

Legislative Assembly of Alberta

Title: **Monday, May 15, 1995**

1:30 p.m.

Date: 95/05/15

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

head: **Introduction of Visitors**

THE SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you. Mr. Speaker and members of the Assembly, I'm pleased to introduce to you today His Excellency Walter E. Fernando, high commissioner of the Democratic Republic of Sri Lanka. High Commissioner Fernando is accompanied by his wife, Chalini Fernando. Sri Lanka was formerly known as Ceylon and has been a member of the Commonwealth since independence in 1948. Because of our Commonwealth ties Albertans from many walks of life have had occasion to meet and work with Sri Lankans over the years. These include athletes, lawyers, as well as supporters of various charitable organizations and parliamentarians. The province of Alberta is home to over 1,000 Canadians of Sri Lankan heritage who have come here in recent years to help build this province. We are honoured to welcome the high commissioner to our province, and I would ask His Excellency and Mrs. Fernando to rise in your gallery and receive the recognition and warm welcome of this Assembly.

head: **Presenting Petitions**

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I have two petitions to present to the Legislative Assembly today. The first petition is signed by 789 Albertans, many of them from my constituency, opposing the closure of the Bow-Crow forest headquarters in Calgary and the loss of services that would represent to the city of Calgary.

Additionally, I have a second petition, with a total of 349 signatures on it. This is again from Calgarians, many of them from my constituency, expressing concerns with respect to the issue of Catholic education: the right to collect and determine how taxes should be spent, the designation of local school taxes, that Catholics and non-Catholics should have the right to support the school district that their children attend, and open boundaries and the desire that children that attend separate schools should adhere to the philosophical and pedagogical practices of separate schools. That brings the total number of signatures on that particular topic now to 3,625.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I beg permission to present a petition assembled by the Mill Woods Kindergarten in Crisis group and signed by 430 citizens asking that the govern-

ment maintain a minimum of 400 hours of instruction per child per school year in kindergartens.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would request that the petition which I tabled in the Assembly on May 9 regarding a health care plebiscite consistent with the Hospitals Act now be read and received.

CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to hold a plebiscite under the Local Authorities Election Act in Accordance with Section 3 of the Alberta Hospitals Act, which provides for such a plebiscite to be held when the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities within a district or proposed district affected by such changes.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. With your permission I would ask that the petition I tabled on May 11 be now read and received.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to make sexual orientation a part of the Individual's Rights Protection Act.

head: **Notices of Motions**

THE SPEAKER: The hon. Member for Taber-Warner.

MR. HIERATH: Thank you, Mr. Speaker. I would like to give oral notice of a motion.

Be it resolved that the Assembly, as required under section 26(3) of the Conflicts of Interest Act, deal with the reports of the Ethics Commissioner dated April 28, 1993, August 26, 1993, October 28, 1993, November 7, 1994, December 15, 1994, and April 5, 1995, by receiving them.

Thank you.

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

MR. HERARD: Thank you, Mr. Speaker. I wish to give oral notice that after question period I will be seeking the unanimous consent of the House pursuant to Standing Order 40 to congratulate the Calgary Canucks hockey team and coach Mr. Don Phelps on their first-time-ever victory of the Centennial Cup.

head: **Introduction of Bills**

THE SPEAKER: The hon. the Minister of Justice.

Bill 42

Miscellaneous Statutes Amendment Act, 1995

MR. EVANS: Thank you very much, Mr. Speaker. I request leave to introduce a Bill being the Miscellaneous Statutes Amendment Act, 1995.

[Leave granted; Bill 42 read a first time]

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Public Works, Supply and Services. I'm sorry. Municipal Affairs. I apologize. You'll never live that portfolio down, hon. minister.

MR. THURBER: Thank you, Mr. Speaker. I wish to table today six copies of the responses to questions raised during the Committee of Supply debate on March 8 for the Department of Municipal Affairs. Members wishing their own copy can contact my office.

MR. DAY: Mr. Speaker, in response to questions from Motion for a Return 183, I'm tabling certain information pertaining to the Workers' Compensation Board.

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. I'm pleased to table copies of the Alberta Justice annual report for the year 1993-1994.

MRS. McCLELLAN: Mr. Speaker, I am pleased to table with the Assembly the provincewide results of a public survey on health and the health system in Alberta which were delivered to Alberta Health last week. All members can obtain a copy of this survey, which will be used as a benchmark for assessing our restructured health system.

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to table four copies of a letter protesting the possible closure of the Bow-Crow forestry headquarters office, located in my constituency. In addition to the 789-signature petition I tabled, I've now received 140 letters in my constituency office along the same line.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to table four copies of a letter sent by the parent advisory council from Bertha Kennedy community school in my riding. They "strongly feel that provincial cuts to education will profoundly affect the future" of their children. They are urging the Legislature of the province of Alberta

to amend the Alberta School Act to mandate the right of access to fully funded kindergarten programming to a minimum of 400 hours per child per school year.

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

MR. BRACKO: Thank you, Mr. Speaker. I'd like to table four copies of a letter from Joyce Boutette of St. Albert, who has some positive initiatives for the Premier and the Justice minister in dealing with our greatest resource, our young people.

THE SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I'd like to table four copies of a letter to the hon. Members of the Legislature from Mr. George Kozub, a former mayor of Smoky Lake, complaining that since the Act setting up their town utility in 1978 has been in force, it has been violated many times by councillors and other people.

THE SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. I would like to table four copies of a resolution signed by A. Marshall, president of the Stettler Home and School Association. It reads: we the home and school association

urge the Province of Alberta to amend the Alberta School Act to mandate the right of access to fully, publicly funded kindergarten programming to a minimum of 400 hours per child per school year.

Thank you.

head: Introduction of Guests

1:40

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

MRS. HEWES: Thank you, Mr. Speaker. I am privileged today to introduce to you and through you to members of the Assembly a group of 30 visitors, I understand, students and teachers and helpers from St. Gabriel school, one of the fine schools in Edmonton-Gold Bar. The students are accompanied by Denis Beaudry, Adrienne Brodeur, Kathy Kawalilak, Barb Chodkiewicz, and Fran Kraychy. I'd ask them to rise in the public gallery and receive the welcome of the Assembly.

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. Indeed it is a pleasure for me today to introduce to you and through you to members of the Assembly two of my constituents and fellow residents of Canmore, Helen Corbett and Susanne Swibold, who are well-known and well-respected research associates with the Arctic Institute of North America at the University of Calgary. Accompanying them today is Nina Kiiyakina, who is the director of the museum of the Komandor Islands in Nikolskoye village in the far eastern portion of what was at one point known as Russia. It is interesting that, as I understand it, this is the first time that anyone from Nikolskoye village has ever visited Canada. I would ask Ms Corbett, Ms Swibold, and Ms Kiiyakina, who are seated in the members' gallery, to please rise and accept the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to members of the Assembly visitors from Father Kenneth Kearns school in Sherwood Park. They are accompanied today by teachers Mrs. Sharon Wallis, Mrs. Melody Kostiuk, and parent helpers Mrs. Terri Rejesky, Mrs. Laura Skowronski, and Mrs. Josie Melnichuk. They're seated in both the public and members' galleries, and I would ask that they now rise and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Speaker. It gives me pleasure to introduce to you this afternoon and through you to this Assembly some guests who are visiting their son. They are here all the way from East Sussex in England. Their son is a resident of Edmonton-Strathcona. I would ask John and Angela Long, who are seated in the members' gallery, to please stand and receive the warm welcome of this Assembly.

MR. MITCHELL: Mr. Speaker, it's my pleasure to introduce to you and through you to Members of the Legislative Assembly our newly appointed Liberal caucus chief of staff. She started today. Her name is Amy Gerlock, and she's in the gallery. I would ask that she stand and receive the warm welcome of the Members of the Legislative Assembly.

Thank you.

THE SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly a well-known realtor and good friend and constituent who is here to take in question period today. I'd ask Yvon Brochu to stand up and be acknowledged.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce 31 visitors from Winterburn school. They're in the members' gallery. They're accompanied by their teacher Mr. Ewasiw and parent helpers Mrs. Oulton, Mrs. English, and Ms Richter. If they'd please stand and receive the warm welcome of the Assembly.

Thank you.

THE SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm very pleased today to be able to introduce to you and through you to the members of this Assembly five students who are in the public gallery today from Alberta Vocational College, which has a program in the city of Fort Saskatchewan. I want to extend them a very warm welcome. The students are Sherri Burd, Susan Djuff, Mellissa Good, Tanya Glynsinskie, and Linda Zendran. I'd ask them all to rise with their instructor John Riswold and receive the warm welcome.

head:

Oral Question Period

Organ Transplants

MR. MITCHELL: Mr. Speaker, due to what can only be described as the Minister of Health's incompetence, Baby Nathan's life was put at far greater risk than it was already. It took a judge to force the minister to do her job and to put Nathan on the heart transplant list in the United States. If anything is clear from this letter that the minister sent to Nathan's mother and from other court documents which I'd like to table now, it is that the minister doesn't fully understand her responsibility. To the Minister of Health: why did the minister tell Baby Nathan's family that it was inappropriate for her to make decisions on such matters when department policy clearly states that it is the minister's and only the minister's responsibility to make these decisions, nobody else's responsibility?

MRS. McCLELLAN: Mr. Speaker, I have, I think, outlined the procedure in this Legislature a number of times, but I will do it one more time. The court ruling was on the timing of a decision, not on the decision itself, and the member I think clearly understands that. I want that clarified for the people who may be listening to this.

Mr. Speaker, the process for any out-of-country medical services in this province is procedurally outlined. I have outlined it here. Physicians make a recommendation. An out-of-country expert group reviews that. They make a recommendation, and in some cases the minister is asked to review those recommendations. I am not going to in this House discuss a private conversation that I held with the parents of a patient in this province. It would not be appropriate to do so. But I can assure this Assembly that the manner in which this was conducted was entirely appropriate and in the best interests of the patient.

MR. MITCHELL: Well, it's interesting that the minister would hide behind timing . . .

THE SPEAKER: Order. Supplemental question.

MR. MITCHELL: . . . when timing was clearly . . .

THE SPEAKER: Order.

MR. MITCHELL: Mr. Speaker, what does it say about the minister's competence when she made the following false statements to Baby Nathan's family in this letter: that the U.S. "waiting list must not contain more than three per cent foreign nationals," that new patients cannot be placed on a Canadian and a U.S. waiting list at the same time, and that placing Nathan on the U.S. waiting list would not increase his chances of receiving a new heart? All of these are patently false, and she said every last one of them in the third paragraph of this letter to Nathan's mother.

MRS. McCLELLAN: Mr. Speaker, I'm not sure that that was anything other than an editorial comment. I don't believe there was a question. I can assure you that any of the information that I gave to any person in this province is given with the confidence that it is correct. I do not believe that the Leader of the Opposition is a physician, is an expert in this matter, and I don't think that this Assembly should be the place where these decisions are made.

Mr. Speaker, I have the utmost confidence in the professional integrity of the University of Alberta physicians, the transplant team, and that will be the basis of the facts that I use to make decisions. Circumstances change in transplant cases, hourly in some cases, certainly daily and by weeks. Again, I can only say that the decisions that were made in this case, as they are in all, are made with the most information, the best information from professionals, and the minister considers all factors when she rules.

1:50

MR. MITCHELL: What explanation does this minister have for Albertans who clearly under emergency cases have to bring cases like Baby Nathan's either to the courts or to the Legislature to get her to do her job? Is it because she doesn't know exactly what her job is or that she just doesn't want to fulfill her responsibility in difficult times?

MRS. McCLELLAN: Mr. Speaker, if the Leader of the Opposition was fully informed, he would know that the case was being dealt with far ahead of the court and that the minister had been involved for some time. Again, I do not believe that the Leader of the Opposition is competent to make a decision in this case. The decisions that were made in this case, in other cases, are made on expert advice, reviewing all of the factors, and were dealt with long before they came to this Legislature.

Health Care System

MR. MITCHELL: Mr. Speaker, every once in a while the Premier actually tells Albertans what he really thinks. From October 1994 I quote the Premier: I don't know what is a good idea and what isn't. In January 1995, in reference to a child dying in a taxicab, he said, and I quote: people fall through the cracks. Yesterday the Premier of this province said that he will continue to close rural hospitals even though people may die as a result. Quite a remarkable statement. Does the Minister of Health support the Premier's intention to continue closing hospitals even though he acknowledges that Albertans may die as a result?

THE SPEAKER: The hon. the Premier.

MR. MITCHELL: I'm asking the Minister of Health, Mr. Speaker. I'd like to get an answer from her.

THE SPEAKER: Order. [interjections] Order.

The Chair recognizes the Premier as the leader of the government.

MR. KLEIN: Thank you, Mr. Speaker. This came about as the result of an interview I did with Dave Rinn of CTV last Wednesday in Ottawa. The question was: well, Mr. Premier, people may die. I said: yes, people may die; unfortunately in society people die from heart attacks and traffic accidents and so on. But I did say and I went on to explain that the RHAs in this province have to be given the flexibility to rationalize health care, to use to the best possible extent modern ambulatory care. When they're dealing with hospitals that are perhaps 10 to 13 or 14 miles apart, the rationalization that has to take place is really: do we need two full-scale emergency centres, and how do we rationalize this kind of health care?

Mr. Speaker, I simply remind the Legislature that when it comes to closing hospitals, it was the hon. leader of the Liberal opposition who suggested that there are too many hospitals in this province.

MR. MITCHELL: Unlike the government the Liberals have a policy that clearly outlines a plan for health care that will keep people alive.

Back to the Minister of Health. Why did the Minister of Health allow standards for ambulance operators to actually be reduced in the ambulance Act regulations when high-quality ambulance service is imperative if rural emergency departments are to be closed in the way that this Premier and this minister and this government are closing them today, Mr. Speaker?

MRS. McCLELLAN: Mr. Speaker, the hon. member is referring to the level of ambulance attendants that may accompany patients in an ambulance. There was a very fine ambulance report developed for this government in this province. I think the Speaker would have some firsthand knowledge of that having led that process. That report had a good many recommendations in it, most of which have been implemented to date.

On the level of ambulance provider or service provider many municipal leaders raised the concern with the Minister of Health and with the government as to their ability to get their technicians to that level in the short term. Whether they have basic life-support training, whether they have other training, what is most important is that in all cases when an ambulance provides transportation for a patient, it is the patient's condition that

suggests what level of training should be available. In many cases nurses attend in ambulances. In many cases physicians attend in ambulances. What I can say with some surety is that we do have a very fine emergency service in this province, and each one of us should be very thankful for that.

MR. MITCHELL: Mr. Speaker, why is it that the minister and the Premier continue to blame anything that goes wrong in the health care system on the regional health authorities when it's this government who sets the budget, restricts the guidelines, and fully wraps those regional health authorities in the proverbial strait-jacket so they have no other choice?

MRS. McCLELLAN: Mr. Speaker, nothing could be further from the truth. The regional health authorities, all 17 of them, have been working very hard to ensure that their communities have the services they need.

I hope the hon. leader will take the time to read the survey that we've just had conducted. It was a survey of 4,000 Albertans across the province. This is a very large sampling. As I indicated to people when we commenced this survey, it was to make sure that we had some good benchmark data on health services. This is an ongoing process, Mr. Speaker, and this will be repeated.

It is interesting that most Albertans said that it is easy or very easy to obtain health services. It is interesting also that 74 percent of Albertans reported having received health services in the previous 12 months. This is across the province. This is in every region. Of them, 86 percent said that the quality of care was excellent or good. Only 2 percent suggested that it would be poor. But, Mr. Speaker, that is not good enough. What we are going to use this survey for is to ensure that we increase the quality, increase access, and we'll use it to look for areas where there are concerns. The regional health authorities will use this information to alleviate those areas of concern.

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

Seniors' Health Care

MRS. HEWES: Thank you, Mr. Speaker. Seniors' benefits and supports have been drastically cut, and they are frightened. For seniors living in or needing long-term care beds, the Minister of Health says: well, it's just a fact of life that they'll have to move far away from their homes, their friends, their families to receive this care. Now it seems likely that underutilized facilities anywhere in this province will be sold at fire sale prices and turned into commercial enterprises. Well, seniors have lost confidence in the health care system with good reason. My questions are to the Minister of Health.

MR. KLEIN: Scare tactics.

MRS. HEWES: They are frightened, Mr. Premier. They are frightened. The Premier's reality is certainly not mine or that of seniors in this province. [interjections]

THE SPEAKER: Order. [interjections] Order.

The hon. member's question.

2:00

MRS. HEWES: Thank you, Mr. Speaker. To the Minister of Health: how can you allow seniors to be moved out of long-term care facilities when this government has neither a consistent public

home care policy nor a private home care policy in place? How can you move them out or deny access?

MRS. McCLELLAN: Mr. Speaker, there are a couple of things in the preamble I think I must address. First of all, we are not looking at any fire sale prices or fire sales of facilities. However, in cases where there are facilities that could be utilized, we're certainly interested in hearing from people of innovative ways to use those.

