainly speaks to logic from my perspective.

So, Mr. Chairman, what we're asking for is the old adage that what's good for the goose is good for the gander.

#### Point of Order Decorum

MR. CHAIRMAN: The hon. Member for Calgary-Shaw rising on a point of order with a citation.

MR. HAVELOCK: Yes, thank you. I'm looking at *Beauchesne* 336, which deals with private conversations. If I could briefly quote.

Although difficult to enforce on occasion, Speakers have also consistently attempted to discourage loud private conversations in the Chamber, and have urged those wishing to carry on such exchanges to do so outside the House.

If you would be so kind as to enforce this. I'm having some difficulty in listening to the remarks by the hon. member, and I certainly would like to hear what he has to say.

MR. CHAIRMAN: Hon. Member for Calgary-Shaw, it is indeed interesting that you should raise such a point. However, I am sure that as it has been raised before and was at those times equally appropriate, perhaps it is now. The Chair has called at various times for hon. members to please cut down their conversations, for only one member to be standing and talking at the same time so that we can hear hon. members. We're in a compressed time. I think it's appropriate that those hon. members be given the time to speak. If you don't wish to hear them, please check with your Whip and be outside in one of the lounges.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you, Mr. Chairman. I'm glad you said it to the hon. member and not me.



11:40

**Debate Continued**

MR. HENRY: Mr. Chairman, speaking to the subamendments, the subamendments very clearly are trying to avoid the practice of this government over the past few months. This government huddles by themselves, talks to their deputy, and then says, "Here's what we're going to do." "Damn the torpedoes," they say. "Let's go ahead and do it." Then they get into all sorts of potential legal problems, and I'm not sure if this government's sponsoring . . . I've got it. The minister without a purpose has determined that the way to get people back working in this province is to make sure every lawyer in this province has work settling out this government's fumbles. This amendment is meant to avoid this government falling into the trap of ending up with, not lawsuits from the separate school community, but lawsuits from the public school community. This has not been dreamed up by myself or by members of our caucus but by true consultation that members from the other side could learn from and talking to public school board supporters and separate school board supporters.

I have information for you, Mr. Chairman, that if all hon. members of this House will support this subamendment, they will be applauded not only by the public school community, but also by the catholic school community in this province.

With those remarks it's very clear that we have to have equal treatment for public and separate school boards. Nobody has ever asked for special status. Catholics have never asked for special status in this province. They have asked for their constitutional rights, which are also the constitutional rights of the public board, and any responsible member of this Assembly will support this measure to ensure that public and separate boards are treated equally.

Also, Mr. Chairman, I daresay that if the hon. members on the other side would like for a change to go back and consult with boards, I'm sure they will get unanimous consent from this side of the House to withdraw the previous closure motion to give the government side time to go and talk to some real people in the real world.

Thank you.

MR. CHAIRMAN: Just a little point of clarification, hon. member. Inasmuch as under the provisions of Standing Orders you can only speak once, the assumption is that you have moved all of these under your name. Is that so?

MR. HENRY: Mr. Chairman, I thought I said that. If I didn't, please correct the record.

Thank you.

MR. CHAIRMAN: It was a point of clarification.

MR. DAY: Mr. Chairman, as we look at these subamendments, it's interesting the number of sections that are being quoted and referred to. So in looking at the subamendment we will have to look in each case at the particular reference and section so that we can understand them and see them in their context. The Member for Edmonton-Centre started his remarks tonight as he led up to these subamendments by talking about making something very clear. He talked about the importance of these subamendments, and I don't question that. I believe that he feels these are important. I don't question that.

I do, however, have to question when members opposite say that something is important – and they said that this Bill was, and they say that these subamendments are. It's fascinating that a Bill

of this importance, that they say is the most important one, that they have told me that they will use every trick possible to delay, drag out, and filibuster – they've told me that. If it's that important, why then last night were there five of them here? Tonight when we started debate on this, there were five members here, and when we went into a division there were nine members, only nine members.

**Point of Order  
Relevance**

MR. CHAIRMAN: The hon. Member for Sherwood Park rising on a point of order.

MR. COLLINGWOOD: Yes. Thank you, Mr. Chairman. Rising on *Beauchesne* 459. We're obviously very short of time given that the hon. Government House Leader has invoked closure on this most important Bill. You, Mr. Chairman, have been very careful to ensure that members speak directly to amendments. We're now on the subamendment. The speaker is speaking about the number of members in the Assembly. It has absolutely nothing to do with the subamendments. I'd ask you to order that we stick to the subamendments.

