

Legislative Assembly of Alberta

Title: **Monday, June 2, 1997**

8:00 p.m.

Date: 97/06/02

[Mrs. Gordon in the Chair]

THE ACTING SPEAKER: Please be seated.

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

Bill 21
School Amendment Act, 1997

[Adjourned debate June 2: Mr. Havelock]

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

MRS. SOETAERT: Thank you, Madam Speaker. Just a few words about Bill 21. Earlier today the Member for Edmonton-Mill Woods spoke quite eloquently. I listened attentively, and I thought he had some very good points, which I'm sure the minister listened to or will certainly read in *Hansard*.

There are a few things I'd like to say about it, and one of the things I'd like to mention is my concern over a centralized government that's starting to ignore school boards and trustees. I see that happening, and it concerns me. This government seems to control everything a school board does, yet they are elected just as municipalities are. I know some of the members here are past trustees, and I bet they feel the same way. So I'm sure they'll all look at that and say that they know that local decisions are usually far better decisions than the top-down method. I have the past Minister of Education chuckling at me and the other one listening attentively as he always does.

One of the things that I like about the Bill: I'm glad that parents and students can access their records.

One of the things that the minister spoke briefly about this afternoon that I guess I'm going to want more clarification on is the performance bond. I know that's had mixed reviews outside of this House from the different people who are interested in it. As I understand, it needs 50 percent attendance and 25 percent achievement. Now, it doesn't seem like much; we would expect that most students could do that. What I do wonder about is: how much does the student have to pay up front? I'd hate to see any student not get an opportunity because of some dollars that I know they can eventually get back. But to not be able to put out that money up front: I have concerns about that. I'm sure the minister could think of a thousand ways of improving achievement before he'd have to charge a dollar to gain that. I guess philosophically I have some troubles with that.

The 50 percent attendance and the 25 percent achievement I don't think is unreasonable. Certainly most students can do that. But if they don't have the money up front, that concerns me. I mean, there are a lot of reasons why a student may not pass that course the first time. It may be the group of kids he or she is hanging around with. It may be a personality conflict with the teacher. It may be the school they're attending. It may be a whole bunch of different things. So I guess I believe in giving a young student a second chance. Certainly all of us have made mistakes, I would assume, and have appreciated a second opportunity to make things right. If that second opportunity is curtailed because a child doesn't have \$150 or whatever the fee is going to be – I'd appreciate if the minister could indicate that to

us, maybe in committee – then I am concerned about that up-front money. I perfectly agree with the 50 percent attendance and 25 percent achievement; I would say that's quite possible. But I do have concerns about the money up front. Stopping a student because of a dollar: I have real concerns about that.

A few other things. I do have concerns about the whole issue of the hiring and rehiring, et cetera, of superintendents. I think it's difficult for superintendents right now. They are caught between two bosses: on the one hand the school board and on the other hand the minister. I think for many that's a difficult role, and I think it's an unfair position that this government and the minister has put them in. I would venture to say that their first responsibility is to the students they serve and, as a result, the board they are hired by. I don't see that changed in here. That's too bad, because that changed under this government, and I think it was a change certainly not for the better. Actually, in this Bill as I understand it, the minister has a greater say in the contracts local school boards have with superintendents, so that's a step even farther in the wrong direction. I have grave concerns about that.

There were a few other things. The shift of responsibility for school closures from the minister to the school boards: I accept the fact that school boards have to make those decisions. I would caution that they don't have to make those just because of lack of funds, because in many small communities – and certainly the Member for Wainwright has mentioned it – school closures kill communities. Well, not always, but certainly they hurt communities.

I speak actually from experience on that, when Villeneuve closed its school and those students moved into St. Albert and were divided between the Catholic school board and the Protestant school board. It really hurt the community of Villeneuve because the school was gone, which was in a way the hall and in a way the gathering place for so many. Of course, the community did survive that, but it was a very divisive move for our community because kids were sent in all different directions in two different school systems.

So as much as I realize school boards may have to make those decisions, often for reasons of money, I would hope that wouldn't be the only factor as to why they do. I would hope it would be to serve the students better. I fear that in these times it's the dollars that are counting more than the students. Although I am pleased with the shift of that responsibility to school boards, the responsibility of finances is this government's and the minister's. So I have concerns about school closures. I know what it does to small communities. That's different.

Another thing that I like in this Bill is that the amount paid to trustees and senior board officials be made public. I think that's good. I think a lot of people think that trustees run for the big bucks. Well, that's pretty sad, because it's not true. Isn't that right? But people think that if you're on the school board, you're making big money, and you don't. You don't get paid big money, and you put in a lot of time and effort, with people phoning you at home, and you're at a lot of – it's a huge time commitment. I would say people do it out of a desire to effect positive change for students and certainly not to make a decent dollar. So I think it's fine that that be made public. I think people would possibly appreciate the role of a trustee a little more, so I think that is a good move.

Generally I support most of this Bill. Of course, you'll be seeing the amendment about performance bonds, and I know there'll be some interesting debate over that. I just hate even

using that term for a student: a performance bond. That dehumanizes it. Maybe think of a new slogan that'll sell, Mr. Minister, but performance bond is like training. I don't like it. I have grave concerns over that. I've taught at the high school level, as you know, and I've seen those students who repeat. I understand the concerns brought forward. I just don't think that's the best answer for that problem. If the minister can explain to me about children not being able to afford that money and where they'd go from there, I'd appreciate that, because that's my biggest concern with this.

