

Legislative Assembly of Alberta

Title: **Tuesday, May 16, 1995**

1:30 p.m.

Date: 95/05/16

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

We give thanks to God for the rich heritage of this province as found in our people.

We pray that native-born Albertans and those who have come from other places may continue to work together to preserve and enlarge the precious heritage called Alberta.

Amen.

head: **Presenting Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. I wish to present a petition from 76 Calgarians opposing the closure of the Bow-Crow forest headquarters in Calgary, located in my constituency of Calgary-North West.

head: **Reading and Receiving Petitions**

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

MRS. SOETAERT: Thank you, Mr. Speaker. I request that the petition I presented on April 24 be now read and received.

CLERK:

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government to:

1. De-insure the performance of induced abortion under the Alberta Health Care Insurance Plan Act.
2. Use the community-based resources that are already in place that offer positive alternatives to abortion.

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

DR. MASSEY: Thank you, Mr. Speaker. With your permission I would ask that the petition I presented on May 15 regarding the hours of kindergarten instruction now be read and received.

CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta school boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would request that the petition I tabled in the Legislative Assembly yesterday

with respect to the closure of the Bow-Crow forest office in my constituency be now read and received.

CLERK:

We, the undersigned residents of Alberta petition the Legislative Assembly of Alberta to urge the government to maintain the Bow/Crow Forest Headquarters in Calgary.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I give notice that tomorrow I will move that written questions and motions for returns stand and retain their places on the Order Paper with the exception of Written Question 233.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. I wish to table with the Legislative Assembly four copies of the 1994 annual report of the Public Service Commissioner.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. Under section 11(1) of the Public Contributions Act I am pleased to table four copies of the 1994 Public Contributions Act annual report. Because the Charitable Fund-Raising Act was recently passed in this House, this will be the last Public Contributions Act annual report.

Thank you.

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

MR. DUNFORD: Thank you. Mr. Speaker, as chairman of the Standing Committee on the Alberta Heritage Savings Trust Fund Act and pursuant to Standing Order 52 I hereby would like to table four copies of the 1994-95 committee report. Copies will be distributed to members after question period.

MR. DAY: Mr. Speaker, I'd like to take this opportunity to table a copy of the Alberta Association, Canadian Institute of Planners annual report 1994-1995.

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

MR. BRACKO: Thank you, Mr. Speaker. I'm tabling 11 letters from the local advisory committee of the Sir Alexander MacKenzie school kindergarten, who urge the Legislative Assembly 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 Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I wish to table five tablings on behalf of constituents of Clover Bar-Fort Saskatchewan. The first tabling deals with "the forced regionalization of our district with Sherwood Park, Vegreville, and the defunct Camrose."

The second tabling deals with allowing charter schools. The third tabling deals with the position paper Roles and Responsibilities being flawed and needing revision.

A further tabling, Mr. Speaker, deals with equity funding being "critically flawed." The final tabling deals with the increased amount of achievement testing in the province of Alberta.

Thank you, Mr. Speaker.

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

MS LEIBOVICI: Thank you, Mr. Speaker. CUPE Local 474, a union which represents custodial workers in Edmonton in the schools, has initiated a campaign against violence in the workplace. They've requested that I table specifically for the Minister of Labour a T-shirt that indicates that An Injury to One Is an Injury to All. Unfortunately, I don't have four copies with me, but I'm sure that on demand, they can be provided.

Thank you.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. It's indeed a pleasure for me to introduce to you and through you to this Assembly a couple of very special constituents of the dynamic constituency of Drayton Valley-Calmar: Mrs. Phyllis Schnick from the village of Warburg, which is central to the constituency, and Frances Ekstrom from Breton, who also serves as a constituency secretary and does an excellent job of that. They're now standing. I would ask that everybody give them the warm welcome of this House.

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you. It is my pleasure today to introduce to you and through you three students who are seated in your gallery, Mr. Speaker. They began summer employment with the Legislative Assembly Office yesterday. They are among 25 participants this year in the Quebec/Alberta student exchange program co-ordinated by the Department of Advanced Education and Career Development. All three of our students are now or used to be enrolled at McGill University and are from Montreal. Anthony Cooper will be a tour guide with the public information branch, and Jesse Rutledge and Anna Morfopos will be researchers, Jesse for the government members and Anna for the Official Opposition. I'd ask that they please rise and receive the warm traditional welcome of the Assembly.

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to all Members of the Legislative Assembly two very special guests from Fanny Bay, British Columbia. I would like to introduce Judi Wild. Judi is an artist of some renown. As a matter of fact, if you will hearken back to 1989 and the beautiful picture on the cover of the Ed Tel telephone book of the Siberian tiger and the two cubs, well, Judi was the artist who produced that particular picture. She's accompanied today by Lorne Hutter and Tammy and Darren Klein, who happen to be my sister-in-law and my brother, and of course my father, Phil, who's been introduced in this Legislature before. I would like them to rise and receive the traditional warm welcome of the Legislature.

Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce two people from Lethbridge, Alan and June Hepple. They're residents of Lethbridge-East, and they are very committed to their community. Alan is a retired member of the Canadian services, and June is co-ordinator of the volunteer services in the regional health authority. She's also the organizer of the best Canada Day celebrations in Alberta. I'd like to ask them to stand as well as Mary Kundert, who is accompanying them - she's from Medicine Hat - and receive the recognition of the Legislature.

1:40

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 officials from the Strathcona career training centre, Carrie Saylor and Walter Kirk. This centre, in co-operation with the business community, the Department of Advanced Education and Career Development, and Rainbow Harbour, a Mill Woods nonprofit charitable society, has just launched Project Teach, a hands-on course for the computer sensitive. They're in the public gallery, and with your permission I'd ask them to stand and receive the welcome of the Assembly.

THE SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. I want to introduce to you and through you five students from the Fairview College transitional class. They are accompanied by their instructors Lorraine Yerxa and Emily Gerlach. I'd ask them to rise and receive the warm welcome of the Assembly.

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

MR. BRUSEKER: Thank you, Mr. Speaker. It is my pleasure on behalf of the Member for Calgary-West to introduce a group attending here from A.E. Cross junior high school, located in the Calgary-West constituency, a school, by the way, that I had the privilege of teaching at for three school years, 1984 to 1987. In addition to the 86 students that are here, parent helper Lynn Hawes, teacher Jim Baldwin, and teacher Mary Donnelly are here. A math teacher that has been there since I was there, Jim Schell, is here as well. Another teacher that I actually taught with in two schools, Art Hanson, is here with the group as well. They are located I believe in both galleries. I'd ask them to rise and receive the warm welcome of the Legislative Assembly.

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the rest of the members of the Assembly this afternoon Marilyn Konyer. Marilyn Konyer is that congenial and efficient constituency worker from Leduc who ensures the 28,000 constituents out there have the very best representation from their MLA. I'd ask Marilyn to stand and the Assembly to give her a warm welcome this afternoon.

MR. DAY: Mr. Speaker, it's my pleasure to introduce to you today Mr. Brian Kroph. Brian is the president of the Alberta Association, Canadian Institute of Planners, and he's here today to watch how we plan in this Assembly. I'd ask him to stand and receive the warm welcome of the Assembly.

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

MRS. BURGNER: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Assembly our new STEP student, Verna Carlson, who's going to be working with the Seniors Advisory Council this summer. She is from Sherwood Park, and visiting with her are her mother and father, Howard and June Rombough, from Red Deer-South. It's Howard's 79th birthday: a nice way to celebrate, with his family in the Legislature. I'd ask them to please stand and receive the warm welcome of this Assembly.

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

MR. SHARIFF: Thank you, Mr. Speaker. I have the pleasure of introducing to you and through you to this Assembly a fine young leader of tomorrow, Mr. Jonathan Byciuk, who happens to be the son of my assistant. I request that he rise and receive the warm applause of this Assembly.

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

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you Merle Schnee. Merle was on the executive of the Edmonton firefighters association and remains an active supporter of the labour movement within this province. If he'd please rise and receive the warm welcome of the Assembly.

head:

Oral Question Period

Economic Outlook

MR. MITCHELL: Mr. Speaker, yesterday there was some good news about Alberta's economic growth. [some applause] Proof positive of what can happen when the government listens to the Liberal opposition. They're not clapping. However, with all good news we have to look behind the headlines and ask questions like: who wins and who loses in this government's brave new future? What we see in Alberta is a two-tiered economy where a select few are benefiting at the expense of many. My question is to the minister without portfolio responsible for economic development. Why, when Alberta's economy is growing at 5.7 percent, has the real take-home pay of working Albertans actually declined over the last two years?

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

MR. SMITH: Well, thank you very much, Mr. Speaker. In fact everybody wins in the Alberta growth equation, and I think that is coming out. In fact, this province has the lowest amount of unemployment, 9.9 percent, of people 15 to 30 years of age. That's at least a third of the highest province.

The other thing, Mr. Speaker, is that more and more jobs are being created by the private sector. It is the responsibility of this government to be able to provide an umbrella that allows the private sector to create the jobs and drive the economic growth of the province.

MR. MITCHELL: We may have low unemployment, but we've got high . . .

THE SPEAKER: Order, hon. leader. Supplemental question.

MR. MITCHELL: Why, when Alberta's economy is growing at 5.7 percent, are business and consumer bankruptcies soaring, the value of building permits down, and the number of housing starts falling? What kind of economy is that?

MR. SMITH: Mr. Speaker, it's the kind of economy that allows the free marketplace to work and function. In fact, wealth creation and the flow of capital into this province have never been better. The increase in export sales, at 15.7 percent, is the second highest rate since 1981. In fact the ability for this economy to grow has created a tremendous amount of business starts. We have in fact created a critical mass in this economy. There's more activity. This is not the former economy, where things would impact it dramatically. You now have a large-size economy where the numbers are up in everything. The number of employed people is up. The number of business corporations is up. The number of home-based businesses is up. Yes, when you have an economy of that size, you have more bankruptcies, but you have lower unemployment.

MR. MITCHELL: And lower wages, Mr. Speaker.

Why, when the Alberta economy is growing at 5.7 percent, are more people moving out of Alberta than are coming into Alberta from other Canadian provinces? Our children are having to leave to make their lives somewhere else in this country. Those are the facts.

MR. SMITH: From my experience in the oil patch I always thought bunker oil was on the roads, but I guess the bunk is also here, Mr. Speaker.

In fact, the size of the workforce is growing. The number of new businesses in Alberta is growing. This province is growing. It's being driven by the private sector, and it's been helped by an environment that includes stable fiscal responsibility, the lowest fuel taxes, no sales tax, and in fact a prosperous economy at this point.

MR. MITCHELL: I thought the minister was going to take credit for high gas prices and the low dollar.

1:50

Immigration Policy

MR. MITCHELL: Mr. Speaker, the minister responsible for immigration has alarmed Albertans, including members of his own caucus, with his comments about getting more immigrants that fit the province's social makeup. He has portrayed immigrants as a drain on our health care and our social services. It's time this minister cleaned up these misconceptions and reassured immigrants and potential immigrants that they are welcome and that they are needed in this province. My question is to the minister. Will the minister share his immigration policy publicly with Albertans and put to rest any suggestion, any concern that the policy is racist and discriminatory, concerns raised by his own caucus member?

MR. ADY: Well, Mr. Speaker, the hon. Leader of the Opposition is just saying all sorts of things that border on the word that I'm not allowed to use in this Assembly. Never once have I indicated that immigrants are a detriment to Alberta. Never once have I indicated the things that the hon. member across the way is saying. I think that approach is cheap politics, for him to be using that kind of innuendo about this minister, because it's categorically untrue. This government has a history of having welcomed immigrants into this province, with many, many

programs in place for them, spends some 28 million dollars annually on programs to settle and give language training to immigrants. We have a Multiculturalism Commission in this province, which certainly serves immigrants in a variety of ways.

Mr. Speaker, as far as the policy that's being developed, it's not completed. When it is developed, I don't see that it's going to be saying that we are not going to allow immigrants into this province, not in any sense of the word.

MR. MITCHELL: Only 15 percent of our population are immigrants, Mr. Speaker.

Will the minister say clearly right here and right now very precisely that immigrants do not disproportionately access Alberta's social programs? They never have, and they never will.

MR. ADY: Mr. Speaker, I don't have a study that says that they do or they don't, but I don't suspect that they do, because many immigrants who come into this country are not eligible for many of the social programs when they initially come here. Consequently, it takes up to 10 years for some social programs to be applicable to immigrants. Certainly I have never said that they're disproportionately accessing our social programs.

MR. CARDINAL: I want to provide a supplement to that, Mr. Speaker. In fact, most immigrants that come here are productive members of society and are not a drain on our system.

MR. MITCHELL: You'd think the minister responsible for immigration would be able to say that, Mr. Speaker. That would be reassuring.

Why won't the minister responsible for immigration, who says he's so committed to immigrants and their contribution to this province, ensure the continued success of immigrants to Alberta by properly funding support programs like English as a Second Language?

MR. ADY: Mr. Speaker, I suppose that falls on the definition of properly funding. There is a great deal of money spent in this province to assist immigrants to settle here. As I mentioned earlier, \$28 million, and about nine and a half million of those dollars are from Albertans. It flows through this department's budget. Certainly I'm at the Treasury Board table to request that funding so that it's available for immigrants to find happy and productive lives in this province.

By all means, we are finding that immigrants make a contribution to this province and in fact accept up to 18,000 annually who have the ability to come to this province. They have the mobility to move across Canada without any restriction. Certainly we've planned for immigrants to come to Alberta, and we have programs in place to assist them when they get here and have welcomed them for years. I expect that that will go on into the future as far as Alberta's position for immigrants.

School Violence

MR. HENRY: Mr. Speaker, when we have funding cuts to education, the first thing to go is support staff who provide services such as counseling. Yesterday we had a report from the Calgary city police indicating that school violence is on the rise. We do have cuts to education, and we are having cuts to school counselors and classroom aides, and we've got violence on the rise in the school system. My question is to the minister. I'd like to ask him in very specific terms: what is he doing to monitor the

correlation between cuts to counselors and classroom aides and incidences of violence in our school system? What are you doing to monitor that?

MR. JONSON: Well, Mr. Speaker, first of all, I'd like to indicate that in the funding framework that we have announced for the schools of this province, yes, there is a cap on central office administration, but there is certainly the ability there to have counselors if that is deemed to be the priority of the local school boards. This group of people opposite here, the opposition, certainly argued long and hard yesterday about there being flexibility for the local school boards to make decisions in this regard, and I would expect they would make good decisions in terms of putting some priority on counselors.

Now, with respect to the whole issue of school violence I would like to just review two or three things. First of all, we have put a mechanism in place in the last two years through a conference and through the dissemination of information across the province so that successful programs and initiatives that school boards and local communities have to cope with this very big problem in some cases can be dealt with effectively.

Secondly, Mr. Speaker, I have extended an invitation to school boards across the province to provide recommendations as to changes in legislation or regulations, either to myself or to the hon. Minister of Justice or to the Minister of Family and Social Services, as to how we can help in terms of provincial policy. So it is something that I am very interested in, that I'm sure the government is very concerned about, and we do stand ready to cooperate with local school authorities to deal with the problem.

THE SPEAKER: Supplemental question.

