

Legislative Assembly of Alberta

Title: **Monday, June 9, 1997**

1:30 p.m.

Date: 97/06/09

[The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Good afternoon.

Let us pray.

Heavenly Father, we pause at the beginning of this 32nd day in the First Session of the 24th Legislative Assembly of Alberta to express our thanks for the blessings of family and friends and to reflect upon the good memories of those loved ones who have passed from our midst.

Guide us in all our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta.

Amen.

head: **Introduction of Bills**

Bill 28 Fuel Tax Amendment Act, 1997

MR. KLAPSTEIN: Mr. Speaker, I request leave to introduce a Bill being Fuel Tax Amendment Act, 1997.

The purpose of the Bill is fourfold: first, to clearly set out the administrative responsibilities of this Act between the Provincial Treasurer and the minister of agriculture; secondly, to clarify and simplify certain provisions in the Fuel Tax Act and make it easier to follow; thirdly, to provide additional enforcement mechanisms relating to collection of fuel taxes; and fourthly, to implement the government's announced reduction in aviation fuel that took effect on January 1, 1997.

Thank you, Mr. Speaker.

[Leave granted; Bill 28 read a first time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that Bill 28 be placed on the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 29 Medical Profession Amendment Act, 1997

MR. JONSON: Mr. Speaker, I request leave to introduce a Bill being the Medical Profession Amendment Act, 1997.

Mr. Speaker, this Bill will facilitate the implementation of the physician achievement review program by the College of Physicians and Surgeons of Alberta and clarify the right of the college to recover certain costs in discipline proceedings.

[Leave granted; Bill 29 read a first time]

head: **Tabling Returns and Reports**

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

MR. WOLOSHYN: Thank you, Mr. Speaker. In accordance with chapter C-22.4 of the Consulting Engineers of Alberta Act it is

my pleasure to table four copies of the 1996-97 annual report of the Consulting Engineers of Alberta. As usual, should any of the members wish to review these reports, copies are available through my office.

THE DEPUTY SPEAKER: The Chair would ask the hon. Minister of Federal and Intergovernmental Affairs if he'd like to revert to Introduction of Visitors.

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

Hon. minister.

head: **Introduction of Visitors**

MR. HANCOCK: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of the Assembly His Excellency Ananda Goonasekera, the high commissioner for the Democratic Socialist Republic of Sri Lanka. His Excellency has had a long and prestigious career serving with the Sri Lankan foreign service in Geneva, Brussels, London, Kuwait, and now in Canada. We are pleased to have him in our province so soon after his recent appointment. Alberta and Sri Lanka have shared a variety of common interests over the years, many of which have revolved around our Commonwealth connection. Also, while small in number, Albertans of Sri Lankan descent continue to make an important contribution to the growth and vitality of our province. I trust that we can build on our ties to forge even stronger relations between Sri Lanka and Alberta in the future. I would ask His Excellency to rise and receive the traditional warm welcome of the Assembly.

head: **Tabling Returns and Reports**
(continued)

MS OLSEN: Mr. Speaker, I'd like to table four copies of 21 letters from concerned high school teachers opposing Bill 209.

DR. NICOL: Mr. Speaker, I'd like to table 24 letters from people associated with Lakeview school, also opposed to Bill 209.

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

MR. SAPERS: Thank you, Mr. Speaker. I guess I just don't spend enough time on my feet speaking in this Assembly.

Mr. Speaker, it's my pleasure today to table four copies of a document that was circulated to a few people by the Minister of Health regarding draft community health council regulation principles.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased to table four copies of a petition on behalf of Mrs. Jan Anderson, RN, from the Peter Lougheed centre of the Calgary General hospital. For the past nine years the Calgary General hospital has been one hospital on two sites: the original Bow Valley site and the newer Peter Lougheed site. The 640 people who have signed this petition are asking the Calgary regional health authority to maintain the proud and distinguished name of the Calgary General hospital at the Peter Lougheed site and not to bury the name by simply attaching it to a wing of the hospital.

head: **Introduction of Guests**

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

MR. STELMACH: Thank you. Mr. Speaker, it's a real pleasure today to introduce to you and through you to people in the Assembly 72 visitors from Tofield. Of course, Tofield is better known as the home of the Snow Goose Festival. Accompanying the students from Tofield high, we have Mr. Brian Lyons, teacher; Ms Dawn Arnold, teacher; Ms Lori Blaney, teacher; parent helpers Ms Sandra Norton and Ms Norma Ducheminsky and also bus driver Ms Loretta Crocker. I'd ask them to rise and receive the traditional warm support of this Assembly.

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

MR. LOUGHEED: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly 25 students from Fort Saskatchewan Christian school. They are accompanied by Mrs. Jackie Watt, their teacher; Mrs. Jane Keenan; and Mr. Dick Baker. They're seated in the public gallery. I'd ask them to rise and receive the warm welcome of this Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. This afternoon it's my pleasure to introduce to you and all members of the Assembly visitors from the Edmonton area as well as an individual who is visiting us from Red Deer-South, as it happens. First, I'd like to introduce Robin Byrnes from Red Deer-South, who is the president of the international adoption association. Accompanying Robin today are the following from my constituency of Edmonton-Glenora: Chantelle McNichol, Katie Mah, Jim Dyanne, Quinn Johnson. On behalf of my colleague from Edmonton-McClung I'd like to introduce Margaret Mackie, Patricia Mackie, Elaine Zinowicz, and Alexander Zinowicz and on behalf of my colleague from Edmonton-Riverview Henry Ling, Esther Ling, Desiree Ling, and Josea Ling. I believe that they are all in the public gallery. I'd ask them to stand and please be received by the House. They're here in particular to watch the progress on Bill 27.

1:40

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler is next on my list.

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you two ladies who hail from the Lacombe-Stettler constituency and keep me on the straight and narrow: Mrs. Lori Hellofs, who is my constituency assistant, and Jennifer Powell, who is a university student and is working with us this summer. They are seated in the member's gallery. I would ask that they rise and receive the warm welcome of the House.

THE DEPUTY SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the members of the House

Mrs. Katy Walter from North Vancouver. She is sitting in the member's gallery with her daughter Evelyn Tadman, assistant to government members. We welcome you here to sunny Alberta, and we hope you have a very pleasant visit. I'd ask them to rise and receive the warm welcome of the House.

MR. HANCOCK: Mr. Speaker, I'd like to introduce to you and through you to Members of the Legislative Assembly Mr. Anil Fernando. Mr. Fernando is the president of the Sri Lanka-Canada Friendship Association of Edmonton and District. He's seated in the member's gallery, and I'd ask him to rise and receive the traditional warm welcome of the House.

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

MR. SAPERS: Thanks again, Mr. Speaker. I would like to introduce, probably for the last time in this capacity, Mr. Bill Kobluk from Archbishop MacDonald high school. He's here today with another class from the high school, a grade 10 class as it happens this time. Of note, Mr. Kobluk has been coming to this Chamber for nearly 30 years, since 1969, introducing young students to the joys of the legislative process. He certainly helped with my understanding. I would like him to stand with his 22 grade 10 students. They're in the public gallery, and I'd like to welcome Bill and his class this last time, and thanks.

THE DEPUTY SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to the Members of the Legislative Assembly Miss Betty-Lynne Topp. Betty-Lynne lives in Banff and is my very valued assistant in the very busy Banff-Cochrane constituency office. I'd like to ask her to please stand in the member's gallery and receive the warm welcome of the House.

head: **Oral Question Period**

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Ellerslie.

Rumsey Ecological Reserve

MS CARLSON: Thank you, Mr. Speaker. Alberta Energy is proposing to auction off 33 parcels of mineral rights in the Rumsey south natural area, one of the newest additions to the government's special places program. This area and the adjacent ecological reserve represent the largest remaining remnant of aspen parkland in the entire world. This area could qualify as a world heritage site if left untouched. My first question is to the Minister of Energy. As industry stakeholders agreed that there should be no new development in the area and that existing development should be phased out, why is the Department of Energy overriding this industry consensus decision?

DR. WEST: Mr. Speaker, I'm not aware of that industry consensus direction. In fact, I was the minister that stood at the opening of the Rumsey ecological reserve, and at the time that we dedicated this beautiful piece of aspen parkland, we had a direction taken of an integrated approach where we could serve both the protection of this area as well as remove the resources

from this part of the land. It wasn't our intention ever to sterilize that large a piece of the province from our natural resources. We are mature enough as a society today and as an industry to be able to go in to an area such as this, remove the resources, and leave it protected. I think it's irresponsible to start to cast that doubt on it at this stage of the game. The offerings will go ahead on June 25. The only thing correct about the individual's comments is that there are 33 parcels being offered.

MS CARLSON: Mr. Speaker, it's no longer protecting the environment when they're selling it off for oil and gas exploration.

To the Minister of Environmental Protection, then, because he clearly wants to answer this question: why is the minister succumbing to the pressures from the Minister of Energy in allowing industrial development, including new industrial development? Is this now the norm for the Special Places 2000 program? That's not what you said it was going to be at all.

MR. LUND: Mr. Speaker, the Rumsey natural area has a management plan in place. It has been passed. A lot of public consultation went into it. There will be no new roads, no new well sites in that area. There are currently a number of well sites in the area. They were there at the time that it was established.

The ecological reserve: there's a management plan in place. We've got to remember that the ecological area is about 13 sections, so it's not a huge area. That management plan calls as well for no new roads, no new well sites. So the drilling that will occur, if it does occur, will be on existing well sites, and if in fact it's necessary, the companies will be required to directional drill.

MS CARLSON: Mr. Speaker, to the Minister of Environmental Protection again: as scientific studies by the public lands division show that there has never been successful restoration of native fescue grasslands, which is that area, is the minister willing to sacrifice the largest remaining tract of aspen parkland in the entire world to a few years of oil and gas exploration? That's what's going to happen.

MR. LUND: Mr. Speaker, obviously the hon. member didn't hear the answer to her second question, because I said that there would be no new roads, no new well sites in either one of those areas. In fact, the advertising for the sale clearly indicates that there would be no new access.

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

Private Health Services

MR. DICKSON: Thank you, Mr. Speaker. The emergence of private health care inevitably means the emergence of private health insurance. In the United States it is a booming billion-dollar industry. In fact, a large reason why the American health care system is so inefficient and so costly is because of its duplication and the need to make a profit. No matter how you study it, a single-payer, public insurer costs less and is an integral part of any Alberta advantage. My question is to the Minister of Health. Now that this government has opened the door to for-profit, American style health care, what specific health services is the minister going to delist in order to steer business to the private insurance companies and providers?

MR. JONSON: Mr. Speaker, we have not opened the door for private, American health care insurance, and therefore the question is irrelevant.

MR. DICKSON: Well, Mr. Speaker, as we see private entrepreneurs lining up to move into the Holy Cross hospital site, Albertans would want to know from this minister: what safeguards is this minister prepared to put in place to ensure that the profit margin for for-profit health companies will not cost the Alberta taxpayers a single cent?

MR. JONSON: Well, Mr. Speaker, as I have indicated several times, we are committed to adhering to the principles of the Canada Health Act and to providing the best possible public health care system in this province, and that is what we will be asking the taxpayers of the province to support.

THE DEPUTY SPEAKER: Calgary-Buffalo, final supplemental.

MR. DICKSON: Thanks, Mr. Speaker. Finally, to the same minister: will this minister detail this afternoon what specific corporations he has had discussions with regarding the privatization or contracting out of the Alberta health care insurance plan?

MR. JONSON: Mr. Speaker, that can be dealt with quite quickly. None.

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

1:50 Community Health Councils

MR. SAPERS: Thanks, Mr. Speaker. On May 13 the Minister of Health circulated draft principles for community health councils. I tabled the draft principles and regulations earlier. Now, the minister allowed less than three weeks for consultation on this important document. Amongst other things, if you had had the time to read them, you would have noticed that the proposed regulations allow community health councils to operate as corporations. My questions are to the Minister of Health. Under what circumstances would the minister allow a community health council to operate as a business?

MR. JONSON: Mr. Speaker, first of all, the draft regulations for community health councils have been discussed with many of the stakeholders in their formulation, and they are out there for discussion to regional health authorities, to community health councils, and there is a broad consultation process involved.