Mr. Speaker, I spent about two hours with about 100, 120 seniors last Wednesday evening not far out of Edmonton, and I listened to their concerns very carefully. The biggest concern they have is the stories that are out there that in fact have no basis to them. They are very concerned about their ability to get accurate and complete information.

I should say that this government about one year ago put forward a policy that said that in long-term care we will have those services as close to the community where the person resides. I would challenge the hon. member to review the number of new long-term care beds that have been opened up in communities where there was no access, where there was no public transportation, where indeed people were housed and hospitalized far from their communities. We can do better, and we will, but that policy is this government's policy, and we will continue to try and improve access to services for our seniors.

Mr. Speaker, this government has a clearly defined home care policy. It has been in place for some time. I would be happy to share it with the hon. member. She would recall that indeed home care at one time was only available to certain sectors of our population and that we opened that up to people of all ages and that the budget for home care has increased about 300 percent over the last three years. In fact, more community dollars were added again this year, another \$40 million that will be utilized in those areas, \$30 million additional last year. The home care budget was the one budget that was not allowed to be reduced last year, and in fact additional dollars were put in.

MRS. HEWES: Mr. Speaker, it's an inconsistent policy, and it's only there at a price.

Mr. Speaker, my second question is again to the minister. Is it the intention of this government, Madam Minister, to continue to underfund and close publicly owned health facilities creating even more shortages and queues and thereby a demand for a two-tiered system in extended care? Is that the intention?

MRS. McCLELLAN: Absolutely not, Mr. Speaker. I think the evidence is there. The hon. member lives close enough to Sherwood Park to know that there was a very large centre opened up there just a few months ago. Again, I invite the hon. member to look at the facts – I'll be happy to share them with her – as to the increased number of long-term care beds there are in this province and the number of communities that now have them that did not.

There is a funding formula for long-term care. It is on a case mix index. It was developed by the institutions and the government working together, not by the government independently. Any concerns on funding for long-term care are brought to my attention, and they are addressed through that funding formula.

I should also remind the hon. member that we have a committee in place right now that is reviewing how we do our funding in the future on a regional basis. If the hon. member has any suggestions for that committee, I would remind her that the two chairs

are Dr. Clarence Guenter and Mr. Ric Forrest, and I would invite the hon. member to put in writing her concerns and her advice to them as they develop the new funding formula.

THE SPEAKER: Final supplemental, hon. Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. Back to the minister's comments on the facts of life for seniors. To the minister: what is the government's policy on just how far a senior can be moved away from family, friends, and church if they need long-term care? Don't we have any yardsticks here?

MRS. McCLELLAN: Mr. Speaker, we don't have a yardstick. As I indicated to the hon. member, we have made a commitment in this province to ensure that seniors have long-term care as close to their community as they possibly can. I would again remind the hon. member of the number of spaces that have been opened up. In many cases where there were acute care facilities that were underutilized, there have been renovations take place. Public works have assisted us in that. In many cases the institutions themselves undertook the work.

People today are having long-term care services much closer to their community and in fact in most of them. Mr. Speaker, the regional health authorities clearly know our guidelines. They know our policy, and our policy is that they receive services as close to their community as possible.

THE SPEAKER: The hon. Member for Calgary-Shaw.

Calgary Regional Health Authority

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. The Calgary regional health authority has indicated that it requires approximately \$88 million for new construction to realize annual operating savings of \$33 million. This is in stark contrast to the Price Waterhouse report which indicated an expenditure of approximately \$26 million over three years to achieve annual operating savings of \$71 million beginning in 1997. My question is for the Minister of Health. Can the minister explain why taxpayers are now expected to pay more for less?

MRS. McCLELLAN: Mr. Speaker, I would remind the hon. member that the Price Waterhouse report was commissioned three years ago. Since the Price Waterhouse report was commissioned, we have a regional health authority that has been put in place. The Calgary regional health authority did some extensive work in deciding how they would utilize the facilities. The 38 million plus dollars that the hon. member refers to is only the savings that are effected from the closure of the Holy Cross, the Grace, and the Bow Valley centre. There are additional savings that are going to occur and are occurring through regionalization. So you must look at the broader picture instead of the very narrow.

In reviewing their plans, Mr. Speaker, I found that their capital payback would be in three years. I think that by any business standards those are very good results. If the hon. member has any further concerns with this issue or wants any further information, I know that the Calgary regional health authority would be happy to sit down with him.

THE SPEAKER: Supplemental question.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. While commissioned three years ago, the report came out in January of '94.

In light of the impetus for facility rationalization being partially due to the apparently optimistic Price Waterhouse report, should we continue with the restructuring when the current vision of savings is substantially below expectations?

MRS. McCLELLAN: Well, again, Mr. Speaker, I guess I'm not in total agreement with the hon. member that these are below expectations. I think they are very consistent. The Minister of Public Works, Supply and Services may want to supplement my answer, but my answer would be yes, restructuring should occur. I think the Calgary regional health authority have clearly shown a plan for delivery of health services that will meet the needs of their community and also meet the needs of the province where they have provincial programs. So I believe it's work that must go ahead to enable us to ensure that we're going to have that quality health service delivered in that region.

THE SPEAKER: Final supplemental.

MR. HAVELOCK: Yes, Mr. Speaker. Will the minister commit to reviewing this issue with the Calgary regional health authority to basically get this matter back on track and attempt to achieve the savings which the restructuring was supposedly based upon?

MRS. McCLELLAN: Again, Mr. Speaker, I don't agree that it is off track, and I invite the hon. member, again, to sit down with the regional health authority if he has concerns beyond that which I've been able to respond to in the brief time we have in this House, or indeed I would be happy to.

2:10

I think the key point in this is that the Price Waterhouse report only dealt with acute care facilities while the Calgary regional health authority plan deals with all delivery of services, including long-term care, home care, and all community services. So I think that if you take the Calgary regional health authority's plan in its entirety instead of just dealing with acute care services, you will find that it's an excellent plan.

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

Breast Implants

MRS. SOETAERT: Thank you, Mr. Speaker. Regrettably two-tiered health care is a reality for many Alberta women. A woman needing reconstructive surgery following the removal of breast implants has to pay in advance before this government will allow the surgery. In essence, women are being punished for choices that were medically approved and are now found to be unsafe. My questions are to the Minister of Health. How can the minister discriminate against and penalize women who need this medically necessary procedure?

MRS. McCLELLAN: Mr. Speaker, under our health care insurance plan we do not insure all services. That is a fact. We do provide medically required services, and the implantation was approved as a medically required service. The removal is also, as I understand it, a medically required service. The issue of whether reconstructive services after that are a medically required

service or a cosmetic service is one that I believe should be carefully reviewed with the medical profession and will be. I would remind the hon. member that this has only become an issue since the concern about implants. It is an area that I believe should be discussed with our physicians and treated in that way. We do provide under our health care insurance plan the medically required services with this procedure.

MRS. SOETAERT: But not the reconstructive surgery.

My second question: what are women supposed to do who cannot afford the reconstructive costs?

MRS. McCLELLAN: Mr. Speaker, that is the case, I guess, with many medical procedures where we do have to make decisions as to whether we fund all services that are delivered or whether we provide medically required services. I would remind the hon. member that it is her caucus that feels that we should just deliver services according to the Canada Health Act, in fact introduced a Bill in this House that said that the regions should deliver under the Canada Health Act. If we did that, there would be a good many services that we currently insure that would not be provided. These are tough, tough decisions, very tough decisions, but in some cases they do have to be made.

MRS. SOETAERT: The very least we expect is for them to follow the Canada Health Act, the very least.

My final supplemental to the minister: will the minister reconsider this discriminatory practice and include breast reconstruction following implant removal under the health care insurance plan?

MRS. McCLELLAN: Mr. Speaker, what I will do is ask the hon. member if she will consider asking my Liberal counterpart in Ottawa to sit down with the provinces and do a clarification of the Canada Health Act, of what should be provided under it. This province, this minister, and this government have said that the Canada Health Act in its present form may not be contemporary. I think that what the hon. member has just raised is one of the weaknesses that we have in that Act. It does not reflect today's delivery or need of health services. It does not reflect the need for community care. It does not reflect the need in this case for what might be considered under the Canada Health Act as cosmetic surgery.

THE SPEAKER: The hon. Member for Grande Prairie-Wapiti.

Grande Alberta Paper Ltd.

MR. JACQUES: Thank you, Mr. Speaker. For over three years the project that has been proposed by Grande Alberta Paper has been in various stages of on and off and hold. My constituents are aware of the fact that there is a key date fast approaching in June. They are aware that Grande Alberta has requested a two-year delay, and they are also aware of the concern regarding the conifer timber volume in management unit P8. My question is to the minister without portfolio responsible for economic development. What is the government's response to the two-year delay that has been requested by Grande Alberta Paper?

THE SPEAKER: The hon. minister for Economic Development and Tourism.

MR. SMITH: Thank you very much, Mr. Speaker. In fact as of today's date the government is still considering Grande Alberta

Paper's request. I'd like to assure the hon. member that we will continue to assess the various implications of the request as it applies to the best interests of Alberta and also to assure the member that he will be a key part of these discussions in terms of consultation and being able to pass that news on to his constituency.

MR. JACQUES: Given that answer, Mr. Speaker, I would ask the minister how he would respond to the concerns that have been expressed regarding the overstated annual allowable cut in management unit P8.

THE SPEAKER: The hon. minister.

MR. SMITH: Thank you very much, Mr. Speaker. In fact the question would be best referred to the minister responsible for that area, and that would be the Minister of Environmental Protection.

THE SPEAKER: Final supplemental.

MR. JACQUES: Thank you, Mr. Speaker. My third and last question. I think maybe I can pin him down on this one. Mr. Minister, will you give a commitment to my constituents that the timber base set aside for Grande Alberta Paper will be retained intact and be subject to a request for proposal if the Grande Alberta Paper project does not proceed?

MR. SMITH: Well, I know that the member has changed sides, but I know where his heart still is.

Mr. Speaker, if the GAP project does not proceed, the government will then have to assess fibre availability as well as location, again determine the options and what the best course of action may be at the time. It's early to speculate. We have not made a final decision as to the first part of the member's question.

Red Deer Career Development Centre

MR. BENIUK: Mr. Speaker, public accounts records indicate that career development centres have contracted out millions of dollars to various companies without going to tender and without any assessment of results. To the minister responsible for career development regarding the Red Deer Career Development Centre: will the minister confirm that \$1.2 million was paid out in grants and contracts to W.W.L. Management and that the RCMP are conducting a criminal investigation against both the Red Deer area manager and the owner of W.W.L. Management?

MR. ADY: Mr. Speaker, yes, in fact we do let contracts out to individual contractors for certain programs in the province. Frankly I don't have the facts in front of me in the House. If the member has some information that he'd like to send across to me, I'd be glad to have it.

MR. BENIUK: To the same minister: who authorized this \$1.2 million payout? Was it the minister, the deputy minister, or the regional manager?

MR. ADY: Mr. Speaker, there is a process in place within my department that allows my department to move forward with allocating contracts for certain educational programs. So certainly whatever contracts are let are let from my department.

MR. BENIUK: Would the minister advise this House how \$1.2 million could be paid out, three-quarters of it within the past two years, without any questions until now?

MR. ADY: Well, Mr. Speaker, I guess I'd have to ask the hon. member: how come he's been a year and a half coming with his questions? That's really what . . . [interjections]

THE SPEAKER: Order. [interjections] Order. [interjections] Order.

MR. ADY: He's essentially asked a question of himself.

THE SPEAKER: The hon. Member for Calgary-Currie.

2:20 Alberta Vocational College

MRS. BURGNER: Thank you, Mr. Speaker. Members on both sides of the Assembly know that the Alberta Vocational College of Calgary is unique in this country in providing programs to learners who might not otherwise be able to access higher education, but on July 1 AVC, Calgary will be closing its learning resource centre. This centre houses library books, print, audio material, and professional development material related to the staff. As AVC falls directly under the jurisdiction of the Department of Advanced Education and Career Development, I would like to ask the minister: given the importance of this learning resource centre to these particular students and their needs, why was the board allowed to make this decision for closure?

MR. ADY: Mr. Speaker, like all of our postsecondary educational institutions Alberta Vocational College in Calgary is restructuring and streamlining its operations in order to enhance its services. I should mention to the hon. member that only one of the three services the hon. member mentioned as being currently offered at the learning resource centre will be discontinued. The storage and acquisition of general library books will be discontinued, and instead students will be able to access the Calgary Public Library, which is connected to the college with a walkway. The Calgary Public Library collection is much superior to the college's collection. The library's valuable collection will be available as a resource, and it will actually increase the ability of students there to access good material.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you again, Mr. Speaker. Again to the minister. These programs are very unique to a very unique group of students. How can they possibly function without their own library?

MR. ADY: Well, Mr. Speaker, in April I toured the college with the same question in my mind, but I found that the space at the college library will continue to be there, that it will be used as a quiet work area for students and staff, that all AVC course material and audiovisual resources will be held by the college, and that students can continue to sign them out. So the only thing that is being reduced is the regular library books, that are available over in the major library. The college and the Calgary Public Library will work together to provide first-class library service by making library holdings available through the terminals situated over in AVC, Calgary. Certainly a professional resource room

will still be maintained for the staff, and I anticipate that there will be a high level of service available for students there for library services.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My final question to the minister. I am concerned that these students will be a little overpowered by such a large library system. Will the minister please commit to an ongoing commitment from the library to these students at AVC?

MR. ADY: Mr. Speaker, I think that's a reasonable concern. I had that concern when I visited there as well. The Calgary Public Library is certainly much larger and far more up to date than the learning resource centre at AVC. The library and the college have agreed to ensure that students have an orientation to the library services. AVC, Calgary will be providing on-site tutors and library assistants to help students obtain what they are looking for and in how to find it. In the final analysis, getting to know how to use and access information available in the Calgary Public Library will be a tremendous opportunity for students.

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

West Castle Valley Resort

DR. NICOL: Thank you, Mr. Speaker. Vacation Alberta Corporation was willing to work within the conditions set out by the Natural Resources Conservation Board for their development at West Castle. Last week the government canceled its approval of the NRCB recommendations, throwing the wilderness protection and resort development issue wide open again. My questions are to the minister without portfolio responsible for economic development. How is business to plan for development projects if NRCB recommendations are accepted and then rejected when controversy arises over their implementation?

THE SPEAKER: The minister responsible for Economic Development and Tourism.

MR. SMITH: Thank you very much, Mr. Speaker, and in fact thank you, member, for the question. The decision by the NRCB to create this area and at the same time allow this area to go ahead is in fact subject to what had happened from the Minister of Environmental Protection. So in fact that decision was made to collapse the area by that minister, and I would ask his recommendations to come forward that outline further decisions coming forth from NRCB with regards to development in that particular area.

THE SPEAKER: Supplemental question, hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd just like to ask the minister without portfolio again if he would tell us what he is prepared to do with Vacation Alberta if they proceed with the development as has been suggested and if they are faced with lawsuits brought about by environmental groups.

MR. SMITH: Mr. Speaker, I have not heard anything formally or informally from Vacation Alberta at this point.

THE SPEAKER: Final supplemental.

DR. NICOL: Thank you. Again to the same minister, Mr. Speaker. Are you prepared to meet with the remaining members of the Castle River Consultation Group to try to put in place a series of protective measures so the environmental and business communities can coexist in a productive fashion?

MR. SMITH: Well, in fact, Mr. Speaker, that's exactly what's unfolding out of this process. This Department of Economic Development and Tourism is working closely with Environmental Protection to address those very concerns and ensure that we have both sustainable development and a keen sensitivity to the environment in Alberta.

THE SPEAKER: The hon. Member for Calgary-East.

Workers' Compensation Board

MR. AMERY: Thank you, Mr. Speaker. My questions today are to the Minister of Labour, also responsible for the WCB. At times I hear from constituents who are unhappy with the final decision of the WCB Appeals Commission. Their only avenue of appeal after the Appeals Commission is to ask for an investigation of their claim by the provincial Ombudsman in cases where their appeal to the Appeals Commission did not resolve their concerns. I wonder if the minister can tell the House whether or not the number of WCB-related complaints to the Ombudsman is increasing.

MR. DAY: Well, Mr. Speaker, first I think it's important to note that somebody who does have a claim has avenues of appeal long before it would reach the state of taking it to the Ombudsman. That would include going over their claim with their own claims manager, an appeal to the Claims Services Review Committee and then on to the independent Appeals Commission. There are over 30,000 claims a year coming in. In 1993 there were 727 appeals. That had decreased in '94 to 596. Of those, it was determined that in fact about half the people requesting the appeal had not exhausted all of their avenues of appeal. So about half of those went back to the Appeals Commission.

THE SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. Can the minister tell the House: how many investigations did the Ombudsman actually do last year on behalf of WCB claimants?

MR. DAY: Mr. Speaker, just because a request for an appeal goes to the Ombudsman does not necessarily mean that in fact an appeal will take place. The Ombudsman and his staff will do a thorough review and decide if there's reason for an actual investigation and subsequent appeal. In 1993 there were some 163 claim requests that were actually followed through by the Ombudsman. That had dropped in '94 to 110, and I believe the Ombudsman's own report points to a decrease in the number of claims investigated by the Ombudsman, a decrease of 32 percent.