MR. HENRY: Thank you. Yesterday the minister also talked about his responsibility with regard to monitoring, and the answer to the question was that he's not doing anything, obviously. So my question now to the minister is: is it his policy and the policy of the government simply to let the deterioration happen in our schools with regard to school violence to the point where it's no longer a school problem and then the justice system has to move in, such as happened in Medicine Hat and more recently in Beiseker?

MR. JONSON: Well, Mr. Speaker, this is very ironic, this particular statement. If one followed the debate of yesterday with respect to Bill 37, they would want us to continue to do nothing, and they would not want us to have a system of accountability in this province and gather the information that the hon. members across the way feel is now, today, suddenly so important. We recognize that it is important. In terms of monitoring the situation, yes, we do through our field officers in Alberta Education monitor the situation. We try to garner proper and accurate information with respect to these things.

I'd like to go on just to mention something, Mr. Speaker, and that is that I've had conversations with people directly involved in these situations – I believe the title is co-ordinating officer for youth – and with this particular matter in Calgary. The focus there is that these problems have to be solved through a co-ordinated effort in which parents, the overall local community, the law enforcement authorities, and the school work in concert to address these problems. Our initiative with respect to school councils and involving the overall local community parallels and complements this need within the system.

2:00

MR. HENRY: It's too sad to be funny, Mr. Speaker.

Maybe what I could do is ask the minister: why is it that he's refusing to issue guidelines for a provincewide code of student behaviour such as was contemplated in Bill 206 last year? Instead he's leaving school boards and parents and students out there to guess what his criteria are when it comes to appeal time. Why don't you have any provincial guidelines or standards?

MR. JONSON: But, Mr. Speaker, we do. Yes, this is direction from Alberta Education, and we feel it's very important. We do expect as part of their policy package that school boards will have a discipline policy, a conduct policy.

You know, it's really ironic, and I underline "ironic." Yesterday in debate the hon. member and others suggested that we were being too specific in terms of the directions that we were providing to school boards across this province. Certainly the school boards and the school councils and the professional staff, which they do not seem to respect, should have an opportunity to form their own policies. [interjections]

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

The hon. Member for Calgary-Montrose.

Immigration Policy (continued)

MR. PHAM: Thank you, Mr. Speaker. Last Thursday I was surprised when the minister responsible for immigration advised the House that he has not done a study on immigration because it is a federal jurisdiction, yet he is willing to bring in a made-in-Alberta immigration policy. I then filed with the House a letter from the Premier which indicates clearly that immigrants do contribute positively to our economy. My question today is to the same minister. After reviewing that letter, after having the time to consult with your staff, and after listening to the answer from the minister responsible for Family and Social Services today, can the minister state on the record once and for all whether having immigrants is a benefit or a burden on our society?

MR. ADY: Mr. Speaker, I believe I've made that statement here in the House today. If it's not clear, I'll be prepared to make it again. Absolutely, immigrants are seen as an advantage and a benefit to the Alberta economy, to the Canadian economy. In fact, I'm prepared to table a report in the House today - it's known as New Faces in the Crowd: Economic and Social Impacts of Immigration - done by the Economic Council of Canada, which indicates that there is a decided economic benefit from immigrants to Canada.

Clearly that's the position of this government. That's the position of this minister. I'm not sure where the hon. members across the way have drawn a conclusion otherwise, because never have I said as much. Never have I said that. As a matter of fact, quite to the contrary.

THE SPEAKER: Supplemental question.

MR. PHAM: Thank you, Mr. Speaker, and thank you, Mr. Minister, for that answer. To the same minister. Last Thursday he refused to have public consultation on his made-in-Alberta immigration policy because the federal government had already had one on their made-in-Ottawa immigration policy. Can the

minister recognize the difference between the two policies and advise average Albertans of the way to provide input into his made-in-Alberta immigration policy?

MR. ADY: Mr. Speaker, I did stand in the Assembly last week and indicate that the federal government had done a public consultation in this province having to do with immigration as they prepared their policy and position on immigration for the next 10 years. I also indicated at that time that immigration was primarily a federal responsibility and that we do have an opportunity to have input into it. I indicated at that time that I had department people attend those hearings. They took copious notes and have records of the information that was submitted there, and we are utilizing that in the preparation of a position that we can take. The federal government have asked us to come and to indicate our position on some of the positions that they have put forward. We're going to respond to those. I'm preparing something in order to accomplish that.

Mr. Speaker, I'd like to table also the federal position paper that flowed from those public consultations. It's known as Into the 21st Century: a Strategy for Immigration and Citizenship, provided by the Citizenship and Immigration department of the federal government.

THE SPEAKER: Final supplemental.

MR. PHAM: Thank you, Mr. Speaker. The minister also suggested last Thursday that cost is a factor preventing him from holding public consultations and doing proper research on his immigration policy. Does it mean Albertans have to settle for a half-baked policy just because you don't have enough money to do a proper one?

MR. ADY: Well, Mr. Speaker, certainly the Member for Calgary-Montrose is an advocate for immigration, as am I, and I welcome his question on these issues. I think all of us, all of us in this Assembly know the very important part that immigration has played in building this country. In my constituency I know many people who are presently second generation immigrants. [interjections] I also know of their parents, who came to this country when it was raw and they lived in sod huts. They contributed dramatically to the building of this country. In fact, one of my parents and both my grandparents were immigrants to this country, so I don't know where the hon. members across the way would draw the conclusion that I'm opposed to immigration.

Let me say that the areas that the federal government is interested in speaking to us about and discussing are those where we have a significant involvement; for instance, settlement and language training, sponsorship, and immigration sharing and promotion and recruitment. So anyone who has an interest in submitting information to this minister, I certainly would welcome it.

Let me say one more thing, Mr. Speaker. We have not concluded our position on immigration. It's still presently involved in our standing policy committee, and I'm in the hands of that committee with the direction that they feel I should take with both the position and the process. So we're not there. Consequently we'll see where it takes us.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I'd like to point out to the minister for advanced education that those questions were asked by a member from his own side.

2:10

Schoolnet

MR. VAN BINSBERGEN: Mr. Speaker, on a different note, though, last January the Premier in his infomercial promised to ensure that we would have, and I quote, the school system that will always give our kids the quality education they deserve. He termed it a reinvestment in our youth, and it sounded really good at the time. When we do a reality check, we find that Alberta is now ranked last in terms of funding for kindergarten, last in terms of connecting our schools to the Schoolnet, and last in terms of funding for education as a percentage of provincial income. So I'd like to ask the Minister of Education: can the minister explain how Alberta ranking last in each of these areas are examples of quality education and reinvestment in youth?

MR. JONSON: Well, first of all, Mr. Speaker, I think that, yes, the most important factor here is the achievement of Alberta students and the performance of the system in terms of the benefit to students. We cannot always automatically assume that if more money is spent or less money is spent, it engenders the desired results.

Now, with respect to the specific issues that the member across the way raises, there are various types of comparisons, as he well knows, of expenditure in education. The one that he uses, just to answer his question very specifically, where you take a percentage of income – we just heard questions raised today which indicate that growth is strong in the province. I assume that incomes are quite strong in the province. Therefore, just because incomes are up, that doesn't mean that this is all that relevant a statistic.

The other thing is with respect to the Schoolnet. There I would acknowledge that the Member for West Yellowhead does raise a good point, and that is that, yes, with respect to schools being hooked up to the Schoolnet, this is something that we need as a government and as the Department of Education to be looking at in terms of . . .

MR. HENRY: You should be doing something. Stop looking and do something.

THE SPEAKER: Order.

MR. JONSON: The hon. Member for Edmonton-Centre is always worried about things when we do them; now he's worried about us not doing them. I don't know.

Mr. Speaker, back on a serious matter, there are many initiatives going on in the province with respect to linking the schools of this province in terms of an information exchange, with respect to developing top quality software for the use of the schools in the province. So we are moving ahead with technological initiatives and technology information services. That particular specific aspect that he raised is one that we have to look at, yes.

MR. VAN BINSBERGEN: Mr. Speaker, since the minister indicated that that was a good question, the point of the Internet, could he tell us: how long is it going to take before we're hooked up to Internet in Alberta? Make a commitment. [interjections]

MR. JONSON: Well, yes. First of all, Schoolnet and Internet are somewhat different things. The first question was about Schoolnet. Many individuals and many students in this province are on the Internet already on their own. I would hope, Mr. Speaker, that within the next couple of years as we enter into a co-ordinated effort in the area of technology as a government and

the extension of information technology services in the province, we'll be looking at the value of the Schoolnet, and if it's deemed to be valuable, we'll be looking at that service.

THE SPEAKER: Final supplemental.

MR. VAN BINSBERGEN: Yeah. Mr. Speaker, the minister has not yet explained. Perhaps he could explain why Alberta is ranking last in the connection with the Schoolnet? Why is it behind Nova Scotia, Newfoundland, et cetera?

MR. JONSON: With respect to the Schoolnet we have I think about 100 schools hooked up currently. School jurisdictions across the province are looking at that particular service and its value. I think we have to look very, very carefully at the quality of the service that is being offered over the Schoolnet. There are some concerns. The answer, I think, Mr. Speaker, is that schools across this province are working in a number of other areas of information technology such as the development of good programming and proper equipment and teaching strategies within their own schools.

THE SPEAKER: The hon. Member for Lesser Slave Lake.

Health Care System

MS CALAHASEN: Thank you, Mr. Speaker. The Minister of Health released a survey yesterday on Albertans' attitudes towards the health system. The report showed that responses in southern Alberta were more favourable than in northern Alberta. Access to services and quality seem to vary depending on where you live. My question is to the Premier. Could the Premier indicate what can be done to remedy the situation of access and quality in northern Alberta?

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you very much, Mr. Speaker.

MR. DINNING: It's nice to see you standing.

MR. KLEIN: Well, it's nice. I was sort of feeling marginalized. It was almost as if they were afraid to ask me a question, Mr. Speaker. I do appreciate the fact that they haven't been asking me any questions, because as I've often said, it is very difficult to provide intelligent answers to stupid questions.

In response to a very good question, Mr. Speaker, the hon. Minister of Health pointed out yesterday that, indeed, while the report was very good and while Albertans generally felt very satisfied with the way health care is being delivered in this province notwithstanding the dramatic restructuring now being undertaken, yes, there are some concerns that are more prominent and more pronounced in some areas of the province, in particular the north. The minister, in her statement yesterday, said that she has concerns about some of the results, that we need to examine why some Albertans lack confidence in the health system and why satisfaction with the health system varies depending on where you might live in this province.

What the minister is saying also is that we will continue to monitor the situation and pay very special attention to these areas to make sure that people, particularly in the northern part of the province, are not falling through the cracks.

THE SPEAKER: Supplemental question.

MS CALAHASEN: Yes. Thank you, Mr. Speaker. Again to the Premier: what evidence in the overall poll results shows that Albertans support the health restructuring efforts by this government?

MR. KLEIN: Well, Mr. Speaker, the information came out yesterday, and the survey, which by the way was a scientific survey conducted by a highly respected firm called the Advisory Group, a marketing and managing consulting company, clearly showed that 75 percent of Albertans consider the quality of health services in their community as excellent or good. A far greater percentage of that would bring into that the category "fair." So that indicates that there is general overall satisfaction with health care in this province. As a matter of fact, over 90 percent of those who responded to this survey, which I believe involved a sampling of some 4,000 people, said that they never had problems accessing a health care facility in this province, and when they did, they felt that they were treated generally good to fair to excellent by those who administered health care to them.

THE SPEAKER: Final supplemental.

MS CALAHASEN: Thank you. To the Premier again: how do you explain the contradiction between the generally positive results of this survey and the poll conducted by the CBC, the *Edmonton Journal*, and the *Calgary Herald* in February, which indicated that 54 percent of Albertans felt that health restructuring would have a negative impact on the health system?

2:20

MR. KLEIN: Well, Mr. Speaker, we said that we would commit ourselves to monitoring the situation very carefully. Yes, people indicated that they were concerned. About 73 percent said that they were concerned, and, yes, there are concerns. When you undertake the kind of restructuring that we are undertaking now to get dollars out of the administration and into actual health care, when we're restructuring to rationalize our health care facilities, yes, people are concerned. Indeed, that many people said they are concerned, but when you get right down to asking the question, "Are you satisfied with the health care you're getting, notwithstanding the restructuring that is taking place?" most of the people, over 75 percent of the people, are saying: yes, we're satisfied that we're getting good health care, but we're concerned that the restructuring might affect it. That's why we have committed to monitoring this.

Mr. Speaker, this is all part of the monitoring that we have undertaken to do, and it is being done without political motivation, without any political motivation whatsoever. I note that on the front page of the report of the consultants it says: "With professionalism and integrity we are dedicated to providing insightful knowledge based on marketing principles." That statement as opposed to this piece of blatant political garbage that has been produced by the Liberal caucus under the guise of the Liberal Party: I would hope that the hon. leader of the Liberal opposition would stand up and say that the taxpayers did not pay for this piece of garbage. Will he please stand up and say that the taxpayers did not pay for this piece . . .

THE SPEAKER: Order [interjection] Order please. [interjection] Order.

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. The last member was obviously looking for her answers in all the wrong places.

Oil Sands Royalties

MR. GERMAIN: Mr. Speaker, in February of 1994 the Alberta Tax Reform Commission indicated that a stable royalty regime for the oil sands would bring additional jobs to Alberta and would create additional investment. The government has not reacted to that report. Now, this Thursday it is anticipated that the task force on oil sands development will indicate some of the same ideas and raise the same issues. My questions today are to the Minister of Energy. Madam Minister, will you commit to the province of Alberta and to the oil sands developers that you will bring in a net royalty regime to encourage economic investment in this province?

MRS. BLACK: Mr. Speaker, over the last year the Department of Energy in conjunction with the Natural Resources department federally and the oil sands players, Syncrude and Suncor, have been working together on a national task force for the oil sands future. In fact, it is expected that the report will become available at the end of this week or next week. Certainly our departments have spent an awful lot of time working on that national action plan and looking at the future for the oil sands. So I'm looking forward to receiving the report either at the end of this week or the following week.

MR. GERMAIN: Will you, Madam Minister, commit to a generic oil sands royalty regime to cover all new oil sands development in this province?

MRS. BLACK: Mr. Speaker, until I see the report that comes forward, I don't know what the recommendation will be, but clearly we've been working on providing a framework in this province that provides for clear, concise certainty of rules and regulations for the future. The oil sands is no different from any other development. So until I see the report, I cannot comment on the recommendations that are coming forward from it, but I'm looking forward to receiving it.

MR. GERMAIN: Well, at least, then, Madam Minister, since \$21 billion of investment hangs in the balance, will you commit to extending the capital cost allowances to allow these private-sector investors to recover in a reasonable time their investment?

MRS. BLACK: Mr. Speaker, clearly this task force has been working together: the federal government, the province of Alberta, and the players within the oil sands and the heavy oil areas, and I'm looking forward to the report. Until I receive the report, I cannot comment on it.

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

Young Offenders

MRS. FRITZ: Thank you, Mr. Speaker. I'd like to file four copies of a fact sheet from the Calgary Police Service's study on the level and nature of youth crime and violence in Calgary. The results are startling: 81 percent of respondents stated that they'd been victimized at school within the past year, and 28 percent stated that they'd been in possession of a weapon. Sadly, our young people said that they are frightened and worried about

future victimization. So my questions today are for the hon. Minister of Justice. Will the minister extend available preventive and treatment services, such as the victims' assistance programs, to our young people experiencing victimization?