Now, with respect to the reference in the regulations to a corporate function, it was drawn to our attention that in the formulation of these regulations there are some very specific isolated locations in the province where a regional health authority might find it the most viable alternative, and that is to use the community health council as the oversight agency, the operating agency for certain health services.

THE SPEAKER: Supplemental, Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I'll note that the consultation ended June 6.

Mr. Speaker, what specific services will the minister allow to be offered by community health councils operating as corporations?

MR. JONSON: I think, Mr. Speaker, something that is really important for all hon. members and Albertans to note here is that we're talking about a community health council, a public entity provided for in legislation. The type of function that perhaps in a very isolated part of northern Alberta might be supervised by a community health council might be a community health clinic.

THE SPEAKER: Supplemental, Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. Does the minister not see the conflict between setting up these community health councils as service providers as well as the community conscience of the regional health authority?

MR. JONSON: Well, Mr. Speaker, that particular issue has been brought forward, and as I have indicated, this was an alternative which is in there for certain very specific locations. This was not a creation of Alberta Health. This was something that came through from the extensive consultation process and is provided for in the regulations. The hon. member is not paying attention, but the hon. member should note that this is, as with all the other parts of the regulations, out there for consultation and feedback.

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

Freedom of Information

DR. PANNU: Thank you, Mr. Speaker. Last Friday the New Democrats brought to light the plight of a graduate student researching the national energy program who was told by the Provincial Archives that it would cost over \$12,300 to fulfill her request for information. Most of this huge cost would result from charges for staff time to prepare and screen the requested material. My question is to the Minister of Community Development. How can the minister justify charging huge amounts of money to persons making FOI requests when surely responding to these requests free of cost should be the integral part of the job of Provincial Archives' staff?

MRS. McCLELLAN: Mr. Speaker, I read with some interest the news release from the New Democrat opposition, and I guess I will have to have some discussion with them as to where they got all of their information. It is true that the estimate of collecting all of the data by staff for the purposes outlined originally would have been about \$12,000. However, in working with the applicant, the staff were able to provide all of the information that was required for that person for the application fee of \$25. Now, I am sure that the hon. member and the Members of this Legislative Assembly would want us to respond to those in the most efficient, most effective, most cost-effective way, which is precisely what happened in this instance. I have not heard from the applicant in the past month, so I assume that all of her needs were met, and certainly if they were not, I would expect that I would have heard from her.

I would be happy to discuss this whole issue with the ND opposition so that they understand how the process does work.

THE DEPUTY SPEAKER: Supplemental, Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. The graduate student in question was at the press conference on Friday, so obviously the problem remains.

My supplementary is to the Minister of Labour. Will the

minister stop charging those making FOI requests for staff time, and if not, why not?

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker, and thank you for the question.

Certainly on behalf of myself and my colleagues I extend sympathies and condolences to the leader of the ND opposition on her recent loss in the family.

With respect to the question, we will not be changing the fees at this point. Last year, Mr. Speaker, there were 1,270 requests for information under the Freedom of Information and Protection of Privacy Act. Eight hundred and forty-eight of these requests were for personal information, and the remaining 422, general information requests.

Mr. Speaker, I think that it's important to look at a balance sheet approach to this. One of the parts that it points out to us is that our preliminary estimates show that \$29,000 were collected last year in fees, and it also shows in the estimates that \$13,000 in fees were waived. So, in fact, when you look at a total cost of administering the program of somewhere in the neighbourhood of \$3.9 million, the price of information is indeed high, but the services delivered by this government and the provision of information and access to information for Albertans is indeed high.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. My last supplementary is to the same minister. Isn't the practice of charging huge amounts for staff time simply a way to perpetuate the government's secrecy by putting obstacles in the way of people seeking information about government policy or operations?

MR. SMITH: Most emphatically no, Mr. Speaker.

Hospital Transfers

MR. DUCHARME: Mr. Speaker, the Minister of Health recently announced that Albertans will no longer have to pay the cost of an ambulance transfer from a facility with emergency services to another with a higher level of care. Can the minister explain the reasons for these changes?

MR. JONSON: Mr. Speaker, one of the difficulties that we found in terms of ambulance coverage was that in a case where, using the example of a traffic accident, a person was transferred by ambulance from the site of the accident to the initial site or receiving hospital, they would be covered for a subsequent trip to a higher level of care at another hospital if they were admitted and processed through the entry system as far as being admitted to the hospitals were concerned, but in those cases where for whatever reason they may have been treated but not admitted and transferred to the larger health facility, they would in fact be billed for that transfer. This, we found, was a considerable financial burden to a number of individuals across the province. Therefore in this year's business plan and in the budget, provision is made for covering those interhospital transfers which have a great medical necessity behind them; in other words, cases of severe trauma and injury.

2:00

MR. DUCHARME: Mr. Speaker, can the minister explain why this extra funding was necessary when many Albertans were already covered for interhospital ambulance transfers through their insurance companies?

MR. JONSON: Mr. Speaker, it is correct that a certain percentage of Albertans did have insurance coverage for this particular expense, but in looking at the overall situation in the province, there were a considerable number of people who did not have this particular coverage. In terms of providing equitable treatment, we made this change.

MR. DUCHARME: Mr. Speaker, I understand that as a result of this additional provincial funding some private insurance companies are now considering deinsuring this service. Does this additional funding mean that Albertans no longer require insurance for interhospital transfers?

MR. JONSON: I would say no. There are two questions, actually, Mr. Speaker. First of all, with respect to the overall coverage of this particular cost in the health care system, we would hope to work with the insurance companies to keep them involved in the overall coverage picture. I would suggest that if insurance companies perhaps did withdraw from this particular area of insurance, I would hope that they would consider a premium reduction to the people carrying that insurance coverage for the other services.

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

Boiler Safety

MR. MacDONALD: Thank you, Mr. Speaker. In 1995 an annual tax was levied by this government on all pressure vessels in this province. In 1997 the annual report of the Alberta Boilers Safety Association admits that record management regarding these 77,000-plus vessels has been problematic and much work needs to be done to make record management accurate. My questions are for the Minister of Labour this afternoon. Are you satisfied with the tax collection process in the safety association in light of this poor record management?

THE DEPUTY SPEAKER: The hon. Minister of Labour.

MR. SMITH: Thank you, Mr. Speaker. The Alberta Boilers Safety Association was something that was set up with the input of stakeholders. It had a great deal of input and a great deal of discussion from those who manufacture pressure vessels. What they concluded and rightly so was that the private sector is far more effective in handling issues of the nature that the safety association is handling than what the government has been. In fact, that's been proven by the demonstration of reducing the backlog of inspections. Admittedly, the backlog still exists out to about four years, but at the time when that was run by government, it was as long as 10 years.

Now, as much as this member would, I know, from political bent drag the government kicking and screaming back into that type of regulation and sidarm inspection, in fact under this government the economy's just far too healthy for that to ever happen. In fact, Mr. Speaker, the economy of this province is

growing in such a fact that we have to have delegated administrative organizations and allow effectiveness in inspection and effectiveness to its stakeholders to be undertaken. So the answer is very clear.

THE DEPUTY SPEAKER: First supplemental, the hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. This is not a question about inspection of vessels; it's a question about taxation. How can this be true when the annual tax is calculated on the size of the vessel, not when it was inspected?

MR. SMITH: As much as I'd like to comment on the size of the vessel, Mr. Speaker, I believe that the revenue attributed to the issue is something that has been discussed and agreed to by the stakeholders involved in the Boilers Safety Association.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. How much revenue are the taxpayers owed because you don't know the proper size of the vessels?

MR. SMITH: How much is the taxpayer owed that we don't know because we don't know the size of the vessels? Well, I guess the best answer to that would be: we don't know.

Mr. Speaker, what I do want to point out to the hon. member – and I thank him for his question – is that the organization is set up on a consensus of those that are in the business. It also operates under the delegated administrative authority of the government under Bill 41 of the 23rd Legislature, the Government Organization Act. The government is receiving good if not excellent value from ABSA from the decisions taken. In fact not only is that safety association doing well, but there are other safety associations that are doing as well if not better.

THE DEPUTY SPEAKER: The hon. Member for Peace River.

Private Health Insurance

MR. FRIEDEL: Thank you, Mr. Speaker. My question is to the Minister of Health. This seems to be a quite a day for questions on health care insurance. Recently it was brought to my attention that the Alberta Health Care Insurance Act, specifically sections 17(2) and 17(4)(b), as well as the health care insurance regulations and again sections 31(1)(a) and 31(2) specifically prohibit a private care insurance policy from paying on behalf of an individual a portion of the fees for chiropractic or physical therapy or podiatric services. I wonder if the minister could tell us why it's considered necessary to prohibit such insurance coverage.

MR. JONSON: Mr. Speaker, this provision has been in the legislation for some time. The rationale for this particular section of the legislation is based on the concept or the principle that all Albertans should have the same rate of access to these particular services across the province, and therefore there should be no incentive or factor which might lead to some individuals who might have a particular kind of coverage getting more rapid treatment within the system than those that do not. The clauses are in the legislation which prevent insurance coverage where we do have a co-payment system in place in coverage.

MR. FRIEDEL: To the same minister, Mr. Speaker: while we support the concept that core services should be available to all, does this mean that we have a policy that unless everyone can afford a particular service, no one else can have it either?

MR. JONSON: Mr. Speaker, first of all with respect to the programs being referred to, I think it should be clear just to put things in context that these are not core services as defined under the Canada Health Act. They are areas of coverage where the province has provided additional coverage to Albertans. In fact, the coverage in areas such as chiropractic compare extremely well with other parts of Canada. It has been possible to provide that additional coverage, and as I said earlier, it has also been a principle of the legislation that as far as that period of coverage is concerned which is covered by our program and our funding, in some cases on a co-pay basis, we want everybody to have equitable access in that particular area. This is felt to be a very important feature of our service in this province. There are areas beyond the coverage that we provide where private insurance does apply. One of the areas of course is coverage for pharmaceuticals. So it is not a complete prohibition by any means.

2:10

MR. FRIEDEL: Again to the Minister of Health, Mr. Speaker. I wonder how forcing someone to pay cash rather than being able to buy insurance fits into the concept of providing equal core services.

MR. JONSON: I'm sorry, Mr. Speaker. I did not hear or did not understand the question. Could I have it repeated please?

MR. FRIEDEL: How does the concept of forcing someone to pay cash rather than being able to buy insurance fit into the area of equal core services?

MR. JONSON: Well, Mr. Speaker, the point, first of all, is that if we're talking about core services as they are defined and related to the Canada Health Act, these insured services, as far as the public health care system is concerned – there is equitable access to those particular services. In the case of those services where through the ability of the government over the years to set its priority on health we have provided a form of, say, co-payment, as this is the case with chiropractic services, everybody has the obligation to pay on a co-pay basis for a certain number of visits. Everyone is treated the same. Then of course there are programs of support through other departments as well as in Alberta Health which would take quite a long time to outline whereby we do support health care costs for those people who do not have the financial ability to pay. That is the way the system operates.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenarry.

Confidentiality of Seniors' Records

MR. BONNER: Thank you, Mr. Speaker. Over a year ago it was revealed that Community Development was illegally accessing private information from seniors' federal tax files. Since then the Privacy Commissioner has reviewed Community Development practices and made recommendations on accessing and handling seniors' private information. To the Minister of Community Development: what steps have been taken by Community Development to ensure that seniors' income tax files cannot be accessed if that senior has not given written permission?

MRS. McCLELLAN: Mr. Speaker, I will respond to the hon. member briefly now and in written form at a later date because this is an extensive discussion. I would want to inform him and the members of the House that this issue was dealt with by a group of people including the seniors' representatives as well as the Department of Community Development. It was resolved to the satisfaction of the seniors and certainly within the parameters that Community Development can work within. I believe that the Privacy Commissioner was very satisfied with the conclusion of that work and that those issues have all been resolved with the seniors at this point.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Glenarry.

MR. BONNER: Thank you, Mr. Speaker. What steps have been taken to restrict Community Development so that it can only access the specific income tax permitted under the agreement instead of a senior's entire file?

MRS. McCLELLAN: As I indicated earlier, Mr. Speaker, all of those issues have been dealt with to the satisfaction of the seniors' representatives as well as for my department to access the information that is necessary for them to provide the Alberta seniors' benefit to Alberta seniors. There were a number of recommendations that were made. They have all been followed. It has been concluded, as I say, to the satisfaction of all parties involved.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Glenarry.