Thank you.

MR. DAY: On the point of order, I agree with him. Thank you.

**Debate Continued**

MR. DAY: Moving on to the subamendments – I haven't left the subamendments yet – it's also important as we look at them to reflect a little. If we look now in reflection on section 157, as it's named here, and also section 159, we need to consider something. This is May 17, I believe. The entire Bill, which now has these subamendments, was first debated on April 12. The member opposite quite rightly also referred to the fact that consultation started on it in the fall. Now he's up to these subamendments. With me speaking on the subamendments, we are somewhere around the 60 mark. That's 60 speakers to this Bill and to this subamendment. We've had . . . [interjections] I am leading up to this subamendment, just as the member opposite did for 18 minutes: led up to his subamendment, laid that foundation. That's what I'm referring to, the foundation of the subamendments that he laid. [interjections]

**Chairman's Ruling  
Decorum**

MR. CHAIRMAN: I'm sorry to interrupt you, hon. Government House Leader, but the convention is still in place that we speak through the Chair. To those people you were apparently responding to or dealing with, could we go through the Chair?

Thank you.

MR. DAY: Thank you, Mr. Chairman. I stand corrected again. That was a good point you've raised, and I will try and direct myself to that. There is such a magnetism about the people opposite, I find myself drawn to them.

**Debate Continued**

MR. DAY: Speaking to the Chair, adding now the speakers on the subamendment, this is what it costs us to talk about this subamendment. We're here at a cost of approximately \$15,000 a day. We will have had 10 days of debate on this particular item. That means \$10,000 an hour it's cost us to debate this.

### Point of Order Relevance

MR. COLLINGWOOD: A point of order, Mr. Chairman.

MR. CHAIRMAN: The hon. Member for Sherwood Park rising on a point of order.

MR. COLLINGWOOD: Thank you, Mr. Chairman. *Beauchesne* 459. It is extremely important that the speaker stick to the subamendments. It is not relevant to talk about the number of speakers on the Bill. It is not relevant to talk about the cost of being in this Assembly and having closure shoved down our throats. What's important is that subamendments are on the floor for debate. They deal with separate school districts, and I'd like the hon. member to stick to the substance of the subamendments.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The Chair was going to make a ruling on the last point of relevance but will reserve comment until we have this point of relevance responded to by the Government House Leader.

MR. DAY: Thank you, Mr. Chairman. Directly on the point of order. Yourself, Mr. Chairman, and others who have sat in the Chair have had difficulty – and I appreciate the difficulty you must have – in terms of allowing certain latitude when speaking to amendments. I appreciate the fact you have been very gracious to the members opposite all evening long in allowing considerable latitude. Considerable latitude. I am speaking directly to, about, in, on, around, and for these subamendments. I would suggest that I'm speaking to them far more directly than we've heard amendments spoken to all night long. Yet I realize the difficulty you have, and I would ask that the same consideration, even a slightly narrower consideration, be given to me as has been given to members opposite.

MR. CHAIRMAN: Hon. members, the Chair has attempted to give a certain amount of leeway with regard to relevance and has allowed members to range rather freely from the Bill itself through the amendments and through the subamendments, because each member who gets to speak is only entitled to speak once, whether we have before us the subamendments, the amendments, or the Bill itself. Having said that, as the Government House Leader in his earlier point of order said that he would become more relevant, we would hope that. Just so all hon. members do know, we have given a little more leeway, but we would hope that you would focus in on the subamendments.

### Debate Continued

MR. DAY: Thank you, Mr. Chairman. In speaking to the subamendment, I'm making the observation that every person who speaks to this subamendment – when you do the breakdown of how many speakers we've had, over 60 since April 12, it costs about \$3,000 to the taxpayers every time someone gets up. So as I speak on this subamendment, we need to ask the question, and the question is valid: what price democracy? What price free speech? There's no price on it, but as I look at the subamendment, we need to consider not just what price democracy but what value are the taxpayers getting? [interjections]

### Chairman's Ruling Decorum

MR. CHAIRMAN: Hon. members, I wonder if we could bring down the level of extra assistance that the hon. speaker is

receiving so that we might hear that indeed the hon. Government House Leader is on target.

MR. DAY: Thank you for again calling the members opposite to order on their noisy behaviour.

### Debate Continued

MR. DAY: Now, amendment G talks about separate school districts, amendment H talks about separate school districts, amendment J talks about separate school districts, and when the hon. Leader of the Opposition was standing, he also was talking about separate school districts. So I'm referring directly to the separate school districts that are being affected by these subamendments, and it's very interesting to note that members opposite have said that the separate schools have been treated without due regard.