THE SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you, Mr. Speaker. It's a very good question. I haven't had an opportunity to review these reports, but I have a short précis of them. Certainly a concern is raised when students in the city of Calgary are responding to a report that was conducted on behalf of the Calgary Police Service indicating the number of victimizations that the hon. member referred to. Now, in reviewing it, it appears that the majority of those victimizations involve personal property being stolen or damaged.

We will look at those statistics, and we'll work with the Calgary Police Service and with the Department of Education and the high schools and junior high schools in Calgary to see how we can effectively deal with this, Mr. Speaker. As the hon. Minister of Education answered in an earlier response, it's important that we take a co-ordinated effort on these important issues. I hope that as we review this information from the survey, it will give us some statistics and some good suggestions as to how we can improve the situation.

THE SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. A supplemental to the same minister: will the minister consider expediting the court process for the violent offender and ensuring court mandated treatment?

MR. EVANS: Well, Mr. Speaker, I've taken the view before and I'll restate today that I think our courts and our law enforcement officers should be concentrating and focusing their efforts on serious and violent crime. That is the focus of our Department of Justice, and I would certainly advise the hon. member that we will continue with that focus, and I hope that will reduce the numbers of incidences that are indicated in this study.

I think it's important to realize, though, Mr. Speaker – and again I'm just going from the fact sheet that I've reviewed since yesterday, when the report was tabled – that it says that the majority of students who were asked questions felt that the crime in their individual communities and in their individual schools was at a lower rate than in other places in Calgary. Now, I think that's probably a positive. They may be tied up in some of the reports that come from media sources and other sources about what's happening in communities. That doesn't take away, though, from the statistics as to those who indicate that they've been the victims of some kind of criminal or quasi-criminal activity. So we'll certainly focus and concentrate on that serious and violent crime, because that is where we should be directing our efforts.

THE SPEAKER: Supplemental question.

MRS. FRITZ: Thank you, Mr. Speaker. Will the minister respond to the single suggestion in this report that comes from the students to increase the police involvement in their schools and in their communities?

MR. EVANS: Well, I'm very happy to advise the hon. member that I am going to try to meet with the Calgary Police Service on

this issue and get their input. I'm quite confident that we will have some representation there as well from either my hon. colleague the Minister of Education or members of his staff, because again we have to take a co-ordinated approach to these kinds of issues. We must involve the school system, we must involve our social service agencies, we must involve justice, and of course we must involve the frontline police officers to ensure that we are as effective as we can be in dealing with these kinds of issues.

2:30 Video Lottery Program

MR. BRACKO: Mr. Speaker, local communities are seeing firsthand the impacts of video slot machines, and they don't like it. Communities suffer; families are being destroyed by this government's addiction to gambling. Communities are experiencing an increase in the number of crimes linked to gambling addiction. Local charities, community groups, and minor sports are struggling to raise funds as they compete against this government's video slot machines. To the Minister of Municipal Affairs: since municipalities such as the city of St. Albert and the city of Red Deer have indicated that they don't want slot machines, will you now, today, allow local communities the opportunity to ban VLTs?

MR. THURBER: Mr. Speaker, I know it's part of the Liberal platform to get rid of all the VLTs in Alberta, and I guess if they follow up on that, then perhaps they should go and talk to the hotel owners and the people that have the VLTs in place. Certainly there's no provision at this point in time . . .

AN HON. MEMBER: What about the people? [interjections]

MR. THURBER: I believe that the people in these areas would also have to have a vote on that, as well as the town council.

THE SPEAKER: Supplemental question.

MR. BRACKO: Thank you, Mr. Speaker. A government with no moral or spiritual values.

To the same minister: since this government claims that it has great faith in the ability of local elected officials, why wouldn't you allow these communities to ban VLTs?

MR. THURBER: Again, Mr. Speaker, I guess they should talk to the people that have the VLTs in their establishments, and they should talk to the people that are using them. If those people refuse to use them and would rather play bingo, which is another form of gambling, they can go ahead and do that.

MR. BRACKO: Government is supposed to speak for all people.

How much longer is this government willing to let communities suffer when local officials across the province are requesting that VLTs be banned? How much longer?

MR. THURBER: Mr. Speaker, the last time I looked, this government did not force anybody to play a VLT machine. They're offered on the premises by the hotel owners as an added attraction to the people, and it's the people themselves that have to make that adjustment and that choice as to whether they want to play them or not.

THE SPEAKER: The hon. Member for Calgary-Mountain View.

Small Power Producers

MR. HLADY: Thank you, Mr. Speaker. Recently in discussions around the electrical industry restructuring activities occurring in the province, concerns were raised by certain small power producers about their ability to compete in the new industry structure. In particular they indicated that they were being unfairly treated relative to the larger utilities and that they were not on a truly level playing field. The Small Power Producers Association of Alberta even passed a resolution to this effect, asking for an amendment to the legislation. To the Minister of Energy: could you indicate whether the concerns of this group of stakeholders have been addressed?

MRS. BLACK: Mr. Speaker, last week I indicated, as did the chairman of the standing policy committee on natural resources and sustainable development, that we would be meeting with the members representing the Small Power Producers Association and the Alberta Renewable Fuels Association last evening. In fact we did have a public meeting. I might comment that there weren't any of the members opposite present at the meeting, and I thought there might have been some interest from them.

Certainly some of the questions that came up from the group were in fact: how were they grandfathered in the Electric Utilities Act, would the small power program that has been in place be continued, and would they be able to operate under it? In fact they would be. We assured them of that, that that was in I believe section 36 of the Bill.

The other thing that was a request was: were they able to opt out of the small power program? What mechanism would be in place? Certainly they can do that today. They also can do that under the new legislation. It would mean getting out of contracts that they themselves have negotiated with utility companies in the province and then entering into the arena on the same level playing field as everyone else. Now, today that can occur, and under the new legislation that again can occur, but it would require that small power producers would have to get rid of their contracts or tear them up and enter into the market-driven arena.

THE SPEAKER: Supplemental question.

MR. HLADY: Thank you, Mr. Speaker. To the same minister: more specifically, what would happen to the small power producer if the small producers opted out of the small power program?

MRS. BLACK: Well, Mr. Speaker, until we go into the new system, which is January 1 of 1996, if a small power producer wants to not be part of the program, they can in fact go before the Alberta Energy and Utilities Board today and make application for a rate hearing and enter into the arena, as everyone else has, demonstrating the need for the program, the need for their power, the costs, and the . . .

MR. N. TAYLOR: How about a premium for clean power?

MRS. BLACK: On the same basis . . .

MR. N. TAYLOR: It's all right. Just say yes.

MRS. BLACK: There's a lot of interruption coming from Westlock again unfortunately, Mr. Speaker.

MR. KOWALSKI: Pardon me? [interjections]

MRS. BLACK: I'm sorry. [interjections] Sorry. From Redwater. I keep thinking of the old names, Mr. Speaker. I apologize to the Member for Barrhead-Westlock.

Mr. Speaker, under the new framework, of course, all new generation would not be regulated, but I would caution that there was a recent decision by the board of a company that - it's public, so they can go and look at it - decided not to go through a small power program but actually went on its own and went before the board for a ruling. Keep in mind that with the small power program the subsidized rate is anywhere between 5.2 cents and 6 cents a kilowatt. The decision that came down recently from the utilities board was for, I believe, 2.7 cents a kilowatt. So I would caution the small power producers to clearly look at the conditions of their contract and to weigh the economics of the project before they move ahead.

THE SPEAKER: Final supplemental.

MR. HLADY: Thank you, Mr. Speaker. Many of these producers recognize potential for export of power to other jurisdictions. Does the new industry restructuring include an opportunity for these smaller producers to compete for new markets outside of Alberta?

MRS. BLACK: Well, Mr. Speaker, under the new process if there is excess power being produced by a small producer, they in fact can sell their excess power at market price into the grid, and in fact that could be used for export. So there are opportunities for small power producers.

head:

Members' Statements

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

St. Albert Community Band

MR. BRACKO: Thank you, Mr. Speaker. As Paderewski played the piano before Queen Victoria, she listened with intent enthusiasm. When he had finished, the Queen commented: Mr. Paderewski, you are a genius. "Your Majesty," he replied, "Perhaps, but before I was a genius, I was a drudge." Paderewski understood the price to pay for mastery. To be considered accomplished in any area is the result of taking the smallest talent and practising it into excellence.

In the same way, the St. Albert Community Band had its start 25 years ago. The community band was founded in 1970 by its first director, Gerry Wennes; two members of the local Lion's Club, John Kaminski and William Cuts; and it's current president, Gerry Buccini. The band started with 25 original members and has grown to 70, with one-half of the members being youth. Through hard work, team effort and commitment, the band has excelled. The growth and the level of musicianship from the original years of the band is evident in the many special programs and activities of the band and the recognition it has received.

2:40

The band has received several music festival awards and produced a special cassette tape. The band had several sell-out concerts at the St. Albert Arden Theatre and reaches out to surrounding communities, fostering the love of music. The band contributes to the community with special benefit concerts for fund-raising at the schools and at the hospitals. As well, they participate at the official functions in St. Albert. The band will be touring the Banff area this summer.

Thank you and congratulations to the St. Albert Community Band on their 25th anniversary on June 7 and to the band's conductors over the 25 years: Jerry Wennes, Bob Heuermann, Peter Holt, Gene Osoba, Tom Smyth, Bill Coates, Walter Boldt, Bruce Hoadley, and Rob King. As music is therapy for the body and soul, St. Albert has been richly blessed by the dedication and commitment of a community band.

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

HMCS Calgary

MRS. BURGNER: Thank you, Mr. Speaker. On May 12, 1995, I had the opportunity to represent the government of Alberta together with our Lieutenant Governor and the members for Calgary-Bow and Calgary-West at the commissioning of the *HMCS Calgary*. Both the naval base, the *HMCS Tecumseh*, and the naval museum are in my constituency. Together with reserves, legions, veterans, and close to 3,000 Calgarians, there was a celebration on Her Majesty's Canadian dock in Esquimalt that established a new record in naval history.

Mr. Speaker, I would like to share with you the comments of Rear Admiral Bruce Johnston, commander of Maritime Forces Pacific. In his brief comments he reflected that the *HMCS Calgary* is the third largest Canadian patrol frigate and the second Canadian warship named after our city in Calgary. A combination of its varied and proven weapon and sensor systems have made the *Calgary* one of the most advanced warship designs in the world. Mr. Speaker, the commissioning of the *HMCS Calgary* not only marks an important step in the revitalization of the Pacific fleet but also the return of the distinguished name to our fleet and re-establishes a naval tie with one of Canada's most renowned and splendid cities.

The story last weekend was not just of our new frigate but also of the city of Calgary. The outpouring of the citizens with respect to their attendance and the efforts of the Calgary Exhibition and Stampede at a time when the city of Calgary is losing its Canada forces base Calgary gives you an indication of the full commitment and dedicated support that the Calgarian public feels toward our military and the services they offer on behalf of all Albertans.

Mr. Speaker, Commander Gary Paulson remarked that the support from Calgary was so overwhelming that he could not contain the enthusiasm of his crew as they stood around with their over 230 white Stetsons and invited all of the guests to come on board, up and down the hatchways and into the various ward-rooms.

I encourage all of you to follow this frigate as she sails early in July for duties in the Middle East. We will report back from time to time on her progress. It's a salute to all Albertans and to Calgarians in particular.

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

Health Care System

MRS. ABDURAHMAN: Thank you, Mr. Speaker. The Premier has accused Alberta Liberals of fear mongering when it comes to health care. Now the newly elected Tory Member for Calgary-McCall has repeated that cry. Let me assure you that I am not fear mongering. I'm doing my job as a representative of my community. I'm merely repeating what I'm told by people who have had to use health care in the province recently, not people

who were called in that recent telephone poll the Premier is quoting, a poll, by the way, that is skewed.

Mr. Speaker, I don't consider it fear mongering when I'm told a baby can't get into the University hospital, where the child's doctor practises. Why? Because the hospital, with all the recent cuts, can't take another patient. I don't consider it fear mongering when I hear parents begging for a review of the health care policies in light of the dismantling of the current system. I don't consider it fear mongering when a young wife seeks assistance from my office over an ambulance bill she can't pay because she's caring for a terminally ill husband. Both her mother-in-law and herself are working to keep a roof over their heads while at the same time caring for this dying young man. I don't consider it fear mongering when I hear that a man with a leg broken in three places was released early after eight hours of surgery with a prescription for Tylenol 3s. This man's wife couldn't even assist him to the toilet. He was later readmitted. What saving was that?

Mr. Speaker, I don't consider it fear mongering; I consider it the truth. I could give you many more examples. As one of my constituents said: if this is how our health care is going, God help us all.

head:

Orders of the Day

Speaker's Ruling

Ethics Commissioner's Reports

THE SPEAKER: It does not appear that the hon. Member for Taber-Warner wishes to proceed with this matter that was set down for today. Therefore, it will fall from the Order Paper, as it was merely a notice that was set for today. It wasn't set for any other time. Perhaps during the next while leaders of the House could discuss this problem of the Assembly, not of the government or the opposition but of the Assembly, as to the delinquency in responding to the requirements of the Conflicts of Interest Act, that has now persisted for more than two years in one instance.

MR. DECORE: A point of order.

THE SPEAKER: Yes. The hon. Member for Edmonton-Glengarry.

MR. DECORE: Mr. Speaker, I rise under Standing Order 13(2) and *Beauchesne* 543, withdrawal of notices. First of all, might I observe that there are certain duties that chairs of committees have that are different than, let's say, the ordinary backbench MLA. Yesterday a chair of a standing committee rose in the Assembly and gave notice of motion that certain action was intended to be taken with respect to the reports of the Ethics Commissioner. Today that chair has disappeared. The chair, I'm not sure why . . . [interjections] Well, Mr. Speaker, this is an important and serious matter, because there is a potential thwarting of an Act of our Legislature.

The Act says that within 60 days of the Ethics Commissioner's dealing with a certain matter, that matter should be brought to the attention of this Legislature. Yesterday, sir, the Speaker of this Assembly embraced that notice of motion and brought forward a certain decree. The decree was that there will henceforth be a new section under Orders of the Day. In fact, the Speaker went so far as to identify the time that would be allotted for debate on the issue, all of which is welcome, because I think we have a problem. We have an Act that says that certain acts need to be taken. We have a chairman of a committee who gave us notice

of that, which I thought we would deal with today because we continue to bend or breach or thwart the Act.

Now, Mr. Speaker, first of all, I want to say that I'm delighted that there isn't a procedure, a process, to make the Ethics Commissioner the subject of this process, because I have great respect for him. I heard rumours that one of the hon. members of this House intended to attempt to exonerate himself, and that really bothered me because there is a report and I think the provisions of the Act say that the Ethics Commissioner is bound by confidentiality in the way he does his assessments and so on. I don't think this is the place where you go into that.

2:50

But how do we deal with it? How we deal with it I think is for some very definitive action on what now is a bending and a breach and a breaking of the provisions of this Act. I think that you, Mr. Speaker, need to give some very clear directions to the House leaders that by a certain date they must come back with a solution to this problem so that all of us aren't in breach of those provisions and so that we don't frighten or scare an Ethics Commissioner into believing that his decisions can be redebated or reassessed or whatever in this Assembly or in some committee. That's the worst part of what I think we could lead ourselves to.