MR. BONNER: Thank you, Mr. Speaker. Has a new memorandum of understanding been signed with the federal government regarding the transfer of this personal information?

MRS. McCLELLAN: Mr. Speaker, I'm not sure I totally understood the hon. member, but the information that is received for use on establishing a senior's benefit for a senior is not transferable from my department to anyone. If I understood him correctly, that was his question.

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

Education Funding

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Education. Public school funding continues to be misunderstood in Calgary and is causing a number of questions in my constituency. The latest theory is that rural boards are able to spend more per child than urban boards because of sparsity and distance grants. Would the minister please explain how sparsity and distance grants are earned and why they are seen as placing urban boards at a disadvantage over rural boards?

MR. MAR: Mr. Speaker, I've traveled to many of those rural schools, and it has been my observation and I think it's borne out by financial statements that school boards provide to us that there are higher costs associated with running schools in sparsely populated areas. There are increased labour costs as a result of travel time for maintenance staff and contractors that service those schools, as well as the additional cost of transportation for

supplies and services where boards are a long way from a major urban centre such as Calgary or Edmonton. Also, the distance of the school from a school board's office results in additional costs in providing instructional services.

There are two things that we look at in sparsity and distance funding. What we try and do with that funding is address the issue of higher costs for providing education services to those sparser areas with a comparable level of service that students would receive in other parts of the province. As an example, Mr. Speaker, if you go to the Northern Lights school division, there are 6,000 students in 23 schools located in an area of 5,700 square miles. So sparsity takes into account the number of square miles and the number of rural students that would be in that area, and distance funding would take into account the distance that school jurisdictions are from a major urban centre and also the distance that individual schools are from their jurisdiction office.

THE DEPUTY SPEAKER: First supplemental, Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. Mr. Minister, do urban boards receive additional grants that rural boards do not receive?

MR. MAR: Mr. Speaker, I would be remiss if I didn't mention Manyberries, as the hon. Member from Cypress-Medicine Hat has reminded me, which is a very long way from other urban centres.

Mr. Speaker, getting on to the supplementary question, the majority of funding that goes to boards is allocated on a per student basis. That gives boards the most flexibility in having a pool of money to determine what their local needs are. But there is some special assistance that is given to recognize the unique situation of some of the large urban boards. This additional support is for disadvantaged students or what we refer to as at-risk children. The types of funding include the enhanced opportunity funds for students who are economically disadvantaged. Also, there's funding for outreach programs to provide basic education for students who are not able to attend a regular program of classes.

THE DEPUTY SPEAKER: Final supplemental, hon. Member for Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. To the same minister. The Calgary boards talk about their size, their diversity, and their density, as being at the root of their funding problems. What is the minister doing to address these concerns?

2:20

MR. MAR: Well, Mr. Speaker, we do recognize that large urban centres do have a higher density of students and sometimes serve parents who earn a hard-scrabbled living. We do help address that by providing enhanced opportunity funds. We have to remember that urban centres benefit also from economies of scale such as volume purchasing, volume provision of services. They're able to consolidate the provision of some of their special programs, and they usually have a full-time transportation coordinator. Schools in urban centres also benefit from a variety of facilities and infrastructure that is not available in rural centres such as recreational facilities that may be operated by municipalities, museums, libraries, and postsecondary education facilities.

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

Advanced Education Funding

MS BLAKEMAN: Thank you, Mr. Speaker. AVC, Grant MacEwan, and Alberta College are all in the Edmonton-Centre constituency. They and other universities and colleges in Alberta are currently engaged in the largest fund-raising effort in their history in order to make up for the cuts this government has inflicted on them. We not only support postsecondary education through tuition fees and income tax but are now being tapped by a barrage of increasing fund-raising efforts. This has created uncertainty for the future of many academic programs. My question is to the minister of advanced education. Is it the policy of the government that cost alone will determine which academic programs institutions will be permitted to offer?

MR. DUNFORD: Mr. Speaker, the short answer to the question of course is no. We will never back away, though, from our responsibility to the taxpayers of this province to look after taxpayers' dollars. Also, with my responsibilities in Advanced Education and Career Development, I might add, Alberta is heading into a tremendous growth period, and we know that skills are required. We're going to attempt to utilize all of the post-secondary institutions that we have in this province to the fullest maximization of their potential.

THE DEPUTY SPEAKER: First supplemental, Edmonton-Centre.

MS BLAKEMAN: Thank you. Will the minister, given that he has approval authority under section 33 of the Colleges Act, confirm that it is now policy to approve only programs that are below a certain per student cost level, and will he tell the Assembly what that level is?

MR. DUNFORD: Mr. Speaker, no such policy exists.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Centre.

MS BLAKEMAN: Thank you. Is it the policy of the government that academic programs above this cost threshold will be required to establish fund-raising mechanisms or be disallowed by the minister?

MR. DUNFORD: Mr. Speaker, it would be my hope that *Hansard* from today would be, you know, circulated to every postsecondary facility in the province, because the tenor of the particular question – it's hard to respond to quite frankly. We are currently moving into an area of key performance indicators that will lead to a funding formula, and I suspect that we probably will want to be discussing that in this particular House and might even want to discuss it through question period, hon. member, at some particular point in time.

The underlying policy and really, I guess, strength of the Department of Advanced Education and Career Development is the fact that we look at what the needs are of adult learners in this province. What needs there are will be addressed, and, yes, cost will be one consideration. To, I think, insult the department that this would be the only factor that we would look at is hardly worthy of further comment.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fort.

Ethics and Religious Education

MR. CAO: Thank you, Mr. Speaker. I would like to reflect questions raised by my constituents. One of the important issues in education and the most stated reason for private schooling is a lack of teaching of social values and religious principles in our public school system. My question is to the hon. Minister of Education. Why can we not include the teaching and learning of social values and principles of religion in our public school system, making it integrally stronger and providing our youth with moral references?

THE DEPUTY SPEAKER: The hon. Minister of Education.

MR. MAR: Well, thank you, Mr. Speaker. The short answer is that we do in fact do that. Many school programs will help students recognize the importance of being responsible for their actions, respecting the rights and the views of others, and a commitment to peaceful resolution of conflict. Within our schools of course we take social studies. All students take social studies from grades 1 through 12. The social studies program will help students understand their role in a democratic society, their responsibilities as citizens, not only within Alberta and our nation but also in the global community. There's also a program that's been developed of curriculum, an ethics course that junior high schools can offer in the province.

With respect to religion the School Act does permit school boards, both public and separate school boards, to provide religious instruction and prayers. Parents do have the right to exclude their sons and daughters from participation in those, but the school boards are allowed to provide that. I think that overall when we visit schools, we find that there is a good deal of this type of positive instruction that's provided.

THE DEPUTY SPEAKER: First supplemental, Calgary-Fort.

MR. CAO: Thank you, Mr. Speaker. My next question is to the same minister. The learning of science and technology is important, but so is the learning of social values and moral references. What are the options for education authorities to address the need for the teaching and learning of social values, moral references, and for the principles of religions?

MR. MAR: Under the School Act school boards do have the authority to establish alternative programs that may emphasize particular language or culture or religion that is not a program of religion that is offered by a Catholic school board. These programs must be open to any student in the district, and they're usually established with community support. There are examples, Mr. Speaker, that I think many members of this Assembly would be familiar with. The Edmonton public school board, for example, has the Logos Christian program, which offers religious-based instruction. The Logos program is also being considered by other school boards. Also, the Eldorado school in the Wild Rose division has offered the Drayton Valley Christian program for the last three years.

THE DEPUTY SPEAKER: Final supplement, Calgary-Fort, without preamble.

MR. CAO: My final question is to the same minister. In order to implement a selected option, what can a stakeholder do, and do we need education policy changes?

MR. MAR: Mr. Speaker, in my opinion we do not need any changes to education policy in order to accommodate ethics and religious instruction. We've already seen and the examples that I've given demonstrate that within the current education policy framework those types of programs can be offered. The teaching of social values is an integral part of our school curriculum, but also integral is the opportunity to offer religious instruction, which has been part of the School Act since 1905.

With reference to the hon. member's question about what stakeholders can do, stakeholders can certainly make their local interests and demands known to school boards, and those school boards can offer those programs for those parents that come forward and ask for it.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Calder.

Pine Lake Landfill Site

MR. WHITE: Thank you, Mr. Speaker. My questions today are for the Minister of Environmental Protection. [interjections] It's quite a serious one, though, this one is, I'm afraid. The new Pine Lake landfill site was a disaster from the start. In fact, it was founded on a faulty geological survey by the department, which led to this unsuitable site. This necessitated a double liner system of collection for the leachates. However, before the landfill is even completed, water is leaking into the landfill site through this liner, and by the same token, when the landfill is full, it will leak out. Is it not time that this minister put an end to this and said no to this landfill site and located it elsewhere?

2:30

MR. LUND: Well, Mr. Speaker, that's a very interesting question coming from an engineer, because, in fact, this site was engineered. There was a lot of testing done. It was determined that there needed to be a clay liner, and the engineering firm that was doing the consulting work recommended a certain thickness of liner, and that was installed.

MR. WHITE: Mr. Speaker, thank you. The fact is that the liner is filling up. It leaks. If it leaks now – it's filling up; they've pumped it out twice – surely it will leak again. Will the minister now abandon this site?

MR. LUND: Well, Mr. Speaker, the hon. member indicates that the liquid is coming through the liner but they have to pump it to get it out, yet there's a problem. I'm not sure what the hon. member is referring to. It sounds to me like it's more likely that it ran in over the top and can't get out as opposed to coming in but yet won't go out.

THE DEPUTY SPEAKER: The Member for Edmonton-Calder, final supplemental without preamble.

MR. WHITE: Well, it's difficult. I'll have to take the minister aside and we'll have to have a little discussion on landfills, but we'll do that later.

The last question is: if the minister allows this dump site to open, will he indicate just who is responsible for enforcing all the construction and operating conditions imposed by the local public health authority and appeal board and the local development appeal board? This was before Alberta Environmental Protection took over responsibility for landfills last year.

MR. LUND: Mr. Speaker, Alberta Environmental Protection was involved in this landfill right from day one. There was a consulting engineering firm that did the testing. They also recommended the liner, the thickness, and how it should be placed. It's true that the development appeal board had some concerns. How you measure the thickness was their big concern. The health authority did find that there were some problems. In fact we find that the engineering firm is a reputable firm. They insist that this liner will work, and we will be monitoring it. Of course, they are monitoring wells all around the site. We will be monitoring that very closely to make absolutely sure that if it does start to operate, there is no leachate leaving the site and getting into the groundwater.

THE DEPUTY SPEAKER: Question period is completed. I wonder if we might have unanimous consent to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

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

THE DEPUTY SPEAKER: A number of groups have come and gone. I have a list, but I think it's probably out of date. Would those hon. members who wish to introduce their guests please stand up and let themselves be known.

The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of the Assembly a group of visitors from St. Paul from the Glen Avon school. There are 49 students accompanied by five adults. The adults are two teachers, Mr. Dave Doonanco and Mrs. Linda O'Neill, and they're assisted by Mrs. Joyce Wasmuth, Mrs. Judy Bilyk, and Miss Corrine Webster. I would like to ask our visitors to please stand and receive the welcome in the Assembly.

THE DEPUTY SPEAKER: I don't think we had any points of order today.

head: **Orders of the Day**

head: **Private Bills**
head: **Second Reading**

Bill Pr. 1
TD Trust Company and
Central Guaranty Trust Company Act

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

MRS. BURGNER: Thank you, Mr. Speaker. I'd like to move second reading of Bill Pr. 1, the TD Trust Company and Central Guaranty Trust Company Act.

[Motion carried; Bill Pr. 1 read a second time]

Bill Pr. 2
The Bank of Nova Scotia Trust Company,
Montreal Trust Company of Canada and
Montreal Trust Company Act

MR. JACQUES: Mr. Speaker, I would move second reading of

Bill Pr. 2, The Bank of Nova Scotia Trust Company, Montreal Trust Company of Canada and Montreal Trust Company Act.

Thank you, Mr. Speaker.