2:30

MR. AMERY: To the same minister, Mr. Speaker: in those cases where an investigation was done, how many times did the Ombudsman find in favour of the claimant?

MR. DAY: Well, remember, Mr. Speaker, that there are some 30,000 claims that go to the WCB. The Ombudsman then made a decision to actually do a thorough investigation in 110. Of that

110 there were 13 that were found to have some administrative error. There were 70 that in fact were found to have no administrative error. So, you know, with starting point of some 30,000 claims coming in, then 596 going to the Ombudsman and 110 getting investigated, 13 claims were found to have some administrative error.

THE SPEAKER: The hon. Member for Calgary-*Buffalo*.

Freedom of Information Legislation

MR. DICKSON: Thank you, Mr. Speaker. In the Speech from the Throne that began this particular session, the government promised to complete all necessary administrative work so that Albertans would be able to use the new freedom of information law this fall. The government has since brought in Bill 19, which was supposed to deliver those administrative changes, but in effect what we see is more secrecy, more cover-up. There's speculation that the government now intends to adjourn for the summer break without passing Bill 19 and use this as a flimsy excuse to delay freedom of information. My question to the minister responsible for freedom of information: will that minister commit now to Albertans that the freedom of information Act will be in force come October 1, 1995, as promised?

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. To begin with, his question is very hypothetical. We can't use what-ifs in this House. The other thing that I do say is that we are debating that Bill in the House, and I would like to mention that we are very much committed to putting that Bill through this House. Our government has said that we wish to have that Bill in place as soon as possible. Certainly the amendments from the Liberal opposition have been stymieing our legislation.

Mr. Speaker, regarding the amendments themselves, I know that we will have to debate those more this evening, but we have said all the way through that we are not going to compromise our legislation in order for the Liberals to force us and try to get out of this House sooner.

MR. DICKSON: Well, the minister compromised freedom of information the minute he brought in Bill 19.

Mr. Speaker, my supplementary question, then, to the same hon. minister would be this: will that minister commit on behalf of his government that this House will stay in session until we finalize Bill 19, amendments and all?

MR. FISCHER: Mr. Speaker, that Bill could go through the House today if the opposition would let it.

MR. DICKSON: Mr. Speaker, I've tried to avoid talking about the substance of Bill 19, but I have no alternative now. Will the hon. minister . . . [interjections]

THE SPEAKER: Order. [interjections] Order. [interjections] Order, hon. members. Order.

Hon. member, final supplemental.

MR. DICKSON: Thanks very much, Mr. Speaker. I simply want to ask the minister: will he agree to bring in his own amendments if he thinks he can do better than what we've put forward in good faith?

MR. FISCHER: Mr. Speaker, our own amendments are in, and just because the Member for Calgary-*Buffalo* doesn't agree with them – he could put this legislation through today, as I've said before, if he wants to agree with them.

MR. DAY: Mr. Speaker, I can also say as House leader, related directly to the time spent on this Bill, that some members of the opposition have indeed learned that they can very effectively make a case for opposing a certain Bill, get lots of good media attention, and do so without dragging things out on taxpayers' time. This particular Bill in second reading has had almost five hours of debate, in committee has had almost three hours of debate, is slated again for debate tonight, and is slated again for tomorrow night.

Speaker's Ruling Ethics Commissioner's Reports

THE SPEAKER: Before moving on to the hon. Member for Calgary-*Egmont*, there are two or three questions of order. The first one the Chair would like to deal with arises from the notice of a motion given by the hon. Member for Taber-*Warner* to deal with certain reports of the Ethics Commissioner. Section 26(3) of the Conflicts of Interest Act requires that this be done, but it does turn out to be a sort of novel piece of business for the Assembly in two respects. First of all, reports of the legislative officers are often tabled in the Assembly. Normally there is no legislative requirement that they be dealt with and dealt with within a certain time period as there is in this case. Section 26(3) of the Conflicts of Interest Act not only requires that a report be tabled but that it be dealt with by the Assembly. That section and section 27 mean that something more than the tabling of the report in the Assembly is necessary.

Second, reports from other officers, such as the Auditor General, may indicate action by the government. The Ethics Commissioner makes a report which contains his advice to the Assembly. He reports to the Assembly because his reports relate to Members of the Legislative Assembly, and the Assembly alone can deal with its members.

Parliament is supreme in managing its own affairs. This is a fundamental aspect of parliamentary privilege. It operates without regard to party, caucus, or government standing in the Assembly. Clearly, then, this business must be attended to by the Assembly, and it cannot be said to be either government business or private members' business. The responsibility belongs to the Assembly as a whole as required by section 26(3) of the Conflicts of Interest Act.

Standing Order 2 states:

In all contingencies unprovided for, the question shall be decided by the Speaker and, in making a ruling, the Speaker shall base any decision on the usages and precedents of the Assembly and on parliamentary tradition.

This being an unprovided for situation, the Chair will order this matter set down under the heading Reports for Consideration by the Assembly for Tuesday, that is tomorrow, immediately upon calling of Orders of the Day. Debate if any should be concluded and will be concluded and all questions to dispose of the matter put by 4:15 tomorrow afternoon.

Speaker's Ruling Answers by Nonministers

THE SPEAKER: There's another matter. On Thursday, May 11, 1995, the Member for Edmonton-*Whitemud* asked the Member for Calgary-*Shaw* in his capacity as chairman of the Alberta Special Waste Management Corporation three questions

about the Special Waste Management Corporation. This raises again an issue about the ability of members who are not in cabinet to answer on behalf of government.

In his last answer, at *Hansard* page 1737, the Member for Calgary-Shaw said, "I'd be happy on behalf of government to make that commitment" to have "a fairness opinion" prepared. No point of order was raised with respect to either the question or the answers. It may be that Calgary-Shaw was saying that if the question were differently worded, he would be happy to make such a commitment.

2:40

On October 7, 1993, the Chair ruled following debate in this Assembly on the matter that members who chair either governmental standing policy committees or who perform executive duties under a statute, such as the Member for Calgary-Shaw, may now be asked questions about matters for which the government is accountable. The range of questions which they can be asked is very narrow and limited to procedural issues. Without repeating the previous ruling, the reason for this is that such members are not part of the government, i.e. members of a cabinet, and therefore do not have the same accountability as government. It follows that if they did have the authority to answer such questions, they would not have the right to ask questions in question period.

The Member for Edmonton-Whitemud should have put his question to the minister responsible for this area. Failing that, the Member for Calgary-Shaw should have deferred to the responsible minister in his answer. The Chair foresees some serious problems arising respecting accountability in question period if this principle is not adhered to. The Chair would urge all members to review the ruling of October 7, 1993, which is set out in *Hansard* at page 772, and to please follow it.

The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Mr. Speaker, thank you for those comments. On page 1737 of *Hansard* – and this might have been the confusion. When you turned to me to answer the second question, you said, "the hon. minister" to me, and obviously I just thought that I could make a commitment on behalf of government.

THE SPEAKER: Before proceeding further, could we please revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. minister responsible for science and research.

head: **Introduction of Guests**
(*reversion*)

MRS. MIROSH: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly two very important international guests who are here to learn about the Alberta advantage. Dr. Hans Seidl is the chairman of Laporte, Germany, and Ken Minton is the chief executive officer of Laporte, U.K. They represent an international pharmaceutical company. They are accompanied by Dr. Wolfgang Muhs, president of Raylo Chemicals; Dr. John Smith, Raylo Chemicals; and Mr. Mel Wong of ED and T. They are here to explore our pharmaceutical industry. Would you all please rise and receive the warm welcome of our Assembly.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly two teachers, Julia Kendal and Lois Field, and 31 English as a Second Language students from J. Percy Page high school in Edmonton-Mill Woods. They're seated in the public gallery, Mr. Speaker, and with your permission I'd ask them to stand and receive the traditional welcome of the Assembly.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to members of the Assembly a grade 10 social studies class from Archbishop Jordan high school in Sherwood Park. They are accompanied today by teacher Ms Joly. They are seated in the members' gallery, and I would ask that they rise now and receive the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Calgary-Buffalo had a point of order he wished to pursue.

Point of Order Imputing Motives

MR. DICKSON: I did indeed, Mr. Speaker. Thank you. I'm going to cite Standing Order 23(h) and (i), and I reference the comment made by the Government House Leader in supplementing a response from the Minister of Public Works, Supply and Services. What he chose to do was impute motives and suggest something less than good faith in terms of the opposition putting forward a package of amendments. I think it's so preposterous that he would make that kind of an allegation, but it may be necessary to sort of restate the recent history on Bill 19.

I think what's important to recognize, I'd say initially, is that the opposition does not control when Bills are introduced in the Legislature, when they're brought up for second reading, when they're brought up for committee. In effect, the role of opposition is typically one of having some modest opportunity to say at what point in an evening or an afternoon they're going to come up. This Bill, the freedom of information law, the Premier said when he introduced it last spring – the Bill itself, now the Act – was the means by which Albertans could measure this government's commitment to freedom of information. Yet even though the session must have commenced in mid-February this spring, it wasn't until March 21 that the government introduced Bill 19. It didn't come up for second reading until April 12.

Mr. Speaker, that's nothing that the opposition has any control over. One would have thought that if the government was anxious in terms of getting that Bill in, they would have moved it up to the top of the agenda. They would have brought it in early. They would have moved it up for second reading much earlier than April 12. But no; we had to wait until April 12.

Mr. Speaker, this was a case where each of the amendments that we wished to put to Bill 19 were in fact submitted in written form to the responsible minister before the Bill had left second reading. Now, perhaps the House leader has been keeping track of how many Bills he has the opposition amendments in hand in written form before we've even voted at second reading. Subsequent to that, there have been meetings and invitations from the opposition to the minister to meet, to discuss the amendments, to hopefully broker some sort of agreement that would advantage

Albertans and make for a stronger law. So I was anxious, Mr. Speaker, to set those factors out.

I think for the Government House Leader to suggest, as he has mischievously, that in some fashion the opposition is being anything other than positive and supportive in terms of the principle of freedom of information simply won't wash. The record reflects otherwise. One would hope that the Government House Leader would retract that kind of innuendo, that kind of insinuation and acknowledge that the opposition has worked hard consistently to try and make sure we have the best possible freedom of information law.

Thanks, Mr. Speaker.

MR. DAY: Well, Mr. Speaker, to use adjectives often used by members of the opposition, I'm shocked, dismayed, and appalled at some of the comments being made by the Member for Calgary-Buffalo. I will reference the fact that earlier today – you want to talk about innuendo – this particular member suggested that a minister of the Crown was up to some false business, and that was clearly his word: false. I indicated that I was going to raise a point of order on that, but not wanting to delay the time for debate on Bill 37 and others, I sent you a note dropping that. He used the word: false. Yet I deferred from that because these types of points of orders go on back and forth when somebody's a little bit defensive and a little bit sensitive.

Mr. Speaker, the Blues will clearly show that far from suggesting innuendo, I stood here and congratulated the fact and the members opposite because some indeed have learned that they can make a strong point, a clear point, get that message out to their constituents, to the stakeholder groups, to the media without, as happens sometimes on both side of the House, delaying for the sake of delaying. It happens clearly on both sides of the House. We all at times stand guilty. The only innuendo was that some members are mature enough to be able to make their points clearly, succinctly, get the media, get the stakeholders, get their constituents, tell them all that they disagree but, at the cost of \$15,000 a day in this Legislature, not unnecessarily – and I use the word "unnecessarily" – drag out debate. The prime consideration here is that every member has the opportunity to fully debate as long as they want.

I will close, Mr. Speaker, with another correction. The member said that the opposition does not control the daily routine. Well, I don't know if he attends his own caucus meetings, but the Opposition House Leader, his own House leader, will tell him that daily I'm in communication with the House leader on a consultation basis to see what order of business there is. The projected order of business is now in Standing Orders and is available every week. Every morning the Opposition House Leader and I confer and agree on what shall be the order of business that particular day. There have been a number of times – and the Opposition House Leader will confirm this – that we have deferred debate on Bill 19 because this member was not able to be present. At the request of their House leader, we withheld debate. Even tonight we are withholding debate until 9 o'clock, following a discussion with the Opposition House Leader, because this member won't be able to be back in the House till 9, and he has the nerve to stand and say that it's this side of the House delaying. It's him. He's got to grow up.

2:50

THE SPEAKER: Before recognizing the hon. Government House Leader, the Chair was going to get up and say that as far as the Chair was concerned, it didn't hear any imputation of motives or

any type of allegations in what the hon. Government House Leader had said originally. Therefore, the Chair is unable to find a point of order.

head: **Motions under Standing Order 40**

THE SPEAKER: The hon. Member for Calgary-Egmont wishes to make an application to the Assembly under Standing Order 40. On the question of urgency, hon. member.

Centennial Cup Hockey Championship

MR. HERARD: Yeah. Thank you, Mr. Speaker. On the question of urgency, I think there's no better time than the first sitting day after this great Calgary Canucks victory to consider the motion to congratulate the team, the coach, the organization, and the volunteers. The Centennial Cup is emblematic of this country's top junior B championship, and this is the first time ever that a Calgary team has won this prestigious award. I would ask all members to give their unanimous consent to proceed with this motion.

THE SPEAKER: Is there agreement in the Assembly? [interjection] At this stage, hon. member, I just have to ask whether there's agreement for the motion to be put. Agreed?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Member for Calgary-Egmont.

Moved by Mr. Herard:

Be it resolved that the Legislative Assembly of Alberta congratulate the Calgary Canucks hockey team and coach Mr. Don Phelps on their first-time-ever win of the Centennial Cup.

MR. HERARD: Thank you, Mr. Speaker. The Centennial Cup came to Calgary for the first time ever when 47 seconds into overtime defenseman Jason Abramoff scored the winning goal to give the Calgary Canucks a 5-4 victory over the Gloucester Rangers. This was of course Jason's biggest goal of his life so far in his career and also his best-ever present, because, you see, he scored the winning goal on his 21st birthday.

Mr. Speaker, the Centennial Cup, as I said earlier, is emblematic of the Canadian championship junior B title and has never before been won by a Calgary team. In fact, the last time that a Calgary team won a national hockey tournament was 69 years ago, when the Calgary Canadians won the Memorial Cup in 1926. This victory seemed to be in doubt because at one point in the second period the Canucks were trailing by a score of 3-0, but Coach Don Phelps kept urging his team on to greater heights mostly by his own example, Mr. Speaker, because Coach Phelps refused to leave the bench all week although he was very sick with pneumonia. His leadership certainly inspired the Calgary Canucks to this victory.

The history of this team has not always been a smooth one. The team's very existence was in question a number of years ago when a group of Calgary businessmen assisted by your predecessor in the Chair, Mr. Speaker, Dr. David Carter, came to the rescue with their own personal resources. Many of these businessmen were from Calgary-Egmont. The team was re-established with its home in the Acadia recreational centre in my constituency, and they now play out of the Max Bell arena. Some

of the noteworthy Canuck alumni include NHL greats like Mike Vernon, Mark Fitzpatrick, Dana Murzyn, and Ken Sutton.

It's an honour indeed to ask this House to congratulate the Calgary Canucks and Coach Don Phelps, the management, the staff, and all of the volunteers. It's really not too surprising that the team rallied behind the courage and leadership of their coach. You see, Mr. Speaker, Mr. Phelps comes from that very famous Calgary community called Tuxedo Park, where many of our great leaders are from. In fact, Mr. Phelps grew up three doors from another great leader, our Premier, Ralph Klein.

So I would ask all members to support this motion. Thank you.

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

MR. DICKSON: Thanks, Mr. Speaker. I want to thank the Member for Calgary-Egmont in terms of introducing this motion. I want to stand as a Calgary MLA to salute the outstanding performance of the Calgary Canucks on the weekend. I think it's fair to say that the victory of the Canucks in winning the Centennial Cup is a source of pride to all Calgarians, particularly those who have been waiting 69 very long years since Calgary last won a national junior hockey tournament. I also want to extend my congratulations to Coach Don Phelps, the players, support staff, and parents.

In the *Calgary Herald*, yesterday's edition, Sportswriter Murray Rauw quoted Coach Phelps as saying that the victory is shared by every Minor Hockey Association player in Calgary and pointed out that every player on the team save for one Airdrie youth is a product of the Calgary minor hockey system. I think that was a generous thing for the coach to say and something that I think is going to be very well received and enthusiastically received by players and parents and coaches in that very extensive network of minor hockey in the city of Calgary.

So I want to add my congratulations and again thank the Member for Calgary-Egmont for giving us the opportunity to salute this very notable achievement. Thanks, Mr. Speaker.

MR. KOWALSKI: I want to echo my congratulations to the Calgary Canucks junior hockey team as well for a number of reasons, Mr. Speaker. It was a number of years ago that the Alberta Junior Hockey League was really in a kind of a turmoil, wasn't sure what its future would be, where it would be going, and what would be happening.