So I ask for something more. That's why I rise on 13(2): to give a direction to the House leaders to say that by such and such a date you must come back and you must have a solution to this problem or, Mr. Speaker, that you will be part of the sitting down with the hon. members to sort the matter out. We continue to breach the Act if we don't do something more specific.

Thank you, Mr. Speaker.

MR. DAY: Mr. Speaker, you've already given the direction that the Member for Edmonton-Glengarry has requested, so I don't know what that part of the point of order is. The entire remainder, 98 percent, of his remarks are anticipatory, hypothetical, and presumptuous and therefore cannot be part of a point of order.

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. Just a few comments. Indeed we find ourselves in a bit of a quandary today. There are a number of procedural difficulties that arise with the calling of this particular item under Orders of the Day. I would note also for the Speaker's information *Beauchesne* 540, that kind of addresses part of this issue, which says:

Oral notices for future proceedings do not generally exist in the House of Commons. It is useless for a Member to say: "I give notice that I will move a certain motion tomorrow,"

which indeed is what started the ball rolling I guess yesterday. It then continues:

This would not give any precedence on the next day and the Member would not thereby acquire the right to speak on matters not standing on the Order Paper.

So we had the notice of a motion that according to this section would be inappropriate, and then of course in the conflicts of interest legislation, section 26(3) does indeed require this Assembly as a whole, as you pointed out, Mr. Speaker, to deal with it. It also says that we must deal with it "within 60 days after the tabling of the report, or such other period determined by a resolution of the Legislative Assembly." So indeed the House leaders need to have a resolution come before the House by some mechanism that does not breach section 540 of *Beauchesne*.

Perhaps we need to make an amendment to our Standing Orders. I'm not sure which day we would include this, but currently Standing Order 8(2)(a), which is referencing Tuesday

afternoon, contains no such clause to deal with the topic as called today by the Clerk. So certainly I think we need to address this quirk, I guess, in our legislation to resolve the issue for future incidences.

Thank you.

THE SPEAKER: Well, the Chair really feels that the Chair made a stab at this. It didn't go according to what the Chair thought was going to happen, and therefore the problem exists. The Chair will not make a ruling on the point of order except to agree with the hon. Member for Edmonton-Glengarry that there is a continuing problem.

I will reiterate the Chair's earlier comments. The Chair really doesn't think it is a government or opposition problem; it's an Assembly problem. There are senior spokesmen for hon. members in the Assembly on both sides, and I think I'd ask those people rather than denote specific offices that have that responsibility. The Chair would say, for example, that while the chairman of the Legislative Offices Committee did give this notice in this case, the notice and the motion could have come from any member of the Assembly. It doesn't have to be any particular member of the Assembly who could bring this matter to the Assembly under section 26 of the Conflicts of Interest Act. This Legislative Assembly passed the Conflicts of Interest Act, so every member was part of it, and it calls for something coming to the Assembly, not to the government or to the opposition but to the Assembly. Therefore, this problem is a problem of every member of the Assembly.

The Chair did think that the mechanism proposed was a reasonable way of dealing with it, but apparently the Chair was mistaken. So for the time being at least the Chair would urge some consultations amongst all hon. members for a better system of dealing with this than has been proposed. But the Chair feels that it has the obligation of perhaps being a nag on this, because we should not set an example to the province that we pass laws that we just don't really pay any attention to. That is not a good example. So the Chair does earnestly enlist the support of all members of the Assembly in getting over this continuing problem.

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

Bill 212

Motor Vehicle Administration Amendment Act, 1995

[Adjourned debate May 10: Mrs. Burgener]

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

MRS. BURGNER: Thank you, Mr. Speaker. I'm pleased to continue making my comments in support of Bill 212. Mr. Speaker, as my comments concluded last week, I was referencing an analogy that we used in our family with respect to hockey and practice and how practice takes the theory and the knowledge that one learns from studying and observing and improves the skill level. I would like to continue that focus a little bit.

In this particular piece of legislation I think one of the things that's overlooked is the fact that we are targeting beginner drivers, novice drivers, new drivers, be they 14, 16, 30, 50, or whatever, Mr. Speaker. People have been passengers in vehicles for a significant number of years. We are very comfortable traveling by car, but it's a very different thing to finally get behind the wheel of the car and watch that vehicle move and manoeuvre as it should. Even such simple things as learning how to follow

traffic signals, read traffic signs, and observe the plan of the road and the direction of traffic is very different from also manipulating the vehicle, keeping it off the centre line and a proper distance from the car in front of you. All of that takes time. Those of us who have put our children through driver education programs and those of us who have had those kinds of courses ourselves know that the comfort level is slow to arrive to a new driver, when they actually feel they can move that car through the traffic with a great deal of certainty and security.

Mr. Speaker, as we're driving, we often have some frustration when we see that sign, "student driver," in front of us because we know that they're going to be taking extra time at intersections, that they're going to be taking extra time looking over their shoulder to see if the lane is clear, that they're going to be cautious pulling away from the curb. We become frustrated with that, but it's a natural tendency for a new driver to hesitate and to respond a little bit slowly. That's what practice is all about: to be able to recognize what signals you should be looking for, respond to them quickly, and then move your vehicle safely through traffic.

What we're doing is identifying that all new drivers need to be observed and restricted in some way so that while they hesitate and watch carefully and learn to develop those instincts, they will become safer drivers. Mr. Speaker, I just keep reiterating that because I think it's an important process. The issue here is not one of penalizing those who have reached the age that says they can drive. I appreciate that it's a very sensitive issue for young people, but we are not looking at age here as a licence. We are looking at the fact that age and experience do not necessarily occur at exactly the same time.

3:00

Mr. Speaker, this particular Bill also focuses a lot on the issue of other passengers allowed in the car, about the time you can operate the vehicle, and unfortunately it has to deal with the issue of zero tolerance for alcohol. It's been mentioned that for a driver of age 16 that should not even be an issue, but because our culture has recognized that teen drinking is of a norm, when that translates into their driving practices, we have to be ever vigilant. As I say, it's that same thing: hesitating, learning to watch the signals, using the queuing system that any driver would develop for themselves, and then putting it into their culture. If we've got an alcohol problem with our youth, then we have to make sure that it doesn't come anywhere near that vehicle.

The issue of wearing a seat belt: again, Mr. Speaker, we know the safety factor and the savings to society that have been achieved by mandating the seat belt law. I think it's one of those things we have to continue to reinforce. We've also got the issue of passengers and the time of driving. Mr. Speaker, again, as these student drivers learn to manoeuvre their vehicles, we have to be ever mindful of the passengers they may have with them in the car.

As a driver on the road myself I feel that I am doubly conscious of the risk that I undertake behind the wheel of a car when I drive in the evening. Mr. Speaker, we know the number of cars on the road after a certain hour of the night will have drivers who have been drinking. So if you take that same student driver who is learning the process and learning how to manoeuvre the car while at the same time picking up all the skills that are required in driving and navigating and you put them in situations where you have potentially dangerous drivers on the road or driving conditions that can be harmful, I think that as a society we have to take certain care to protect them. Again, it's not just them; it's the

other drivers who may be on the road with them when these accidents occur.

I have a great deal of respect for the Member for Red Deer-South for bringing this piece of legislation forward, because it is controversial and it is a difficult change in the process of our Alberta culture. Mr. Speaker, part of the legislative process is public education, and we have to lead by example. I think when we see the incredible suffering that has occurred in families where these tragedies have occurred, when we know that in the health care system a great deal of the cost related to health care comes from motor vehicle accidents, we have to look at this as one of the solutions, one of the steps in an ongoing process to educate the public. So I commend the author of this piece of legislation for bringing it forward at this time, and I offer him my support.

Thank you, Mr. Speaker.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'm pleased to speak to Bill 212. I am concerned about safety on our highways and new drivers, as I'm sure everyone in this House is, especially since I have one child who has her learner's and another one who is a recent driver. So I'm looking at this Bill with very serious intent, and I want it to be a very good piece of legislation. I have some concerns, generally speaking, with the Bill that I'm hoping will be addressed at some point in time.

Section 2(1.1):

No person holding an operator's licence of a learner's category shall operate a motor vehicle between the hours of midnight and 5 a.m. unless that person is exempted by the Minister.

Well, actually, no person with a learner's licence can drive without anyone being there anyway. So I don't see the point of that section, unless that was meant to be that anyone with a new licence can't drive between the hours of midnight and 5. [interjection] That's what it says? I find that a bit discriminatory. So that means that someone who has a new licence then for two years cannot drive between the hours of midnight and 5. I don't just mean for young people, but for immigrants who come here from other countries and get a job driving a taxi – well, maybe that's a bad example – or get a job with shift work, that's very punitive. I can't support that concept of the Bill.

Point (1.3) about having a seat belt: I think that's redundant. I think that is already law; I believe it is. You're shaking your head, no. I hope you can prove that to me.

The other one, (2.1) still under section 2: "No person accompanying a licensee under subsection (2) shall have a concentration of alcohol in the blood which exceeds 80 milligrams." Well, isn't that common, that you can't be over the legal drinking limit anyway if you're with a learner? I'm thinking that's redundant as well.

Then (3.3) underneath:

No person holding an operator's licence of a learner's category issued under subsection (3) shall carry passengers when operating a motor cycle, scooter or moped.

I'd like clarification. How do you learn? How does a learner learn to drive a motorcycle if they can't have an adult with them who has their licence? So I'm having some trouble with this Bill. [interjection] You're welcome to debate me after, and I want to hear some answers, so please do. This is not only an MLA speaking but a concerned mother, so please hop in.

Now, (3.5) has flashing lights by it for me. I'd like this clarified:

Every person who is issued an operator's licence of a learner's category . . . must retain that status for not less than 60 days and not more than 90 days from the date of issue of the operator's licence of a learner's category.

Does that mean that they have to go and renew it every 90 days? If it does, that's a good moneymaker for all our new licence registries. If you have to renew your learner's every 90 days, I don't think that's very fair. How many of us who have been driving for awhile have actually rewritten that test or looked at that book again? So I see that as a real moneymaker for registries, and I can't support that.

DR. L. TAYLOR: There's nothing the matter with making money, Colleen.

MRS. SOETAERT: There's nothing wrong with making money. Of course not, Member for Cypress-Medicine Hat, but there is if it's a punitive measure on people who are to have learner's permits.

Now, 11.1(1):

When an operator's licence is issued to a person who has never held an operator's licence in Alberta or any other jurisdiction, it will be considered a probationary . . .

That's okay, but one thing I'm worried about is if they've had a licence before from another country . . .

DR. L. TAYLOR: It's covered.

MRS. SOETAERT: It's covered? All right; then that's no issue there.

Now, 11.2(1): "No person who holds a probationary operator's licence shall operate a motor vehicle if that person has alcohol in his body." So if a person is an immigrant from another country and 35 years old, they cannot have a drink of wine at a meal and then drive to another place. I'm not condoning drinking and driving, but that would eliminate that person from even having a glass of wine with their meal. I have some concerns over that.

Some other points that I heard talked about were: if we're dealing with teens and alcohol, if that was the intent of what the Member for Calgary-Currie was referring to, I daresay that teens are probably more responsible with drinking and driving than some adults. They have certainly had a great deal of programs about awareness in their schools. Certainly we have all been at graduations lately, and I have seen some very responsible kids with designated drivers and parents who willingly picked them up after parties. I'm certainly proud of the students that I have seen lately and their responsible actions.

I think one of things that we should be looking at is safer roads, wider shoulders in certain areas. Maybe that's got nothing to do with this Bill, but I think that when we're looking at safety, it has to be more global than just a few amendments to a Bill.

3:10

There's one other thing. I see this Bill maybe helping insurance companies. Maybe the accident rates will go down for young drivers or new drivers. There's no denying that when you're new at something, you're bound to have a few accidents or a few mishaps along the way. Then if accidents decrease, will our insurance premiums decrease? Now, there's nothing wrong with saving money either, so that is one thing I wonder about. This will certainly help insurance companies, and that's good. Then are the rates going to go down? Anybody here paying insurance rates for young drivers is well aware of what that costs.

Mr. Speaker, I'm all for safer driving conditions and people being aware of what they are doing when they are new drivers, but I'm not sold on this Bill doing that, and I'm not sure I can support it. I'm going to read through some more of the debate and hear colleagues on both sides. I know that we have for sure two or three amendments that will be coming forward, and hopefully the member who sponsored this might have some amendments ready to come forward, because I'm certainly worried about the midnight to 5 section. I think that's quite punitive and unfair.

With those comments, Mr. Speaker, I'll gladly let someone else speak to it.

THE SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. I'll be brief. There are just a few points that I would like to make with regard to this Bill. With all due respect to the hon. member who brought it forward, I can't support it. I think it's punitive. I don't understand why, when we have a problem, we want to go about it in a piecemeal way. If we recognize or say that we recognize that we have a problem with new drivers, then we need to go back and look at what it is that qualifies them to become a driver in the first place. If we're saying that the standards aren't high enough, then let's raise the standards. If the test isn't tough enough, then let's improve the test and make it more difficult for them to get that licence in the first place if we are convinced that there's a problem. On private members' Bills we continually seem to be wanting to go after the young people in this province.

Just last week we had the Forum for Young Albertans in here. I had the opportunity to have dinner and a discussion with five young men from three different constituencies who felt very frustrated that they don't have a voice in here, and they would like to be able to come in and speak on their own behalf on Bills like this that are going to directly impact them. One young man from the Drayton Valley constituency pointed out to me that he does shift work. He has had his driver's licence for one year. He's almost 18 years old. He now has an opportunity to work until midnight during the summer holidays. This would mean he couldn't do that. He would have no way to get home after that 12 o'clock shift ended. That's crazy. Is that what we're trying to accomplish here?

My mother, who is 67 years old and never had a driver's licence, has decided that she wants to get her driver's licence so she can ensure that she and her husband can go to different functions in Ponoka. This is not a woman who wants to be out on the highway driving around, but she does want the ability to go to Royal Purple and Elks functions and be able to drive home at the end of them. The health circumstances of her husband have caused her to re-evaluate her position on driving, so she now has her learner's permit. As she goes through this process, if she's successful in getting her driver's licence, now I'm going to go tell my 67-year-old mother, "I'm sorry, but you'll have to be home before 12"? I don't think so. I have a serious problem with this kind of standard.

DR. L. TAYLOR: She should be. She's an elderly woman. She needs her sleep.

MS HALEY: Well, Lorne, I will make sure I pass on your comments to her, and I'm sure she'll really appreciate them.

I guess ultimately, Mr. Speaker, when as lawmakers we decide that we're going to pass a law, we must make it consistent for all

of the people. I reiterate: if there's a problem with the standards for people getting driver's licences, then go back and look at them, but don't do this piecemeal, overreactionary thing, telling kids they can't drive between 12 at night and 5 in the morning. That's who we're targeting here. The vast majority of people getting driver's licences in this province are teenagers. They're my teenagers; they're your teenagers. If we're not satisfied that they're being taught how to drive properly, then go back and re-examine that.

Thank you, Mr. Speaker.

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

MR. WICKMAN: Thank you . . .

THE SPEAKER: Oh, sorry. The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. You are recognizing me ahead of Edmonton-Avonmore?

THE SPEAKER: Yes, I am.