I do appreciate that the interest groups have been notified and had a good look at it beforehand, and I commend the minister on that. I know he appreciates their input, and they appreciate being part of the decision process, as we do.

With those few brief comments, Madam Speaker, I thank you for that opportunity.

8:10

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

MR. MacDONALD: Thank you, Madam Speaker. I rise this evening to say a few words regarding Bill 21, the School Amendment Act, 1997. Alberta's education system is driven by innovation and accountability. The government is supporting these qualities by enhancing public accountability and local decision-making in education. These are the words of the minister.

In a review of this Bill I don't see anything the matter with it in principle. However, there are a few things I have to say. I have three young children, two of whom are in the public education system, and if the minister can through public dollars provide for their educational needs, I am fully behind him. The principle in conflict, however: I think school decisions are best made at a local level. School decisions made at a provincial level: well, I have some reservations about this. I watch in question period some of the members from the minister's own government, and he is in a very, very difficult position. With the changes in the economy and people moving from small towns to larger centres, there are requirements by school boards to follow procedures regarding school closings. I have seen in this House members from various constituencies ask you questions. These are very, very difficult decisions, but people need their answers. Mundare is one community that comes to mind. You have a very, very difficult decision to make there, and I just hope it will be the right one and that students in any community in this province will not suffer.

Getting back to the Bill, the provisions of this Bill will create student and parent access to student records consistent with FOIP, the Freedom of Information and Protection of Privacy Act. That is fine. We're going to clarify the requirements of schools boards to report financial compensation paid to superintendents, secretary-treasurers, and board members.

Permit boards to have fourth and fifth year high school students attend a designated school and to allow performance bonds for high school students who are repeating courses they did not complete: now, my colleague from Spruce Grove-Sturgeon-St. Albert has some reservations about this. I, too, have a few reservations about this. Perhaps they could be satisfied with an amendment.

However, getting back to the subprinciples of the Bill, I believe in 1994 there was a Bill 19 introduced, and this seems to be a son of Bill 19 in a way. This is to assure access to student records for

parents and, once again, students. We are going to require school boards to follow up on students who have been expelled, require that students in care should be regarded as being resident of the school district in which their guardians are resident, permit school boards to be able to direct students in the fourth and fifth year of high school into particular programs.

Now, these are a few things I have to say on Bill 21, but overall I congratulate the minister and his department for this piece of legislation. Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Thank you, Madam Speaker. I just have a few comments to make with respect to Bill 21. I concur with the principles of the Bill as well. I do have a few thoughts or concerns with respect to what I have read. I feel that school decisions are best made at the local level versus the concept of school decisions made at the provincial level. So the concern that I have is that locally elected school boards are not treated the same as locally elected municipal councillors. In light of that, I would expand by saying that it seems the responsibility of the school trustees has been taken from the local level and put at a higher level, and I believe that responsibility at the local level is imperative as a school trustee. I think it's been alluded to by other colleagues and would hope that more control is kept at the local level.

With respect to that, the situation of the closure of schools should be looked at as well. Quite often in those areas the school trustees are parents of children that are attending the schools, they live in the small communities, and as was alluded to prior too, it can be devastating to small communities.

I do believe, as well, that there should be some accountability with respect to the whopping large salary that school trustees make and find that that initiative is going in the right direction.

In principle I concur with what has been written. I believe that school boards have to have more control – keep it in the hands of the local level – and that there has to be accountability as well.

With that, Madam Speaker, I will close.

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

MS LEIBOVICI: Thank you, Madam Speaker. It's a great pleasure to be speaking tonight while you're in the Chair. Bill 21 is the School Amendment Act, 1997, and as I've said on some of the other Bills that we're seeing here in front of us, once again the government is trying to fix some of the problems that were created in its rush to push through legislation in such important areas as education and health care. Those of you who were here in the last session of the Legislative Assembly remember the controversy around Bill 19, the issues that we saw with respect to Bill 19, and the fact that the amendments that came in, if my memory serves me correctly, on Bill 19 were more than what the Bill itself was. Here, again, we've got 15 pages of amendments to fix a Bill that was just recently passed in the Legislative Assembly.

AN HON. MEMBER: We listen; we care.

MS LEIBOVICI: I think one of the members from the government side indicated: we listen; we care. I'm glad that they do listen

and they do care. It's unfortunate that there wasn't the listening and the caring going on three years ago, when this Bill was first introduced. That might have made the situation within the school boards and at the schools a lot easier to deal with with the changes that we've seen over the past few years.

8:20

There are a number of issues with regards to this Bill, and I do recognize that here has been consultation, it's my understanding, on the amendments that are put forward. I'm not sure if my colleague from Spruce Grove-Sturgeon-St. Albert mentioned that it is valuable that the stakeholder groups received a preview of the legislation, but I think common courtesy would have been to extend that same preview of the legislation in advance of first reading to the Official Opposition. In that manner we can work much closer with the government in looking at what some of the amendments are and perhaps providing valuable input. As I indicated earlier, had that been listened to three years ago, we might not have some of the changes that we see in front of us. Who knows? There may be some areas that the government has overlooked in putting forward this particular amendment Act that the clear eyes of the Official Opposition could have looked at and pointed out.