A very good friend of ours of course, your predecessor, as has been correctly pointed out, the hon. David Carter, did get involved very personally in support of one particular team: the Calgary Canucks. Other former members of this Assembly have also been involved in other Junior Hockey League teams in the province of Alberta. The former Member for Olds-Didsbury, who also did serve time in this Assembly once as the Leader of the Official Opposition, got involved with the hockey team in his own community of Olds, Mr. Speaker. We should remember that in 1994 the province of Alberta hosted the Centennial Cup. The community of Olds and a number of other small communities in southcentral Alberta in essence were involved, and the Olds Grizzlies won the Centennial Cup here in the province of Alberta. In essence, it's two years in a row that members of the Alberta Junior Hockey League have in fact won such a national championship: once in Alberta and once outside of Alberta.

The primary reason that I wanted to stand and make a comment on this is that a number of years ago I had the privilege of sitting down and talking to the leaders of the Alberta Junior Hockey

League, who basically said they were having difficult times. We signed an agreement with them and a contract with them for funding under the Alberta lottery fund, Mr. Speaker. There's been a lot of discussion, a lot of debate in this Assembly in recent years about so-called spending of dollars out of the Alberta lottery fund. We signed a contract with them to award on an annual basis \$5,000 for each team in the Alberta Junior Hockey League. In return the Alberta lottery fund would get some advertising and the like. That very modest amount of \$5,000 versus an annual budget for each of these teams in the neighbourhood of \$250,000 was small return, but for the people who promoted the Alberta Junior Hockey League, that commitment from the Alberta lottery fund, promotion for them, was very, very significant.

We've been doing this now for some four or five years. I sincerely hope that in all the debate that this Assembly will have on lottery expenditures, hon. members in this Assembly will not forget that this is just one of several thousands of examples of worthwhile expenditures from the Alberta lottery fund which allow other things to transpire and happen. In 1994 it allowed, number one, the Alberta Junior Hockey League to in fact host a Canadian championship, the Centennial Cup, in a small series of communities. It also allowed the community of Red Deer through another form of funding to host the world junior hockey championship in 1995, Mr. Speaker, and of course the community of Slave Lake for the world Arctic games and a whole series of others.

There are some very, very useful community benefits, but the bottom line of this is of course: congratulations to the Calgary Canucks for bringing the Centennial Cup to Alberta for now two years in a row, Mr. Speaker.

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

MR. BRACKO: Thank you, Mr. Speaker. I want to commend the Member for Calgary-Egmont for moving Standing Order 40. I also have been a fan and a follower of the Calgary Canucks for the last 12 years. At times it was difficult, whether I was a fan or a follower, as they played against the St. Albert Saints, but my family has been involved in the Canuck organization for the last 10 years.

3:00

I'd like to congratulate the Canuck organization, the president and his wife, Ken and Evelyn Bracko, who have dedicated thousands of hours to minor hockey in Calgary over the last number of years. They are like many Albertans who believe in giving and not taking from the community. During the last 10 years they've been involved with the Canuck organization. They spent many hours doing every aspect of the organization that needed to be done, from fund-raising to holding different casinos, I believe, to traveling with the team, to buying and paying for meals at times. They had the privilege of working with 30 other volunteers who are part of the organization at this time. They are a nonprofit organization. No one in the organization gets paid, whether it's coaching staff, management, or anyone on the team. They've worked together and reached a new pedestal by winning the Centennial Cup, and that's through a lot of hard work by many people over the years.

I also want to congratulate the manager, Morley Bengert, and of course, as has been mentioned before, Coach Don Phelps. I didn't realize he had pneumonia, but a tremendous job he has done in motivating his players to win the championship. They're not like other teams. Each player has to pay \$500 a year to play – they're like a AA team – and this of course was for the cost of

operation. So with this, I want to congratulate them. I also want to mention that my two nephews did play for years with them: Carey and Barry Bracko. Carey also coached them for a year or two after he was too old to play.

I want to thank all involved in the organization, from management down to players. You have developed our greatest resource: our young people.

Thank you.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I just want to add a few words of congratulations as well and thank the Member for Calgary-Egmont for bringing forward this motion. I think this is certainly a substantial achievement after 69 rather dry years between 1926 and 1995.

Just a couple of points. I think the fact that they came back from a two-goal deficit shows a great degree of commitment. I think the fact that the coach, Don Phelps, was suffering from pneumonia and said, "I ain't leaving till we get this one over with," shows a degree of commitment. The captain of the team, we understand, was ill as well and kept playing anyway. It shows a degree of commitment in fact, that came through in spades at the end when they finally had the opportunity to hold the cup in their hands. Certainly, congratulations to the coaching staff and to the team.

I did note with some degree of pleasure that the arena in which they won was the Jim Peplinski arena. Of course, Jim Peplinski is a former Calgary Flame. He retired for the first time after they won the Stanley Cup and has a Stanley Cup ring to show for it. So I found it most perhaps ironically pleasing that a Calgary team would win in an arena named after a Calgary Flames hockey player.

I, too, would like to add my congratulations to the coach, to the team, and say: well done, guys.

THE SPEAKER: All those in favour of the motion proposed by the hon. Member for Calgary-Egmont, please say aye.

HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no. Let the record show that the motion carried unanimously.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the Chair]

THE CHAIRMAN: I'd call the committee to order and would remind hon. members that we're going to try and stay to the convention of only one member standing and speaking at the same time.

Bill 37
School Amendment Act, 1995

THE CHAIRMAN: Any comments, questions, or amendments? We'll call on the Minister of Education to begin.

MR. JONSON: Yes, Mr. Chairman. This afternoon, speaking in committee, I would like to just comment on some of the

matters that were raised in second reading, which perhaps would have been dealt with most appropriately in committee, but in any case there's the opportunity to respond to them. I'd like this afternoon to speak mainly to, as I recall, the remarks made by the Member for West Yellowhead, because in the subsequent speeches of hon. members, many of those were repeated in terms of the concerns that were raised.

First of all, I appreciate the comments of the hon. members across the way with respect to school councils. Certainly through the very extensive consultation process, of which you were a part, Mr. Chairman, the modifications, the amendments to Bill 37 reflect school councils being in an advisory capacity but nevertheless in a much more defined and specific capacity than prior in legislation. This will, in my view, move towards our goal of providing for meaningful and effective involvement of parents on behalf of the students as a group that are attending that school. Also, this will be a support mechanism for the better functioning of the school once we have our school councils in place.

There were questions raised with respect to the policy and the eventual regulations emanating out of the school council topic. The regulations, the policy directions, that are forthcoming in the fairly near future, deal with the format and procedures – in other words, the structure for school councils – not with their duties and responsibilities as it pertains to operations of schools in matters such as policy-making, discipline, and so forth. Those are well covered I think in the actual amendments that we've made to Bill 37.

I'd like to also comment, Mr. Chairman, on a number of different comments in second reading that related to the clauses that deal with accountability. Certainly a second major feature of this Bill deals with something which I'm sure hon. members in all parts of the House are in favour of, and that is more accountability, more provision of records in a suitable manner but in an open manner with respect to the operation of our schools. Therefore, that is the reason for those particular clauses.

3:10

Another area dealt with in the Act, Mr. Chairman, which was questioned was a change with respect to the disposition of property. This particular clause is an amendment which provides for those situations, for instance, which are becoming increasingly common in the province, where you have an empty school in one jurisdiction and overcrowding in another jurisdiction in close proximity. Given that the taxpayers of the province have paid in good part for that site already, it seemed only appropriate to make it possible for there to be a transfer of property when it's just logical that an empty school should be used rather than building a new one and that a jurisdictional boundary should not prevent that from happening. The regulations which apply across government and particularly with respect to the Department of Education, that when you're selling to a source outside of the system, it must be properly tendered and it should go at fair market value, are continuing to be in place, Mr. Chairman.

There are some other sections in the Bill that I think I'd just like to comment on very quickly. There are a number of sections which were the result, Mr. Chairman, of a number of very important pieces of legislation going through the previous spring session of the House pretty well parallel to each other. There was a need to correct a number of cross references, a number of sections there so that the Acts paralleled each other in an appropriate manner. There is a rather large section which is again cutting down on the length of the School Act by transferring a grant-making power to the Government Organization Act.

So, Mr. Chairman, those are some of the key things that were brought forward, but I'm quite prepared, as we go along through committee study, to comment further.

THE CHAIRMAN: Okay. Any further comments?

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Chairman, and also thank you to minister for responding to some of the issues raised at second reading of this Bill.

I'd like to make a couple of general comments about the Bill. There's a disturbing trend in Bill 37 that continues a trend started by the current government in the last two years. The trend is that control and governance of the school system is being changed from a local basis to the control of the Minister of Education and the Department of Education. I repeat what I've said several times in this Legislature. I think the government is on the wrong track when it thinks any problems we've had in the education system are primarily the result of local control. Instead, it is in my view a matter of the fact that the locals have not always had enough control over the school system, and in fact the Department of Education has run roughshod over school jurisdictions.

Again I thank the minister for his comments, particularly with regard to school councils. I want to reiterate a concern I believe I raised in second reading, which is that while the role of school councils will change dramatically from what was contemplated when Bill 19 was passed to these particular amendments, there is one disturbing clause. That's the clause under section 3 of this Bill, which amends the School Act – this is referring to school councils – that clause being (e): "do anything it is required to do under the regulations." That's a bit of a catchall. While I appreciate the fact that the previous clauses have more clearly defined school councils and advisory roles and also – and I think it's a good step – defined that school councils have the right to be consulted on certain issues, I do want to point out to the minister that we have a catchall here that allows the minister to give any control he wants without scrutiny from the Legislature, and I daresay that future Education ministers might be tempted to abuse that particular clause in passing regulations without coming to this Legislature that would give school councils authority other than what the public has very clearly stated in the last year that school councils should have.

However, I am going to take the minister's initiative here on good faith. I want to be on record that I believe the government has listened on this particular issue a great deal. I compliment the chair of that particular committee on roles and responsibilities as well as the minister for having seen the light, if I could put it that way, for I believe listening to what Albertans have said with regard to the role of school councils. So although I have some concerns about the open-ended allowance giving the minister power to add to the powers of school councils, I don't intend to propose an amendment to that section, because, again, I think the government has recognized the direction people want them to take with regard to this particular subject.

Mr. Chairman, there is another section that I'd like to refer to in the Bill, and that's section 8, which refers to section 59 of the School Act and amends it. If I can quote:

an elector may not inspect a student record or information respecting a particular employee unless that information is included in financial statements of the board prepared under this or any other Act.

I've had some concern expressed to me, given that the provincial government has the sole power to direct what sort of financial

statements would be provided. There is some concern that that's not clear enough for people and might allow individuals, electors access to particular employee records or to particular student records. Again, a student might be referred to in a financial statement of a smaller jurisdiction, where you might have only one or two students taking a particular diploma exam, which has happened, and the question is: would that then give the individual access to that record?

I recognize that 59(1) describes the kinds of items that would be available to the average elector walking in off the street, including agendas, minutes, budgets, but also an agreement. Section 59(1)(e) refers to "an agreement entered into by the board." What would happen if the board entered into a particular agreement with regard to home schooling a particular student or entered into a particular agreement with regard to a special-needs student and that was somehow reflected in the financial statements, the content of which is totally controlled by the Department of Education? Potentially could there be a slip here and an average elector walking in off the street being able to access that record?

The other part, Mr. Chairman, is that I think there is some concern out there with regard to employee records, and I want to be on record. Particularly, I think some individuals believe that . . .

THE CHAIRMAN: Hon. members, the buzz of quiet conversations is reaching a point where it's becoming increasingly difficult to hear Edmonton-Centre, so if we could keep the conversation at a lower pitch.

Edmonton-Centre.

MR. HENRY: Thank you, Mr. Chairman. I daresay that anybody would want to miss what the Member for Edmonton-Centre had to say. I see a few scowls on both sides of the House, I'm afraid.

From discussions with the minister I understand the intent here: what might be reflected in a particular financial statement might be a budget item for consulting services or a budget item for a superintendency. While some of you may be concerned, I think most members on both sides of the House would agree that senior public servants in terms of the kinds of contracts they enter into, in terms of the range of their particular salaries should be public information, but when we're talking about employees below the very senior level, I think we would all agree that that should be confidential. I was, Mr. Chairman, prepared to propose an amendment to delete that section, but after hearing an explanation from the minister, I'm not going to do that because I understand the intent here.

3:20

But I would like to propose an amendment, and the amendment would read that when we're talking about inspection of documents in 59(1) of the Act, the inspection of documents would very specifically not apply to student records. That would allay any concerns, Mr. Chairman, that some parents have that there may be a slipup down the road: an elector may be able to come in under a piece of legislation and demand access to a particular record. So if I could file an amendment and perhaps have it circulated. There are four copies for the Table as well.

What the amendment basically states, Mr. Chairman, is that in subsection 59(1) of the School Act, which deals with the kinds of information that should be available to an elector, there should be a clear statement that "Subsection (1) does not apply to a student record," and adds:

(4) An elector may not inspect information respecting a particular employee unless that information is included in the financial statements of the board prepared under this Act."

The intent of this would be to categorically say that whether there be an agreement entered into with a board, with a home schooling student, or a particular student who has special needs and that somehow is reflected in the financial statement, under no circumstances would an elector be able to come in and get access to that student's record. In addition, what this would do . . .

THE CHAIRMAN: The Chair would intervene for a moment while the amendment is being passed out. The requisite number of signatures are on the tabled copies, and this will be called amendment A1 to Bill 37.

Edmonton-Centre.

MR. HENRY: Thank you, Mr. Chairman. Referring to amendment A1 of Bill 37, I would like to reiterate. We want to make it clear that if indeed in perhaps a smaller jurisdiction there is a limited number of students and there is information in the financial report that reflects that there may be one student of a particular category, as sometimes happens especially in smaller jurisdictions, that does not give an elector a right to look at the agreement or to examine the school records of a particular student. However, we do agree with the minister that for senior public servants, information regarding the nature of their contracts should be public information, and electors should be able to come in and find out the range of salary for a superintendent, the way they can for an MLA.

Mr. Chairman, I don't want to belabour the point. I think I've made the point. I'll take my seat and see if there are any comments. Otherwise, I'd call the question on this amendment.

[Motion on amendment A1 lost]

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

MR. HENRY: Thank you again, Mr. Chairman. I'm disappointed that the Assembly didn't see fit to adopt that amendment.

I would like to move on to another issue. It's with regard to accountability of a board. What the government seems to have forgotten here is that boards of education are elected, that trustees on boards of education are elected individuals who actually in many ways are more accountable to the public than the members of this particular Assembly in the nature that in this Assembly we are elected for a maximum five-year term. In addition to that, the governing party of the day and the Premier of the day have incredible flexibility with regard to when they can call that particular election, therefore giving them a strategic advantage with regard to when it is they actually become accountable to the electors. However, boards of trustees in education are elected every three years and have a fixed election date, so they don't have that opportunity to manipulate the public and the timing of the election. They also are very clearly accountable every three years.

What I'm sensing with the current government and the initiative in this particular Bill is that the government would like to enter into micromanagement of our school system. They would like to bypass the electoral process with regard to trustees and just tell trustees how they will make decisions and the nature of those decisions that will be made. This is really emphasized in section 9 of Bill 37, where it very clearly says, "A board shall develop a reporting and accountability system on any matter the Minister

prescribes." I'm not sure that a lot of Albertans would have a lot of problem with that. As the minister has indicated, the government has now grabbed \$1.3 billion out of local property taxpayers' hands and is now going to dole that out to school boards as it sees fit. So the government has a responsibility and a right there to say: we want you to be able to account for certain information and for certain dollars in terms of how they're spent. There's not a problem with the minister directing the board to develop a reporting and accountability procedure.

Also, Mr. Chairman, it goes on to say under subsection (2):

A board shall disseminate any information in the reports and accounts produced under the reporting and accountability system it develops under subsection (1) to students, parents, electors or the Minister in the manner the Minister prescribes.

Now we're getting into the micromanagement.

I don't know how many people in this Legislature are parents with students in the public and separate school systems in our province, but I'd like everyone who has either had or currently has children in our public and separate school systems to think back about the kinds of information they get from those systems. I daresay that from the public school system I participate in I'm getting information on a weekly basis in terms of decisions that are being made. In many jurisdictions, Mr. Chairman, the school produces a monthly newsletter, that goes out to all parents and is available to all electors, that actually provides a summary of board decisions. I daresay that the media, both broadcast media and local media, in weeklies and community newspapers are following boards of education very closely, especially lately, and decisions made by boards of education are very clearly in the public domain and are reported as such.

So I'm not sure why the minister would want to go in - I can understand why he might go in and say, "You should account for the money we're giving you." Now he wants to say: "Once you account for that, I'm going to tell you who to give it to and how you give it to them. I'm going to tell you which parents to give it to, whether to give it to all of your electors or whether you have to spend money out of your local instructional grant or your administration grant to buy ads or do a door-to-door mailer to all electors."

Mr. Chairman, section 9 goes on further. Amending section 60.2(3) now will say:

A board shall use any information in the reports and accounts produced under the reporting and accountability system it develops under subsection (1) in the manner the Minister prescribes.