As a matter of fact, I'll quote the Member for Edmonton-Glengarry. When he was talking about separate school districts – that's what the subamendment is about – he said that the minister was weak. He was weak because after talking to the separate school boards on separate school districts, what did the weak minister do? He went back and attended to the concerns that were brought up by these very separate school districts. That's called weakness. I doubt it. That's called strength. Separate school districts are talked about in the subamendment. What did this nasty minister do for separate school districts? He made sure they have enhanced recognition in the preamble. He made sure they have equity funding. He made sure the rights of separate school districts are protected. He went back and he strengthened and fortified the concerns of separate school districts that are mentioned in this subamendment, and for that, he's labeled as being weak. I personally, Mr. Chairman, through you thank the minister for having the strength to say: we can improve; we can do better.

### 11:50

Mr. Chairman, the separate school districts cannot be considered in this subamendment without looking at the reflection and the implications on the public school districts. They are inextricably tied together, and that is something that is very obvious. So as we look at the subamendment here and the implications of what happens if we follow amendment H in section 48, there are some implications here for the reflections on the public district. That subamendment has a direct implication on the public, and what are we doing? [interjections]

Isn't it fascinating. We stayed relatively – I'm not saying totally – quiet through speaker after speaker after speaker. Now when somebody gets up and fires some points back at them, to quote an earlier opposition regime, they are so thin skinned they just can't take it and they go berserk. I'd ask them to show the same politeness we've shown to them.

So in considering these subamendments on the separate school districts, what are the implications on the public? What has this minister done to balance out the implications for the public? Allowed for equity funding.

We hear concerns about parent councils. He has ordered, requisitioned that implementation teams go throughout the province talking with parents – talking with parents – about the implications of this particular Bill.

### Chairman's Ruling Decorum

MR. CHAIRMAN: Sorry to interrupt. A few hon. members have forgotten that we still have a rule that only one person stands and speaks at a time. I wonder if all members could observe that.

If you want to sit and visit quietly, that would be appreciated, but only one member standing and speaking at a time.

The hon. Government House Leader.

#### Debate Continued

MR. DAY: Mr. Chairman, allowing time on these subamendments – it's fascinating, in direct reference to this, to consider the remarks of the Member for Edmonton-Ellerslie, who said that she did not have a chance to speak at second reading. Why didn't she have a chance? Because her member two seats south of her brought in an amendment that would have killed the Bill. That's why she didn't have the chance. Her own member tried to bring closure on her. That's how we got to these subamendments tonight, because of a bold move on the government side. It would have been easy just to let the Bill die like the opposition wanted. But no, we had to move a motion that would send this into the committee stage so that we could deal with subamendments like the man from Edmonton-Centre brought forward so that we could let democracy reign and not see this Bill killed, as the opposition motion would have had it done on second reading.

So looking at amendment J, which refers to section 159.1(1.3), there are some fascinating items that come out of this. It's very clear here that separate school districts, Mr. Chairman, have achieved virtually everything they asked for. They've achieved everything they've asked for, yet the member opposite pretends to be in touch with some phantom out there who's suggesting that they want even more than they've already asked for. The minister has accommodated what they've requested. He's accommodated what has been asked for by the separate school boards. This subamendment is fascinating. [interjections] I would like to draw members' attention, because they're losing it, to the subamendment. This subamendment is perfectly consistent with virtually every remark that's been made by opposition members about Bill 19. Virtually every remark – and I've listened carefully through all the debates – has had to do with power, with administration, with turf. I have not heard one remark from members opposite directed to the children in the school system. I haven't heard one. Not one. Not one. Sixty speakers since April 12 at a cost of \$15,000 a day, \$150,000: not one reference. [interjections]

#### Chairman's Ruling Decorum

MR. CHAIRMAN: Hon. members, I know it is getting late, and our anticipation of the rest of the evening is getting the better of us. I would hope in the seven minutes or so that is remaining in the allotted time for the hon. Government House Leader that we might afford him an opportunity of finishing his speech, whenever that might come.

MR. DAY: Thank you, Mr. Chairman, and for the purpose of the good, conscientious citizens of this province who read *Hansard*, you had to intervene there because most of the opposition members were doing Hitler-style salutes and stomping jackboot style on the floor. In this day and age, with the heart-break and sensitivity that surrounds the tragedy of the Holocaust, for them to be sitting there and laughing and doing the sieg heil salute and imitating jackboots, that's a tragedy for the people who suffered at the hands of that particular regime.