MR. WICKMAN: Thank you, Mr. Speaker. I want to speak a bit on Bill 212 as it sits in front of us. When I first looked at the Bill, when I first did some research into it, I must say that my initial reaction to it was, no, it was not a good Bill. There was not really that much there to consider because I saw it initially as a Bill that discriminated on the basis of age. But the more I explored it and the more I looked at it, unless somebody can correct me, I now assume that it applies to any new driver. It does not necessarily apply to drivers that are within the age category of, say, 16 to 18, but it could apply to my mother-in-law, who was 74 years old when she first got her licence, that within the first two years this restriction should have been placed there. If somebody would kind of nod their head and indicate that I'm on the correct track, then I have re-evaluated my thoughts on it.

Mr. Speaker, I now see the Bill as a measure of recognizing that lack of experience. There is a lack of experience in a lot of cases with new drivers, and it does place them at a disadvantage in that they don't have the same skill as somebody else may have. I think if any of us go back to our earlier days and the first occasion we had to drive – and I'm sure everybody had a different type of experience. I can remember my first experience driving. My older brother bought a second car. We drove out there, and he said to me, "Now you drive the old one home." I said, "Well, I've never driven before," and he said, "Well, you have to learn sometime, so you might as well learn now." So down that old country road, scared, shaking, I drove two miles, got that car back home. I never got that Model A out of first gear, but nevertheless I got it home. That's how I had my first driving experience and continued to learn to drive in that fashion.

I compare that with what my son went through when he was approaching 16, attending Harry Ainlay school. He went through the driver education program, and he came out a superb driver when he got his licence on his 16th birthday. He instructed me at the time not to follow as he was taking his test. Of course, I was too curious; I had to follow. I must say that he was a superb driver, and I would have had no hesitation in recognizing that he was just as good a driver, if not better, than a lot of persons who had been on the road for a period of time.

But everybody doesn't have the opportunity of learning in that fashion. If everybody did, if we could in fact introduce some type

of program throughout the schools where driver ed became compulsory and maybe insurance companies would work in conjunction with the schools, the tremendous savings in terms of insurance claims and such I think would more than offset any costs. Of course, then that would have to apply to not only students in junior high or high school, whatever the case may be, but also the opportunity for any new driver, such as my mother-in-law, who when she was 74 decided she wanted to learn to drive. She didn't have that opportunity of having a driver education program accessible to her, although she eventually did get one because that's the only way she was able to learn.

So when I look at Bill 212, I now take the position that there is some merit to the Bill. The member for – I call her the SSS member, Spruce Grove-St. Albert-sternwheel, whatever, three Ss. SSS will do. The concern about the seat belts. My understanding of that legislation – and again correct me if I'm wrong – is that it applies automatically to any car manufactured in a certain year or if they were installed by the manufacturer at the time the car was built. In other words, if you're driving a 1943 Ford that did not have seat belts installed by the manufacturer when the car was built, that car is exempt from seat belt legislation, if I'm not mistaken. So on that basis the requirement for the seat belt is good. In fact, the requirement for seat belts I think should be there for even the older cars, that didn't have them while the car was being manufactured. That can easily be adapted at the existing time. So if it means spending a few dollars taking an older car that somebody has spent \$15,000 restoring, going one step further and spending a couple of hundred dollars putting in seat belts, I think, yeah, it's well worth it. I am an advocate of seat belt legislation.

3:20

What I'm saying, Mr. Speaker, is that I'm now of the opinion that Bill 212 should be supported in second reading. It should be advanced to committee stage. At committee stage will be the opportunity for members that have some concerns – and I'm sure there's some fine-tuning that members will want to do to the Bill – to do some fine-tuning to the Bill and, if necessary, have it come back then in the fall for final committee stage, for third reading. Get the Bill passed eventually really fine-tuned so it becomes a very meaningful piece of legislation that goes a long ways in supporting not only what groups like the Insurance Bureau of Canada and the Canadian Automobile Association are advocating or the Member for Red Deer-South is advocating but that a lot of other people are advocating: a mechanism, an attempt to try and reduce the number of accidents, injuries, deaths and such that occur and of course the additional insurance premiums that most people have to pay as a result of the increased claims that are brought because of the number of accidents that occur.

So I commend the member for making that first effort, for taking that first step and getting some proposed legislation in front of this House to allow it to be debated so we can move on it from here. On that note, Mr. Speaker, I'm going to conclude and allow others to voice their concerns on the Bill.

THE SPEAKER: The hon. Minister of Energy wishes to participate.

MRS. BLACK: Thank you very much, Mr. Speaker. I just wanted to rise and make some very brief comments. I'm supportive of Bill 212, and the reason I am supportive is because about three or four years ago I spent almost a year touring Alberta discussing why insurance rates were increasing and as a result met

with people from every quadrant of this province to talk about why insurance rates were increasing at quite a pace. One of the recommendations that clearly came back from that was to look at a program such as this.

When you talk to people who are on the receiving end of accident victims – police officers and medical service people – clearly quite often you'll hear that the difficulty that has caused the accident is inexperience, inexperience at the wheel, whether that be because of weather condition changes or just lack of experience in driving. It doesn't really matter what age, whether you're a 14 year old, a 16 year old, a 65 year old, or a 67 year old. The experience at being behind that wheel and being able to be a defensive driver and react not only to your own actions but to someone else's takes practice. It takes practice.

Having an experienced driver with you or being restricted is very important. While you can be sympathetic to someone who is in later years wanting to learn to drive, they really have not gained that experience at that wheel. When you look at some of the catastrophic accidents that have occurred in this province and across Canada, you can clearly see that most of them have been caused through lack of experience behind the wheel and mistakes that have been made because they haven't had that experience.

So I am supportive of this Bill and would say that this is just a first step, because I believe that there are other rigid measures that should be taken to help . . .

MR. BRACKO: Point of order.

THE SPEAKER: The hon. Member for St. Albert is rising on a point of order.

Point of Order Questioning a Member

MR. BRACKO: Yes, *Beauchesne* 482. Would the minister entertain a question, please?

MRS. BLACK: No, Mr. Speaker. The time is short, and I'd like to give other members a chance to debate.

Debate Continued

MRS. BLACK: I would like to say that I really believe we would be responsible by supporting this Bill. I would encourage hon. members to support it, and I do look forward to it getting to committee stage.

THE SPEAKER: The Assembly wishes to conclude debate? Of course, we do have an amendment before – no, no amendment. I'm thinking of the next order.

The hon. Member for Red Deer-South to conclude debate.

MR. DOERKSEN: Thank you, Mr. Speaker. I rise to conclude the debate today. I only have two minutes left to make some very brief points. I certainly encourage everybody to support the Bill because ultimately the point is that we want to improve safety on the road, and the point has been raised here today that experience for new drivers is very important.

I want to make a quick point on the restriction between 12 to 5, because it's come up a lot in debate. That applies only to the learner's category, who have to have a driver with them anyway. So if they're at work and they have a learner's category, they can't drive home unless somebody is driving with them. So it does not unduly restrict the learners from driving. Once they

have their driver's licence, Mr. Speaker, that restriction no longer applies. So it's not an issue.

Mr. Speaker, I certainly welcome the opportunity to discuss this over the summer and bring back some of these ideas before committee in amendment form, and we'd certainly consider them. So now I'd like to call the question.

[Motion carried; Bill 212 read a second time]

THE SPEAKER: What's the will of the Assembly? Does the Assembly agree to move on to the next order of business, considering the hour?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried. So ordered.

head: **Motions Other than Government Motions**

Liquor Licences

511. Moved by Mrs. Forsyth:

Be it resolved that the Legislative Assembly urge the government to recommend the Alberta Liquor Control Board, ALCB, to suspend the licences of store owners who sell or serve liquor to minors as follows: for a first offence, warning or suspension of up to 30 days for knowingly serving a minor; for a second offence, 30 days' suspension; and for a third offence, licence cancellation.

Moved by Mr. Bracko that Motion Other than Government Motion 511 be amended by striking out "store owners who sell or serve" and substituting "any person or establishment that sells or serves".

[Adjourned debate May 9: Mrs. Fritz]

THE SPEAKER: The hon. Member for Calgary-Cross on the amendment to Motion 511.

MRS. FRITZ: Thank you, Mr. Speaker. When we adjourned debate on this motion last week, I intended to propose an amendment to this motion. However, I recognize that parliamentary procedure needs to be followed and debate on the Member for St. Albert's amendment must be closed first.

I feel that the Member for St. Albert has proposed a very good amendment. It goes a long way to clarifying the wording of this motion. We need clear, concise legislation, Mr. Speaker, as there is already enough gray area in the enforceability of the Liquor Control Act, and any steps we can take to reduce this are welcome. I think we can all agree on the amendment proposed by the Member for St. Albert, and at this time, if there are no objections, I would ask that the question be called on this amendment and then be recognized for the further amendment that I had proposed earlier.

Thank you, Mr. Speaker.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Calgary-Cross on the motion as amended.

MRS. FRITZ: Thank you, Mr. Speaker. If I may continue, the members speaking before me have raised a valid concern with the

motion as it stands, and that was on both sides of the House. The concern they raised was over the word "knowingly." Before we adjourned debate on the motion last week, I had suggested that the motion be further amended to strike the word "knowingly," and I would ask that this amendment be circulated to members of the Assembly. To read that amendment, it is that Motion 511 be amended by striking out the word "knowingly." So I'm putting that forward.

Mr. Speaker, this amendment would place further responsibility I believe on the vendor and would make the laying of charges easier for the ALCB and the police. After listening to my hon. colleagues, as I said, I do agree with the concerns they raised. After all, there's little sense in passing, I believe, a motion which would strengthen the penalties for selling liquor to minors if the onus would be on enforcement agencies to prove the vendor knowingly sold liquor to minors.

3:30

I'm sure my hon. colleagues will agree with me that if legislation exists, it is best that it is effective and easily enforceable. Several of the members speaking to the motion before have mentioned the problems of enforcement. This is one of the biggest problems that we as legislators face with the issue of minors and alcohol. Mr. Speaker, this amendment to the motion will go a long way to making the enforcement of this motion easier both for the police and for the ALCB inspectors. So I would ask that the question be called on the amendment to strike the word "knowingly" from the motion.

[Motion on amendment carried]

[Motion as amended carried]

Motor Transport Act

512. Moved by Dr. Oberg:

Be it resolved that the Legislative Assembly urge the government to more effectively enforce section 64 of the Motor Transport Act so that shippers as well as carriers are held responsible for contraventions of this Act.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. It's certainly a pleasure to rise today and speak to Motion 512 as it stands on the Order Paper under my name. I think this motion epitomizes what it is to be a rural MLA in Alberta in 1995 in that, not being able to purely stay with one's knowledge or expertise, we do have to branch out into all areas, and I think this is a perfectly good example about what it is to be a rural MLA.

Mr. Speaker, in my constituency there was a motor transport advisory committee set up by the previous minister of transportation. That transport advisory committee meets on a quarterly basis and brings forward issues that are important to the trucking and shipping industry in Brooks and area. This is a very important industry . . .

THE SPEAKER: Order please. The Chair is having difficulty hearing the hon. member.

DR. OBERG: This is a very important industry in my area as there is a lot of oil field traffic, a lot of livestock hauling, and a lot of vegetable traffic in my area.

MR. HLADY: Vegetable traffic?

DR. OBERG: That's right.

Mr. Speaker, these people who sit on the motor transport advisory committee in my area brought forward a very valid concern. Their concern was that as a trucker they were having to pay the full fine for overweight loads when often the overweight load was not to their knowledge and there were a lot of circumstances involved.

Consequently, what Motion 512 proposes is that section 64 of the Motor Transport Act be enforced. Section 64 of the Motor Transport Act presently states that when a

vehicle contravenes this Act or an order made under this Act, the shipper and the carrier are jointly and severally liable for the contravention unless the shipper or the carrier, as the case may be, proves to the satisfaction of the court that the contravention occurred without his consent, express or implied.

The section of the Motor Transport Act, though, has never been enforced, and the reason it has never been enforced is that it's a very difficult section to enforce. Truckers are a very easy target and an easy prey as they are the ones there causally at the time the ticket is given. They're the ones who are present in the truck when the overweight load is there.

Mr. Speaker, in my constituency there are a lot of problems with overweight loads, and it isn't the farmer who takes his grain into the elevator. What it is in my area is all the heavy traffic that is caused by oil rigs. A friend of mine who runs a drilling company with his 10 rigs drills a shallow gas well every 26 hours. He completes a shallow gas well every 26 hours in my area. Last year this was 365 days a year.

MRS. BLACK: Aren't you lucky?

DR. OBERG: That's right.

They did not have any problems with road bans. The county, recognizing that it was a huge economic impetus to our area, allowed them to put on bonds to fix roads that they damaged. Mr. Speaker, the roads have been damaged by the oil rigs. The truckers have received a lot of tickets. The truckers came to me and said: did you know that when a bill of lading on a rig is signed, the rig is for X number of kilograms or X number of tonnes? After a rig is commissioned, there are things such as catwalks, which are three-quarter-inch sheets of steel, that are added to these rigs. The weight of rigs can vary anywhere from, you know, 20,000 to 30,000 pounds in some cases from things that have been added to the rigs and have not been included in the bill of lading.

Mr. Speaker, what happens is that the highboy company goes out to the site to move a rig. The shipper calls in and says that they have a single rig or they have a double rig that needs to be moved. This is the weight on the rig. Highboy then goes out and puts the rig on. The only problem is that the weight stamped on the rig is not the correct weight. Sure, it was the weight when the rig was commissioned, when the rig was put together, but from all the weight that was added onto it, all of a sudden this trucker is overweight. We have an active enforcement program in our area because of the road conditions on the county roads, and the trucker then drives down the road and gets caught. The fines are quite significant. There are fines that are \$5,000, \$6,000, \$10,000, that the trucker pays.

Under this scenario what I am proposing, Mr. Speaker, is that the trucker is not without blame, but I'm also saying that the shipper is not without blame and that the shipper must take some responsibility. When he signs the bill of lading, he must know the

weight that he's asking the highboy to haul. That is an issue, and that is how this motion subsequently was brought forward.

When section 64 of the Motor Transport Act was enacted, it did recognize the joint responsibility between the shipper and the trucker. The unfortunate part, Mr. Speaker, as I stated earlier, is that this was never enforced. It was acknowledged at the time that shipping companies are often aware and purposely overload vehicles. This was something that was brought to my attention not by the rigs in my area but by people who haul vegetables. What they said was: "We have no control of how many potatoes are put on our truck. We as truckers don't dare say anything, because for every trucking company and every trucking contract we have, there are 10 more truckers who are willing to take our contract." So the number that is put on by the shipper, who in this case is making a concerted effort to put as much weight on as possible – it is the trucker that gets caught in that scenario.

What I'm saying again in this motion – and this is yet another example – is that there are joint responsibilities. Sure, the trucker should know when his truck is full. The trucker should know what his limit is. He can look at the springs. As the truck comes down, he can tell. But also there is extreme economic pressure in Alberta in 1995 to keep those contracts. They are not saying to the shipper: "No, please stop. That's all I can carry." If they do that – and this has been documented on numerous occasions by the truckers in my area – they lose the contract, or they're afraid they're going to lose the contract, Mr. Speaker. So what this motion does is put forward joint responsibility between the shipper and trucker in this area.