Here is the part of this particular clause that makes it more and more difficult. What's going to happen here is that a board who's elected by the electors, who pay the taxes to run that school system, are now going to be told not by those electors but by the minister what kinds of reporting and accountability systems they should put into place. Once they develop those, the minister's going to tell them whom they have to distribute that to, whether it be the parents, the electors, or the students, and further the minister is going to tell the board the manner in which they're going to use that information in the reports and accounts.

Now, I think back to some of the time I've spent as the opposition spokesperson for Education. I've contacted boards of education for particular purposes, to collect certain kinds of information, and one that I recall very specifically was speaking to the issue of early childhood services. Now, very clearly each board has a reporting mechanism and collects information with regards to numbers of students who have attended, numbers of new Canadian students who have attended, how much money

they're spending, how much they're collecting in fees, how many parents have had to receive a waiver with regard to fees, how many children are actually attending compared to the projected from the municipal census. Information such as that boards have been able to make public at their own discretion because they are elected by ratepayers or by electors, but now we're going to have the minister telling that board how it shall use that information.

3:30

What would happen in this government or in a future government, Mr. Chairman, if a board decided that it would respond to the minister's direction to develop an accountability procedure for the money it spends on vocational education and the minister said, "I want you to report it as such and in certain formats, and I want you to distribute that to the parents of those children"? In collecting the information to produce that kind of report, there's some valuable information in terms of how that system is actually functioning and perhaps information with regard to the impact of this particular government decision – and I'm talking a hypothetical case here, of course – on that particular program. Suppose that decision was made by the provincial government. This information would be damaging to the provincial government. The minister, under this clause, would have the authority to direct that school board in terms of how they should use that information.

So if the minister came down and said, "I'm going to tell you how to use it, and one of the things you're not going to do is make it widely, publicly known or give the details that allow you to develop the report, give the background data to members of the opposition or the media, even though those individuals are elected." I'm not trying to cast aspersions on the current minister. I don't believe the current minister would intend or would want to do that. But, again, we have a responsibility, because we're providing legislation for future ministers and future generations certainly, to look at all the possible impacts and how they should be interpreted by the courts. I know members on the other side are consistently saying that they don't want the courts interpreting legislation or they don't want the courts making legislation. Well, if we don't want the courts interfering and determining what kind of interpretation we place on our laws, we have to make sure that we're writing laws that are very clear and that don't give leeway for that interpretation.

My view and the view of many people in the community who have spoken to me is that the minister will have the power to tell the board how to use that information, and that will take away from the local autonomy of that board, and indeed that board is responsible to the electors that are elected, not to the Minister of Education. I know that the minister may respond and say that the current Act does essentially say that the trustees are responsible to the Minister of Education, but then I think we have to look at the spirit of why we have local school boards and local elections. Indeed, the question that's been raised to me is: is the government in doing some of this micromanagement, potentially, essentially saying that they don't want school boards managing their system, they don't want school boards determining how it shall deal with the information it collects?

I also want to point out that in the reporting and accountability system in terms of what's reported to parents, the wishes of various communities, parent groups, groups of electors may vary across the province. I discussed this with the chair of the government committee that looked at Accountability in Education, that a one-size-fits-all may not work here, because what's important for a school in my community and what's important for the parents, what they want to know and what those electors want

to know may be very different from the community across the river or down the highway or at the other end of the province.

When we see the minister directing essentially how boards are accountable to their electors and what kind of information and the format of that information, the danger we could get into is regulation that is essentially one size fits all. So then you have a school jurisdiction, if I could say, in Cardston with a record-keeping system in terms of the mother tongue of its students, which may not be as relevant there as it would be in downtown Edmonton public or downtown Calgary public or indeed Lethbridge. So my point here is that every school division may need to have a different way of accounting to its electors, because different information may be very important.

If I could perhaps, using Cardston again, make another example that might be a bit more relevant, which is average distance of students in terms of travel time to their particular school. It may be very important in a rural community for their electors to know, whereas in an urban community such as Edmonton it may not be what the electors and what the ratepayers want to be tracking all the time, because everywhere you go in Edmonton there is a school in a very short distance that a student can attend. Most often – and I'm overgeneralizing here – in a city like Edmonton if some student, especially in primary grade, is spending three-quarters of an hour or an hour on the bus or even more than that, it's because the parents have chosen a particular program. It's not typical of what would happen to students.

So for those reasons, Mr. Chairman, I would like to make an amendment here that would strike out section (3) of the proposed amendment to section 60.2 of the School Act. I perhaps will circulate that, and then if there are any questions or comments, I would welcome them.

Thank you.

THE CHAIRMAN: While we're waiting for them to be circulated, the Chair would note that the requisite signatures are upon the tabled copies and that we'll call this amendment A2.

Hon. member, have you moved the amendment?

MR. HENRY: Thank you, Mr. Chairman. I would then, for the record, move this amendment.

Thank you.

THE CHAIRMAN: Okay. Are there any comments on the amendment?

Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. Just speaking briefly to the amendment we have before us. The section in the Bill to which the Member for Edmonton-Centre is proposing an amendment deals with the whole issue of accountability of school boards. In proposing to delete section (3) of the proposed amendment that we are looking at in the Bill, an amendment to an amendment, which is the legislation we have before us, the concern that trustees have relayed to me is that with a clause such as this before the Legislature, that the member is looking to delete, if we don't delete it, effectively what it may do, if it's left in, is negate any real decision-making power and authority that the school board may have. If you read clause 60.2(3), it says:

A board shall use any information in the reports and accounts produced under the reporting and accountability system it develops under subsection (1) in the manner the Minister prescribes.

When you consider, Mr. Chairman, how it is that school boards come to pass: they are elected by their constituents in their

respective jurisdictions. So those school boards have been granted a degree of authority by the election process. It happens once every three years in October. If we leave that section in, then what it says, if we don't delete it, is that really the boards in a sense will have potentially no authority. We've already seen in another piece of legislation that the collection of taxes is now going to be taken over by the provincial government. In this particular section of the Act we have the minister, if you will, holding the hammer in that the Minister of Education will have the ultimate authority and, if we leave this section in, can in fact direct that certain activities will occur and how they shall occur and so on.

3:40

Now, the trustees that make up school boards, Mr. Chairman, get involved because they feel they have something to contribute to the education process. If things go horribly wrong in that education process, if a school board, a board of trustees is wildly out of sync with what the Minister of Education and the Department of Education would like to have, there is in other sections of the School Act the authority of the Minister of Education to in fact appoint a single trustee and remove the school board. So the minister already has that other clause in another section to step in if things really go badly wrong.

What this particular section 60.2(3) proposes is that on a day-by-day basis, on an issue-by-issue basis, on a school-by-school basis, if you will, if the minister so desires, in fact the minister could direct exactly what would happen in that jurisdiction. What that effectively then says, Mr. Chairman, is that the duly elected trustees no longer have the authority to levy and collect taxes, and that applies to both Catholic and non-Catholic systems. They have no authority there. Now if this section is left in, they will have no authority potentially to make day-by-day decisions without the fear that the Minister of Education or someone from the minister's department will be looking over their shoulder. It is important that the minister does have some authority in the event that things go wildly wrong, if a school or a school board or a jurisdiction goes off on a tangent that is clearly out of line with what the department would have, but from that standpoint there is a safety clause. We do not need to see this clause left in that would allow for that day-by-day, hands-on micromanagement.

Mr. Chairman, I would suggest in fact that if the minister were really to think about it and consider what the ramifications of this might mean – we still have 57 school boards in the province of Alberta. We still have 400 trustees in this province. We still have thousands of schools, and I believe there are around 30,000 teachers in this province. If we leave this clause in, the workload of the minister in fact may get to the point where it becomes absolutely untenable for the minister to even fulfill the responsibilities as would be directed under this clause.

If you consider the implications of this entire section and in particular point (3), what it entails is that the minister on a regular basis would have to receive reports, analyze reports, and propose a program of studies, if you will. Potentially he could propose any kind of development process. Individually, then, in a sense the Minister of Education under this clause could become a single-replacement individual for all 400-plus trustees – I know the minister knows the number much more accurately than I do – in the 57 school boards. That's the way I read this section and point (3) in particular, that the Member for Edmonton-Centre proposes to delete.

So from that standpoint, in an attempt to make the minister's life easier and the burden that he carries on his shoulders a little

lighter, I think this might be something that facilitates the process of education in the province of Alberta. Therefore, I support the amendment as put forward by the Member for Edmonton-Centre.

THE CHAIRMAN: The hon. Member for Redwater.

MR. N. TAYLOR: I thought there was a government member . . .

THE CHAIRMAN: Motions were being made.

MR. N. TAYLOR: Before I go right into my talk, I'd like to ask a very quick question of the minister, Mr. Chairman. Mr. Minister, I just wanted to ask a quick question. Mind you, she could distract me too.

MRS. ABDURAHMAN: Stop being so sexist, Nick.

MR. N. TAYLOR: I know it's sexist, but it works the other way too.

What do I do when I want to ask the minister a question?

THE CHAIRMAN: Well, hon. member, we are on an amendment.

MR. N. TAYLOR: Well, I want to know: in this flow through in the way the Act reads, the way the hon. minister wants to do it, would the Auditor General be able to go through and look at local boards' financial reports, or would the Auditor General not? I don't think the Auditor General applies here, but by the change that the minister contemplates, will the Auditor General then have a right to peruse school board financial reports?

MR. JONSON: Mr. Chairman, perhaps I could make my remarks on the other debate that preceded this as well as answer the hon. member's question. I think we have to keep in mind that in other times in this House there is great demand for accountability and for reporting on both sides of the House. In fact, I can recall quite vigorous representations on that matter from across the way.

What we have here, Mr. Chairman, is we need to be able to access the information in order to fulfill our mandate as a provincial government and as the Department of Education. Therefore, as members have acknowledged in their remarks, we do have under way a policy-making and accountability framework activity whereby we have discussed across this province how to approach this overall matter of reporting. So what we envision here will come into place is that there will be certain information required at the provincial level to fulfill our mandate as a provincial government to report through the Auditor General or directly to the public on the performance of the overall education system in this province.

With respect to the reference in the amendment to the format or to the manner – and I think school boards across the province, quite frankly, agree with this, at least in my experience – there should be a standard format. There should be a standard format for providing the bulk of the information that is required of school boards across the province for the use of the Department of Education to fulfill its expectations in terms of being accountable and reporting, as I said, through the Auditor General or directly to the public of this province.

So this is an area, Mr. Chairman, all across government – to some degree I think within certain aspects of the private sector as well – where, as I said, we are looking at a limited number of performance requirements, but of course we also want to make

sure we are thorough with respect to financial accountability. Certainly we don't expect one size to fit all. We expect that school boards and schools, for that matter, will have their own additional types of information that they want to report upon.

Finally, I would just like to mention that we do have certain responsibilities at the provincial level, and the removal of a school board, which was alluded to by the last speaker, Mr. Chairman, is a very, very radical thing to have to do to address perhaps a very serious but nevertheless narrow and very specific problem that there may be with respect to information coming in. I'll just use one example. For instance, if a school within a jurisdiction is consistently below the provincial average by a significant amount in terms of performance on achievement tests or diploma examinations, certainly the government does not wish to get into micromanaging schools and would not deal with anything but a very serious situation. But if that kind of thing persisted, with all the consultation and so forth, there may very well have to be some specific recommendations made to get on with the business of correcting that situation. This is the reason for this particular set of amendments, particularly section 60.2(3).

Mr. Chairman, I think this is important for overall accountability for Alberta Education, for the government, and for local governments; i.e., school boards in this particular case.

3:50

MR. N. TAYLOR: I still didn't get an answer. I gather what the minister is saying is that the Auditor General will be looking at the minister's report, but what I wanted to find out was whether the Auditor General could be called on by anybody, any ratepayer in an area, to come in and look at their own school's report. After all, if the report is filed under the aegis of the authority and filled out according to the minister's department, then I think the Auditor General should have the right. I would like to see that right – I don't think it's in this writing – if a request came from ratepayers, to investigate that particular board's report.

You see, what bothers me here is that – I can see the minister going for standardization, and there's nothing wrong with that. But as a general rule when you go for standardization of anything, whether it's environmental laws or oil and gas laws or leasing or securities, they set out the minimum amount of information you have to put in there, but then the local authority can put in more. To that extent I can see that, if that was a minimum, but this looks as if they're going to try to prepare a procrustean bed, as they say. I don't know how good the minister is at Greek, but you remember that Procrustes was the fellow – when you dropped into the inn in the evening, if you were too tall for the bed, he just chopped you off at the ankles, and if you were a little short fellow, he'd put you on the rack. Not that I'm trying to give the Greeks a bad reputation at all, but the minister would appear to be trying to fit everybody into a procrustean bed here in the county.

What bothers me some in my area, for instance, is that we have Francophone schools and Francophone areas or areas that have a big bilingual program, which is of course different. Some of those moneys come federally. I noticed that when I was cross-examining or trying to cross-examine the minister in Public Accounts the other day, I had an awfully hard time trying find out whether any of the moneys that were given from the federal government ever showed up in the school boards. The dancing would do justice to Nijinsky, using another old name.

The fact of the matter is that I think where the government can do the accounting, they could very cleverly and very easily hide whatever the federal government was putting into the system. I'm talking about Francophone or bilingual education. The federal

government may well decide in the future that certain boards and certain moneys should go in for technological training or science advancement, and that could all be swallowed into the central government and we would get no idea of what went out to the different school boards. So I think this method of accounting could be used to cover many of the government's shortcomings so that the local voters, the local ratepayers, would not be able to determine just what the government had done in the nature of financing education in that constituency.

I just had a problem here the other day. I don't know how many of you people are involved. I have to file reports, because I'm associated with a public company, with the Calgary stock exchange and Toronto and also the Alberta Securities Commission. Now, in each of those cases the filing of the reports and what kind of accounting is used is in order to help the shareholders. It would be quite wrong for me to make the rules and decide what kind of accounting I could apply when I'm filing a report for the public. Yet here we have the government, who is a funder of education, turning around saying what kinds of rules they can make when it comes to reporting and accounting. One of the most ancient accepted principles of accounting practice is that there be an entirely . . . [interjection] Senator Leghorn from Grande Prairie I think wants the floor for a while. Okay, he's moving on. He should be in his seat. Anyhow, what I'm trying to get at is that one of the most accepted principles of accounting is that those who are handling the money shouldn't be doing the accounting. It should be done outside that.

What we have here is money that's brought in under a centralized taxation scheme, which I don't like, but let's say that they're already doing it nevertheless. They're now going to disperse it to local boards, and they're going to tell the local boards what type of accounting shall take place. Well, it seems to me that that flies in the face of one of the most basic principles of democracy, that the accounting and what goes on with the money should be done by a party that's entirely separate from the one that's doing the funding. Even when the school boards collected all of their money locally and elected school trustees, you could go out to an annual meeting of the school board and pin their ears down. What's this mean? What's that mean? Here you're talking about a deputy minister buried in the bowels of Edmonton that you're maybe allowed, if you're lucky, to ask a question of in Public Accounts two years after the money has come in, and the minister turns around and semaphores a signal from some gremlin sitting up in the gallery telling him what to say or what not to say. So that is the only source of information, a very imperfect method indeed. I don't know if there's a gremlin up there or not. I notice him grinning. There probably is. They're giving signals. Oh, it's fairly nice. I wonder after the debate whether the minister would introduce me.

What I'm interested in now is getting at the fact that this amendment they're talking about putting in strips away the last vestige of any sort of lip service to the local autonomy of trustees. There they stand naked before the electorate now purporting to have some authority when they're not even allowed to set out the type of accounting or books and say what they did with the government money: what grants went here, what grants went there in order to try to push that school board here and there. This is what's really behind this more than anything else. It's not the secrecy of spending money; it's the right to be able to grant some different forms of money to push that local board around to make the type of education you want or maybe even discriminate against the type of education you want, and it would be hidden

under the whole idea of having one common accounting system from border to border across the province.

Thank you very much.

THE CHAIRMAN: The hon. Minister of Education.

MR. JONSON: Just very briefly. The hon. member did ask a question which I just wanted to quickly answer. Mr. Chairman, certainly one of the purposes of having a standard budget report format is to satisfy the expectations of the Auditor General. I would also just comment that the member across the way seems to go in something of a circular argument in that he wishes to have information. He's expressed that at Public Accounts. He wants it readily available, and I would assume from that that it should be in one place with respect to whether you look at a school board's budget or you look at the Department of Education's budget. So there's an argument for standardization. On the other hand, he feels that there should be some flexibility and creativity, not in a negative sense, at the local level. I just don't understand that, but the answer's been given.

MR. N. TAYLOR: I had a compliment for the minister, and I forgot to make it. The other day in Public Accounts I tried to eviscerate him and give him all kinds of problems for having four assistants.

MRS. ABDURAHMAN: Nick, on the amendment.

MR. N. TAYLOR: It's on the amendment. He had four assistants, none of which are female. Today I know he has a female gremlin behind him. I am very, very pleased. At least he's learning something.