Now, if I may continue.

#### Point of Order Decorum

MR. SOHAL: A point of order.

MR. CHAIRMAN: The hon. Member for Calgary-McCall rising on a point of order. You have a citation?

MR. SOHAL: *Beauchesne* 483.

MR. CHAIRMAN: Sorry; I did not hear you.

MR. SOHAL: *Beauchesne* 483.

MR. CHAIRMAN: Your point, sir.

MR. SOHAL:

There are words of interruption such as the cries of "question", "order, order", "hear, hear", or "resign", which have been sanctioned by long parliamentary usage and if used in moderation, are not unparliamentary, but when frequent and loud, cause serious disorder. I can't hear anything the hon. minister is saying.

MR. CHAIRMAN: Hon. members, the point is well made. Both sides of the House have contributed to a certain level of noise that has all too frequently this evening interrupted the speakers or in fact drowned them out so others couldn't hear them, regardless of whether they had hearing assistance or not.

The hon. Government House Leader.

MR. DAY: Thank you again for bringing the opposition to order, Mr. Chairman.

12:00

#### Debate Continued

MR. DAY: The subamendment on separate school districts – it's just as important to consider what it does as what it doesn't do so people understand the implication. I've heard time and time again the concern from the opposition members, for instance, about parent councils. This subamendment doesn't address that, but it does say what it doesn't do, and what it doesn't do is anything to deter their paranoia about marauding bands of parents who are going to sweep into the school system like so many Huns coming over the wall and take it over. What do we say? We say: come up with something better than this; come up with something along the lines of what the minister has come up with. He has parent councils talking about the type of regulations they would like to have in working with schools to make it a viable working relationship.

#### Point of Order Reflections on Nonmembers

MR. CHAIRMAN: The hon. Member for Redwater is rising on a point of order.

MR. N. TAYLOR: *Beauchesne* 459, casting aspersions on the Huns. I would like the hon. member to know that the Huns were composing music and great ballets when his ancestors were still swinging through the trees.

MR. CHAIRMAN: Hon. member, the citation doesn't match the conclusions that you reached. There appears to be on the surface no point of order.

The hon. Government House Leader.

MR. DAY: Well, thank you for that ruling. *Hansard* will again show the complete idiocy of remarks made from members opposite, and at \$15,000 an hour in this Legislature I think members should think about that.

### Debate Continued

MR. DAY: I will conclude in several minutes, Mr. Chairman, if I'm allowed to continue here. I will conclude by saying that this subamendment . . .

#### Point of Order Abusive Language

MR. ZWOZDESKY: I rise on a point of order, Mr. Chairman.

MR. CHAIRMAN: The hon. Member for Edmonton-Avonmore is rising on a point of order with the citation.

MR. ZWOZDESKY: Well, sure, let's make it 23(j). I find the comments being made by this particular member abusive and offensive and, as has become customary with him, also extremely misleading. I think I heard him say a little earlier that in all the debates on this Bill, reference to education from the standpoint of students was never made.

MR. DAY: Mr. Chairman, this is a point of clarification. It's not a point of order. [interjections]

MR. CHAIRMAN: Order. The person who is raising a point of order is entitled to make his point of order. The Chair is capable of understanding whether or not that point of order is in fact in order. Hon. Member for Edmonton-Avonmore, would you complete your point of order?

MR. ZWOZDESKY: Thank you. I did in fact on page 1571 of the April 28 *Hansard* refer to the education of our young people, and a little further I also said:

What we're looking for here is to ensure that the proper amount of dollars are allocated, as has been in the past, so that we can indeed educate better, so that we can provide our students with those sound fundamentals that underscore a proper education, things that will prepare them to be able to make the difficult choices they have to [make].

And I go on to talk about them being our future leaders. So I take with great exception the fact that this member stands in this House and again spreads untruths about what this side of the House is trying to do. I'd like the Chairman to please ask him to retract that statement.

Thank you.

MR. CHAIRMAN: On the point of order.

MR. DAY: On the point of order, Mr. Chairman. Obviously, sir, you will rule whether it is a point of clarification or a point of order, and we will happily adjust to whatever your ruling is. However, the member opposite has shown his complete inability not just to be able to understand how this process works but even to listen. My words precisely were that in all these hours of debate I have not heard from members opposite one mention of education as applying to improving education for children. I said: I have not heard one word.