[Motion carried; Bill Pr. 2 read a second time]

Bill Pr. 3
Trans Global Insurance Company Act

THE DEPUTY SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I move second reading of Bill Pr. 3, Trans Global Insurance Company Act.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I just want to express some concerns about Pr. 3. We debated it at some length during Private Bills Committee, which I am a member of. We do have concerns that in some way this continues to open the door to private health insurance in the province, so I would flag that for people to look at and just make sure that in their mind it is in order before we get to committee.

[Motion carried; Bill Pr. 3 read a second time]

Bill Pr. 4
Trans Global Life Insurance Company Act

THE DEPUTY SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I move second reading of Bill Pr. 4, Trans Global Life Insurance Company Act.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Once again I have to express some concerns that have come up because of Pr. 4. Those concerns were expressed in Private Bills. I do fear that as these Bills continue to come up, and some of the clauses within them – it certainly raises a red flag to me that we are opening the door to private health insurance, which would indicate to me that we are heading towards private health care.

So with those concerns, I will wait till committee to speak again.

THE DEPUTY SPEAKER: The hon. Member for Banff-Cochrane to close debate. Whoops. The hon. Member for Calgary-Buffero.

MR. DICKSON: I'll wear a brighter tie tomorrow, Mr. Speaker.

Mr. Speaker, my concern with the Bill is simply this. I've had the opportunity of reviewing *Hansard* from the committee deliberation on this private member's Bill, the committee review of it. It struck me that one of the things that was said was that there were other companies already chartered in this province that have the capability of doing certain things including private health insurance and that somehow it would be unfair or prejudicial to start layering on or grafting on some other conditions, qualifications, or limitations now. I just wanted to respond by offering this comment – and we'll be able to deal with this further at the

next stage of treatment of this Bill. This Legislature is sovereign. We're taken to be a body that's responsive – at least that would be the theory – to issues that exist in the bigger community. Certainly the incursion of private health care, the proliferation of private health providers, the multitude of opportunities that now exist for people to make a profit on providing health care to our neighbours and our constituents is much bigger now, much broader than ever existed, I daresay, when any of the other companies received their sanction from the Assembly.

2:40

I don't view this as a question of proposing to somehow be punitive or discriminatory in terms of companies that now come forward and say: we want a charter from the Legislative Assembly to be able to carry on the insurance business in this province. The reality is that in some respects the bar perhaps should be set higher now because we're now alive to the potential privatization of a much bigger percentage and portion of our health care system than ever existed before. So it's genuinely a different challenge now than existed when other insurance companies have been chartered and received their approval.

I'd just like to make the observation, Mr. Speaker, that before we finish dealing with the Bill, let's ensure that the concerns Albertans raised to us through our constituency offices and in other fashions, certainly the concerns raised by residents in Edmonton and throughout the province, about privatization of their health care system – we have to address that. We have to build in now the conditions, the safeguards, and that sort of thing to ensure that what the National Forum on Health told us comes to bear, which is that frankly the experience of for-profit health insurance is a sorry one. It may work really well for the directors and shareholders in corporations, but the reality is that it's Albertans, those people that require the health service, who stand to lose.

For all of those reasons, Mr. Speaker, I wanted to outline my concerns and flag the fact that I expect that my caucus will continue to fight for public health insurance and a public health system at every opportunity, and that means every opportunity of dealing with this Bill.

Thanks very much, Mr. Speaker.

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

MR. HERARD: Thank you, Mr. Speaker. I think what's happening here today is that members of the opposition use every opportunity to perpetuate the myths they're trying to sell Albertans. What we have before us are individuals who are coming before this Legislature to get a charter to apply for a licence to operate insurance companies. There's no business plan with this. There's no reason to question any motives or intents of all of these people. And both of those hon. members ought to know that it's not the Insurance Act that would allow or prohibit private insurance companies; it's the health Act. So all of this debate is irrelevant.

MR. SAPERS: Well, Mr. Speaker, you know, these private Bills are supposed to be relatively straightforward. Usually what we do in this House is review them in committee – it's a pretty thorough, all-party process – and then they come with a recommendation. Obviously, we've scratched a nerve here with the debate on this package of private Bills, because we see the government clearly protesting too much about what these Bills may or may not do.

Now, for any hon. member to stand in this Assembly and say that a debate about the potential for privatizing or eroding health care is “irrelevant” means, whoever that hon. member is, he's clearly out of touch with the constituents of this province who are concerned about preserving medicare in this province.

Now, the context in which we see these insurance private Bills coming forward makes us very suspicious and concerned on behalf of all Albertans who do not want to see medicare eroded. This is the government that has put medicare on the table. This is the government that has said: we're open for business. It's not the Official Opposition and it's not the insurance companies that are in the business of selling insurance. It's this government that's invited them to the dance. So I think what you have to do is you have to be responsible in this Assembly and you have to flag those concerns that are out there. If this hon. member or if any member of the government who is supporting all of these Bills says, “This is straightforward; it's the way it's always been,” we can take them at their word and agree with that, but the fact is that times are a-changing. Maybe what we ought to do is get this government to review its package of legislation that regulates or legislates the insurance business, and maybe what we should expect from this government is a government Bill that will come back and make it crystal clear that nobody can take advantage of the current regulatory regime in which to set themselves up to immediately pounce upon business opportunities created in the private market for health insurance when this government marches on and delists and deinsures currently insured universal services, because that's what this government is doing.

[Motion carried; Bill Pr. 4 read a second time]

Bill Pr. 5

Kenneth Garnet McKay Adoption Termination Act

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora on behalf of the hon. Member for Edmonton-McClung.

MR. SAPERS: Thanks, Mr. Speaker. On behalf of my colleague the Member for Edmonton-McClung and the Leader of the Official Opposition I would move that Bill Pr. 5, the Kenneth Garnet McKay Adoption Termination Act, now be moved a second time.

This Bill has, of course, been recommended by the all-party Standing Committee on Private Bills. I would hope that all members will support it.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Just maybe of interest to the rest of the Assembly, when the committee discussed this, we thought that this could possibly come in as government legislation, that an adult would not have to come back to the Assembly through Private Bills to terminate an adoption. That may be something that could come forward in the future, because it's not a comfortable process for people who wish to terminate an adoption.

[Motion carried; Bill Pr. 5 read a second time]

Bill Pr. 6

Canadian Union College Amendment Act, 1997

MRS. GORDON: Mr. Speaker, I move second reading of Bill Pr.

6, Canadian Union College Amendment Act, 1997.

Quite simply, Canadian Union College has asked for an amendment so their name can be changed from Canadian Union College to Canadian University College. Canadian Union College is located in my constituency, and I would ask for the support of the Assembly.

Thank you.

[Motion carried; Bill Pr. 6 read a second time]

Bill Pr. 7

Altasure Insurance Company Act

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

MRS. BURGNER: Thank you, Mr. Speaker. On behalf of the Member for Calgary-West I move second reading of Bill Pr. 7, the Altasure Insurance Company Act.

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

2:50

MRS. SOETAERT: Thank you, Mr. Speaker. Once again I have to express the concerns that were expressed in the committee stage in Private Bills. Because of the changing dynamics in health care in this province and the concern about private health care, there was concern expressed that now we are opening the doors to private health insurance. Interestingly enough, the Member for Calgary-Egmont even asked questions about: will this cover private health insurance? We were told no, but none of it went into an amendment. So that was most interesting.

I do want to express concern, and I think we should watch it closely. I appreciate the opportunity to express that.

[Motion carried; Bill Pr. 7 read a second time]

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

Bill 25

Alberta Corporate Tax Amendment Act, 1997

MR. DAY: Mr. Speaker, I'd like to move Bill 25 for second reading and as I do so make a few brief comments.

The Bill is somewhat complicated. It's largely a consequential response to federal legislation related to corporate tax changes, and whenever that happens, then our tax provisions respond accordingly: mainly to reduce redundancy, to clear up references between the two Acts, and to streamline things as much as possible for businesses that are affected by the Act itself and to make their life easier. There's also a reference in here to the Alberta tax credit royalty regime in terms of some clarification, and, Mr. Speaker, members will also find reference to tax information and the disclosure of that information back and forth between bodies affected.

I appreciate there's already been some looking at this particular Bill, and we welcome comments or questions.

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

MRS. SOETAERT: Thank you, Mr. Speaker. Just a few comments. As far as I understand this, which of course is not my

strongest area but certainly an area I'm working hard at understanding, this is getting in line with what the federal government has mandated. It is making things more streamlined, it will update us with what has happened in the federal budgets, and it will define the qualifying royalties under the Alberta royalty tax credit and increase the time period of assessment as it relates to tax, interest or penalties, and entitlement to tax credits, particularly as it applies to the Alberta royalty tax credit. So in my humble estimation I would think it's just getting in line with what is needed in order for the two governments to co-operate.

[Mr. Clegg in the Chair]

THE ACTING SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm happy to offer some comments with regard to Bill 25, which is the Alberta Corporate Tax Amendment Act. I want to say at the outset how pleased I was to have received what they call a technical briefing on this Bill from department of Treasury officials, presumably at the request of the Provincial Treasurer. I want to just go on record thanking him for having set that meeting up. It was very informative, very helpful, and extremely insightful.

As my colleague from Spruce Grove-Sturgeon-St. Albert has mentioned, essentially what I understand to be the motivation for this Bill is the necessity for the province of Alberta to parallel the changes that were made at the federal level, I think specifically through Bill C-36 or something along that line, as ordered by the ways and means committee at the federal level. I guess the essence of that, Mr. Speaker, simply suggested that we can't be offside, so to speak, nor would we want to be offside as a province with federal tax laws. So this sort of brings the two laws into greater congruency. It's, I guess, a Bill that has been necessitated primarily on that basis.

The primary spirit of the Bill, then, really does go a long way to streamlining and complying with those changes, Mr. Speaker. It has certain other changes. I don't know if I would describe them really as housekeeping type amendments. They're more of a tightening nature on the one hand, and I guess the spirit behind the other part of the Bill is to broaden some of the Provincial Treasurer's mandates, which if time permits I'll get into today and if it doesn't we'll address in a little bit more detail at the next stage.

The four purposes include compliance with federal tax changes recently announced and then also, I guess, zeroing in a little more specifically or sharpening the focus, I could say, on the qualifying royalties and the definition there. I'm given to understand that we already have the definition in existing statute but that sometimes it's subject to a little bit of a broader interpretation, and therefore there's a need to sharpen its focus and, for example, roll in references to the Mines and Minerals Act insofar as the Alberta royalty tax credit program is concerned. That will alleviate any future problems. It will, I suppose, close what might potentially have been viewed as a possible loophole in our tax administration system. So I think that's a good move, because it offers clarity to the participants on the one hand, and it gives government a bit of a clearer way of administering it on the other and will likely not lead to any greater challenges in the courts or elsewhere.

The third thing referred to was with regard to the provisions that deal with the terms and conditions regarding the communication of information in relation to taxation: tax records, individuals,

corporations, and so on. That particular streamlining, as it's been referred to, I think is good because it again clarifies quite specifically what can and what can't be accessed or dealt with in terms of those terms and conditions.

The final point here is with regard to taxation, specifically penalties or entitlements to tax credits. As we look at the Alberta royalty tax credit regime, we know that there are certain exemptions there already. I believe the argument has already been eloquently advanced – I shouldn't call it an argument; it's more of an explanation, I guess, that says that the tar sands are exempted from that, but this really does lengthen that time period for review in relation to the overall taxation structure with regard to the ARTC in particular.

So the spirit of the Bill is quite good, and I don't anticipate any difficulty with it going through the various stages. But as we read through it more, perhaps we'll keep the option open to provide some critical analysis on a section-by-section basis, which is not allowed during this stage of the debate.

This quick synopsis, then, if I could just elaborate on some of it briefly, just to sharpen my own understanding – and I know the Treasurer and his department will be reviewing these comments, so perhaps they could be helpful in terms of letting me know at some stage whether I've got the right handle of the stick here or not.

3:00

As I look at the provision to increase the refundable tax credit, for example, on investment income, when calculations are being done for deductions for corporations that are specifically involved in manufacturing and processing operations, I believe the effect of that change is to actually close the tax deferral advantage that was available to individuals who earned investment income through Canadian-controlled, private corporations. So I think that's a significant and very major aspect. Aspect number one I would call it.