Now, we do know that some of the amendments were required. There are a couple of contentious areas, and one of the main ones is of course the performance bonds, the issue of performance bonds for students who are returning to grade 12. I know that there are pros and cons on that issue, but what I see over and over again with regards to education is that there appears to be a piecemeal approach to dealing with some of the areas in education that are contentious and are of concern not only to educators but also to parents and students. I'm quite frankly surprised that the government has not looked outside the boundaries of the province of Alberta to see what is happening and has happened in other provinces across Canada with regards to the issues of higher education and the whole concept of junior colleges, universities, and grade 12 and the interplay between those three areas.

If I can just bring forward an example of what is in Quebec at this point in time – and I am a product of that system and quite proud of it – there is no grade 12 in Quebec. That may come as a shock to some of the legislators sitting in this Legislative Assembly, but there is no grade 12. There's grade 11, and at grade 11 you receive your high school leaving or whatever it's called these days. You then can enter a system that's called the CEGEP. Its equivalent to a junior college system. That, then, breaks down in a sense to two streams: one is a technical stream, a three-year program; the other is an academic stream of two years, after which point you can go on to university, where it's a three-year program. So in effect your years of schooling are much the same as what we see in Alberta. If we look at the example of what the government's cousins have done in Ontario, they have done away with grade 13.

So what you can see is that there's a different thought about what students at an older age are capable of, what students who are at that cusp of not quite being adults but not being children anymore are able to do. I think that's what a system such as Quebec's system does. If we look at grade 12 and try and figure out why students are returning, there are a number of reasons I'm sure. One is to better the marks so that they can enter that university stream. The other is that grade 12 perhaps is no longer relevant to them, and that's why they've lost interest at grade 12, and they're coming back because there really isn't a lot more they can do at that stage in their lives.

I think when you look at that Quebec model as well, what you see is that the junior high school level doesn't exist. What happens is that elementary is from kindergarten, which is not compulsory but is fully funded, to grade 7, and then you've got grades 8 to 11. That is your high school. Then you either go into that junior college or go into the workforce or go into the academic stream. Now, of course there are, I am sure, problems that have come about with that particular system as in any system that you look at.

Again with regards to the whole issue of performance bonds that we see in Bill 21, I will submit that that's not going to resolve the issue of students who are coming back to grade 12. That's not going to resolve the issue of the relevancy of grade 12 to those students. That's not going to resolve the issue of whether students are prepared for either university or for the workforce or for taking a year off and traveling around the world. In fact this does nothing other than to perhaps set up a barrier at times for students who would like to return.

So I would like to have seen the government and the minister look at something that's a bit more forward thinking as to where the education system should be in this province in the future, as we enter the millennium: what the concrete concerns are about grade 12 and the whole system of schooling that we have within this province, whether or not it's worth while to look at the experiences that other provinces have had. You know, there's nothing to say that the government can't expand its boundaries and look at the experiences in either the United States or Europe and some other countries to see what has worked with the age groups of students that are within the public school system. I think we might, then, find an approach that works a lot better at providing education to our youngsters.

In a sense some of what we see within this Act works from the premise of what education is providing to students, and I think that there are probably two views of education. One is as a means to an end; in other words, towards a job. The other view of education is in order for students to have enough flexibility and knowledge to be able to maintain a quality of life that encourages lifelong learning and to be able to respond as individuals to the numerous changes that are going to occur in their lifetime.

In our lifetimes we have seen over the last 20 to 25 years an incredible amount of changes. There is no way that when we were graduating – and I think even the Minister of Education is probably old enough to be included in that “we” – we could have thought that computers would have such a central role in our lives as they do today. There is no way that we could have envisioned what the global economy would look like. There is no way that we could have foreseen even something as simple as the proliferation of video stores on every corner.

MR. MAR: I thought you were younger than me.

MS LEIBOVICI: I just look younger than you, but thank you, hon. minister.

As we see this next generation that will be following us, I don't even think we can imagine the changes that they will see in the next 20 to 30 years. One of the most beneficial things that I think we can provide as legislators is the ability for this younger generation to be able to adapt to the changes that are occurring. Quite frankly, one of the ways that's going to occur is through the public education system, and in order for that to occur, we need to rethink what the public education system in this province provides. I don't think it's good enough to say, “Well, tradition-

ally we have had an elementary school, we've had a junior high level, and we've had senior high school, we've had grade 12, and that's the way it has to be." I think that if we are looking at changes to the system that will benefit our younger generation, then we need to look at a broader overview as to what education can and should provide. That I think will require a rethinking of the structure of education within this province.

8:30

Now, I understand that those are controversial statements. I understand there are going to be people that are going to say I don't know what I'm talking about. But I think this is an issue that needs to be brought to light. I think this is an issue that needs to be looked at. I know that my colleague from Edmonton-Mill Woods has looked at this and suggested there be a task force of some sort on education that is held throughout the province. That is one suggestion we have put out on the table. I think that the minister, I'm sure, and the government, with the collective minds and wisdom that they have on that side of the House, can find a structure as well to look at this very serious issue.