4:00

THE CHAIRMAN: The hon. Member for Calgary-Currie.

MRS. BURGNER: Thank you, Mr. Chairman. I am moved to speak on the amendment that's before us, on the whole issue of accountability, having been a member of the implementation team that's dealing with this issue. [interjections] Thank you. I think it's appropriate to put on the record that this particular section of the legislation dealing with accountability is drawn from some significant comments that were made in the Auditor General's report. I think that if we're going to be consistent about what we do in government, it has to be recognized that the process we use is not based on just a whim or just an idea that sits and percolates for a while but also on the fact that we do take the critique and the criticisms about our process quite seriously. So I would urge the Member for Redwater to refer to the Auditor General's report on page 47, which deals with a number of the recommendations that we improve our accountability process.

I find it interesting. While we're having a discussion about a concern about process, we have to recognize that it's the students and the taxpayers who need the accountability. It's not so much the boards. The boards know what they're doing. The fact that members of the public don't understand what the boards are doing requires us to improve the process. I think it's important to say that. This is not a suggestion that boards are not appropriately dealing with their information, publishing it or sharing it. It's a question of how do we get a provincial picture of where we are, get into the framework of reporting provincially, and I think you take it in the context of moving to 57 school boards. Because we've done that streamlining, this type of accountability to be

developed across a local level is not so onerous. I agree that if you had still your 180 boards operating in the various ways, some smaller and some larger – but there's a stabilizing that's gone on over the last year which will make these reports more meaningful. Recommendations were referred to the local school level doing their reporting and having them be accountable to their publics on measures that are important to them.

[Mr. Herard in the Chair]

I think one of the key elements that has to be recognized is that if we don't know what's being done and we can't see it on a systemwide basis, we're not going to be able to assess whether or not the resources are in the right place, the emphasis is on the right place, and whether or not our students are able to achieve at the level that we expect them to, and I'm very pleased to see that the legislation addresses that. I find the amendment to be a little bit exclusive in that it seems to be pulling away from the need to report back to the public and to the students. I ask the hon. member to consider the fact that we have changed and given a focus on student enrollment in high school and the way they take their credits and what's expected of them, but I think we have a responsibility to be able to tell them what is being done on their behalf and to have a consistent way to report it.

We also have to look at the fact that students move throughout the province, and they also access postsecondary institutions throughout the province. So there is some continuation of this accountability process that gives students confidence that their board on their behalf is meeting the goals and objectives of the province in education, that such a move can be taken with confidence, and that as they apply to other postsecondary institutions within the province, they're coming from the same set of standards.

That, I think, is at the heart of what accountability is all about. I'm hopeful that the public will recognize that this legislation and this particular section of the legislation is built from the recommendations that come from the Auditor General; secondly, that it is in response to being able to give the students a clear picture that we are addressing their needs appropriately; and thirdly, that because we have done this amalgamation of school boards and put some order to that process, the ability to report annually in an informed way and in a way that – the hon. member was referring to it as a cookie cutter. He had some phrase with respect to the fact that it was all going to be standardized.

I think the issue here is that what is measured should be standard so that we know. If a school board or a school council chooses to add additional elements that focus on their unique features, so be it, but there should be some standards because this is a publicly-funded system and the public taxpayer deserves that kind of accountability.

Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Chairman. Speaking to the amendment that's before us, I believe it is an appropriate amendment. I would suggest that rather than doing exactly what's been suggested by the minister and government members, it could indeed do the exact opposite, inasmuch as it clearly says within Bill 37 "in the manner the Minister prescribes." The amendment is asking for that to be stricken from the Bill. We might have

actually been more on mark if instead of striking it completely we had amended it to read, at the very latter part of it, "in the manner the Auditor General prescribes." I would have had a little bit more faith if it had been the Auditor General put in there.

The reason I'm supporting this amendment at this time is that I can remember well that when it came to the reporting of the provincial hospitals, indeed the Auditor General of the day was governed by the policies of the government of that day. We found it, quite frankly, Mr. Chairman, very frustrating. When you really wanted to have fiscal accountability and a clear understanding of what your financial status was for the hospital, you couldn't achieve that because it was not the policy of the government of the day to show your assets, and it was their format that the external auditors had to use when they came in to audit the hospital.

In essence, this is what Bill 37 is suggesting we do when it comes to Education. I don't believe for one second that's going to serve Albertans well. We've heard it be suggested that this is what the Auditor General wants. Well, if this is what the Auditor General wants, why didn't they put it in this Bill 37?

If we're looking at what was committed by this government to the electorate of Alberta, that it be more open and more accountable in the future, this is one area where Albertans want to make sure that they're getting value for their dollar, when it comes to education expenditures. That was part of the reason that many Albertans indeed supported restructuring of our educational system: to try and ensure that the largest portion of the dollar ended up in the classroom and that no one in a given geographic area or a specific school jurisdiction had an advantage over another. I would suggest that subsection (3) to some extent allows that to happen, because we all know that "in the manner the Minister prescribes" comes out of the department, and if you've got a very powerful bureaucrat, what a way to control. In fact, it's like an excessive Christmas gift being given to the deputy of a department, and in this case Education.

I will certainly support this amendment, but I would suggest that if the government's serious about that accountability they've been talking about for so long and that it's not just token, if you don't like this amendment, then come back with an amendment removing the word "Minister" and replace it with "Auditor General." Mr. Chairman, I have total faith that our Auditor General, Peter Valentine, knows exactly what needs to be prescribed to get the reporting from our educational systems, to get the reporting from our health care systems. Indeed, it's that level of accountability that we should be seeing through the Public Accounts process, not going to a minister with some bureaucrat sitting alongside. Sometimes they can answer some of the questions; other times they can't. In all fairness to them, they do get back in writing. But if we really want to get full accountability for public funds that have been spent in this province, it's got to go much further down the system than that. We've got to have true accountability, and this Bill under that section doesn't allow for that.

Thank you very much.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Centre.

4:10

MR. HENRY: Thank you, Mr. Chairman. I'd just like to close debate on this particular amendment deleting that subsection (3) referred to earlier. I'd just like to comment on a couple of points made by members.

What's become very clear, which I'm glad to see on record, is that the Department of Education and the minister through the

Department of Education intend to tell school boards how they are going to be accountable to their electors, thus, I believe, interfering in the democratic process of individuals who are elected being responsible to their electors, to the electoral process.

In addition to that, Mr. Chairman, I note that it was not the issue of differences in terms of priorities between different divisions and the roles of local electors, which has not been adequately addressed in the discussion on accountability. Very specifically, if you look at the kinds of things – and I would like to refer to the comments from the Member for Calgary-Currie where she talked about there needing to be an accountability procedure so that we could see how the various systems were doing and students having confidence that they could move from one system to another and electorates having confidence that there was some kind of accountability in terms of the decisions being made. What I would like to offer to that member – perhaps you could read it in *Hansard* later – is the fact that what the government has chosen to measure here is purely the measurements from the achievement tests and the diploma examinations, and I grant that there may be some other measurements to come down the road.

One of the things that the government has very clearly done in response to the Auditor General's comment that they were not tracking adequately enough the results and the disposition of the funds for special-needs education for disabled children – the government has simply eliminated two of the categories of funding for disabled children and lumped them into the whole instructional grant. The mild and moderate, two categories lumped into one, has now been lumped into the whole instructional block. When the province gives money to a school jurisdiction, that money will not be tracked anymore. We will not be able to have a reporting mechanism, an accountability mechanism to see if indeed the money is going to those children and if we are getting a result that enhances the quality of education for these children. Mr. Chairman, I think it's – I don't want to use the word "hypocritical" – somewhat bizarre for a government to talk about wanting more accountability when in its own reporting structures, in its own granting structures in order to bypass a criticism from the Auditor General, it simply reduces the level of accountability for particular groups.

The other issue that hasn't been addressed with regard to accountability is the issue of what happens if a local jurisdiction decides over a period of time – and I'm responding to the minister's comments – that that community needs to focus on things that are not of the same priority as the Department of Education decides. So if the Department of Education decides that in grade 3 we're going to test four subjects as have been decided in terms of achievement, and if the minister has suggested that if there's a consistent reporting below provincial averages there may need to be something done there from the provincial level, then I would put it to the minister that what that very clearly says to a community that chooses to say, "We know we're going to be consistently below the provincial average given the previous experience of our students, and really what we want to focus on and where we would like to put staff and volunteer energies and public dollars into is perhaps issues that don't immediately show up in terms of the grade 3 achievement testing," issues such as children coming from different cultures getting along better, issues such as enhancing the well-being of the entire family in that community, issues such as trying to tie that school closer to the whole community – I daresay, Mr. Chairman, from the comments that were made today that a school in the inner city like Sacred Heart in the Catholic system or Alex Taylor

in Edmonton, which I believe would be consistently below the provincial average in regards to the measurable achievement as defined by the government for achievement testing, would be under threat of intervention by the ministry because they very clearly would be accountable to the minister in terms of what they measure, in terms of what they address. I think that's a shame, and I'm glad the record is clear on that.

I don't want to belabour the point, Mr. Chairman, so perhaps I can take my place and we can call the question on the amendment.

[Motion on amendment A2 lost]

THE ACTING CHAIRMAN: Hon. members, I've noticed that there are quite a number of members who are not in their places. I would hope that you're not voting if you're not in your place. Thank you.

The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much. After losing that vote, Mr. Chairman . . . [interjection] I've had an excellent suggestion from the chairman of Public Accounts, but I won't take her up on it today. Continually losing doesn't weaken the resolve here. I'm sure there's a personality term for it. In fact, sometimes it enhances the vigour.

I'd like to again refer to that section 9 that we've just been debating with regard to the School Act amendments. I'm going to offer another amendment, Mr. Chairman, that the government members may find a bit more acceptable. I almost choke on those words. Perhaps I can file that with the Table and discuss it.

AN HON. MEMBER: Oh, great; an amendment.

MR. HENRY: Another amendment. I see excitement on the other side. If I shall be allowed to do a bit of a pitch, Mr. Chairman, while we're waiting for that to be circulated. I always hate to give a Conservative credit, but I do give former Prime Minister Mulroney credit for having enhanced the committee system. When a Bill is introduced in the House of Commons, it's then referred to a committee of the House of Commons, an all-party committee where these kinds of amendments can be dealt with without one side feeling entrenched that they have to vote with the government to get what the government wants. You can get more compromise and I think a better product in the end. Perhaps after the next election we can bring in some more reforms in terms of how we do business here and perhaps be able to more informally deal with Bills before the government caucus gets entrenched and won't accept amendments.

So having done that pitch and having heard rails of encouragement on that, Mr. Chairman, I'd like to specifically address the amendment that is being circulated.

THE ACTING CHAIRMAN: Hon. member, before you do, this amendment has been labeled A3. Thank you.

MR. HENRY: Thank you. A3.

MR. HAVELOCK: Which one is this one on?

MR. HENRY: I'm being asked: what are we doing here? And I'm saying: accountability, hon. member.

MR. HAVELOCK: Because I haven't seen the . . .

MR. HENRY: Because he hasn't seen . . . Mr. Chairman, maybe I'll take my seat until the amendment is circulated. I notice some members haven't received it yet.

THE ACTING CHAIRMAN: I think we're close enough, hon. member. You can proceed.

MR. HENRY: Thank you. I want to for the record note that the member to the right of me . . .

MR. HAVELOCK: The far right.

MR. HENRY: . . . the far right of me – thank you – is now receiving the amendment, and we'll continue.

MR. HAVELOCK: Thank you.

MR. HENRY: My pleasure.

The current section talks about a board disseminating information "produced under the reporting and accountability . . . in the manner the Minister prescribes." Mr. Chairman, I would like to add a phrase that would read:

excepting only information pertaining to students, employees or other matters the board treats as confidential in the ordinary course of its operations, which information shall be delivered only to the Minister and in confidence.

Here is the concern that's been raised, Mr. Chairman. If the minister provides the argument, as he has, that he needs certain kinds of information in order to be able to produce accountability with regard to how he allocates provincial taxpayers' money and property tax payers' dollars, if that is the real argument, I don't think the minister is going to have a problem with this. The concern is that a minister – and again perhaps not the current minister but a minister in the future – may direct that the school board provide certain information for other kinds of purposes to other bodies.

4:20

So what happens when the Minister of Family and Social Services is finished decentralizing and creating his delegated administrative or regulatory authorities to govern child welfare and that authority in Edmonton comes to the Edmonton public school board or that authority in Slave Lake comes to the Slave Lake Catholic school board and says, "We want to see Johnny's school records"? This has to do with: we want to see how good a parent Johnny's parent is. Or what happens if social assistance, which could be decentralized, from the department or from the region comes and says, "We want to see if Johnny's attending school"? Because they, based on that, will determine if Johnny's parents should get social assistance. Then what happens if the department of economic development comes and says, "We want to see the attendance records of your school because we want to see if a particular economic activity has a negative impact; we want to know if we're hauling students out of school or not"? Or "We want to know how many of your students are going part-time so that we can encourage certain kinds of businesses that use cheap labour to come into your neighbourhood or your part of the world." The examples given are examples that have been given to me after this Bill was introduced.

Very clearly what this amendment will do is allow the minister to get access to any information that the minister requires to become more accountable or to provide reports that he's required or feels he needs to report to his caucus, his cabinet, or the public

or the taxpayer. But what it does do is not allow the minister to direct that that information be made available to other governments, to other government agencies.

Mr. Chairman, what would happen if the minister said, "We have a native band who is administering child welfare or administering social assistance for us," as is happening under self-government, "and we want that school to release the school records to that band"? Well, perhaps that's an invasion of privacy. I think this would clear it up very clearly, but the minister will be able to get any information he needs to have and will be able to use that information in confidence, certainly in terms of the individual matters pertaining to students and employees or other matters the board may have as confidential, but wouldn't allow the minister the power as is given in the government's amending Act, the power to dictate who the board should give that kind of information to.

Perhaps having made that point, I will take my place and wait for a comment from the minister or others.

MR. JONSON: Well, Mr. Chairman, just very briefly. Certainly individual student records are confidential. Currently under the student records regulation they would remain so on into the future. That is recognized as being a matter that is kept confidential, and therefore no need for the amendment.

THE ACTING CHAIRMAN: The hon. Member for Redwater.

MR. N. TAYLOR: Yes. I was holding the fort down for a minute here. Here again you're getting George Orwell's *1984*. We're exchanging that for Ralph Klein's 2004. I'm not referring to *Animal Farm* either. It's the idea that you have Big Brother looking in.

I think the amendment sets it out very clearly. "A board shall disseminate any information in the reports," but then the amendment says,

excepting only information pertaining to students, employees or other matters the board treats as confidential in the ordinary course of its operations, which information shall be delivered only to the Minister and in confidence.

Well, I can think of all sorts of things, especially with the homophobia that rails through the government ranks now. They may be wanting to have reports brought in as to just what the orientation is of the classes and so on and so forth. I think this is snooping far beyond the legitimate duties of the Department of Education, which is to disseminate education, not to pick up information in a quasi-police state. Once it comes out of the school boards – in other words, once the minister gets ahold of that information, there doesn't seem to be any manner or any system by which there's a control on it. It says it goes to "the Minister in the manner the Minister prescribes."

Well, mind you, I subscribe on the satellite dish to what they call a history channel. I don't know if any of the members have seen it, but they've been preoccupied with the build up to and the coming to power of Nazi Germany. Rather amazingly, one of the first things they enacted was that local government couldn't keep secrets, that they had to send in whatever reports or anything they had to what they called the Reichstag in those days, and it was to try to weed out the rows that were slowing down the progress of the state. That was long before Aryan purity came in; it was the progress of the state. What worries me now is the way this government talks about the bottom line and the will of the majority. In other words, the minority is there slowing up things, is slowing up the progress of the state.

You have to be concerned, because governments aren't elected to enact the will of the majorities in a lot of areas because majorities have a tendency sometimes to throw their weight around. Governments are elected – as much as anything else they may reflect the will of the majority, but they're there to protect the minority. The majority in general doesn't need protection, but we've moved from that stage here, and now we've got a Department of Education that has not only taken over the taxing of money and the using of money but also has taken over where the money can be used and what kind of a report the school board must file. The report isn't always financial but now moves into the area of information they might have in accountability under subsection (1). Under subsection (1) of the original that governed information of students, employees, and other matters, and I see no reason whatsoever for that clause to be in there. Now that it's in there, I think the easy way to amend it is to except items that could be expected to be sent in.

Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes. Thank you, Mr. Chairman. Speaking in favour of the amendment, I see once again where the government is asking for information in an area that is questionable, and like the previous amendment we were dealing with, they were asking for information in the wrong way and not getting the type of accountability that Albertans are looking for. Albertans want to feel a level of security that their personal information is treated confidentially, whether it be their children's through the school system, whether it be their health care, whether it be their financial status. They want to feel confident that government does not have undue privilege through legislation to access that kind of information and for some reason use it in an inappropriate way. What Albertans are looking for is where their tax dollars are fully accountable back to them.