Mr. Chairman, on the point of order I still maintain that when you go through the 60 speeches that have been made and all the hours of debate since April 12, you will find very little reference, minute reference from members opposite about anything to do with educating children.

MR. CHAIRMAN: The Chair will rule on the purported points of order. First of all, what we have is a difference of opinion as to what was said, when it was said, did it mean this, or did it

mean that. That is in fact a matter of debate, which of course this institution is all about.

However, we did have a couple of words uttered, one on one side and one on the other. One was something to the effect that there was idiocy rampant in the comments on the opposite, and on the other side we had the accusation of untruths. Hon. members, these kinds of comments have been ruled unparliamentary by Speakers or Chairmen of the Alberta Legislature somewhere between 1905 and 1993, at least to November 9 of that latter year. So one would presume that both of them will be taken back, and we can now get to the question before us, which is, now that it is past midnight, that we are going to vote on the items before us.

MR. HENRY: Point of order, Mr. Chairman.

MR. CHAIRMAN: Actually, hon. member, we'll let you have the point of order. The hon. Government House Leader did in fact have four minutes, 50 seconds and is entitled to continue to speak. Is that what you're going to do, hon. Government House Leader?

MR. DAY: Well, I want to finish my four minutes, but primarily I wanted to withdraw the statement that you referred to.

MR. CHAIRMAN: All right. The hon. Government House Leader has withdrawn his comments made in reference . . .

MR. DAY: I regret that I have overstepped. I withdraw. I withdraw the statement about idiocy.

MR. ZWOZDESKY: The hon. Member for Red Deer-North has withdrawn the statement, and I accept his apology. I'm sure the rest of our caucus does as well.

Thank you.

MR. CHAIRMAN: Are you withdrawing yours at the same time?

MR. ZWOZDESKY: I'm sorry. I will withdraw my untruth comment.

MR. CHAIRMAN: All right. Thank you for that.

Now, Edmonton-Centre, did you . . . Okay.

The hon. Government House Leader has four minutes, 50 seconds left in his speaking time, if he so chooses. [interjections] Order.

The hon. Government House Leader.

12:10

### Debate Continued

MR. DAY: If the verbal assault from across the way could die down to a dull roar, I'd be happy to conclude in about 30 seconds rather than punishing them with another four minutes.

Mr. Chairman, this subamendment sums up, is a snapshot, a microshot as it were of the entire debate that has taken place on Bill 19. It's a snapshot because it refers here to the fact that separate school districts have been eminently cared for, and that is a reflection of the entire process that's gone into developing this entire Bill over months and months, hours and hours, thousands and thousands of dollars for the purpose of improving education for our children. That's what we're about, and we're delighted to see this stage of the debate draw to a close.

MR. CHAIRMAN: All right. We now have before us a number of considerations. First of all, we have the subamendment as proposed by the hon. Member for Edmonton-Centre.

[Motion on subamendment lost]

MR. CHAIRMAN: Now we have before us the amendments as proposed by the hon. Minister of Education in the nine-page document that you all have.

[Motion on amendments carried]

**Point of Order  
Decorum**

MR. CHAIRMAN: The hon. Member for Edmonton-Norwood rising on a point of order.

MR. BENIUK: Yes, Mr. Chairman. I would like some clarification. Can people vote when they're not sitting in their proper chairs?

MR. CHAIRMAN: Oh. Hon. member, if it is a voice vote, they can shout where they're at, but when there's a standing vote, you must stand in your place, and we've just had a voice vote.

**Debate Continued**

MR. CHAIRMAN: All right, now we have the Bill itself, wherever it is. On the Bill itself, Bill 19, School Amendment Act, 1994.

[Title and preamble agreed to]

MR. CHAIRMAN: On the Bill itself, is the committee agreed?

SOME HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: Carried. Call in the members.

[Several members rose calling for a division. The division bell was rung at 12:13 a.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Gordon	Oberg
Amery	Haley	Pham
Burgener	Havelock	Renner
Calahasen	Hlady	Rostad
Clegg	Jacques	Severtson
Coutts	Jonson	Smith
Day	Laing	Sohal
Dinning	Langevin	Stelmach
Dunford	Magnus	Taylor, L.
Evans	Mar	Thurber
Fischer	McClellan	Trynchy
Forsyth	McFarland	West
Friedel	Mirosh	Woloshyn
Fritz		

Against the motion:

Abdurahman	Henry	Sekulic
Beniuk	Hewes	Soetaert

Bracko	Kirkland	Taylor, N.
Bruseker	Leibovici	Van Binsbergen
Carlson	Massey	White
Collingwood	Nicol	Yankowsky
Decore	Percy	Zariwny
Dickson	Sapers	Zwozdesky
Hanson		

Totals: For - 40 Against - 25

[The sections of Bill 19 agreed to]

MR. DAY: Mr. Chairman, I move that the Bill be reported when the committee rises and reports.