There will be other members, I'm sure, that would like to speak to this particular Bill. I would like to thank Madam Speaker for letting me stretch a little bit in terms of the principles, but I have been speaking to the principle of the Bill, especially with regards to the whole issue of performance bonds and the relevance of that within our structure as it now stands today.

With those comments, thank you very much.

THE ACTING SPEAKER: The hon. Member for Edmonton-Manning.

MR. GIBBONS: Thank you, Madam Speaker. I'd like to speak tonight on this Bill. There are 15 pages of amendments, and I commend the minister for a lot of them. I think that throughout the campaign in February and March, we were going door to door, with a lot of people with their concerns on education. Education is like our health, one of the major items. It's what holds this province together. They think about the kids. In the 15 pages of amendments, some of the items that I will refer to – I personally like the assurance that the accessibility of students' records by both parents and students is there.

I'm concerned with the requirement for school boards to follow up on students that have been expelled. I'm hoping that with this, the minister has designated a great concern to the school boards of how they're going to fund this and in respect of control. I would like to think that we start planning today so that in 20 years we're not going to be concerned about kids being expelled, that we should have a reason to keep them there. I know from two of my children that are already finishing high school, the thought of your child being expelled for some reason is a concerning item. But we also have to work, and hopefully there are enough guidance counselors and so on in place that they can be worked with and the parents don't have to be left out in the cold.

With respect to permitting school boards to be able to direct students after their fourth or fifth years into different programs, why is this after the fourth or fifth? Why isn't it done in high school, earmarking them for something? We also have the talk right now – and we know it's going to be a fact – that returning grade 12s are going to have to write an entrance exam or put up a bond and all that. In a lot of respects I think that is very good. There are other cases where there might be more behind what's happening in the family and so on, so I hope that there's going to be open discussion on that particular item.

In the shift of responsibility for school closures from the minister to the school boards, I have concern on that one. Why haven't the school boards had a say in the past, and what aspects is the minister going to deal with on this one?

With respect to the increased scope of regulations governing teacher certifications and all that and with the number of calls we're getting right now on a Bill that's already on the floor, I like to think that maybe something like what's happened in the Catholic school board and the school board of Vegreville might happen but also that you're not jumping jurisdictions. Also, I hope that this can be controlled throughout the province, that all school boards have a control on this.

With respect to permitting school boards to require performance bonds: very good, but what are your criteria? With respect to changing the process for hiring and rehiring superintendents, extending from three to five years, I have read through this, asked a number of questions, and I'm wondering whether or not the minister can control this with the bureaucracy that we have in place in government today. Living in a large city like I do and dealing with school boards over the last years on the joint use agreement and so on, I'm wondering whether or not the bureaucracy is going to be open enough on both sides so that this can be looked at and furthered.

In the case where the Minister of Education has a greater say in how the board uses reserves and retains funds, is this the government's way of removing school boards totally? If it's so, maybe there is some way of going out there and dealing with how many school trustees are required at any present time in any jurisdiction. That is one way that I'd actually look at it. With the bureaucracy, like I mentioned before, dealing with the two school boards in the city of Edmonton – my children go to the public, but the Catholic school board are much easier to deal with on joint use and so on from the aspect of the community at large.

So with that, I'm going to sit down. I thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Glangarry, followed by the hon. Member for Wainwright.

MR. BONNER: Thank you very much, Madam Speaker. I rise this evening also to speak to Bill 21, the School Amendment Act, 1997, and I would like to commend the minister on this piece of legislation. There are very many changes in here that are required and must be made in order to reflect the changing times in education.

Particularly, when I look in here, I see that school decisions are best made at a local level, and having gone through this for the past three years, there are certainly a great number of advantages when decisions are made at the local level, but they also take their toll. I'm speaking specifically of the roles that principals and vice-principals now play in the education system. Because of the revamp of the education system and Bill 21, they are required to be in a number of meetings, they are required to do evaluations, they are required to do many things at a local level which at one time were not done.

Specifically, when I look at section 2(5), where it starts talking about the student records being available to both parents and students, I also know that there is an incredible need for the guidance counselors in schools to speak to these parents. Anybody that's had any experience at all trying to read these records would not do a very good job. Now, as well, the guidance counselor in many schools does have a very big role in

that when the principals are called out of these schools to attend meetings, they become the responsible person in the school, taking over the role of the principal and also doing the disciplining, organizing the teachers, whatever else. So their role is becoming more complex as changes are made. Unfortunately, with the funding in schools today the role and the hours of these people, the school counselors, are being cut back. So if we're going to make changes according to Bill 21 here, then obviously changes have to be made so that these people can fulfill their role, which, because of the nature of our society, is an extremely important role.

I also look at the section where school boards would have the power to post performance bonds. To me this goes against the whole idea of learning, which we want our students to do in school. It becomes restrictive, because rather than being challenged, rather than taking a chance, rather than perhaps failing a course and having to remain an extra half semester in school, these people are now going to take the safe course. I feel that this is one of the portions of this Bill that I could not support. It is restrictive to learning, and it is restrictive to our students trying to better themselves and doing the best they can.