The second aspect is the removing of a provision to obtain judicial orders for the production of information that the Provincial Treasurer or his department might require on reasonable grounds insofar as persons or individuals that have failed to comply with the Income Tax Act are concerned and that information is, I understand, not otherwise readily available. So the gist, I guess, is that while we see the need for some of these, as I call them, quasi loopholes to be tightened, I think it also just clears up a lot of potential for misunderstanding. Anything that does that I think advances the cause of what we're all after in this Assembly – or at least we should be – and that is good and better government, Mr. Speaker.

Now, this issue about tightening up the definition, as it's been referred to, of the qualifying royalties under the Alberta royalty tax credit program specifically I think is being brought in here to ensure that oil sands operators would not be tempted to claim a tax credit on royalties payable to the Crown under the oil sands lease arrangements that are made pursuant to the Mines and Minerals Act. I understand that the ability to claim credits under the ARTC program is applicable only to conventional oil and gas operators and not as such to oil sand operators per se. That being the case then – that I believe is referred to in section 26, and we'll have a more detailed discussion on it at a later stage – it seems that that's the kind of definition that used to have some possible unclarity or obscurity to it, and now that's been tightened up.

It also is good to see a Bill come forward which has the effect of clarifying what is and what isn't allowed for in terms of communicating tax information to

an employee or agent of the Government of Canada or the government of the province

on the basis that

- (i) . . . the tax information consists of the name, address, occupation and size or type of business of a person and is to be used [rather exclusively] . . . to obtain statistical data for research and analysis, or
- (ii) if the tax information consists of the identifying number, name, address, telephone number and facsimile number of an identifying number holder and is to be used solely for the . . . enforcement of an Act of Parliament or a law of a province.

I believe this Act also substantially broadens the powers of reassessment or at least additional assessment by the Provincial Treasurer with regard to taxation and the interest or penalties thereto, which I referred to earlier, that would be paid or the determination of entitlement of a corporation toward refundable tax credits. Now, that would include the royalty tax credit gas supplements, I assume, for a taxation year in a situation in which the corporation in question may have filed a waiver. If I have my understanding correct, Mr. Speaker, I do believe the Treasurer does now have the ability to perform that assessment or a reassessment or in fact to make additional assessments beyond the normal assessment period for a corporation in respect to a particular taxation year.

[The Deputy Speaker in the Chair]

Now, the second broadening of power which I believe comes to the Provincial Treasurer through this Bill is with regard to an objection that a lessee may have or an agent of a lessee may have regarding the calculation or the recalculation of Crown royalty sharing of a particular mineral that falls under the Mines and Minerals Act. The Provincial Treasurer may choose to exercise his power and the power of his department to perform that assessment, reassessment, or determination or redetermination, as the case may be, regarding interest or penalties or any entitlements that might be coming out of that toward a royalty credit or a royalty credit gas supplement under a notice of objection to the calculation of the Crown's royalty share provided that it's within one year of the variation or, as they say, having been vacated.

The gist, principle, and spirit of the Bill, then, is one that I don't really have any problem supporting. I do note that there are provisions within this legislation that are required to comply with changes to the federal Income Tax Act that were announced in 1995 and, I believe, in 1996 in their budgets. The ways and means committee of the House of Commons in fact deemed those changes necessary, so we're working rather in compliance with the government of Canada in this regard, and I can't see any harm in doing that.

Our general position, Mr. Speaker, has been one of support for the Alberta royalty tax credit program. It's a program that provides, I believe, fairly sound tax policy stability for the oil and gas industry, and we're so heavily reliant on the oil and gas business, on that sector of the economy, not only for generating revenue but also for economic contributions on the employment front. There are thousands of Albertans employed in that area. Particularly the small producers that have, I guess, the capability of being our economic job generator in this province I think will appreciate the strong support that we have for this royalty tax credit system in terms of investment that the small producers make and the drilling activities and so on that go on across the province.

On the issue of a possible couple of concerns that I would like to leave the Treasurer and his department to look into. I don't know, quite frankly, Mr. Speaker, how much progress has been achieved in the negotiations over the past four years with regard to transferring the administration of Alberta's corporate income tax system to the federal government's tax collection system, but if the intention is to reduce the cost and the burden of tax collection to Alberta taxpayers and to eliminate some waste and some duplication in government, then I am certainly all for it. My concern is only that it's taken us a fairly long period of time, it would seem, to get to that stage. Now, I appreciate that the spirit of this Bill does in fact address that, but the longer it takes to accomplish, I feel the more things are being unnecessarily held up, and that translates itself into costs. I think a conservative estimate would be that there would be a possible saving of as much as \$7 million a year through this consolidation effort. I don't know if that is in congruence with what the Treasurer is thinking or not, but perhaps at some point he might comment on it. So I'm concerned about the length of time it's taken for this to have progressed to this stage.

My second area of concern is with regard to the government's response to the recommendation of the Auditor General to improve the reporting mechanisms for assessing the overall effectiveness of the Alberta royalty tax credit program. We want to know that these changes in the sharing of information provisions will assist the Department of Energy, for example, in conducting its assessments of the effectiveness of the Alberta royalty tax credit program as well. It might be beneficial for us to know some of the background thinking with regard to the Auditor General's comments and his suggestions and recommendations.

My third area of concern is in fact with regard to the broadening of powers that I spoke about a little earlier. The provisions within the Bill and the spirit of this Bill, Mr. Speaker, do give the Provincial Treasurer much broader powers to acquire from a third party tax information that he feels it necessary to acquire. In a case where there is reason to believe that there was some failure to comply with the Corporate Tax Act, without the need to prove that the information is not otherwise readily available in order to obtain, say, a judicial order for the production of information I could see where the Treasurer would require some broader powers, but the question would be: at what point is enough power enough? At what point is it excessive? Perhaps it is the perception that it's a bit heavy-handed. We didn't get to go into that too much in detail in my briefing, but it was only because of a lack of time – we were due at other committee meetings – that we didn't get into that more specifically. So perhaps someone could comment on just exactly how much this broadening of powers, I guess, entails and whether or not it could be perceived to be somewhat excessive or not.

3:10

There are additional comments, Mr. Speaker, that I want to make on a section-by-section basis, but I guess I'll save that for the committee stage with the exception of just speaking to section 64, and it'll save us time later if I could just comment briefly here. It seems to represent again that somewhat excessive expansion of power I just referred to, power of the Crown to obtain tax information from a third party without meeting specific terms and conditions. I think some further explanation regarding the rationale behind that change and the implications of that change, which is indicated in section 64, would be appreciated either at this stage or perhaps at the committee stage.

I would close just by suggesting that I know there's a need to eliminate overlap and duplication, and I'm all in favour of that, Mr. Treasurer, in order to meet the objectives of simplicity and transparency insofar as Alberta taxpayers are concerned. But I wonder if there's an opportunity for the Treasurer to comment on this business that Albertans are still required to complete two sets of corporate tax forms and what he is doing to address that concern and what the federal government is doing to address that concern. Is there a way to harmonize the effort there to make it a little less cumbersome? Maybe I missed it, but I didn't see any direct reference to that in here, and maybe it doesn't belong here. I don't know. I wouldn't mind to know, if it wasn't included here, why it wasn't. Wouldn't this be the place to address that, or have we not progressed to a stage of understanding with our federal counterparts in that regard? Why is it necessary for corporations to fill out two separate sets of tax forms?

I hear the bell going, and I will take my seat just letting the Treasurer know that I will come back with a few other questions of a more specific nature during the committee stage. So thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. The tax amendment Act, Bill 25, particularly doesn't lend itself well to speaking to principle. I have some very straightforward concerns about one or two sections in the Bill, so when we get to committee we may have an opportunity to explore them in some detail, but I'd like to give the Treasurer sort of a heads up so he can be aware of what it is that I'm thinking about.

The amending section 11, which deals with section 77 of the existing Act, as I go through it and I look particularly at subsection (5), is a very long and detailed section and subsection dealing with tax information, collection, distribution, and communication. We will, as I say, in committee get to sort of the word-by-word and line-by-line discussion, but I have two thoughts that I want to leave the Treasurer with regarding tax information.

Number one, it was the department of Treasury that was apparently instructed during the last provincial election to start compiling some information on election promises and such. It was the comment of the Ethics Commissioner which I guess I'm thinking of now, where the Ethics Commissioner suggested that that would be inappropriate, that civil servants should be working for partisan political purposes while on the provincial government payroll. Those are some of the same people under the direction of the same Executive Council, Mr. Speaker, that we're now supposed to take for granted that everything would be adhered to regarding privacy and confidentiality.

The second point that I have to tie together with that – and it was the subject of a question in question period earlier today – is that we have already seen how the government of Canada was somewhat lax in how it released and transmitted electronic information on the financial status of Albertans and, even more importantly, how the provincial government was somewhat lax in how it used the information that was provided to it. Now, particularly of importance, Mr. Speaker, was the information collected on behalf of the Department of Community Development for the purposes of ascertaining entitlement to the Alberta seniors' benefit. There was this Revenue Canada information transmitted holus-bolus, and then the department seemed to have been of the opinion that because there were so few Albertans whose privacy

was violated, it wasn't really very important. I know that's a rather simplified version of the response, but in essence what it came down to was that they really promised that they'd just never do it again. But when I look at the language in Bill 25 as proposed in the amendments to section 77, I'm not at all convinced that it goes far enough to ensure that the privacy and confidentiality of what should really be the most private of all records held by government about its citizens, tax information, will be adequately protected.

While I'm sure that most of the amendments in Bill 25 are of such a nature that they will enhance the ability of the Treasurer to do his job and that they will, for the most part, better serve the people of Alberta through a more efficient tax collecting regime, I am concerned about the privacy and confidentiality of tax records and this government's rather spotty track record when it comes to going to bat for privacy and confidentiality, particularly within the Treasurer's department.

So I look forward to the debate at committee, and I hope the Treasurer has made note of those concerns. Perhaps when we get to committee, the Treasurer will be in a position to calm my fears by telling me exactly what it is that he's planning to do on behalf of the government to ensure that privacy and confidentiality are maintained to the highest standard possible.

Thanks.

[Motion carried; Bill 25 read a second time]

head: **Government Bills and Orders**
head: **Committee of the Whole**
3:20

[Mrs. Gordon in the Chair]

Bill 18
Natural Resources Conservation Board
Amendment Act, 1997

THE DEPUTY CHAIRMAN: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Madam Chairman. During a debate in Committee of the Whole on Bill 18 last week some of the members opposite identified some lingering questions and did not seem satisfied with the clarification presented. I wish to resolve this confusion in the minds of the hon. members with concerns, and I will deal with them.

First of all, regarding concerns about the process that may be employed by the NRCB to make an amendment to an approval, it's important to understand that the circumstances of each and every review are unique, and whatever process the board chooses, that process would be applied to ensure the continuing impartiality of the board as an independent body. An example of how a situation could evolve to lead to a need for an amendment to an approval is the situation of the Pine Coulee project in southern Alberta. A condition of the NRCB Pine Coulee project approval referred to the need for a ring road because of the nature of transportation patterns that would occur following the development of the project. When the project underwent a different scenario than originally planned – that is, the applicant implemented a causeway and a bridge that had not been required by the board – the technical requirements for the ring road were no longer necessary. So a change to the condition would be appropriate in this case because the transportation requirements were met by this alternative.

The Pine Coulee situation is an excellent example of a situation

where there would have been considerable value in an amended process, since the project had already been determined to be in the public interest and the change required was minor. Therefore, in establishing a process for a variance, the public interest would be served because the applicant would need to agree to it, the board has to agree, the amendment is taken to the minister, and only if the amendment is sufficiently major would it go before cabinet. Recognizing that the project is already in the public interest and knowing how hard it is to get an issue into the cabinet's schedule, it seems unnecessary to utilize the time of the full cabinet on minor amendments. I would certainly want to stress, Madam Chairman, the infrequent occurrence anticipated for such amendments.

It's obvious that a key item for the board is to maintain its credibility as a board that contributes to the sustainable development of Alberta's natural resources by providing an open, impartial, and fair public review process for non energy development.