Mr. Speaker, probably a better example yet does not occur in my constituency. As we all know, in the trucking of goods around the province often the shipper seals the semitrailer. So the trucker pulls into the yard. They pick up a sealed semitrailer that they have not loaded. This could be Canadian Tire; it could be anyone. The trucker does not know how it is loaded: is the trailer loaded properly; is the weight on one axle or all axles? These are issues that the trucker has no control over. However, the trucker is the one who gets the ticket; he pays the fine when that overload is caught. What this motion says is that the shipper and the trucker are jointly responsible for overweight loads, that it is not the trucker's sole responsibility, that it is not the shipper's sole responsibility. This is acknowledging what is already in section 64 and asking that this section be enforced.

3:40

As you know, any time we put forward motions, we like to get responses from the department just to see whether our motion is way out in left field or whether it's a legitimate motion. One of the issues that was brought up was that this type of enforcement would be very expensive and cost a lot of man-hours to enforce. Well, Mr. Speaker, I would put it to you that a system of dual ticketing that occurs at the time of the overweight load would not be more expensive. It would not take any more manpower than it does at the moment.

As you know, Mr. Speaker, every trucker has to have a bill of lading signed by the shipper. When the shipper signs that bill of lading, he is acknowledging the weight of that load. If that weight is over what is on that bill of lading, I would put it to you that he is committing as much of a crime in the overweight load as the trucker who picks it up. What I am saying and what I'm suggesting is that at the time of the overweight load, what is wrong with issuing two tickets jointly? What is wrong with issuing a ticket to the shipper, whose name you have written on the bill of lading? You have a signed document that says what is

on there. You have a shipper who has consciously signed a document on an overloaded truck. You also have a trucker who has picked it up. In my mind, in my limited knowledge of the transport industry – and I will certainly admit to that.

MR. WOLOSHYN: You're doing very good, Lyle. You're right on.

DR. OBERG: Thank you for that vote of confidence.

In my limited knowledge, Mr. Speaker, it would not be any more difficult, any more time-consuming to issue two tickets at that time: one to the shipper, whose address, name, and signature appear on the bill of lading; and one to the trucker, whom you have standing before you.

There would be an extra cost, and I do acknowledge this. In doing research on this motion, there is an extra cost, and that extra cost is if they choose to fight these tickets. If they choose to take these tickets to court, then, yes, indeed we are defending two tickets instead of one. Granted, there is a cost there. But, Mr. Speaker, I put it to you that this motion and the dual ticketing system, if properly enforced, would lead to a lot of decrease in the overweight loads. It would lead to a decrease in the damage to roads, especially during the springtime. I think this would be a reasonable answer to the trucker's dilemma of whether or not he intentionally takes an overweight load.

Mr. Speaker, one thing that we have to really remember is that the odds of getting caught in Alberta on an overweight load are extremely low. It is a spot-check type of system, where if you come across a weigh scale, then you have it. So the truckers are playing a game of poker. Sometimes they win, and sometimes they lose. By putting the impetus on the shipper and the trucker to pay that fine, if he loses in his hand of poker, I think it will improve the road situation in our part of the world.

I'm sure the economic development minister or the Energy minister will say, "Well, why would you want more regulation?" Well, again – and I've heard this, gee, I don't know where – there is only one taxpayer, Mr. Speaker, and that one taxpayer is still the same guy that has to pay for the roads to be repaired when these overweight loads are addressed.

There's another issue here, and that issue is where a trucker picks up multiple loads from numerous shippers. That is an issue that perhaps can be addressed. Perhaps if there are multiple loads, then it is more the trucker's responsibility because he has knowingly taken on extra loads in this situation. I would put it to you that in that scenario it is indeed the trucker's problem.

Mr. Speaker, this motion is very simple. All it's saying is that we should enforce what is already there. We need to find a way to solve a problem in my constituency that is a very big problem, and that is: overweight loads that are destroying a lot of the roads. I as much as anyone do not want to be overregulated. I think the more regulations that are there – often they're just there for the sake of having regulations.

This motion I feel would do a job. It would take the onus off the trucker and put it jointly on the trucker and the shipper, which is where it belongs. I think it would lead to a decrease in the number of overweight loads that are traveling on all the roads across the province. I think it would not be an economic deterrent. The rigs that I talked about before – sure the rigs might have to pay a little more to have a different highboy come out and haul it because the weight is more. However, Mr. Speaker, the shipper is the one who added on all that extra metal and put all that extra weight on the rig.

It's a problem that, unless it gets addressed, is just going to get worse. There's absolutely no impetus in this very competitive market for a trucker to complain to a shipper that the shipper overloaded his truck and subsequently he got caught. This is something that, as I've stated, is there. It's an important issue, and I think it's something that we as a Legislature should address. Again, we have to keep something in mind, Mr. Speaker, and that is that overweight loads cause problems with safety. They're also there to stop the destruction of the roads. That is very important in a province that has as many roads as we do.

It's a very simple motion. It's something that as a rural MLA we deal with every day. I would bet that every rural MLA in this Legislature deals with overweight loads, deals with trucking problems on a daily, if not weekly, basis. Mr. Speaker, I feel that I've put my point across. I think this is a good motion. It's not asking for anything different than is already there. It proposes a solution to a problem. With that, I'll sit down and leave it in the hands of the Assembly.

THE SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. Speaking to Motion 512, I recognize the issue here quite well. There's also a considerable amount of oil and gas activity in my constituency. I've taken the privilege of talking to people in the industry. It probably is not as great an issue in my constituency as it is in the Bow Valley constituency, but nevertheless it is an issue.

We have to be cautious, though, how we address the issue. I fully recognize that the thrust of the motion is strictly to effectively enforce existing law. Section 64 of the existing law does say that the shipper and the carrier are jointly responsible or liable for the offences that are created if they are overloaded, and they can be charged accordingly. The problem is the issuance of these tickets always to the carrier himself. Unfortunately, they're stuck with the ticket.

If I firmly believed that the answer to this whole problem was co-ticketing at the time of the offence, I'd fully support it, but I don't believe that's the end of the issue, just co-ticketing the carrier. The industry itself at times, not so much at the present time, is faced with some very competitive issues, and they will bend the rules a little bit by picking up a load that is a little over the excess and the recommended limits. In this scenario the individual that is shipping it is not necessarily the bad guy.

3:50

The Member for Bow Valley keeps coming back to issuing two tickets. Now, if we want to go back to the competitive nature that this industry works under, just the fact that the possibility is there of a ticket coming to the shipper may jeopardize the very contract that the member was talking about a while ago. The guy that makes the phone call – the shipper, the guy that owns the rig, or the guy who owns the potatoes that we're talking about that are going to be shipped – may very well not phone that individual, the trucker, if he insists that the possibility of ticketing both parties is there. At the present time the ticket will be given to the trucker that is driving the truck, and hence the owner of the operation will suffer the financial consequences. If he wants to argue it, I guess he's got the opportunity to challenge it in the courts, but obviously there are considerable costs by challenging the shipper himself. He's got that choice to do that, but unfortunately that also means the end of future contracts. I don't believe that's necessarily the answer.

Unfortunately, what we're looking at, I believe – and the Member for Bow Valley addressed it to a certain extent – is an issue of enforcement. The issue of enforcement here is the real issue, and it unfortunately would require more personnel to do it properly. Now, the department has a decision to make: are we prepared to enhance or increase or augment enforcement, or are we prepared to live with the personnel that we have on staff at the present time? To really resolve the problem or to enhance this situation, I firmly believe the best way to do it would be through enforcement, and we know that that costs money. If we're going to talk about increasing the ticket price, we're hurting the industry that much more. It's a balancing act that the government is going to have to address, but I don't believe that the co-ticket issue is the sole answer here. It's not going to prevent the shipper and the carrier . . .

DR. WEST: Talk to your farmers first.

MR. VASSEUR: The minister of transportation I think wants to address this issue also, Mr. Speaker, but the issue here is not only the farming community; we're talking about everybody who owns a truck. I think he'll have the opportunity to speak to the issue after I'm finished here.

Again the issue here may very well be that we can better the situation by co-ticketing, and I support the issue as being one of concern. Don't get me wrong here. It's an issue that we have to address, and I believe that additional enforcement is the best way to address it. That's an opinion, and I think it's a valid opinion. I believe that if we're going to rectify the situation, we're going to have to look at that issue over and above the co-ticketing.

I've talked to people in the industry – I've taken the privilege to do that – people that do contract work in the oil patch, an individual that has a lot of iron on the highways in common freight, a contract for hauling salt. As a matter of fact, the particular company has at least 150 to 200 employees. He's been in the transport industry for some 35 years. He knows what he's talking about. He doesn't see the issue as being a real big issue in what he's doing at the present time, although it has been, if I can say, a pain in the butt at times. But it's not, I think, as big an issue as it is in your riding, sir.

With those comments, Mr. Speaker, I'll leave somebody else to speak to the issue.

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure this afternoon to rise and speak in support of Motion 512, and I'd like to commend the hon. Member for Bow Valley for bringing the motion forward. I think we all realize that on our highways and rural roads in Alberta there is some abuse of overweight loads and there has to be some enforcement. As mentioned by the hon. member, the enforcement now is very spotty and it's at times fairly easy to get by with a load. It creates problems with our highways because of deterioration, especially in MDs and counties. The rural roads will take the worst beating on overloads, and I think it's great that this motion be brought forward.

As mentioned, in the Motor Transport Act under section 64 there is provision there to issue dual tickets, to both the carrier and the shipper. I know from my experience when I was in construction that the shipper is more often guilty of overloading trucks because it is to their advantage to transport as many pounds as they can for the same dollars. They go out and get tenders on

hauling steel or hauling some material to a certain destination, and when the truck pulls in, they say: "Well, I have a couple of extra packages or crates here to put on, and you have room on your carrier. We might as well put it on." The driver of the truck, who often owns the rig, hates to say no because he knows that many other carriers would be prepared to pull into the same yard and take that chance. So he has the choice of agreeing to cheat the system or, on the other side, possibly losing that contract. Often they will take the loads, and they will take off with the loads. If they get stopped, it's very costly for the owner of the truck. The tickets can be up to \$100 for every 500 kilograms that is over the limit. So the trucker then is stuck to pay the full bill for that.

I believe that if we had a dual ticket system, if we had a way to get back to the shipper, who is the person who is knowledgeable about what he loads, he should be knowledgeable about the amount of weight that he is asking this trucker to carry. The trucker goes there and has to take his word because he has no way of weighing the material before he loads. He gets there and the material isn't ready to be put in crates by forklift and the shipper definitely knows. The shipper will prepare a bill of lading, and on his bill of lading he will put a certain weight. Usually these weights are within the regulations, but the actual material that he loads onto that truck is in excess of those weights.

I think also that in many shipping departments in some companies there is a bonus that is allowed to shippers to be more efficient and to make sure they load to the maximum on every truck so that they don't slough off. What happens if they're on a bonus system is that they will always have a tendency to overload in order to look good in the eyes of the company and be able to take the bonus.

So the poor trucker takes to the road, he gets stopped, and he gets ticketed. He gets charged, and the shipper, who is the only person all along who knew that there was a problem there, is scot free.

I support that section 64 of the Act be enforced, that there is a dual ticket issued, and that the shipper be responsible for 50 percent of that ticket. In the case where the trucker is a common carrier who runs a depot in the city and picks up from several companies in a day, I think it's up to the enforcing officer who would stop him on the road if he has more than one bill of lading. It's up to the trucker to make sure that he has his bill of lading, that he knows how much he's got on the truck, and that he stops at the limit of his carrying capacity. But if there is only one bill of lading and it comes from one shipper, then that shipper should definitely be asked to bear part of the expense. I think that if the shippers knew this was being enforced, a good percentage of them would abide by the rules. A good percentage of them would make sure that their weights are correct because they would not want to take the risk. The risk of paying 50 percent of a ticket at that rate is too great for the shipper to take. I think that would minimize the amount of carriers on the road with loads in excess of the allowable weights.

4:00

The majority of citations and tickets go to the carrier. Officials in the motor transport service say that it's very rare for a shipper to be charged under this section. So they admit that at this time it's not enforced. Mr. Speaker, although section 64 calls for both parties to be held responsible, it seems like the scale is tipped on one side, and the shipper never gets charged. The motor transport service will usually ticket the carrier for carrying an overload, but if they suspect that the shipper is responsible for the overload, the transport official will visit the shipper and use aid

and education methods in an attempt to bring the shipper in compliance. So there is no fine but just a verbal contact where they would give them advice.

Mr. Speaker, this sounds very much like a double standard. I realize that there are many difficulties in charging the shipper. Sometimes the overload is not detected until some distance away from where the load was picked up, the papers that the carrier has from the shipper often reflect estimated weights only and therefore are not always accurate, and often the carrier will not implicate the shipper for fear of losing a contract. But I think if it was up to the enforcing officer to decide that he's going to issue two tickets, to make sure that the truck owner has no influence on who gets the ticket, that would alleviate this fear. It is often difficult to prove that the shipper had any prior knowledge that the load was overweight, but the fact that it is difficult to prove should not prevent the official from conducting a full investigation and prosecuting where appropriate. There are many situations where the shipper is just as responsible as the carrier, yet the carrier is the one to receive the ticket while the shipper is very rarely charged.

The intent of Motion 512 is to urge the government to enforce a law that is already in place, to enforce section 64 of the Motor Transport Act, to enforce a balance to the system that is lopsided and unfair to the carrier. So I would urge all the members of this Assembly to support this motion, and hopefully we will reduce the amount of overweight loads on the highways, we would reduce the amount of policing, and we would in this way pass on a good educational process to the shipper to make sure that they cooperate with the truckers and live within the legal limits of loads that are transported on our highways.

Thank you, Mr. Speaker, and I urge all members of this Assembly to support this motion.

MR. DECORE: Well, great intentions, Mr. Speaker, but this would be, I think, a terrible motion to pass. I think the people that are going to get hurt are in fact the small carriers, the smaller carriers in small communities in Alberta.

Let me read section 64 for the hon. Member for Bow Valley. It says, "When the operation of a public vehicle contravenes this Act . . ." That means anything that is set out in the Act that has an obligation on people is part of what we're talking about, not just overweight permits, anything that relates to the operation of a public vehicle.

When the operation of a public vehicle contravenes this Act or an order made under this Act, the shipper and the carrier are jointly and severally liable for the contravention unless the shipper or the carrier, as the case may be, proves to the satisfaction of the court, not to the satisfaction of a police officer, to the satisfaction of the court,

that the contravention occurred without his consent, express or implied.

Now, Mr. Speaker, in our criminal justice system you're innocent until you're proven otherwise, innocent until you're proven guilty. The onus in a criminal case is usually on the Crown to prove that somebody has contravened an Act or a criminal provision or whatever. Here there's a very interesting twist, because the twist is that now the shipper has the obligation of coming forward and proving to the court, not to a police officer, that he or she didn't contravene the Act.

DR. OBERG: He signed the bill of lading on the weight.

MR. DECORE: Well, this is unusual, Mr. Speaker, that there would be a provision where the onus shifts to the shipper, who

must come to court and say: "I didn't know what was going on. I don't know what this carrier was up to."

Now, if it were just lowboys and highboys that were hauling for one client or one shipper, I guess it would be an easy matter to deal with, but if you come out of Vegreville or you come out of Brooks or you come out of St. Paul, most often those carriers are carrying product for many people, many clients. The hon. Member for Bow Valley is shaking his head. I know that when I lived in a small town, the local carrier there carried for a number of clients, a number of clients that he worked for in small towns.