With those comments I will cease my discussion on Bill 21. Overall I would like to inform the minister that he has done an excellent job here, and I do support the majority of Bill 21.

Thank you, Madam Speaker.

8:40

THE ACTING SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Well, thank you, Madam Speaker. I just have one item that I want to address, and that is in section 42 regarding the closure of the schools, mostly in section (b), where the regulations are coming into play. I know the minister is very interested in my remarks and what I'd like to say about this.

Certainly the Act reads that "the Minister may make regulations . . . governing procedural" and the other regulations within section 42 and that they must comply with those regulations. I have my reservations about giving total authority to the school boards. I say that knowing that we have control of the capital funding. We give out the dollars in capital funding, that partly makes some of their decisions. We also control the transportation funding, which also has a big impact on what the boards say and do. Certainly our sparsity and distance formula as well impacts the decisions that those boards are going to make. I really believe that should be done together in a way that people can live with the decisions afterwards, because I do know that every region is different. Our formulas are based across the province, and I think that there should be a lot more consultation on that type of thing before a decision is made to close those schools down.

I also would like to ask the minister: when will the regulations come forward? I would suggest that in those regulations one of the first ones should be that there should be a site-based management and funding model that does include the parents and the school councils within that school. It seems like it is working fairly well in some areas, but we do not have that across the province by any means yet. Those regulations in section (b) are going to be very, very important to us as we further this along.

Thank you very much.

THE ACTING SPEAKER: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Madam Speaker. Just a couple of

comments with respect to the amendments as a whole and some of the implications that I see in my analysis of what I perceive to be their impact.

I found of interest the aspect of the amendment that shifts responsibility for school closures from the minister to the school boards. I find that interesting in the face of other amendments that say that the minister wants a greater role and greater authority with respect to administration and operations. Just to name a few, I think there were some amendments proposed to change the process for hiring and rehiring superintendents, to give the minister a greater say in contracts that local school boards have with superintendents, to give the minister more power to review the operation of local school boards and a greater say in how the board uses reserve or retained funds. So I find that somewhat interesting. You say you don't want the responsibility, generally, about what schools provide public education, where they're situated, and whether or not they should be closed, but what I perceive is that you're saying you do want to tinker with the operations of the school boards. I guess the two fail to make sense to me.

If I recall correctly, it seemed that when we adopted this structure of governance in the education sector, we were espousing the principles – again, I wasn't in this Assembly, but I recall hearing them as a private citizen – that education should be delivered at a closer-to-community level and that the decision-making should be to the same degree closer to the communities and the people that are the recipients of those services. Now, for some odd reason we're saying: "Well, just a minute. I think we need to have a little bit more say. We need to have more control over how you spend your money, what contracts you make, specifically with superintendents." I find it interesting that the minister doesn't want to have the same degree of involvement with contracts for the provincial teachers. So if we say it's arm's length and we can't interfere in the collective bargaining process for teachers but with respect to the superintendents we want to be involved, again, there's a conflict of ideology and principle, in my view.

I also found it of interest that the amendment would require the amounts paid to trustees and senior board officials be made public. It's astounding to me that we come up with, in a very narrow fashion, principles in the context of education that these individuals would have their salaries made public, yet in the health care system we've created an additional bureaucracy with an enormous number of administrators, and we do not require that their salaries be made public. Why the difference? Again, why the difference in principle? These are two fundamental government programs, and it seems that while we're able to propose that type of a step in one, we can't bring ourselves to do it in the other. I, for the life of me, can't understand why.

So the Act is of concern to me with respect to those specific areas. I'm not sure whether or not the minister – I would be highly doubtful that he would be incorporating any changes to address those areas. I guess I raise, in summary, that it seems there's a conflict of principle and a conflict of ideology when we said perhaps three years ago that we wanted to devolve this responsibility, and now we say we're taking it back. We say that in the health care sector we can't divulge the salaries and the contracts of administrators and programs, but in the education sector we can.

So those are my brief comments, Madam Speaker, with respect to Bill 21. Thank you.

MR. MAR: Madam Speaker, I've listened carefully to the comments made by members, some of which I found to be most constructive. With that and my undertaking to review the Blues for those comments, I look forward to further debate on this matter at committee stage.

With that, I move second reading of Bill 21.

[Motion carried; Bill 21 read a second time]

head: **Government Motions**
8:50 Ethics Commissioner and
Information and Privacy Commissioner

19. Mr. Havelock moved:

Be it resolved that the Legislative Assembly concur in the recommendations of the Select Standing Committee on Legislative Offices passed May 14, 1997, to recommend to His Honour the Honourable the Lieutenant Governor that Mr. Robert C. Clark be reappointed as Ethics Commissioner and Information and Privacy Commissioner for the province of Alberta for a further five years effective April 1, 1997.

[Adjourned debate June 2: Mr. Friedel]

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

MRS. SOETAERT: Thank you, Madam Speaker. I'm pleased to join debate on Motion 19, which is to reappoint the Ethics Commissioner and Information and Privacy Commissioner for the province for another five years. You know, I spoke on this I think a year ago or so, two years ago, so I could actually just flip through *Hansard* and table it, I guess, because my concerns are the same. However, for the benefit of the people who are new here and probably don't want to flip through *Hansard*, I'll maybe repeat my concerns. Repeat, repeat, repeat, and they might catch on.