Now, regarding the question about the definition of industrial minerals, the definition in fact comes from the regulations to the Mines and Minerals Act; specifically, metallic and industrial minerals means minerals within the meaning of section 1(1)(m) of the Act but does not include petroleum, oil, asphalt, bituminous sands, oil sands, natural gas, coal, or ammonite shell.

Under section 1(1)(m) of the Act minerals are defined as all naturally occurring minerals, and without restricting the generality of the foregoing, includes

- (i) gold, silver, uranium, platinum, pitchblende, radium, precious stones, copper, iron, tin, zinc, asbestos, salts, sulphur, petroleum, oil, asphalt, bituminous sands, oil sands, natural gas, coal, anhydrite, barite, bauxite, bentonite, diatomite, dolomite, epsomite, granite, gypsum, limestone, marble, mica, mirabilite, potash, quartz rock, rock phosphate, sandstone, serpentine, shale, slate, talc, thenardite, trona, volcanic ash, sand, gravel, clay and marl, but
- (ii) does not include
 - (A) sand and gravel that belong to the owner of the surface of land under section 54 of the Law of Property Act,
 - (B) clay and marl that belong to the owner of the surface of land under section 53 of the Law of Property Act, or
 - (C) peat on the surface of land and peat obtained by stripping off the overburden, excavating from the surface, or otherwise recovered by surface operations.

Regarding the question about cumulative effects and whether these should be considered by the NRCB, I would like to point out that cumulative effects are addressed under the EPEA and must be considered in determining EIA applications. Therefore, cumulative effects would be an integral part of the environmental impact assessment itself, which triggers the NRCB review.

From the questions asked during the Committee of the Whole last week, Madam Chairman, I believe it's important to stress that the NRCB deals with more than just environmental aspects during its reviews. In fact, the NRCB is an independent body that considers social, economic, and environmental effects of proposed natural resource projects. The EIA and its contents are just part of the review.

The suspicion expressed that the amendments under Bill 18 might affect the board's ability to undertake reviews is unwarranted. There are no restrictions to the abilities of the board that will be caused by Bill 18. The reality is that the board is structured to be triggered by an EIA. No, the board cannot go, quote, willy-nilly, unquote, on its own conducting ad hoc review projects. Because the board needs to go to the minister for final

vetting of approval amendments, then there is some trust that is given to the minister, as there should be. Bill 18 does not preclude cabinet approval. Major amendments to approvals on projects need to go to the cabinet, which again is quite proper for the insight and experience that is provided by that body in considering all aspects of such major amendments.

The hon. members' questions last week still seemed to show some caution about the situation developing under the absence of a minimum size for the NRCB and, where only one person might be appointed to the board, whether decisions could be made by that person acting alone. The appointment of members of the board refers to full-time members only. The decision-making powers under the NRCB Act are granted exclusively to the board and not to the chairman alone. Section 17 of the Act clearly shows that decisions of the board must be made by three or more individuals. Section 17(1) of the NRCB Act allows the chairman to designate three or more members of the board to sit as a division of the board "to conduct any hearing, inquiry, investigation or other proceeding." Those members appointed by the chairman to a division of the board can be acting board members, as provided in section 15, from the list of individuals nominated by cabinet. This category of duly qualified acting board members is important to recognize as a flexible administrative planning tool which precludes the necessity of having a full-time board which may not be active in dealing with reviews very frequently.

Madam Chairman, that concludes my remarks, which I hope have resolved the last of the questions of the hon. members.

THE DEPUTY CHAIRMAN: The hon. Member for Lethbridge-East.

3:30

DR. NICOL: Thank you, Madam Chairman. I'd just like to stand and make a few comments in terms of the responses that we got from the sponsoring member of Bill 18. It's providing us with some good feedback in terms of the questions that were raised to the principle of the Bill and the direction the Bill wanted to go. There are some comments, though, that I'd still like to make in the context of the direction that the entire process may take and in the concept, you know, that we could possibly have been looking at even further changes, further amendments in the Act which don't show, even though they're not specific to it.

I'd like to start by thanking the Member for St. Albert for her explanation of how the appointments would work in answer to the concerns we had relative to the number of people on the board that may be making decisions. The idea, the context in here about the permanent members on the staffing being the only full-time members, permanent members of the board really helps to clarify that by pointing out the fact that the actual board is a temporary appointment or a term appointment per project. This is really a helpful idea. We can see, then, that the board can be as large or as small as is necessary to fully evaluate a project. This could then be determined by the complexity of the issue, by the number of interest groups or side groups that wanted to be involved in it. So this has helped a lot, and I thank the member for bringing that explanation forward.

The question that comes up was the reference to the fact that the members of the board are still going to be appointed by the cabinet. This is something that I think we need to look at a little bit in the sense of the experience I've now had involved with looking at reports for a couple of the NRCB recommendations. One of the major discussions that goes on in the process relates to the individuals on the board and the publicly perceived possible

bias or lack of understanding for certain aspects of the issues being presented. There was some concern there. It may be that what we need to do, as these appointments come forward to cabinet to be reviewed, is to have some kind of a vetting process with the public, with public input, to make sure the public feels comfortable that the people who are serving on that board are going to give a broad-based reflection and interpretation of the possible issues that are going to be raised by the various groups.

This, I know, doesn't deal directly with the sections within the Act, but it does deal with some of the issues we're talking about in terms of changing the structure of the board, redirecting it, and keeping its effectiveness in place. This is an extremely powerful mechanism that we have in Alberta to review projects that deal with our natural resources, and it's really important that we maintain the public confidence in this process. I think there have been some questions on a couple of occasions where there were some concerns that the board didn't appear to take into account the community's sympathy or the community direction in terms of their expectations for some of these projects. So what we need to do is make sure that the people who are on the board do have the confidence of both the community that is going to be the centre for the project and some of the side interest groups that are going to be involved, in terms of getting their views heard.

One of the questions that I would like to raise again with the Member for St. Albert, as sponsor of the Bill, and through her to the minister is the comment that was made in the introduction just a few moments ago, where they commented that the NRCB process is only triggered when an EIA is appropriate. In some cases I think this might be a little bit too restrictive. Previously I was under the impression that the NRCB could be activated whether or not an EIA was there. To me that's a much more appropriate mechanism if we're going to be dealing with the issues of proper economic, social, and environmental balance in our province. It's so important to have those kinds of options so that when a community seems to be divided, when relevant groups involved in a project seem to be divided, even though it may not trigger an EIA, we might want to have the process in place where, under special conditions, we could start an NRCB review – maybe even call it a minireview so that it doesn't have to be full fledged – at least a mechanism where there is a quasi-independent activity to try and help the community build bridges in connection with some of these conflicts.

I'd always thought that this was a really important aspect of the NRCB as it went in and looked at these projects, because it could bring together the different factions that were in the community, in the extended community, and get them to understand each other's points a little more so that we could, you know, come together behind a community activity and get it going really in a very strong way and get the community behind it. I would hope that both the sponsoring member and later the minister would look at this in terms of something that would be an activity on behalf of communities that might be really quite beneficial to the public perception of development projects and economic development and the conflict that that causes between the issues of the social community base and the environment.

I think the issue that's coming up right now – you know, we're dealing with the minister of agriculture quite extensively right now on the desire to expand and promote expansion of the pork industry in Alberta. You go out to every community in Alberta and they say, "Well, this is a good idea, but we don't want it next to us," because, "Oh, we don't like the smell" or "We're afraid of our groundwater contamination." Well, when some of these

big projects are going in – you know, we've heard of some of the large farrow-to-finish operations for pigs that are being put in – maybe we need to deal with them, because this is a good mechanism to bring the community together and publicly debate the issues.

You know, many people I talk to don't understand and don't recognize that technologies and processes are available to almost totally eliminate the offensive odour or the offensive waste disposal issues that are associated with these pork activities, so that's the kind of role that I see for the NRCB. It's a really good process that would be able to come into a community and help to publicly air these kinds of concerns. I hope that this Bill and the intent of this Bill isn't to in any way restrict the potential when they're tying the NRCB process to an environmental impact assessment.

I would just have a couple more comments I'd like to make. The very extensive list of inclusions and exclusions in terms of minerals that were defined: I noticed that the Member for St. Albert in her list did specifically note that this now, under its change from industrial minerals, would exclude ammonite. There's been a lot of debate, at least a lot of phone calls that I've received in the last two or three months, in connection with ammonite, because it is becoming a very valuable mining opportunity, and it would provide us with some mechanism to balance their development. Some ammonite is just a matter of surface collection or a very minor disruption of the soil; others are very extensive mining operations where they move a lot of the surrounding soil to get at those ammonite shells. So I was just wondering why that, particularly, was excluded, because it is becoming such an important development activity. I know it's a historic resource right now, and if they're in good shape, they have to have permission from the Tyrrell museum, the palaeontology part of it, and our historic resource approval process before they can be exported. Still, we want to look at the impact it has on the community as these mines get put in place. So if the Member for St. Albert can, you know, explain why they've been set aside as not being included in a natural resource hearing.

3:40

The other one I noticed that I think we need to seriously look at as well is sand and gravel, as long it belongs to the owner of the surface rights. Now, this is a real issue, in the sense of what constitutes surface rights and how deep the surface rights go, when you come into a community, not so much with gravel because that's usually in an old water channel or in the current back curve from a river, but when we deal with sand, a lot of this is in the edges of long ago waterways, lake beds. In some areas sand and gravel companies have come in and are really upset. You know, the owner of a piece of property has really mined off the sand that was at a depth below the surface. They come in, they take off the surface soil, take out the sand, and then they don't fix it up. They don't make it attractive to the community. They just kind of walk away from the land, and it's an eyesore for the community after that.

You know, this is one of the things we need to look at, in terms of how we can make sure that, under these natural resource hearing processes, people who are going to undertake subsurface extraction of sand or removal of gravel don't leave an eyesore for the community in the future. This is something that we would like to look at. If the member is aware of some other mechanism so that these can be controlled, I'd be more than happy to review that with her and see if it would meet the needs I have in terms of the concept and the concerns that are associated with that kind of, I guess, land upheaval, land change.

The final points, Madam Chairman, that I'd like to speak about were in connection with the possible changes in terms of how this Bill is going to deal with issues that are minor in nature and how the board then has the authority to amend its report in connection with its impact. The Member for St. Albert in her introductory remarks made a comment that if the change is minor, it needs to go to the minister for approval; if it's major, then it needs to go to cabinet and be dealt with. This is I guess one of the things where, when we start using little terms like minor and major – and we've got very significant different impacts between what is a minor and what is a major – all of a sudden I start saying: well, where's the dividing line? What constitutes minor and what constitutes major? Because somewhere along the line the scale tips from one side to the other, and we all of a sudden see it going one way or the other. Is the member suggesting that the difference between minor and major is the potential for public backlash? Is the difference between minor and major the additional cost of the project? Is the difference between minor and major the impact on the community? Is it potential environmental trade-offs? These are the kinds of things that need to be brought to light.

The process of going for a change in a report that's been filed by the NRCB and not going back to the public seems to me to be almost a slap in the face of the public when you don't bring them back in. I would like to suggest to the Member for St. Albert that when they get to putting in place the operational parameters for this option to change the Bill, it might be very accommodating to the community if, as these desires for a change in the plan come up, it would be possible for even a community meeting to go back and say: "Okay. Look; we've had some issues raised. We've re-evaluated what we had before, and based on some new information and looking at the old information we had that we used to make our decision, this is a recommendation we're going to make to the minister. If the minister feels it's significant enough and wants some other support, then it'll go to cabinet." So I'd like to suggest that these amendments or these changes to their plan be put in place by starting with a community information meeting. I don't necessarily want to suggest you reopen the hearings and bring in 25 or 30 different reports and get debate started again but just a community meeting to lay out the framework for that change.

We've seen so many cases where the issue of kind of exclusionary decision-making brings a very bad reaction from the community, from the public. Yet when we get finished and the public truly understands the significance of the proposed amendment, they all say, "Oh, well, if we'd have known about that in the first place, we wouldn't even have been concerned." So a lot of these times it's just a process of openness, and this is something that we need to be concerned about in terms of dealing with the public: making them feel that they're informed, that we're not doing things behind closed doors. That kind of politics is politics of the past. We've got to make sure that the community feels comfortable when we deal with these issues.