So, Mr. Chairman, I would say that without this amendment you're not getting the type of confidentiality that Albertans are looking for, that indeed the way the legislation is reading, it could be deemed to be very permissive. The permissive legislation should be dealing with fiscal accountability on how the public dollar is being expended, yet we're not seeing that.

So I see a double-speak government. They want to know everything that Albertans are up to, but they don't want to give the same level of accountability back on how they're expending the dollars they collect from them, Mr. Chairman. I would say to Albertans: "Waken up." – I've said that more than once in this Legislature this session – "Your rights are being eroded through legislation like this." People might laugh or think: what's she talking about? But the reality is that when you give ministers of the Crown the kind of authority that we're seeing in the legislation that's coming before this House and also the power of regulations in practically every piece of legislation that's coming before us, the democratic right has been removed from this Chamber out there, outside the privilege of the Legislature, to a select group of people through regulations.

4:30

This amendment attempts to slow down the ability of a government to abuse privileged information. When people don't vote for amendments like this, in essence what they're saying is: "It's all right, big government. You can get as much information on my child at school or you can get as much information on someone

within our health care system." So I say to the government members: I wish that you would scrutinize your legislation a little bit more closely, and please stop giving away the democratic rights of Albertans to have their information treated in a confidential way, because with this kind of legislation, it's open to abuse.

Thank you, Mr. Chairman.

[Motion on amendment A3 lost]

THE ACTING CHAIRMAN: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Chairman. Well, let's proceed on down the Act a little further along . . .

MR. N. TAYLOR: Memory lane.

MR. BRUSEKER: Memory lane, yes. It will be soon, I guess.

I want to look at another section of the Bill to which I'd like to move an amendment. If we look at section 10 of Bill 37, section 10 deals with the issue of notice of termination following conviction of an indictable offence. The Alberta Teachers' Association in particular has had a look at this section and expresses some concerns. Section 90 shows what is currently involved there.

Section 90, which is the section referred to, Mr. Chairman, talks about how the issue of termination of a contract of employment cannot occur

- (a) in the 30 days proceeding, or
- (b) during

a vacation period of 14 or more days' duration.

Now, the amendment that we have before us in section 10 of Bill 37 deals with a situation wherein a case occurred where a teacher was convicted of an indictable offence, was sent to jail, and the school board in question had to pay the teacher 30 days' wages while the teacher was in fact incarcerated in jail, rather a peculiar situation.

What this amendment proposes to do in Bill 37 – it says that notwithstanding all of that previous . . .

THE ACTING CHAIRMAN: Hon. member, we seem to be having difficulty finding an authorized amendment with a signature on it. Do you perhaps have that?

MR. BRUSEKER: It was just collected by the pages. There is a signature by Parliamentary Counsel down at the bottom. It is under the name of the Member for Edmonton-Centre, so we'll just change that to my own name. I will sign one here as so doing, Mr. Chairman, so that it can be distributed to all members. Sorry about that little glitch there.

THE ACTING CHAIRMAN: Thank you.

MR. BRUSEKER: The concern that has been expressed, I guess, is that if section 10 is passed as it is shown in Bill 37, then conceivably for any possible indictable offence – there are those that are indeed quite major, and there are indictable offences which are less serious, shall we say – the board in question, if they have a teacher or a principal convicted of any indictable offence, could terminate that person's contract. The Alberta Teacher's Association has expressed some concern about that, that in fact what could result if you had a particularly vexatious school board or a particularly vexatious trustee on that board is that a teacher would be terminated for conviction of an indictable

offence even if it were a relatively minor offence and even if it were an offence that perhaps did not relate to the task of teaching.

Therefore, the amendment that I would like to propose and I believe is being distributed, Mr. Chairman, proposes to add in to that particular section after the word "offence" – and this would be in section 10(2) – "in respect of which the teacher or principal is and remains incarcerated for the duration of such vacation period." In other words, what it would refer to is that once an individual is convicted and in fact a sentence of incarceration in a penal institution is imposed upon that individual, then the board could go ahead and terminate the contract of that individual. The result would be very clear, then, that in the case of a serious offence where the courts have said, yes, this is a contentious issue, this is a major problem and an affront to the education system, an affront to warrant a period of incarceration that would last presumably through that 30 days or a period less than the 30 days prior to the vacation period plus all of the vacation period – in other words, if an individual gets handed a sentence of incarceration of two years for some indictable offence – then indeed the board can say: "All right. Obviously this individual is not going to be back because he or she will be in jail. Therefore, we're going to send a notice of termination of contract."

This is, I think, a reasonable amendment that has been, as I understand it, sent to the Minister of Education previously by the Alberta Teachers' Association. What it simply does is tighten it up a little bit to ensure that in the case of an obviously serious offence, one that requires incarceration, then the board would clearly be able to terminate that individual very simply and very easily.

Now, just to take the other side of the coin for just a moment, Mr. Chairman, if I could. If in fact this is passed, would it prevent a school board from firing someone if they did not get a sentence that involved a period of incarceration? The answer clearly is no, it would not prevent a board from doing so, but you might find the situation where in fact a board might yet have to pay a 30-day salary before such an individual could be terminated. If for a variety of reasons a board has looked at the issue of teacher competence, of fulfilling of duties, responsibilities, and so forth, it doesn't prevent in any way, as boards have had in the past, the ability of a board if they decide and document and pursue the termination of an individual – it does not prevent that from happening. So it's sort of a clear cutoff: did an incarceration occur, or was a sentence including incarceration one that was handed down or not? It's a very, very clear mechanism, if you will, to help boards in deciding how to deal with those individuals.

On that, Mr. Chairman, I'll end my comments and look for debate from other members.

THE ACTING CHAIRMAN: That amendment as amended by Mr. Bruseker is now A4.

4:40

MR. HENRY: Mr. Chairman, speaking to amendment A4. I would hope that all hon. members on both sides of the House would see this amendment for what it is, and that is to make a better piece of legislation. What we have here is a situation that I think both sides of the House agree needs to be fixed, as described by the hon. Member for Calgary-North West, that being the absurd situation of a school board because of the legislation having to pay salary to an employee who is actually in jail as a result of conviction of an indictable offence. We know that happened in the Red Deer area last year.

What we have here, in terms of the government amendment, is an amendment that could actually go much broader than that and give future school boards down the road the right to terminate somebody without notice whether or not that indictable offence was relative to the individual's teaching or not and regardless of what the circumstances were. What would happen if there was somebody convicted of an indictable offence, there were very extenuating circumstances, and the court decided to give the individual a suspended sentence or to place the individual on probation? Well, if this amendment that the government's proposing goes through unamended by the amendment from the Member for Calgary-North West, a school board could then inflict its own judgment on that individual and be able to terminate without notice, as dictated by this particular section.

What we're trying to do here is make it clearer and crisper with regard to the intent of the government amendment, which we agree with and I think all reasonable people in this province would agree with. So I would urge all hon. members to put aside their partisan differences in this particular vote and focus on what it is we're trying to achieve. I would challenge each member of this Legislature who's thinking about not voting for the amendment from the Member for Calgary-North West to specifically get up and show us how this particular amendment is contrary to the intent of the original amendment proposed by the government.

Thank you very much, Mr. Chairman.

[Motion on amendment A4 lost]

MR. HENRY: Mr. Chairman, I'm trying not to take it personally, but I am disappointed that that amendment did not pass. I want it to be very clear on the record that what has happened here is that we've seen the division on partisan lines and we've seen the government, including the minister, vote no on an amendment that would clarify and make crystal clear for future boards what the intent of the government amendment is. While I don't want to reflect on a decision of the House . . .

MR. COLLINGWOOD: They said that Bill 19 was clear.

MR. HENRY: Exactly. A member says that the government said Bill 19 was clear, and here we are back amending Bill 19 and the School Act to fix up all of the mistakes that happened last time.

It is regrettable that what we're ending up with here is a vote purely on partisan lines, not on what's right and what's wrong and what's best for the legislation and for the people of Alberta. I regret that the minister or the government did not see fit – and I also want to point out that I am aware that the members of the government did have some concerns expressed to them about this particular section prior to today's debate, but the government has chosen not to bring in its own amendment. We know the government is not leery about bringing in amendments to its own piece of legislation.

I would like to refer to another section of the amending Act, and that is section 11. Section 11 repeals a particular section of the Act and allows the minister on any conditions, "on any conditions that the Minister prescribes," to permit or require a board to use money that – I'm paraphrasing – has been essentially collected for a capital purpose for something other than what the money was originally collected for. I think this is a dangerous precedent. What this arises out of is that a board may decide to collect certain reserves for a particular purpose, whether that be for building a particular building, whether that be for an enhance-

ment in terms of technological advances, or whether that be for a particular project that the board who was elected by the local voters deems appropriate. As a result of this particular amendment, you're going to see boards simply stop having reserves, because they can go to the ratepayers and say, "We want to have a reserve for a particular purpose," and at any time in the future the minister can, without any reference to the local ratepayer or the local voter, direct that that money be spent in a different way. I find that regrettable, Mr. Chairman.

What would happen if a separate school board, under the special levy, went to its ratepayers under the current system and said, "We'd like to collect some additional revenue," – which they are allowed to do, up to 3 percent of the total budget – "because we want to be able, in 10 years from now, to have enough money in the bank to perform a particular project," or carry out a particular project, whether that be build a particular building or build a particular infrastructure? That could be a network infrastructure of computers between different schools in the system. They went to their ratepayers and collected that money and asked for permission first through a plebiscite. The ratepayers said, "Yes, that is good planning of our board. We want you to collect that money and put it in the bank." They get down to the 10th year of the project, and the board says: "Okay; we're now ready. We've got the cash. We're going to invest this money in our school system." Under this particular section the minister will have the power to come in and say: "Oh, no. It doesn't matter what you collected it for. It doesn't matter who approved the collection. You're not going to be able to spend it the way you want to spend it. We want you instead to use it and dump it into your instructional block, and we'll just cut back our grants accordingly."

So what this does is make a farce of the special levy, number one, for boards who opt out of the central fund. Number two, what it does is, consistent with a trend by the current government and by the current minister, centralize control and decision-making in the Department of Education and in the Minister of Education.

MR. CHADI: They could transfer it to another board if the minister wanted.

MR. HENRY: One of my colleagues is suggesting the minister could direct individual boards who collect money through the special levy or through surpluses they've been able to save to give that money to another board. The minister has already said in response to my questions at second reading . . .

THE ACTING CHAIRMAN: Hon. member, I'm looking for an amendment. Are you speaking to an amendment?

MR. HENRY: Mr. Chairman, unless I'm mistaken, I understand at committee we can speak to the Bill itself.

THE ACTING CHAIRMAN: Yes.

MR. HENRY: I am speaking to the Bill, specifically on section 7.

THE ACTING CHAIRMAN: Thank you.

MR. HENRY: And I'm leading up to an amendment, if I can. I wouldn't want members to be disappointed that there wasn't an amendment coming.

AN HON. MEMBER: Section 7?

MR. HENRY: Thank you. I'm sorry. I'm referring to section 11. Thank you. Just to confuse people.

MR. N. TAYLOR: I can tell you're an old crapshooter. Seven come 11; it's okay.

MR. HENRY: The Member for Redwater is referring to me as an old crapshooter. I have to say no, but I'm related to some. [interjections]

Mr. Chairman, I wonder if you could bring order to the opposition front bench for me, and we could get on with this.

THE ACTING CHAIRMAN: Yes. Order please. Order.

MR. HENRY: I'm now tabling an amendment, Mr. Chairman. The amendment's being circulated. What that amendment would do is eliminate subsection (b). The effect of this amendment is that if the school board were to have a surplus from its instructional grant or from other purposes and that was put aside for a particular purpose, the minister could direct that that money be spent elsewhere. There can be an argument to be made because the minister is now saying that he's fully funding education. After he has grabbed \$1.3 million away from school boards, he's now going to be the big benefactor and give them back their own money. What we have here is very clearly a situation where the minister can override local decision-making. I had started to say earlier that the minister indicated that he wanted to have the power to be able to direct that when a school is no longer used, it be transferred to a new school jurisdiction. I have this image of a school being picked up and moved, but I'm sure that he meant from perhaps a public to a separate system or vice versa.

Mr. Chairman, what we have here is that under a special school levy, perhaps, if the minister wanted to, he could fly in the face of democracy and allow local ratepayers to buy into a system whereby a reserve might be built up over a number of years at their request or at their sanction through a plebiscite and then the minister simply can overrule that.

With those comments, perhaps I can take my place.

4:50

THE ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Chairman. I rise to speak in favour of this amendment. Indeed, I was very troubled when I read that section 3(b) "may require a board." I can remember well many years ago, particularly in the community health area, where there were reserves that had come from municipalities and health units across this province, and at that time the government of the day made an attempt to take those reserves from those health units. I'm pleased to say that the minister of the day in his wisdom put in place something that I felt was commendable. That was Neil Webber, and it was after lobbying him for some time.

The case was that if indeed moneys had originated from the communities, either that money should go back to the communities or it should be utilized within that health unit area. He even went beyond that. He was very proactive inasmuch as he said that if you had surplus funds at the end of a budget year, he did not condone people going out and expending just for the sake of spending them or being required to return them to the provincial government because they've been good managers. So what in

essence we negotiated was that a percentage of those funds would remain in the health unit reserve fund and a certain portion then would indeed go back to the provincial government. He was a man of wisdom and a man of foresight. I find this quite disturbing here in 1995 that we could have a minister requiring educational boards to expend their moneys in a certain way or return those funds. I would say that that is a threat to democracy. I believe that when people go out and raise funds in good faith for a given project, indeed that project should be honoured and the minister should not have the ability to interfere with that.

In fact, Mr. Chairman, I can think right now in the health care system where I'm very troubled, inasmuch as foundations were created because this government over the past years has been encouraging the evolution of foundations wherever a publicly funded body is. They followed that mandate or incentive this government was putting forward that if you want that special extra level of quality of care or an increased programming in education, you would indeed have to raise funds. [interjection] Now here we are in Bill 37, where, as my colleague from Edmonton-Centre stated, the specific funds being raised for a given project could run the risk of that not happening.

Now, Mr. Chairman, I know you were getting concerned because I mentioned health, but I think when you're speaking to an amendment, it's appropriate to use examples. I'll use an example here where out at Alberta Hospital Edmonton, Albertans donated significant dollars for a patient drop-in centre. Now with the restructuring in health care, where are these funds going? Is this government going to have the ability to designate where these funds are going? This is my concern, because here in Bill 37 I would say that in Education that's exactly what this section's doing. So are we going to see this throughout the health care field as well? I believe that when you go out to raise funds, whether it be for a computer or for a drop-in centre in a hospital, when a person donates a dollar towards that project, that's where that money should be spent or returned to the donor. Now within this, without this amendment we're allowing the Minister of Education to have that ability. We're allowing a government to use funds that may have not been donated or raised for the very purpose that Bill 37 may allow it to be expended.

So I would say that this is not good faith. I would say it's not fair to Albertans that this could happen. I would use the example of the former minister of community health, Neil Webber, a man of wisdom who saw reserves and the ability to manage your budget well – not to penalize you; to allow the local people to decide how that money should be expended. After all, we keep hearing from this government that people at the local level know what's best, but their legislation sure doesn't reflect that. It reflects the exact opposite.

Mr. Chairman, I would say it's very important that this amendment be carried at this point in time, because once again we have an example of: do as we say, not as we do.

Thank you, Mr. Chairman.

SOME HON. MEMBERS: Question.

THE ACTING CHAIRMAN: The question has been called. We're voting on an amendment to Bill 37 . . .

MR. N. TAYLOR: Mr. Chairman, I was waiting for someone else that I thought would leap into the fray. I was just wondering whether the caucus over there has gone through these amendments. Maybe they have. Usually they're more alert than this.

This one, the amendment that the Minister of Education has asked for, says very clearly:

The Minister, on any conditions that the Minister prescribes,

(a) may permit a board.

That's one clause. The second one:

(b) may require a board.

Well, on one hand, you're saying that I will give you permission, but I also want the right to pull out my old six-gun and tell you what you're going to do. I don't understand how that got by the caucus, because "may permit a board" still gives the minister the right to stop any funds that are being held in the Treasury from being spent without the minister's permission. In other words, it's a negative type of thing. If you want to stay out until after midnight or whatever it is, you need the minister's permission. If all he had in there was (a) "may permit a board," I can understand that being logical. Even then I think I would argue, because to me it would give the Minister or the Deputy Minister of the Department of Education in Edmonton a veto right. That's what you already have in (a).

But as if a veto isn't enough, Mr. Chairman, "may permit a board", they move on to (b), which says "may require a board." We're asking now about the government's amendment. As I say, to require a board means – and this is why I don't understand a caucus that was interested in the right of free expression, the right of local government or local people being able to exert their will. This is a case where heavy-handed Edmonton can come into downtown Hanna or Lethbridge or, perish the thought, even Calgary and say: "Sorry. Those funds that you've been setting aside, whether it be for construction or whether it's for scholarships or fellowships or whatever it is – no, I am going to spend it for you." Well, logically you can see what's going to happen: there will no trust fund set aside. Nobody is going to try to set up a sort of fund that in effect the minister under any whim – and this minister may be the most honourable of characters, may be a paragon of virtue, may be the epitome of a listening voice with a heart softer than any bureaucrat ever had. Still, the point is that he may get run over by a truck tomorrow, and the opposite of all those virtues could be sitting in there.