AN HON. MEMBER: Send it to us.

MRS. SOETAERT: They'd like me to send it, but I know they're just joking. I know they'd prefer me to speak as eloquently as I can.

My first concern with this motion, Madam Speaker, is that the government actually set up quite a commission. It came back in the form of the Tupper report. One of the recommendations was that the Information and Privacy Commissioner be separate from the Ethics Commissioner. That was recommended to the Premier. The government even said that they accepted the recommendation, and then they didn't do it. So it makes you kind of wonder. They're given a report. They set up a commission to do the study. They get the information. They say: we accept the recommendation, but we're just not going to do it. I have concerns about that if that's what was recommended and they did their homework, as I know the people that presented the Tupper report did, and the government says they're going to and they don't. Regretfully, that seems to be a recurring scene.

I do have some concerns, and it certainly is no reflection on the present Ethics Commissioner. I hold him in high regard, especially since I have to go see him within the next week or two, and he may read *Hansard*. Of course, I'm sure everyone in this House has a great deal of respect for Mr. Clark. But I am concerned that these should be held by two different people. I

think it just makes it easier for the person holding those positions to keep it separate so that there won't be any conflicts. I believe we've even seen conflicts already where the Ethics Commissioner could not deal with the situation because it would be a conflict of interest. I express that as a very genuine concern.

The other thing I would like to see is an open competition instead of an appointment. I believe that's done in other provinces. In fact, I'm sure that if Mr. Clark applied, he'd probably be the number one candidate. I don't think that would scare him off a bit. I think he'd quite welcome the opportunity. I would truly like to see an open competition for that position.

I have some concerns with the way technology is changing and how information gets out and about, sometimes too much information out and about. As the workload of the office of the Privacy Commissioner increases, I think it's going to be difficult to do both. Though it's divided by an imaginary wall, I guess, and though the Ethics Commissioner holds two roles, the staff is of course going to be influenced by some of that information. I just see it as a real difficult position that this motion puts the Ethics Commissioner and indeed both his offices in. So I'd like to see a physical separation of these two offices to ensure that privacy and integrity are as complete as possible. I would think that the physical separation of the offices would make breaches of security much less likely.

I do see it as a conflict when the Ethics Commissioner is also the Freedom of Information Commissioner. In fact, once he had to be removed from a case, and Justice Cairns was put in that role. I just flag that as a concern, and I don't know why the government insists upon the appointment and the dual role of this one position. I will express again that I would rather see two jobs done very, very well. I think that it behooves us to have these as two very separate entities. I would say that certainly an open competition would be a healthy way to approach this.

DR. WEST: We're saving money.

MRS. SOETAERT: Somebody across heckles that they're saving money. Well, you know, Madam Speaker, there are a lot of other ways to save money, like not giving out loan guarantees to different companies, like collecting on the bad loans, and I would suggest - they got me going again. I needed the opening and they gave it to me. Here we go. I was almost done, but they got me going again.

If you want to save money, may I suggest that you don't do it at the expense of the ethics of the politicians in this Assembly. That would put us in jeopardy. Which reminds me, Madam Speaker - but I will save that story for another Bill. I know they're all waiting, but it's a good one about politicians, and actually, maybe I will tell it, because it will tie in with the role of the Ethics Commissioner and eventually to the Bill that was tabled today.

AN HON. MEMBER: Put it in your book.

MRS. SOETAERT: Put it in my book, they say. Well, it won't be called *Shredding the Public Trust*, or *Banksters and Prairie boys*, but it might be something along those lines. You never know.

With regard to the Ethics Commissioner and his role with politicians, I think it's been a healthy change that we have an Ethics Commissioner. That's why I guess I want that to be a separate role, because he does a very good job. Which reminds

me, too, of the Minister of Justice tabling his Bill today and his comparison about politicians in his story. So if you'll allow me, because it does tie in with the Ethics Commissioner and the motion.

It's a short little story that you'll appreciate. A politician and a priest died and went to heaven. The priest got a lovely room, quite a nice room, but the politician got a gorgeous suite, you know, with a view of the ocean, the mountains, a big huge screen, a beautiful television, stereo. So the priest said to St. Peter: "You know, St. Peter, I hate to say it. This is a politician here getting this room, and I'm a priest and look at mine." And St. Peter said: . . .

MRS. BURGNER: Is this politically correct?

MRS. SOETAERT: Oh, it's politically correct, since I'm Catholic.

THE ACTING SPEAKER: We'd ask you, hon. member, to speed this up.

MRS. SOETAERT: Yes, I'm almost done.

The priest said: "Why did he get that room?" And St. Peter said, "Well, priests up here are a dime a dozen, but this is the first politician we've ever seen." Isn't that funny? But it's sad. What it really is is sad. [interjection] Thank you. At least Wainwright appreciates a good joke. Feel free to use it out in your constituencies, if you so desire. It's so old. I know, it's usually been used on lawyers. My apologies to the Minister of Federal and Intergovernmental Affairs. The point being . . . [interjection] He didn't get it?

MR. WOLOSZYN: What was the point of the joke, Colleen?