I know, Madam Chairman, that started at the back end of the Bill and went to the front, but I think I've covered all of the concerns, and we may be bringing forth some changes after.

Thank you.

MRS. O'NEILL: Madam Chairman, I'd like to respond, if I could, to a couple of the issues that were raised by the Member for Lethbridge-East. I hope I can address them, some more so in depth than others.

First of all, with regard to the board composition and the cabinet appointments, if you will, to that, certainly the public must feel that members are qualified and unbiased. It's the wish of the cabinet, it's the wish of the government to make sure that if we're going to undertake this, if the cabinet will appoint people to do this review, then obviously they want somebody who, number one, has knowledge, has sensitivity to it. This is not something that someone can enter into and take upon themselves with any degree of credible input and hearing on if they aren't aware of it. Certainly cabinet would not, I'm assuming, be interested in compromising the integrity of the board. Too much work has been put in to establishing this so that the board can be the reviewer for the people of Alberta, if you will.

You mentioned the NRCB process, your concern that it would only be triggered by a project with an EIA. At the EIA step, if you will, there obviously are going to be some concerns that are raised. I think it's just a consequence of due process and a chronological development. The EIA must be objective or else it is a flawed report. In doing so, if it isn't complete, then rightfully so it should go to the NRCB. That's where I believe the people of the province would want on a particular issue to have a full hearing, a more comprehensive, a more in detail, and certainly a more qualified technical report rather than just the EIA. It's an additional step.

You mentioned about the EIA being, as I think I understood the member saying, quasi-independent. Again I would refer to the fact that it's a sequential part of it. In other words, there are two fronts of assurances that we would hope and design so the people could have those interested parties' and in particular the environment's concerns addressed in that.

3:50

In reference to your ammonite shells and why they are excluded, I don't know the total reason, but I do think it is predicated upon the fact that they are protected under the historical resources concern. That's my understanding. I could look for a further answer to that, but I think that's the reason why they were not in that long list.

Your reference: how deep do the surface rights go? It's probably one of those eternal questions that an environmentalist certainly would always be dealing with. At some point there must be the recognition of what are surface rights and what aren't. I would hope that could be adjusted by recommendations duly noted that would be made by the board in a review, that it would control or at least certainly give a recommendation that if they were disturbed, they wouldn't leave an unsightly site.

With reference also, Madam Chairman, to the distinction between minor and major, again, that's one of those eternal questions I think that are coming out. I would say that the difference is not so much that it is able to be quantified, but there's a certain sensitivity, and it would probably be borne out in the practice, or the exercise, if you will, of the decision. The difference would be determined by good sense coupled with wisdom, I would hope, and with a comprehensive knowledge, which the members of the board would have to have in order to be involved in this kind of a review.

Your point is, to my way of thinking, very well taken with regard to: why wouldn't the board go back to the public with regard to changes that would be made, whether they be minor or major? Certainly I believe in the consultative process, but it wouldn't be so much consultative as it would be accommodating the questions that would arise from the community, letting them know the progress that is being made, letting them know what is being considered as an alternative and why.

So, Madam Chairman, with that I'd like to say that the intent here certainly is that this particular Bill and these amendments are meant to expedite what I believe are changes that would be in the best interests of those interested in particular projects and also in the broad delivery of the services of the board.

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

MRS. SOETAERT: Thank you, Madam Chairman. I appreciate the clarification from the Member for St. Albert. I guess I just have a few questions that I'm sure you'll probably be able to clear up for me. You were talking about the members of the board and that was a question that you had cleared up, and you were saying that they're chosen to be impartial. Is there a set of regulations that they have to qualify for in order to be on that board? Like, do they have to have a background in environmental studies or something like that? I don't know if they are in the regulations. You referred to the cabinet wanting them to be impartial, but I would also think they might need some qualifications or a background to be on that board. I'm wondering if that is in the regulations?

One of the concerns I have is that if the board can make an amendment without coming back to cabinet – I guess I flagged this one because the Member for St. Albert and myself are involved indirectly with what's happening with St. Albert with the west boundary road, or whatever it's called now, today. If they finally got an agreement that they would have an EIA done and then they could decide not to do it, I would suspect that that might create quite a bit of controversy out there. So I guess I don't understand if that would affect the people in St. Albert on that one issue if they decided not to do it. So you'll be able to respond to that, I can see. That's good.

One other thing in the list of all those minerals, et cetera. Gravel pits: are they or are they not part of this? What concerns me – certainly around the Villeneuve area there are many, many gravel pits, and one is virtually abandoned. It only stays viable because there are two or three truckloads taken out of there a year. It's a very dangerous place where a lot of young people bike and quad and motorbike. There's one young person who's now a paraplegic because of an accident out there, yet that company is allowed to keep that gravel pit viable just by taking two or three truckloads out. I guess I'm wondering: is that the type of work that the NRCB could look at? Is that part of it? I guess in one way I want to be sure that they don't go off and do whatever whenever, but on the other hand, I'd like to see them have a bit more power when it comes to investigating issues like that. That's the specific example from my constituency that I can think of. It's virtually a deserted gravel pit that is very, very dangerous, and nothing seems to be able to be done on that. So I guess I ask: is that something that the NRCB can look at?

Those, I think, were my main questions on that. I know the member can answer some of them. I appreciate the opportunity to just clear up those concerns.

THE DEPUTY CHAIRMAN: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Madam Chairman. I'll answer as best I can.

I am not aware that the regulations would stipulate with regard to the background of the board members. However, I do know that in practice the concern is that they be qualified, that they

have, if you will, the intellectual and professional wherewithal in order to make decisions on the environmental impact. However they be, they cannot be, if you will, just goodwill. I know that specifically because it was a question that I asked. I know that in practice that is the intent of the makeup of the board. Whether it is in regulation or not, I can't answer you at the moment. Okay?

With regard to the decision of whether these decisions would come back to cabinet, the minor changes don't have to come back to full cabinet, but they do come back to the minister. I would suggest the suggestion made by the Member for Lethbridge-East, that there also be that kind of accommodation made in order to make the community aware of the situation and the changes, if that's what you were referring to.

In reference to the western bypass/boundary road that is proposed for both your constituency and mine, in specific reference to that, there has been an EIA done, however it is looked upon, but it is there. The trigger is there for this if it were to go to the environmental – so that's where the trigger does work, in response to that.

Is it under the purview of the NRCB to look at a little-used or partially used gravel pit? I don't know the answer to that. I can't answer it because I don't know.

MRS. SOETAERT: You'll find out?

MRS. O'NEILL: I will.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Castle Downs.

MRS. PAUL: Yes, Madam Chairman. I just had a few comments to make with respect to Bill 18. I thank the hon. member for answering a lot of the questions that have been brought up before.

With respect to a comment that the hon. member just made, define a minor or a major decision that would possibly be brought back to cabinet. I was just wanting clarification on that. As well, I was interested in noting in section 5 at present – and it has been brought up a number of times – that you require at least three members. But if that now is going to be diminished in size, what sort of numbers would we be looking at, and what happens if there are only two members on the board and they don't agree? So you get all kinds of discrepancies from that. I know it has been alluded to earlier with respect to the numbers, but I was still wondering: what would happen if that were the case?

Also, I was wondering if there could be the possibility of a joint federal/provincial review, one by the province and the federal government. You could have input from two, and obviously the direction would be from the provincial government, which I think would be appropriate.

If the hon. member would want to clarify what I did ask earlier, I would appreciate that. Those are my comments for the moment.

[The clauses of Bill 18 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

4:00

Bill 27

Child Welfare Amendment Act, 1997

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Madam Chairman. It's indeed a pleasure to rise on Bill 27, the Child Welfare Amendment Act, 1997. I just have a few comments that I'd like to bring up in regards to what I'm reading in *Hansard*.

The first one came from the hon. Member for Edmonton-Norwood. She talked about a meeting two or three years ago – it was longer ago than that, I believe – where we were both in attendance. I knew I'd seen her face sometime before but didn't really place her because she was in uniform at that time. Yes, hon. member, we have been working on this issue for some time. Actually, I was involved in this way before I ever got elected in 1990. I got involved in this particular issue in regards to being involved with the Parent Support Association, which deals with troubled teens, and was working with a parent on the crisis team who had a daughter in prostitution.

I think one of the things we have to keep in mind on the amendment to the Child Welfare Act in regards to section 1(3)(c), including prostitution-related activities, is that this is just one small step into 54 pages of a report. There are many, many recommendations in there: federal recommendations, provincial recommendations. I think one of the things that we have to keep in mind on this issue is that this is not just a provincial responsibility. We need the co-operation of the federal, provincial, and municipal governments, the community, and a whole bunch of people to make this report successful.

I'd also like to comment that the recommendations that we're bringing forward are the strongest in Canada, in North America. I've got letters from Ottawa; the secretary of state for training and youth has requested a copy of our report. I know there have been discussions.

In regards to the Member for Edmonton-Meadowlark, she said:

As a matter of fact, the Member for Calgary-Fish Creek, who was in charge of the committee to look at prostitution – having watched some of her other Bills that she has put forward in the past legislative sittings – seems to have a knack for taking an issue and making it seem as if the issue has been addressed through one of these Bills. It is, in my mind, a Calgary-Fish Creek . . . Bill.

I'm sure the people who sat on this task force would be offended by those remarks.

I'd like to remind the hon. Member for Edmonton-Meadowlark that we had individuals such as Elaine McMurray, who's involved with the Parent Support Association; Ross MacInnes, Street Teams; Brian Serbin, Ken Ogilvie, Ernie Schreiber, Harold Keller – all Edmonton Police Service, so I'm sure the Member for Edmonton-Norwood knows them – Dan Jahrig, Glenn McKay, and Verne Fiedler from the Calgary Police Service; Shirley Hill, Calgary public school board; David Shanks, regional steering committee; Sharon Heron, child welfare; and Paddy Meade, young offenders. So trust me, hon. member; this is not a Calgary-Fish Creek Bill. This Bill is from individuals who are members of the vice squad, members of agencies dealing with child prostitution, a teacher who deals with children in the public school system. It's not a Calgary-Fish Creek Bill. I was just one member.

I know we've talked about the amendment in regards to the \$2,000 fine and the jail term. I have talked to the hon. minister, and we want to see what happens with this particular amendment

before we look at an increase in the fine and the jail sentence.

As I mentioned earlier, it's just one small step in regards to many. If you look at the task force recommendations, we have a committee that will be tracking what we're doing to make sure that the rest of the amendments come forward both federally, from the federal minister, and provincially on what changes we have to make. I think that's going to see some of the recommendations go forward within the next year.

That's really all I have to say, Madam Chairman, at this point in time. I'm looking forward to discussion in committee.

THE DEPUTY CHAIRMAN: Thank you. The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Madam Chairman. Rising to speak to Bill 27 – I didn't have an opportunity to do that at second reading, so I'm happy to be able to do it at the committee stage.

A couple of observations. I'm going to start off first by dealing with what I'll call the second element, the second part of Bill 27, having to do with intercountry adoptions. Any Albertan that followed the baby boy M case, that was decided in Calgary I think in 1992 by I think Justice Mason of the Court of Queen's Bench, I think Albertans were astonished and shocked to find out that Alberta was one end of a baby pipeline which involved either pregnant mothers or women who had just given birth being able to find a referral in downtown Los Angeles who would either put the woman on a plane and send her up to Alberta or send the child to Alberta for purposes of adoption. I think there was outrage, and outrage may not be too strong a word in terms of the way that was received. Albertans may recall that the decision – I think, as I said, that it was Mr. Justice Mason of the Court of Queen's Bench – was to the effect that the Legislature has to address this business of international adoptions.

Subsequent to that, it took some time, but the then Minister of Family and Social Services took some steps to deal with some of the recommendations that had been put forward by many disparate groups. Certainly there wasn't the tool in place to have the international linkages which are afforded by part 6.1 of Bill 27. I think it's a positive thing. I don't think Albertans want to be seen as living in a jurisdiction where young pregnant women are exploited or where children are exploited for financial gain in the private adoption trade. My hope, Madam Chairman, is that this part of Bill 27 will fully and finally put an end to that trade in babies. I suppose we're going to have to see with the application of this, because as is so often the case, the issue is not necessarily legislation. It may well be the vigour or the aggressiveness with which a particular law is enforced. If there is the corresponding commitment at the ministerial level in terms of resources, then the intention of part 6.1 can be realized. I think it's important that that happen.