[Motion carried]

**Bill 32  
Fuel and Tobacco Tax Statutes  
Amendment Act, 1994**

MR. DINNING: Mr. Chairman, we have discussed this Bill at second reading. I advised the House at second reading of the Bill that I would be presenting amendments, and I would ask that they be now circulated. They are at the Clerk's Table. They are quite simply to replace a printing error where we had proposed a ceiling of 400 cigarettes, or two cartons of cigarettes, and we are inserting the more rightful number of a thousand cigarettes, or five cartons, as had been suggested at second reading.

Mr. Chairman, I think the Bill had a very thorough debate as to the principle and purpose behind it at second reading and would ask all members of the Assembly to agree to those amendments.

MR. CHAIRMAN: The hon. Provincial Treasurer has moved two amendments. The pages and others are circulating these. Are we ready to discuss?

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I just wonder if we could wait for a moment. The amendments are being circulated. We haven't had an opportunity yet to see them to determine whether or not any debate is warranted on the particular amendments. [interjections]

MR. CHAIRMAN: Order. It's quite proper to ask to wait until the amendments are forthcoming before entering into debate.

Hon. Member for Calgary-Shaw, are you wanting to enter debate? We already have Sherwood Park.

MR. HAVELOCK: No, thank you. I was actually helping the Sergeant-at-Arms hand out the amendments, because I'm a team player.

MR. CHAIRMAN: Thank you.

The question has been called. Are you ready for the question?

HON. MEMBERS: Question.

[Motion on amendment carried]

MR. N. TAYLOR: Before we go on, just a small question. I haven't been following right up on top of this, but I'm just wondering what the difference is, after this is all finished,

between the taxes – I'm speaking to the minister. [interjection] Pardon me. Through the Chair, yeah. I would like to ask the . . . [interjections] No, you voted on the amendment. Now I think you're asking for a vote on the main motion; aren't you? I want to ask . . . [interjections] Mr. Chairman . . .

MR. CHAIRMAN: Hon. members, the Chair was remiss. The Chair did not ask the question: are you ready for the question? So the hon. Member for Redwater is perfectly within his rights.

**12:30**

MR. N. TAYLOR: Thank you, Mr. Chairman. I thought so, but Red Deer-North is so used to jumping around, I guess, he just . . .

To the minister. What I wanted to know was: if this Bill passes – and it likely will – what is the difference between what a carton of cigarettes will sell here versus what it sells in Saskatchewan and B.C.? In other words, are we setting up an interprovincial war between each other? Is there any point in it? In other words, I can see your taxes, but if they vary strongly from the neighbouring provinces', you've got the same problem as varying strongly from the U.S. then. I just wanted to know what the variation would be.

MR. DINNING: Mr. Chairman, a very good question. The four western provinces will continue to have federal tax rates levied against them of some \$13.56 per carton of cigarettes. In the case of Ontario it will be \$7.76 and in Quebec it's \$7.23. The provincial taxes applied vary. They're outlined in the budgetary document that I tabled in the Assembly on February 24. For the member's own sake, a carton of cigarettes in Alberta has \$14 worth of provincial tax, B.C. is \$22, Saskatchewan is \$19.44, and Manitoba is \$18.68. So we will continue to be lower. This Bill does not in any way alter or adjust the rates of taxation.

MR. CHAIRMAN: Okay.

Now are we ready for the question?

HON. MEMBERS: Question.

[Title and preamble agreed to]

[The sections of Bill 32 agreed to]

MR. DAY: Mr. Chairman, I move that Bill 32 be reported when the committee rises and reports.

[Motion carried]

MR. DAY: I move that the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain Bills. The committee reports the following with some amendments: Bill 19 and Bill 32. The committee reports progress on the following: Bill 30 and Bill 34.

Mr. Speaker, I wish to table copies of all amendments and subamendments considered by the Committee of the Whole on this date for the official records of the Assembly.

MR. ACTING SPEAKER: Thank you, hon. member.  
All in favour of the report?

SOME HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed, if any?

SOME HON. MEMBERS: No.

MR. ACTING SPEAKER: Carried.

[At 12:37 a.m. on Wednesday the Assembly adjourned to 1:30 p.m.]