MRS. SOETAERT: The point of the joke was: it's a good thing we have an Ethics Commissioner. [interjection] There's a better chance of us going to heaven. I'm almost done.

THE ACTING SPEAKER: Hon. member, I would ask you that you stay within the motion.

MRS. SOETAERT: Thank you. Thank you. Yes, a better chance of politicians going to heaven with an Ethics Commissioner.

So I appreciate that role. That's why they should be separate, because they're very, very important roles, roles that I respect.

So with those few short, witty words I will thank you very much for the opportunity to speak to this motion, Madam Speaker.

9:00

THE ACTING SPEAKER: Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Madam Speaker. I have no jokes tonight.

MRS. SOETAERT: I have more.

MS LEIBOVICI: The hon. colleague for Spruce Grove-Sturgeon-St. Albert indicates that she does have more, so if there's ever an opportunity for her to come back and speak to this particular Bill, we may be hearing some more appropriate jokes to the principle of the motion.

The motion, as we know, is to look at the reappointment of the

Ethics Commissioner and the freedom of information position. We stand here yet again indicating that those are two functions that should be split. The Ethics Commissioner/FOIP commissioner has himself indicated, it's my understanding, that it is going to become more and more difficult to fulfill the role of those two positions on a part-time basis, particularly given the fact that the MUSH sector will be entering under the mandate of FOIP in the next few years. We don't quite know when. Perhaps it will be at the end of the commissioner's mandate of five years as opposed to towards the beginning. Perhaps the wisdom the government has or the insight the government has, that's denied to the Official Opposition, is one reason the government is so comfortable in its position that the commissioner, one individual, can in fact fill both of those roles simultaneously on a part-time basis, each role. If in fact it will be five years until the municipalities, hospitals, and education sectors are fully operational under the FOIP Act, then there may not be as much urgency in looking at the commissioner for freedom of information as well as the Ethics Commissioner's positions being split into two.

[Mrs. Laing in the Chair]

Now, I know that one of the arguments that has been put forward is that there is no need to have those positions split. In fact if it is going to cost extra dollars to administer the potential increased requests under the new legislation that's being looked at, Bill 1, the dollars would be better spent on the administrative or on the support staff, the staff within the commissioner's department. I do agree that it may well require additional administrative support, as I believe the Member for Peace River pointed out. At any rate, I think that even though there may be an increased need for administrative staff, that does not negate the fact there may well be an increased need for two full-time positions to be created at the senior level of commissioner. If the job is being done in a half-time position, then we may get decisions, opinions that have not been looked at in the fullness of their scope, not because of the quality of the individual who's filling that position at this point in time but because of the time that he would be able to provide to the problems at hand and to the requests at hand and to the questions at hand. I think that's a very important distinction to make. I do not think that anyone on this side of the House is questioning the ability of the individual who has been chosen to fulfill that position. What we're saying is that at some point in time, no matter how qualified that individual is, it will become humanly impossible to fulfill those two functions on a part-time basis.

I know this government has over the years said that we have to do more with less. This government does have a policy, if we want to call it that, of downsizing at the top levels and decreasing the number of senior positions that are there, but the reality is that at some time that downsizing becomes foolhardy. Sometimes that downsizing does in fact cost us more in the long run. In effect, when we are looking at a position as important as the Ethics Commissioner and looking also at the fact that the Minister of Justice has just presented new legislation that will again increase the scope of the Ethics Commissioner, when we look at the fact that Bill 1 will at some point in the future increase the scope of the freedom of information officer and the fact that this particular motion indicates that it is to be five-year term, I think we're putting too much on someone's plate.

Now, if that motion were to have read that the individual is appointed to these positions on a part-time basis and that there will be an ongoing review based on the implementation of Bill 1 and Bill 20, the Bill that the Minister of Justice produced this after-

noon, perhaps I would sit back here and think there is a measure of having looked at what the impact of these Bills is going to be on the ability of that individual to perform the job effectively. That is not what the motion says. I'm not sure that built into that motion or the contract with that individual is that ability to review based on the workload that the individual has.

I think that needs to be looked at. The potentiality is there that if, in fact, two years down the road the government says, "Well, yes, this should be two positions; this should be two full-time positions," and there has been no contingency plan for allowing for the breaking of that position into two full-time positions, then the government is potentially on the hook for constructive dismissal. I'm sure that if the PAO were to look at the terms and conditions of the contract – and I have not seen it, so I'm not sure whether that is in fact the case. But I would, and I'm sure Albertans would, like to have some assurance that if there is necessitated a splitting of that function into two full-time positions, we are not on the hook for a constructive dismissal action to be brought against the government. Again, knowing the individual in question, I'm sure he would not do that, but the reality is that there needs to be that contingency thought of, and someone within the government departments must have a contingency plan in place for when Bill 1 is implemented and when the new Conflicts of Interest Act is implemented.

So those are my comments. Those are my objections. I look forward to seeing from the government, perhaps tabled, what the commissioner's contract is so that we can in fact see that that contingency has been made or some kind of an overview tabled – perhaps it's in the Members' Services Committee – as to what the plans are that the government has within this next five-year span to ensure that we are not unnecessarily overloading one individual with responsibility for two full-time positions. There is such a thing as doing more with less. It's quite another thing to expect an individual to do what is humanly impossible.