They said, "may require a board." I can't understand what the caucus was thinking of. I think they looked at the first part that said, "may permit a board". That's fine. But "may require a board"? Why would you want to give a bureaucrat and a minister in Edmonton the right to order a board to dismantle or do away with a fund that they have built up through the years?

Now, the second part of that of course is that when this becomes known – and this happens more in rural. I would appeal to those members on the other side that represent rural constituencies. Now and again there is a rural person that passes on to their reward that thinks one of the things they can do maybe because their children went to the school or their grandchildren is set up a fund that the school board can administer. They know full well that school trustees will change, but they still feel that as long as it's done locally, it's probably one of the ways of handling a bequest.

5:00

Of course, in this day and age it's always hard to get and it's very expensive to set up trustees to look after a bequest. Well, you've got a built-in set of trustees when you have a school board. Years ago I was on a school board, and I can't remember how many funds we had to administer – this was the Calgary separate – but it must have been up there somewhere around 60 to 70 that we administered.

MR. HENRY: What century was that?

MR. N. TAYLOR: There's always trouble enough, Mr. Chairman, handling the opponents on the other side of the floor, but when I'm attacked from my unprotected rear, ample as it is, it does get difficult. Anyhow, the member wanted to know which century. I'm not going to tell him, but I can assure him, of course, that I'm going to be around a long time in the next century. If any of the opposition feels that there's any chance of sitting back, I just want to let them know that a senator was recently re-elected in the U.S. at 92, and I intend to beat that record.

To go on, we have here the right to require a board. I think that strikes at the very heart of our schools' control locally and particularly our rural schools, and I can't understand how a group of rural MLAs would let something like this go through. I can see them even raising their hackles, and you can see them just sort of rubbing the sleep out of their eyes in that early morning caucus meeting when they say that the minister may permit a board. That means that the minister has to sort of approve. But when it says that the minister can direct a board, where were they? Where were they? Where were you, Member for Calgary-North Hill, when they said that the minister has the right to direct a board what to do with any funds they have set aside in a trust? Where were you, Member for Calgary-North Hill, when they did that? I think it's just absolutely amazing.

I don't think any member of a modern-day government has asked for this type of authority before, to reach in and take funds that have been collected by a local government, put aside in a fund, to literally confiscate it. In other words, they can say where it's going to go. That's confiscation without representation, if I've ever heard of it. Here we elect a bunch of school trustees to administer funds, and we have the minister that can reach in and grab funds that have been set aside for some purposes, maybe for as long as eight or 10 years, and use them for whatever they feel like.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. I, too, have looked at the amendments and the Bill and have looked at what the original Bill indicated because I was curious to know what subsections 1 and 2 were. When you look at what it says in 130(1), what we're talking about is that the "money of a board that is acquired for capital expenditures" or the "money of a board that is received . . . under a grant" or the "money of a board that is accumulated by way of a reserve fund for capital expenditures" are the exact areas where the minister may require that a board use those dollars for other purposes.

Now, I know that we had substantial discussion on Bill 19, and then we had the amendments to Bill 19. Now we have the amendments to the amendments to Bill 19. I just sit in awe and have a question in terms of: how much more power does the minister need to gather under his belt? How much more power does the Minister of Education really require? When you look at the particular amendment to the amendments to the Bill that have been brought forward, what it basically says is that the minister may require the board. Now, isn't it bad enough that the minister has taken away a lot of powers of the board, that the minister has taken taxation and put that under his belt, that what we're setting up are, in effect, puppet boards across the province?

Now, the minister may wake up one morning and decide, "Well, I've decided that that million dollars that was put aside in a trust fund can now be redirected and put towards something else that I think is important." The next morning he may wake up and say, "Oh, well, I think that in such and such a school board the \$500,000 that was going to be used to build an expansion or to be used for some kind of capital project can be used for something else, something totally different." The board has no recourse. The board must bow to the minister for the minister is all powerful and say, "That's exactly what we'll have to do."

You know, I just sit back and think: why? What would be the purpose of putting in this particular amendment? Does the minister not have enough power already? The reason is to ensure that the minister does remain all powerful, that the minister maintains all the power that he would ever want within his little department, which is gradually becoming much bigger day by day. Then why have elected boards? Why bother having trustees who don't have control over the dollars? How much more basic can it become?

If you take that principle to elected representatives in this Legislative Assembly, if we do not have the power to look at budgets to determine where moneys go, then there's no reason for elected representatives. So by doing this, Mr. Minister, what you are doing is undermining the democratic rights of individuals who have been elected by the electors to make certain decisions as a school board. You have completely taken away the power of a school board to say: in all certainty we can plan for the future; we can take dollars, money that's been given to us under a grant, money that we've "accumulated by way of a reserve fund for capital expenditures" – I'm quoting directly out of the Act – and say: sure, in 20 years we would like to use those dollars for this purpose.

As I said, Mr. Minister, you can wake up one morning and say: "It's a bad-hair day. I'm going to say that this money should be determined for something else." We've had examples where for no reason whatsoever a minister has woke up and decided, "Let's get rid of Liquor Control Board stores; let's get rid of the ALCB." To this date we're still wondering what caused the bad-hair day for the now minister of transportation to do that particular act?

MR. CHADI: Did you say that the minister of agriculture had a bad-hair day?

MS LEIBOVICI: No, transportation at this point in time.

There's no rationale in here. If at least this particular section were to say that the minister were to provide some kind of reason for this, that there was to be some kind of rationale, that the minister was to come back to the Legislative Assembly and put this forward, that the minister would go to the committee on rules and regulations and perhaps ask them to look at it – there is absolutely no check to the minister's power in this particular provision. As the hon. Member for Redwater pointed out, when this particular provision is invoked, it will be the members who voted for this provision that will have to answer to their electorate and will have to answer to their school boards for the stripping of their power.

I urge all members to look at what this says, to take the time, as I did, to actually look at the Bill, actually look at the amendment that we put forward, actually look at the Act and what it says, and make your decision based on your having to answer to your electorate, to the school trustees and the school boards in your area when the minister has a bad-hair day and says: "That

grant money, those moneys that you've been saving for 10 years, 15 years, five years, cannot be used for this particular purpose."

5:10

Now, if that is not what the intent of this is, perhaps the minister – and I've noticed him do that – can get up and say that I am reading this wrong, that the Member for Redwater has read this wrong, that the Member for Edmonton-Centre has read this wrong, and that is why there is no reason for the amendment to strike that provision of the minister requiring the board to use moneys for whatever purpose. I would appreciate that response from the minister.

If in fact it is the case that we are not misreading what the intent of this is, I think the minister has to answer to himself and to everyone else here: why is this required? What are the unforeseen circumstances that the minister would have to pull the dollars in such a manner? No reason, no rationale, nothing except, "I want to," and that is not good enough when you are dealing with an elected board, when you are dealing with dollars that have been collected from the taxpayer. It's not good enough to say, "Because I want to." There has to be a reason, and this particular section does not provide for there to be any reason.

Thank you.

[Mr. Tannas in the Chair]

MR. JONSON: Mr. Chairman, just to quickly clarify three points. There was reference in the debate to the plebiscite provision located elsewhere in the Act. I think it is quite clear in that particular section, which is 181.2(3), that the money raised in a plebiscite has to be and will be spent as the board describes the plebiscite and provides the information on the plebiscite. If it's approved, it's spent for that purpose and that purpose only.

Secondly, there was also some allusion in the debate, Mr. Chairman, to the effect that this amendment would allow the minister to transfer money from one school board to another, and that is certainly not the case. I think that's a complete misreading of the clause, for that matter, let alone the amendment.

The other thing that I'd just like to add as a third point, Mr. Chairman, is that the intent of the amendment, as I believe I conveyed to one member across the way quite some time ago, is that with the province taking full responsibility for capital funding, it is only reasonable that the contribution of the province be combined with local capital reserves to advance capital projects. Otherwise, it would be much more difficult to stretch capital dollars across this province to get the maximum input. I'd like to just emphasize that the money is going to be spent in that jurisdiction. It's not going anywhere else.

THE CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes. Speaking to the amendment and listening to the minister's response, I still have great difficulty inasmuch as the minister is saying, "Well, you know, if the government is putting in the capital dollars, it's only fair." I think what we're forgetting, Mr. Chairman, through to the minister, is that it doesn't matter whether it's government or whether it's local, it's all Albertans' money. It's local money. It's not the government's money.

When you're suggesting that you in essence have to come to the government to expend those moneys that have been raised, it's not democratic. It's not right. You know, Mr. Chairman, when

governments start believing that something belongs to them, we're in trouble. We're the servant of the people. Every dollar that we expend is the people's money, and the sooner we start to remember that, the better for Albertans.

Thank you, Mr. Chairman.

MS LEIBOVICI: Following up the minister's remarks, I find them even more surprising in that the minister indicated that the dollars are going to be spent in the area anyway, so what's the big fuss about? Well, the big fuss about it is that if I've requested that dollars in a trust fund be utilized for a certain purpose, that has been my request. I have not requested that the government then step in and use those dollars differently. If a school board in its wisdom has made a decision to put dollars aside for a capital expenditure that they determine to be correct, then that is their decision. It is not the government's decision, because they are the ones that are accountable. They are the ones that have been elected by the individuals within that school board area to make those decisions, not the government.

It makes no sense at all for the minister to stand up and play Big Brother, especially a minister from this government that says that we need smaller government, that we need less government, that we need more decision-making and accountability at the local level, for the minister to have the gall to stand up and say that it doesn't matter, that we can use those dollars and we can make those decisions, because it's just going to be made in that particular school board. It is not consistent with the philosophy that I have seen come forward from the front benches. It is not consistent with the philosophy that the Premier has espoused, and it definitely is not consistent with the philosophy of allowing the local levels to make decisions.

I have listened in this Legislative Assembly to the give-and-take. I have listened to the responses that this Minister of Education has made on a number of issues, and I have at least understood the rationale behind the responses that the minister has made. But in this particular instance, there is no rationale. I cannot find the rationale in the philosophy of the government. I cannot find the rationale in policy-making. I cannot find the rationale in terms of a sound decision basis. I really urge the minister to look at this particular section when we continue in Committee of the Whole on this Bill.

Though this particular amendment may not make it through the Assembly, I urge the minister to go back to discuss it with his department, to discuss it with his caucus and come up with something that's suitable, even if it is the exact same wording as that proposed by the Member for Edmonton-Centre and all that is changed is that it's the Minister of Education moving it. I'm sure the members on this side would say: that's fine; we don't care where the amendment comes from. On this particular issue this is an area within the Bill that strips the power of the local decision-makers.

Thank you.

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

MR. HENRY: Thank you very much, Mr. Chairman. In response to the minister's response to some of the comments on this side, I have a very simple question. If the government's amendments go through as proposed, what would stop a Minister of Education from directing a school board that had a particular capital reserve to take that money that's in reserve for a particular purpose, use it for a different purpose, to refurbish a school that

is not being used, and then, given that the minister under this Act would have the power, to direct that school board to dispose of that school to another jurisdiction at no cost? I ask the minister to respond to that question. [interjections]

Perhaps, then, I can restate the question clearer. If the government Bill goes through unamended with regard to this particular amendment, what would stop a situation from happening whereby a school board had a particular reserve for a particular purpose and they also had a school that was not being used – what would stop a minister from coming in and directing that that reserve be taken out from the purpose it was originally designed for, direct that it be spent to refurbish that school, and then have the minister under this particular Act direct that school division to dispose of that school to another jurisdiction at no cost, therefore essentially taking that reserve and using it for the purposes of another school jurisdiction? Could the minister respond to that question?

5:20

MR. JONSON: I'll answer the question, but first of all I would like to preface my remark by saying this, Mr. Chairman. That is that the hon. member is placing a hypothetical question. What I would say in terms of that type of example is that in the transfer of that school and whatever other value had been added to it, the intention would be that the school jurisdiction that would be having the school moved over for its use would be compensated for that local contribution.

THE CHAIRMAN: Okay.
Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Chairman. Then I understand the intent, but I go back to what I said earlier, which is that it's our responsibility here to draft legislation that won't be misinterpreted. I mean, government members don't like the courts intervening and interpreting legislation that's been written poorly, and that's what I'm trying to avoid in this situation. So I'm going to ask about another hypothetical but possible situation. Under this legislation if, again, a school board had a particular reserve for a particular purpose, what would stop the minister from moving in, directing that school board to spend that reserve for refurbishing a school that wasn't being used, and then having the minister turn around and direct that school to dispose of that school to a private school operator, a commercial operator, at under fair market value? Is there anything in the legislation that would prohibit a future minister from doing that?

MR. JONSON: Well, Mr. Chairman, we do not provide capital support for private schools in the province in any form that I know of at the present time, so I don't see how it could be applied.

MR. HENRY: Well, I could provide more hypothetical situations. Rather than directing the school board to dispose of an unused school that has been refurbished to a private school, it could be to a commercial adult learning centre; it could be to any sort of commercial operation. I recognize that the province doesn't directly provide capital funds to private schools now, but very clearly, Mr. Chairman, what the minister is saying in his response is that the hypothetical situations that I posed are possible and could happen, and what we're going to end up with is the courts determining this in the end in terms of what would be allowed and not be allowed.

With that, I'll call for the question.

[Motion on amendment A5 lost]

MR. HENRY: I'm being urged, instead of pursuing another amendment, to move that we call it 5:30.

THE CHAIRMAN: I would be delighted to accept that. Unfortunately, in committee we're not allowed to do that. However, we can recess until 8 tonight. [interjections] Sorry. I didn't hear that.

MR. HENRY: Perhaps, then, if the rules dictate that the Assembly does but the committee does not have the power, I could just introduce another amendment, and we could discuss it when we come back later tonight, and that will get it distributed.

Then, Mr. Chairman, because the amendment I proposed was defeated, we have a situation now where I believe we have contradicting parts of the legislation, and my next amendment will solve that contradiction. We have a situation where in one section the minister is able to tell a board how to use its capital reserves regardless of how those capital reserves got there. The minister has that power under this particular piece of legislation. However, we also have a situation whereby another section of the Act says that under a special levy a separate school board who's opted out of the central fund can have a plebiscite, and the resolution would direct how the money would be spent. So we have essentially two conflicting parts of the legislation, and the amendment that I would like to propose will clarify that and will make it clear that when the minister's given the power to direct for the disposal of capital reserves, that does not apply to any money that is collected under the special school levy through a plebiscite and resolution.

Again, we have two conflicting pieces, and we know that if we get out of here and a future minister decides to tell the separate school board how to spend money that it's collected by special resolution, how to spend that with regard to if it's put into a reserve, then if we get into a court battle situation, this government has made it very clear that it does not recognize the jurisdiction or the validity of local government with regard to constitutional power. Therefore, the minister will have the ability through this section to override. The amendment that I will send to the Table and that we can debate perhaps this evening makes it crystal clear that this power that the minister is taking away from local boards does not apply to those funds that are collected through a special levy.

Thank you.

THE CHAIRMAN: There's no question before us since we don't have an amendment.

MR. HENRY: Mr. Chairman, I do have the amendment that I will forward to the Table.

THE CHAIRMAN: You're moving it now; right?

MR. HENRY: I'm moving the amendment now. Would it be appropriate at this point to move adjournment till this evening? I'm getting all sorts of direction from the left, right, and middle here. I would suggest that I'll leave it to the Chair.

MR. DAY: Strictly as a point of information, if it's all right with the member across, if he keeps talking until 5:30, I think he will find that the Chair will automatically intervene, and we won't have to do any other manoeuvring there.

MR. HENRY: Mr. Chairman, I want the record to be very, very clear, to be crystal clear. The Government House Leader stood in his place and asked me, Edmonton-Centre, to continue talking for a while longer. Since the time that I first came across the Government House Leader in 1982, this one move has stunned me and left me almost speechless more than any other move in the 14 years that I've known the hon. Government House Leader. But I can't be speechless, I'm told, for at least two more minutes, so I will continue.

On a more serious note, Mr. Chairman, this amendment will make it clear that the two sections of legislation, 181 and the current section, 130, which are essentially contradictory in nature, that the intent that has been espoused by the minister is indeed there in the legislation for future ministers and future school boards to be able to interpret so that we don't end up in the courts.

Thank you.

THE CHAIRMAN: The Chair would intervene for a couple of points. First of all, the most recent amendment moved by Edmonton-Centre will be known as A6, amending section 11 of Bill 37.

Also, hon. members are reminded that Standing Order 4(3) deals with the issue that we have, and that is that the clock does look like 5:30. The Chairman then leaves until 8 p.m. that evening. The other possibility is that we recess until 8 p.m. So the Chairman is going to suggest, then, that we'll now recess Committee of the Whole until 8 this evening.

[The committee adjourned at 5:30 p.m.]