Now, there are cases where oil companies will put things on the back of a lowboy or a highboy. Yeah, that's easy to see. But what happens when there are a number of clients that the carrier is looking after? You can't leave it up to the police officer. This doesn't allow for that to happen. Why do you give the police officer the discretion of saying, "Well, you know, I guess I could charge that guy, and I could charge that guy, but I can leave that guy alone"? Mr. Speaker, what happens under this provision where there's a problem is that the prosecutors and the police officers perhaps haven't been issuing the kinds of tickets that they should be issuing. They should be issuing tickets to both the shipper and the carrier, and then it's up to the shipper to come forward and say: "Look; there were five other shippers that were part of this load. I had nothing to do with it. I contracted first with this carrier. It's his responsibility." What you do here I think is place a most impossible onus on shippers and particularly the little guy in your small communities.

I can't vote for this.

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

MR. JACQUES: Thank you, Mr. Speaker. I rise to support this motion, and I noted with interest the hon. member's comments before me. I come from an area where this is very much a problem. I come from a situation where the minister of agriculture and I have met with the motor transport advisory committee in our region, and certainly the truckers, the carriers themselves, have raised this as an issue. Primary to the issue in our area is the fact that it's a designated shipper, and unfortunately in most cases it's in the oil patch. The truck goes out, the load is put on, and then the carrier is saying: "I'm sorry; we have a problem here. It's an overload." Too often the response is: "If you want our business again, Mr. Carrier, you will carry on with this." Indeed, in some cases even to the extent of saying, "Please depart, and we will arrange for another carrier," who is willing to knowingly take an overload situation in order to get the business, retain the business. That's the issue.

What we're talking about is not an issue involving new laws. We're talking about reasonable enforcement – and I have to use that word "reasonable" – of the existing Act. Indeed, some have argued, "Well, if that's not right, then maybe the Act should be amended." I agree. If the Act or the law is not applicable, then for God's sake let's amend it, but where it is reasonable and where it was put in there with the intention to do under reasonable circumstances, then, yes, it should be reasonably enforced. That's the issue, Mr. Speaker, not whether or not there are new laws. We're talking about equity in terms of situations that are occurring in our constituencies, primarily in rural Alberta, and indeed are causing problems with the road systems. So what we're asking is for some due diligence, for some reasonableness to be applied in terms of issuing and in terms of the actual legal process.

Thank you, Mr. Speaker. I will take my seat and let another member debate.

4:10

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I would like to commend the Member for Bow Valley for authoring this motion, but I don't really think it's worthy of commendation, quite frankly. I'm saying this without any disrespect, because I have the highest regard for this member, but somehow I find that he's come up with something that I can only refer to as a dud.

Mr. Speaker, before I get to providing the reasons for my assessment, I'd like to first refer to a statement made by the Member for Grande Prairie-Wapiti. He referred to a meeting he had attended with a transportation advisory committee. I was struck by the realization that I would love to meet with the committee in my area, but there isn't such a committee. They're only to be found in PC ridings. I just thought I'd stick that in. It's kind of amazing.

Now, Mr. Speaker, back to the motion though. I object to this motion because . . .

MR. PASZKOWSKI: Get off your butt and form one.

MR. VAN BINSBERGEN: I didn't mean to touch a nerve, Mr. Speaker. It just happened to be an accident.

MR. PASZKOWSKI: You didn't touch a nerve, you just showed how . . .

MR. VAN BINSBERGEN: If the minister of agriculture will allow me to carry on with my discourse here, then I will gladly do so.

I object to this motion on principle for the simple reason that this motion is totally superfluous. We have an Act on the books. We have lots of legislation on the books, and what this motion intends to do is to enforce one section of one Act. Now, does that mean that this member is going to come out tomorrow and the days after with other motions to enforce other sections of other Acts? We don't need to do that. I mean, these Acts are on the books, they're supposed to be enforced, and we already have enough Bills to contend with that contain a series of amendments simply because the government has done a lousy job in writing the Bill in the first place. We now deal with amendments to amendments to amended Bills and so on. Are we now going to have motions to enforce amended Bills that are amendments to Bills that were passed? No, Mr. Speaker. I think it doesn't make any sense whatsoever. I think I've made my case.

Thank you.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you. It's a pleasure for me to stand and address this motion, Mr. Speaker. I must say that the Member for Edmonton-Glengarry and the member from Duco have presented very . . . What's your riding, Duco?

MRS. SOETAERT: West Yellowhead.

DR. L. TAYLOR: . . . the Member for West Yellowhead have presented very cogent arguments that I find myself in full

agreement with, Mr. Speaker. In particular, the Member for Edmonton-Glengarry presented a very persuasive legal argument.

I'm going to talk a little bit about the practicalities of what's being spoken about in this motion, because I'm involved as a shipper in this motion.

AN HON. MEMBER: Oh, conflict of interest.

DR. L. TAYLOR: I'm just speaking from the practical aspect, Mr. Speaker. Maybe I am in conflict. I speak of the cattle business in particular. Now, the mover of the motion may be quite correct in terms of the oil business, where people know the weights of their loads. You know that a rig weighs so much. You know you've put weight onto that.

THE SPEAKER: The hon. Member for Fort McMurray is rising on a point of order.

Point of Order

Questioning a Member

MR. GERMAIN: Thank you, Mr. Speaker. I wonder if the member would undertake a question.

DR. L. TAYLOR: Well, I'm not an undertaker, but I will consider your question.

Debate Continued

MR. GERMAIN: Thank you. Because of the noise in the Assembly, Mr. Speaker, I just wanted to confirm that the hon. member said that he was a bull shipper.

DR. L. TAYLOR: Yes, that is quite correct, Mr. Speaker. I am a bull shipper, and I have actually loaded many bulls in my life. Actually, one of the most dangerous things you want to load is a liner load of bulls. You have to be very careful as to how you load them. Once you put bulls in together that are not used to each other, then you get into all kinds of territorial battles, much as it happens here in the House, with bulls attacking and fighting each other. It's very dangerous.

AN HON. MEMBER: Back to the motion, Lorne. It's great what you can learn.

DR. L. TAYLOR: That's right. Anyway, back to the motion with regards to the loading. With the oil patch it may be easy to identify the weights, but when you get into agriculture, Mr. Speaker, it is not easy to identify the weights. For instance, we want to load a load of cattle out of our yard. Well, they may come in at one weight, but as anybody involved with agriculture knows, there is a shrink factor. Now, cattle may shrink anywhere from 2 to 12 percent, depending on the conditions that they stand under. You may know the weight of a load coming in, but you have no way of estimating or guesstimating . . .

DR. WEST: Twelve percent? Is that the kind of auction market you run?

DR. L. TAYLOR: No. In the kind of auction market we run, they shrink 2 percent. I was speaking of other auction markets, where they shrink 12 percent.

It's a situation where there is no way you can possibly estimate the weight of a load, just impossible, because you don't know the shrink on the cattle.

So you load the cattle. You load perhaps 55 cows on a load. You may load anywhere from 110 to 130 calves on a liner load or a triaxle. Now, who's going to tell you what those 110 calves weigh? Who's going to tell you what those 130 calves weigh? It's impossible. You simply do not know the weight of those cattle until you get them to the scale. At that time, the trucker doesn't necessarily get a fine. If he's overweight, he simply turns around, comes back to the auction market, unloads several cattle. It is not an automatic fine.

I would say that the same thing happens with grain, for instance, when you're trying to load grain. Now, I would guess that most farmers know the weight they carry on their three-ton truck because they've done it so often. But what happens if they come with a Super B to the farmer's place and the farmer's not experienced with a Super B? He doesn't know what the weight going onto that Super B is. If you're hauling barley, does the barley weigh 42 pounds a bushel or does it weigh 48 pounds a bushel?

MR. STELMACH: Or 55 pounds a bushel.

DR. L. TAYLOR: The Member for Vegreville-Viking grows 55-pound barley. I'm gonna have to see if I can buy some of that.

He simply cannot estimate accurately the weight of the barley, the grain load.

So it's very important that we recognize that what may be a problem in the oil patch is certainly not a justifiable concern in agriculture. You would have to establish a scale at your location as a farmer, as an auction market owner, a scale that can weigh liner loads and Super Bs on the farm. That's a very, very expensive operation, to put in a scale so that you would know the weight of the product going out.

Now, when we look at the auction market situation again, you have the auction market loading the cattle, but the auction market doesn't own the cattle. You have a buyer that buys the cattle, but he doesn't necessarily own the cattle either. He may have been buying, and most often buys them, for another owner. So who would you then want to fine? Would you want to fine the auction mart? He loaded it. Would you want to fine the buyer? The buyer said to put 130 calves on the triaxle. Or would you want to fine the farmer at the other end or the feedlot at the other end who's getting this overweight load? So really what we're talking about here is just not something that is very practical at all.

4:20

Now, I heard the member argue as well that the shipper puts pressure on, you know, to increase your weight, and I can certainly say – it may happen in the oil patch; I have no experience with that area – that it does not happen in the cattle business. The auction market as the shipper never puts pressure on a liner to overload, quite frankly. The buyer may or the feedlot operator at the other end may want 130 calves put on, but that never comes from the owner of the auction market. They say to the buyer always, always, "How many cattle do you want on that load?" In fact, to go further, the professional buyers come to you after the sale and give you a list of pen numbers and cattle that they want on a particular load on a triaxle going out. Now, as auction market owners we want to put fewer cattle on because there's less stress on the cattle being shipped over a long distance, and of course we're concerned about stress issues in cattle. What we're saying here, Mr. Speaker, is: who do you fine? There are too many people involved here to get a reasonable expectation of who you trace back and fine.

So this idea of shippers forcing people to put weight on simply doesn't happen in agriculture. I don't believe it happens on the producer's farm either. Most producers that I know are sensitive to the trucker, and they say, "How much do you think you can carry?" Now, in some cases, I believe in agriculture in particular, people go overweight but it's only accidental. It's accidental because they underestimated the weight of the cattle they're loading. It's accidental because they underestimated the weight of the grain, the barley or the wheat or whatever it is. It's accidental because they underestimated the number of bushels of grain they're putting on their truck. I do not believe that we need to penalize agriculture in particular with regulations such as this. Once again, government is to be getting out of regulations and not imposing more burdensome and cumbersome regulations on the agriculture community.

So overall I would say, Mr. Speaker, that this should continue to be a situation that the trucker is aware of. The trucker's the one that should be officially penalized if there is a penalty to be granted, and I don't think that anybody in this House should be supporting this motion.

Thank you.

THE SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSCHYN: Thank you, Mr. Speaker. I was going to let this come to the vote, but after listening to the hon. Member for Cypress-Medicine Hat, I couldn't help but correct the record. The motion, which I think is an excellent motion, states very clearly that the Motor Transport Act, section 64, should be enforced. The mover of the motion, the Member for Bow Valley, was very clear when he stated that there was a lot of, shall we say, misunderstanding between truckers and shippers.

We've had this particular debate wander a little bit, not too terribly far, but the whole point of the motion was missed; that is, when we have items that are to be hauled which are supposed to have a particular weight, that weight is to be honestly reported to the trucker.

In this province we have a very good and a very lenient permitting system. I've spoken to people who are in the heavy equipment hauling business, and they for one would support this motion, because when they bid on a job, they rely on the information on the weights given to them by what you'd construe as the shipper, in this case, so that they can bid with an appropriate sized truck, if you will, with the jeeps and the dollies required to move that equipment. If that trucker or that company is led to believe that there's a particular weight, which is erroneous, and after going to the trouble of getting the proper permitting, which they have to very frequently, and in this process they find that the weights they've asked for have been under, shall we say – the vehicle that they have permitted is insufficient to carry the load – then how do you blame the trucker? There has to be a responsibility assigned to the person, the shipper if you will, who is responsible for determining the weight of that. Now, certainly in every instance you would not necessarily blame the shipper. The empty weight of trucks varies, so the trucker has a large responsibility to know what he can legally haul.

With respect to the agricultural sector this would have no effect whatsoever, because the arguments that I'm hearing promote the intentional breaking of the law. Now, how the hon. Member for Cypress-Medicine Hat would not know the weight of the cows he bought . . .

MR. DECORE: A point of order, Mr. Speaker.

THE SPEAKER: Order please. The hon. Member for Edmonton-Glengarry rising on a point of order.

Point of Order Questioning a Member

MR. DECORE: I wonder if the hon. member would allow a question.

MR. WOLOSCHYN: Why not?

Debate Continued

MR. DECORE: Mr. Speaker, given that section 64 says that this is a contravention of the whole Act we're talking about – and the effect of the motion is to make both liable. One of the provisions of this Act says, in section 60, that an operator of a public vehicle, if he fails to stop for an inspection or fails to stop for a weighing of the truck, "is guilty of an offence." With the effect of the motion, both the shipper and the carrier are liable. That's ludicrous. Would you agree with that, hon. member?

MR. WOLOSCHYN: No, I would not, because I would have to determine whether in fact the shipper directed the trucker to that particular route which would take him in avoidance of places to weigh. Consequently, I would have to know if this was an accidental or a directed avoidance of the scales. I would have to say that the motion would apply equally well here because they both should be ticketed. If the shipper can show that in fact he is innocent, then certainly the trucker would have a dual problem: one, the overload and, secondly, avoiding the scales. So, Mr. Speaker, I think that was just an excellent question to clarify the increasing need for this motion to be passed.

[Motion lost]

Reports for Consideration by the Assembly

MR. DAY: Mr. Speaker, responding to your entreaties of earlier today regarding Motion 1 under Reports for Consideration by the Assembly and following good consultation with the Opposition House Leader and also recognizing that what we do today is not precedent setting but merely to deal with a situation for today, I would ask unanimous consent of the Assembly to deal with Motion 1 on the Order Paper under Reports for Consideration by the Assembly.

THE SPEAKER: Is there such unanimous consent?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.
The hon. Member for Taber-Warner.

Ethics Commissioner's Reports

1. Moved by Mr. Hierath:
Be it resolved that the Assembly, as required by 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.

[Motion carried]

head: Government Bills and Orders
head: Third Reading

4:30 Bill 37
School Amendment Act, 1995

MR. JONSON: Mr. Speaker, I welcome the opportunity to speak briefly at third reading of this important Bill. I think it is important to review very briefly what the Bill will accomplish.

In the Bill there are a number of components, a number of amendments which are important to the overall implementation of the Education business plan of the government. First of all, one of the overall directions we have is that of providing for more meaningful involvement, more active involvement of parents and, yes, the broader community if that is chosen to be the route that is taken. This is accomplished in this particular Bill as the result of some very thorough consultation undertaken by an implementation team. We have in the Bill made the amendments that follow from the input that we received across this province, which indicated that, yes, parents do very much want to have a viable avenue for input into school policy. They are very interested, of course, in their children's education. It is a top priority with I'm sure all parents, and therefore we have followed through on that.

Secondly, a very important initiative, not just of the Education plan, is that of overall accountability and reporting. Yes, there is a requirement here that impacts upon school boards in this province, but also in the changes we've made, Mr. Speaker, we're placing that same onus of reporting and providing performance measures on ourselves as a government. So this is an overall move towards accurate and open reporting in terms of the functioning of the various aspects of the system. School boards being such a large and important part of the education system certainly need to be part of the reporting and accounting process.