Thank you very much.

THE ACTING SPEAKER: Edmonton-Calder.

9:10

MR. WHITE: Thank you, Madam Speaker. I'd just rise briefly to speak on this matter. It seems to me that there is only one motivation to combine these jobs, and that's to save some money. Yes, that probably would occur. There's undoubtedly some administrative savings and certainly part of one salary, although that seems to be an expensive way to save money, when you sacrifice some potential conflict with time and effort and area of expertise. I, for one, believe that if you need . . .

THE ACTING SPEAKER: Excuse me, hon. member. Could I ask everyone to please take their seats. I'd ask people to take their seats, please. Thank you. Continue, please.

MR. WHITE: Thank you, Madam Speaker. The decorum in the House is well maintained under your order.

Back to the administrative savings. Now, in this case it seems to me penny-wise and pound-foolish in thinking that one's government can be cheap. In a lot of places the money just simply has to be spent. These areas are two very, very important areas of government, not just the performance of it but the appearance also. When you have an Ethics Commissioner such as we have in this province – and we should all be quite proud that we in fact have one and have the laws associated with that – you can't go in half measure, particularly when there's some work

that has to be done and has to be done with some expedience in order to save some embarrassment at times and in order to get on with it, as it were. That cannot be combined with any other job. It has so much importance.

[Mrs. Gordon in the Chair]

Likewise, it is information, and when dates are set down for hearings, it's a schedule that must be kept, and there can be but one chairman. I recognize that there is no deputy in these areas and that the authority cannot be delegated to the extent that some would like. Now, if in fact you had two officers and one could delegate the authority to the other should there be an absence, then there would not be a difficulty. You'd have both areas covered.

I look at the potential savings here, and we're talking maybe – what? – a maximum of \$300,000 a year. When we're talking of the millions and billions of dollars that are expended here, it's a small price to pay to have the affairs of the province examined, in a lot of cases, and make sure that the areas are covered. Now, perhaps one of them is not a full-time job.

MR. SMITH: Madam Speaker.

THE ACTING SPEAKER: Hon. minister.

Point of Order Questioning a Member

MR. SMITH: Thank you. *Beauchesne* 482. Would the esteemed colleague entertain a question?

MR. WHITE: Absolutely.

THE ACTING SPEAKER: Go ahead, hon. minister.

Debate Continued

MR. SMITH: Thank you very much, Madam Speaker. I was wondering if the hon. member could give us some specific instances where this combined job has led to either inefficiency or poorer service to the people of Alberta in his handling of 21 inquiries since the creation of the information position, basically inform this House of areas where this combined position has led to inefficiencies to the taxpayers of Alberta.

THE ACTING SPEAKER: Edmonton-Calder.

MR. WHITE: Madam Speaker, I could answer that in three ways. One, I could do as the other side often does in question period: not answer at all. I could work around it.

AN HON. MEMBER: I love it. How does it feel? How does it feel?

MR. WHITE: Boom, boom, boom, boom.

THE ACTING SPEAKER: Hon. member, answer the question please.

MR. WHITE: Once in a while it helps to get a shot in, you know. I mean, Smitty, you gotta do it; right?

The second way I could answer is to say that if there was no

instance of it yet, but it could occur, would you take that chance? The third way, of course, is that I'll answer the question as you wanted it answered. Mr. Clark himself on two separate occasions has admitted that errors in judgment have been made in the role of conflicts of interest commissioner. Sometimes he was pressured, and that pressure was combined with the pressure of having to go to hearings that are set down well in advance. He's had to do that twice now as freedom of information officer. There's a potential conflict there.

I can't say that it will occur, but it may, and for the amount of money – in your ministry, it falls off the table when you're not looking. [interjection] Well, perhaps it doesn't, sir. It would never, never fall off. It's perhaps some other ministry where it may occur. All right? Dr. West is not here. It'd fall off his all the time. Right.

If it did, those kinds of things could occur, and there's no reason to believe that it wouldn't over the course of time. Just a prudent thing to do would be to spend the money, hire the people with specific areas of interest and expertise in those two very, very different areas, and get on with it, like I am going to.

Thank you for your time.

THE ACTING SPEAKER: Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Madam Speaker. I know that I've spoken already to the Bill, and I'm not sure that this is the appropriate time.

THE ACTING SPEAKER: Excuse me, Edmonton-Meadowlark. You have already spoken.

MS LEIBOVICI: I know, and as I said, I'm not sure that this is the appropriate time.

THE ACTING SPEAKER: When we're debating a motion, it's just one time to speak.

MS LEIBOVICI: Okay. I just wanted to congratulate the federal Liberals on their win and the Reform Party for forming the Official Opposition.

Thank you.

[Motion carried]

MR. HANCOCK: Madam Speaker, it gives me great pleasure to rise right now and to indicate that what's happened this evening is a wonderful thing in that the federal Liberal government has been brought down to a much smaller majority, recognizing that in Atlantic Canada what has happened is only appropriate, that the conservatives are Conservatives and the socialists are now NDP and, in saying that, to move that we adjourn now until 1:30 tomorrow.

[At 9:17 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