Mr. Speaker, there are also a number of amendments, and I acknowledge that this is a Bill which has a number of rather specific amendments in it. We have moved to put in place as of September 1995 a funding framework, once again an initiative following a very thorough review and consultation across the province, which will provide for equitable funding for all school boards in this province and, more importantly I think, for all students in the province. So there are a number of amendments that relate to clarifying and providing for the implementation of that funding framework.

In addition, there are a number of other provisions where we are moving to effectively use the dollars that are available to education, such as that section of the Bill that received thorough debate. That is with respect to being able to transfer school buildings from one jurisdiction to another should there be that need, and boards are moving in that direction. But I can assure you, Mr. Speaker, there is no intention here to sell off school property in an unsuitable manner without proper tender. That is not the case. There is a regulation in place, a disposition of property regulation that has to be followed in that particular regard.

Mr. Speaker, there is also an amendment in the Bill which provides for us being more flexible, being able to adapt to the transportation needs of school jurisdictions in the province. That did not get too much attention in the debate on the Bill, but it's another important aspect of it.

Overall, Mr. Speaker, I appreciate any good points that were made in debate, and I think this is an important Bill. I therefore move third reading.

SOME HON. MEMBERS: Question.

MR. HENRY: Surely you jest when you call for the question, my friends.

I'd like to make a few comments, if I might, on third reading, Mr. Speaker. I find it perplexing that the minister would comment on the good points made in debate, when in fact this side of the House produced no less than 10 amendments for the government's consideration. Some, admittedly, were because of major disagreements with the direction of the Bill, but some were in fact to make better legislation and clarify the intent as stated by the minister in the House. Yet the record will show that each one of those was defeated by the government members, and not one government member rose to vote for any of the amendments that were proposed. The record will show that.

MR. HAVELOCK: Don't be bitter.

MR. HENRY: I won't be bitter. One of the members to my right, to my far right, is telling me not to be bitter. I'm not bitter about having lost all of those particular votes, but I daresay there will be some bitter people around the province when they find out what it means for them in their communities.

I'd like to perhaps highlight some of the areas of concern that have been expressed about the Bill and as well talk about what the overall, overriding principles are in this Bill. What this Bill does is consolidate the move that we've seen in education in this province over the last 18 months to two years. It very clearly consolidates power and control of our education system to the Minister of Education and the Department of Education.

What we have now is that the minister on the basis of this piece of legislation, assuming it passes third reading, now will be able to determine the nature of the reports that elected school trustees must provide to not only the Department of Education but also to their own electors for accountability. It also will give the minister the power to determine how those reports will be distributed and who shall see them and how the information will get to the various stakeholders: the electors, parents, and students.

[The Deputy Speaker in the Chair]

In addition, the minister may prescribe how the information in the reports is used. So if by collecting the information a school board finds out certain information that may not be favourable in terms of bringing light to a government policy or action, the minister then has the power to direct the board not to release that information to anybody or to simply bury that information. I believe that is regrettable.

This also gives the minister power over capital reserves and allows the minister to be able to dictate to a board, which is locally elected, exactly how it is they will dispose of or make use of their various capital reserves that they may have built up over the years.

It also gives the minister power over how a school board election shall be held, the boundaries, how debentures shall be dealt with with regard to a school division.

So what we have here, Mr. Speaker, is a very clear consolidation of authority and control of our education system in the hands of the minister. I think that's a dangerous precedent and it's a dangerous way to go. There is a reason why education in this province and indeed in this country has been locally controlled, and that is because communities have a vested interest in how their own children are educated. The government spouts off rhetoric about having more parental control and more parental

involvement in the school system, but in fact nothing in this Bill or in previous Bills that the government has brought will actually give parents more control over their own school system. In fact, what it's going to do is have parents have to deal with a superintendent and a board of trustees who have much diminished authority to resolve the problems of the parents and in fact requires the parents more and more to deal with the Minister or Deputy Minister of Education when they've got a problem.

What the government has consistently failed to demonstrate is how it is that a parent is going to have more input and more control over the direction of their child's education when indeed they're not going to be able to deal with somebody who represents one ward and whom they elect, but in fact they're going to deal with somebody they may not have had an opportunity to vote for at all.

So, Mr. Speaker, I think and I believe very strongly that this Bill, if this is passed, will set the final mark on a very clear direction in this province, which is moving away from the school board control of our education system that has existed prior to this province being an entity, prior to 1905, and will put that to bed forever and have centralized control.

Again, I don't want to spend a lot of time talking about some of the problems in our education system, but I would ask members to think about some of the issues that have been raised with regard to education that have caused concern in the public's and parents' minds and to determine and perhaps find out where it is the initiatives that led to those concerns initiated. I daresay a substantial number were initiated out of the Department of Education, not out of school boards and not through parent groups.

4:40

Here we have more consolidation of control at that level, and I believe very strongly that it's a dangerous move in terms of education. We also have, I believe, a dangerous trend here where we have a ministry with a fetish for testing anything that moves starting to evaluate the system and evaluate how children are doing based on achievement testing and diploma exams and ignoring the fact – and the minister or the chair of the accountability committee as appointed by the minister has never been able to straightforwardly answer this question. If a local school council decides that their priorities in terms of the energy they want their staff and volunteers and students to put into – if those objectives are different from that of the department, which shall prevail?

An example that's often used is that the minister consistently talks about what happens when a school, in terms of their achievement tests, is consistently below the provincial average and his perceived need, then, to intervene at some point. Well, perhaps that particular community says: "We can accept that, based on the nature of our population, the nature of the community we serve. We want to put more energy into addressing issues of violence or addressing issues of race relations in our own community." Very clearly, what's going to happen is that the ministry is going to have the power to direct that all the resources be used for the objectives established by the minister. What we have here is an economic, utilitarian view of education, forgetting that public education was designed to produce much more than just workers for the economy. I regret that this Bill will in fact cement that direction and cement the ability to move to that direction.

I also want to talk about separate school supporters and how this Bill has put the final cap on this government's punishing of the Catholic school supporters in this province for having dared exercise their muscle last year and demand that their rights under the North-West Territories Ordinances and the Alberta Act be

maintained and not be unilaterally taken away. I said in Bill 19 last year, when the government first tried to take those away, that it is extremely dangerous when any government at any time unilaterally decides to remove rights that been enshrined in a Constitution.

Here we have something very close to that, where according to the minister the rights as constitutionally defined are not being taken away, but what is being taken away is everything the minister can take away without ending up in court. He may end up in court anyway with this. I believe that's regrettable. What we have here is power politics flying in the face of common sense, flying even in the face, I believe, of this government's ideology.

This government purports to be a government that supports families and supports communities, yet we have a situation where interfaith marriages are going to have to split their taxes between two school systems regardless of where they choose to send their children, regardless of what faith they as a family choose to raise their children in.

We also see a move, with regard to the Catholic community, to prohibit individuals who are not of the Catholic faith but who wish to send their children to the Catholic system from directing their taxes. When I talk about directing their taxes, I should be clear that the minister is correct that in terms of the overall dollars available to each child, it's not going to make any difference whether the taxes are directed to the public or separate system. What the difference will be is that if the taxes are directed to the separate system, then those duly elected trustees have the right to control the decision-making – they constitutionally have that right – based on the taxes they collect. But also what that does give historically, in the last decade or so, is that along with the right to direct taxation, there also is the right to vote for trustees. So we're going to have a situation here where people of interfaith marriages or non-Catholics or non separate school supporters sending their children to the separate schools are going to very clearly be able to continue to send their children to that school system but won't be able to vote for the trustees that govern that school system. I believe that's regrettable. There's no other way of interpreting it except that this government is punishing the Catholic community for having exercised its rights last year.

I also find it very regrettable that the government in dealing with this specific issue imposed very clearly the Whips on their members and did not allow members to vote in terms of their conscience and vote what they knew to be right and fair. I find that extremely regrettable.

I want to move on to a couple of other issues. We spoke at length about the change in disposition of capital assets. Now the minister will very clearly have that right. The minister makes a reasonable argument when he says that provincial taxpayers have paid for most of these buildings; they should be able to move them from one jurisdiction to another when need be. But that's not what he's done with this amendment. What this amendment has done is given the minister sweeping powers to direct a school board to dispose of a school to anyone, to any group that the minister may decide at that particular time wants that – whether it be a private school, a charter school, an adult vocational school, or a commercial entity – and not be able to regain a fair market value. It's a dangerous precedent. We've seen it in this government over and over again with disposition of capital assets through a variety of other pieces of legislation, and I daresay that this government has not proved that it can handle that kind of authority judiciously. I think we're going to see some regrettable decisions at a loss to taxpayers in the end.

I do commend the government for the changes the minister has brought to this Act with regard to school councils – and I've raised that – very clearly defining them as advisory in nature but having the right to be consulted on particular issues affecting a school. Again, my thanks to the chair of the roles and responsibilities committee, the Member for Highwood, and to the minister, the members of that committee, and the general public for their overwhelming response in getting us to a more reasonable position.

The government did not adequately address the issue of privacy of student records, and I daresay that because of the poor drafting we'll end up in court on that one in a few years.

I also regret the fact that the Minister of Education did not accept the amendments from the opposition that clearly would have made the amendment regarding the termination of teachers say exactly what it is the minister wanted to say. This is an issue of power politics again, where the minister's decided he's got the majority and is not willing to accept any amendments. We all agreed in this House that it would be absurd for a school board to have to continue paying a salary while an individual was incarcerated, such as has happened in Red Deer in the last year. I think there's unanimous agreement, if I'm not mistaken, that that should never happen, but that's not what this particular amendment proposed by the government says. The amendment that the Member for Calgary-North West proposed would have made that clearer, would have restricted that to times when the individual was incarcerated. Again the government fails to realize that we have to draft legislation for all time, not just for those of us who have the understanding during the debate.

Mr. Speaker, I could go on in terms of various other issues that could be raised and should be raised with regard to the Bill, but there comes a time when it's very clear that the government is not going to accept any amendments, that the government believes it has all the answers. And whether it be the opposition or whether it be a stakeholder group or a group of parents or whomever, the government will not listen to those individuals once it tables legislation.

4:50

I also wanted to draw members' attention to another issue that we didn't raise in amendments because it becomes a useless exercise at some point: subsection (7.1) of the Act, with regard to the appeal process or conflict resolution. It's not clear in the legislation, with regards to disputes between councils and principals, whether, once the matter is appealed, that board's decision is final or whether it can be actually taken to the courts. I'm not a lawyer, but what we should have had there was a privative clause that would have prevented that matter from going to the courts and tying up all sorts of taxpayers' dollars in legal and court costs.

In summary, Mr. Speaker, I believe that what we've seen here in Bill 37 is a capping of the minister's desire to run the whole system, to marginalize duly elected trustees, to in fact create a more patronizing role for school councils and not really give effective local control. I think history will bear me out. We'll see more and more control from the Department of Education. I wish I had more confidence that this government would take the education system where it needs to go, but unfortunately that's not been their record.

With those comments I'll take my place. Perhaps other members may wish to speak.

MR. VAN BINSBERGEN: Mr. Speaker, I'd like to say a few things. It's sort of a last-ditch effort in order to try to sway the minister to not continue with Bill 37 and perhaps to sway some of

the members to vote against this Bill. I don't want to go through all the specifics that I've stated before. That would be not only reiteration but it would be boring.

There are a couple of sections, though, a couple of items that I would like to focus special attention on. We've spoken about the school councils, we've asked for regulations, because it seems like the intent of the section of this Bill pertaining to school councils is good. We'd like to see the regulations, because one never knows. We haven't seen them.

We've offered amendments on several items. They have not been well received. In fact, they've been defeated. So much for good input.

I must restate my misgivings about this transportation section. If I read it correctly, even though the Bill has not yet been passed I think transportation is already funded in a new way which follows the section outlined in here. I've spoken to this before, and I'd like to say it again: that formula is really fraught with many shortcomings. I keep hearing from all parts of the province, especially in the rural areas, that the funding may be equal for transportation but it is sure as tarnation not equity funding. Many jurisdictions are forced to route their particular bus routes in such a way that kids spend lots of hours on the bus in order to make that elusive 80 kilometres, which is the minimum to qualify for funding. Of course, that doesn't make any sense, and therefore I hope the minister will commit himself to look at it again, at this living organism as he put it. Now, considering what usually happens to our recommendations, I hope that these will fall on better earth.

Mr. Speaker, I would like to devote a few words to section 12, because I think it is so important and I think it needs to be stated again, perhaps time and time again ad nauseam. That's the one that severely curtails the freedom of a Protestant parent, for instance, to choose to direct his or her education taxes to the Catholic school system if his or her child is attending that school. I think that's a curtailment that really goes at the roots of our democratic system. Therefore, I would hope that the minister once again will look at that too.

Let me go to section 11, the use of reserve funds for capital expenditures. Here the minister is moving to essentially direct how that particular surplus must be spent by a jurisdiction. It's a very high-handed move once again, especially because it attempts to pre-empt a decision by an appeals court on an appeal that has been launched by the Edmonton Catholic school board against the province. I don't think it behooves the government to try to pre-empt that.

As an aside, Mr. Speaker, it seems to me that surely consensus-building on that score and on many others having to do with education would have been far better, rather than an imposition from the top and ending up in court on so many occasions, with probably more to come.

I think that probably indicates the move towards centralization – I can't say from this government, at least not in every respect – from this minister, yet on the other hand that's the amazing thing. We see in education where the government is centralizing very much. We have elected trustees, yet the minister is more or less avoiding them and decreeing how funds shall be spent and coming out with envelopes and so on and so forth. In the field of health care we find that we have appointed, shall we say, trustees or RHA members, yet they're given the total freedom to revamp a system. I find this very hard to understand. I find the whole move contradictory in that elected officials are deprived of their power; their power is severely curtailed. On the other hand, in

health we see appointed officials who are given unbelievable powers and cannot be held accountable. And when we try to hold the government accountable, they say: well, that's not our decision; that's the RHA members'.

So, Mr. Speaker, I'm terribly confused as to what this government is trying to do, which direction it's going in – and I'm not the only one; I know many Albertans are – but perhaps one of these days they will know what they're doing, because I think that really lies at the bottom of all this, that they haven't got a clue.

This is it. Thank you very much.

THE DEPUTY SPEAKER: The hon. Minister of Education has moved third reading of Bill 37, the School Amendment Act, 1995. Does the Assembly agree to the motion for third reading?

SOME HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Carried.

[Several members rose calling for a division. The division bell was rung at 5 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Gordon	McFarland
Black	Haley	Mirosh
Brassard	Havelock	Paszkowski

Burgener	Herard	Renner
Calahasen	Hierath	Severtson
Clegg	Hlady	Smith
Day	Jacques	Stelmach
Dinning	Jonson	Taylor, L.
Doerksen	Kowalski	Thurber
Forsyth	Laing	Trynchy
Friedel	Langevin	West
Fritz	Magnus	Woloshyn

Against the motion:

Abdurahman	Henry	Soetaert
Bracko	Hewes	Taylor, N.
Bruseker	Leibovici	Van Binsbergen
Collingwood	Nicol	Vasseur
Decore	Percy	Wickman
Germain	Sapers	Zwozdesky
Hanson		

Total: For – 36 Against – 19

[Motion carried; Bill 37 read a third time]

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

[Mr. Tannas in the Chair]

THE CHAIRMAN: The committee is called to order. We have under consideration this afternoon Bill 33, Franchises Act.

[The committee adjourned at 5:13 p.m.]