I have some trepidation, some concern relative to the new section 71.9. This is part of section 4 of Bill 27 in terms of the regulations "respecting the contents of a report under this Part." I would have been far more comfortable if in fact the statute contained at least the core elements rather than all of that being tasked out or subdelegated to be dealt with by way of regulation.

4:10

The other thing that comes to mind is in terms of adoption processes. It seems to me that a minister is not designated under the Act, as I read it. It refers to a minister, but it doesn't say a minister of what department. It may be that that's already been

addressed and I simply didn't hear it when somebody spoke to it. Or is it the intention that this is going to be a minister under the Government Organization Act? I think this is important for this reason. Adoptions are just so darn important, Madam Chairman, and the interests of children are so important. I don't want this responsibility for this authority to be bouncing back and forth from one minister to another or anybody who under the Government Organization Act is deemed to have that task or responsibility for a particular time. I think the statute would be even stronger – I mean this is not a complaint. This is a good provision in the Bill, but I think it would be even stronger if we designated the minister in the text of the Bill rather than leaving it silent in that respect.

Now I just want to turn for a moment and deal with the first part. These are the amendments to the Child Welfare Act. There are a couple of observations I want to make at this stage. There has been, I suppose, some hyperbole involved in discussions surrounding this part of the Bill. The reality is that prostitution is an enormously difficult social problem and challenge. I think everybody involved in terms of trying to find solutions acknowledges that legislation is a very small part of the solution, an important part but nonetheless only one element.

I think when I look back long before the Minister of Family and Social Services, as he then was a year ago, was to some extent browbeaten either by members of his own caucus or the public or other interested Albertans into creating the task force chaired by the Member for Calgary-Fish Creek, there have been so many studies in this province. Much of it may have been motivated – I think when I came to the Legislative Assembly in 1992 my recollection is that there had been something like 10 or 11 young women who had been involved in prostitution killed, murdered in the city of Calgary. An astonishing statistic. I've experienced some frustration as a parent, as the MLA representing the area that has most of the strolls concentrated in it, frustrated at how difficult it has been for the government to understand what a serious problem this is, what a blight it is on a province that sees itself as being progressive and responsive and putting children first. We've had a whole series of studies, as I've said, long before the government even acknowledged it was a problem.

I remember Gordon Shrake, who was then the Member for Calgary-Millican, in 1992 sponsoring a motion saying that we've got to find ways of dealing with – he talked, I think, about street prostitution then. There were some fine words spoken and some marvelous rhetoric from all sides of the Assembly. There were then three parties in the House. But an interesting silence from 1992 to here we are five years later, and we see the one small legislative change, which is important.

I started out saying there'd been some hyperbole in discussion around the Bill, and the hyperbole would be the suggestion that this Bill is going to allow us to get tough on pimps. The reality is that this amendment primarily gets young people off the street. That's the purpose of this amendment, and that's absolutely what has to be done, but let's not either distort or exaggerate or create a false impression that this Bill somehow is the tool to be more aggressive in terms of dealing with either johns, customers, or pimps, the exploiters of these young women and, in some cases, young men.

I guess when I see how very long it's taken, Madam Chairman, for the government to make this very modest change, I have to wonder how much longer it's going to take until this government makes the commitment in terms of providing safe homes, shelters where young women can leave the street and find a safe place.

Many of them can't go home. That's in many cases the reason why they're on the street in the first place: because of problems in their own home.

What we need in this province is a commitment not only to provide safe houses, safe places for these young people to go to. We also need a form of witness protection program. I'm not talking about the elaborate FBI thing we hear about on TV or even the thing that the RCMP have adopted provincewide. The reality is that young women attempting to leave the street often have to make three or four attempts before they are successful in breaking away from the street culture. This is a subculture in which one finds threats. Physical violence and even death are part of that subculture. It's important that we be able to provide that kind of support, that people can be protected until they give evidence. Until we can convince these young people that as a society, as a province we're going to be able to ensure their safety until they're able to testify in court, then we still haven't made the kind of impact on the problem that I think we want to.

The other point is that long before the task force by the Member for Calgary-Fish Creek was created, there had been other initiatives: the safer cities initiative from Edmonton, the Mayor's Task Force on Community and Family Violence in Calgary. I think of the action committee on prostitution report that I tabled in the Legislative Assembly in February of 1996 with a host of other specific recommendations. Yes, Madam Chairman, some of them meant spending some money, but I'd challenge any member who thinks that it's not worth while being prepared to make an investment in our young people to say why that wouldn't be a perfectly legitimate use of modest dollars. It wouldn't take a great deal of money. We've got to provide those supports and programs. It simply isn't good enough for any of us to hold up Bill 27 and say: "See? This is evidence we've listened." What Bill 27 would do in that respect is show how many other solid, thoughtful, helpful recommendations are still sitting on the shelf. That's a shame.

I acknowledge the interest of the Member for Calgary-Fish Creek and the fact that she's worked hard within the government caucus. There are many other members, I think, who have been pressing the responsible ministers of Justice and Family and Social Services to take action. I think we simply want to see us be able to move forward on this.

Those are the points I wanted to make, Madam Chairman. Thanks very much.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Castle Downs.

4:20

MRS. PAUL: Yes. Thank you, Madam Chairman. Just a few comments briefly on Bill 27, Child Welfare Amendment Act. I, too, would like to commend the hon. Member for Calgary-Fish Creek for bringing this forward.

I do feel that it could go a lot further in terms of penalties in dealing with johns, customers, and/or pimps. I did work as a counselor in a women's shelter, and I was exposed quite frequently to the plight of women and young girls who were in this situation. I would like to state that in a lot of cases they were on the street due to the horrible, horrific conditions that they had to put up with in their homes. Quite often there were cases of physical abuse, emotional abuse from family members, and they were forced out of the household and ended up on the street. So with respect to this Act, Bill 27, we have to, all in this Legislature

and all people, be aware of the appalling conditions that bring young women and young girls to women's shelters as well as ending up on the street.

There are lots of instances that I could expand on from that experience, but I'm sure that in your deliberations in the past and from the task force, you've had expert opinion and advice from that perspective as well. I hope that there will be a lot more work done on the needs that this Bill is inciting, and I'm sure that the government will be doing more work, collectively in task force as well as bringing more force in terms of the Act to this Legislature.

With that, Madam Chairman, I will conclude my comments.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Madam Chairman. I just want to make a couple of brief comments. I think I indicated that the Member for Calgary-Fish Creek has done a tremendous amount of work and should not go unnoticed, given the current comments, as well, in the newspaper in relation to a young girl in Manitoba who was held responsible for a sexual assault on herself.

[Mr. Shariff in the Chair]

I think we have to really consider the circumstances of the homes and environments of these children. It's really an essential piece of legislation, that isn't necessarily covered in the Criminal Code. Although I note in an editorial in the *Journal* this weekend that the writer talks about this piece of legislation actually decriminalizing the offence of prostitution, I don't believe that that is in fact what this legislation does. This is one tool that moves us forward. It allows for a child to be taken out of the environment that is causing some grief to the child. Generally, they're not there by choice. I should maybe take that back and just say: these children are not there by choice. If the fact is that their home environments drive them to the street, that is not a choice. It is not a choice to be driven into an environment that will lead to disease, more dysfunction, mental health problems, drug abuse, severe beatings.

I've had any number of young girls fall into the hands of what are called bad dates, where a male, a john, who picks up any of the prostitutes will in fact take them out to an isolated location. In an attempt to legitimize what they're doing, they choose a prostitute, they rape the prostitute, they severely beat them, and then they bring them back into the city. That is not something that happens once a year; that happens on a continual basis, on a nightly basis.

The older prostitutes are out there trying to take care of the kids, but they cannot take care of themselves, because drug and alcohol abuse are rampant among this group of women. There's no consideration given to the child or to any prostitute, for that matter, by the people that pick them up.

I know that actually through a previous Member of Parliament for Edmonton East, Judy Bethel, we did work on a number of amendments to the Criminal Code in relation to johns and pimps to increase the legislation. That legislation was adopted, and we should see it coming through at some point. However, there's more work to be done. I think that looking at the Criminal Code in relation to juvenile prostitution specifically is something that maybe we can go further with and something that we can pursue with the new Justice minister, and hopefully that Justice minister

may in fact come from the province of Alberta, which will help us out a great deal.

I would like to comment just a little bit on the young women in terms of their emotional behaviour. When stopped by the police, they are usually walking along the street, and part of what is perceived to be controlling the prostitution problem in a community is the police always stopping and putting on their lights and talking to these young girls. In many instances I've ended up having to arrest the young girls for weapons offences, under the Mental Health Act, for carrying drugs, and that in fact does not help the cause of these kids. It does not help us deal with the problem when we now have criminalized the behaviour and end up arresting them on other criminal offences. So I really see a need to look at the entire report and put in as much effort as we can, and certainly on this side of the House I'm committed, Member for Calgary-Fish Creek, to work with some of those recommendations and do whatever I can to help pursue this issue.

She might be interested to note that last Friday I had a number of walk-in complaints in my office as a result of the prostitution activity around one area. In fact, it was a day care right across from my constituency office. Another issue was community people actually involved, who want to get involved, not necessarily to put these young girls in jail. They want to see an outcome that's good for the community and that's good for the young prostitutes. That doesn't necessarily mean institutionalizing them in a penal institution.

So with that, more work to be done. I look forward to working with the Member for Calgary-Fish Creek. I'll leave it to anybody else who wishes to speak.

[The clauses of Bill 27 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the Bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

4:30

**Bill 21
School Amendment Act, 1997**

THE ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much. [interjection] There's that one MLA from Calgary, Mr. Chairman, that doesn't attend your caucus meetings on a regular basis.

MR. McFARLAND: A good thing.

MR. DICKSON: Yeah, from both perspectives.

Mr. Chairman, Bill 21 is generally a Bill that I think you will find that members of the opposition, under the leadership of our Education critic, are happy to support. But I think there are some elements of Bill 21 that need modification and need strengthening. What I'd like to do is just quickly run through and highlight some of the changes that we're going to address over the course of the committee stage on Bill 21 simply to make it a better piece of legislation.

We'll start off with section 2 of Bill 21. There's a new section

18, and it has to do with student records. If I could just put this in a kind of context, Mr. Chairman. One of the things that we often find as MLAs is we hear from parents who are aggrieved over a particular situation involving their child and their child's school. Certainly we've encountered and I've found in the five years I've been an MLA times where often the information revolves around parents trying to get access to a student's file. It was always interesting to me that on a number of occasions parents weren't able to access this information readily. There were a lot of hoops and hurdles they had to go through or over to be able to access the information, and I think that's problematic. In also recognizing that it may be one or two or three years before local school boards are subject to the freedom of information Act, there's this question of how we protect student information.

I'm informed, Mr. Chairman, that if you're a student in the Calgary system of education and you have some behavioral problems, before you're eligible to be put in a classroom or be able to access some of the supports, before behaviour experts, psychologists, workers and so on can work with the student, the student has to be evaluated by a psychiatrist. Now, we're not talking about a mental illness here. We're talking about a kid in a Calgary classroom that's having some behavioral problems. So what happens? The child goes to see a psychiatrist, and the psychiatrist does a report. This is mandated. This is part of the system. This is the way it works. What now happens is you have a psychiatric assessment in that student's file.

Recognize now that what we're doing is linking schools via computer so that virtually every school in the province is going to be part of a provincewide network. Consider for a moment what the enormous negative potential is. If that student is eight years old and had to see a psychiatrist to be able to qualify for a particular program under the Calgary board of education, that psychiatric assessment will stay on the file. The reality is, Mr. Chairman, that at different points people are going to access that student's file. They're never going to read perhaps what was in the psychiatric assessment. All they're going to see is that the child had been to see a psychiatrist.

The impact of that is that when you have overcrowded classrooms, when you have overburdened teachers, people don't always have time to invest in terms of researching the problems with a particular student. So what you've got is that we as a community, as a province have branded that eight-year-old child for arguably the rest of his student career with the tag: this kid is a real problem; he's had to see a psychiatrist. I just cite that as an example. This is a real-life example of one of the problems that's happening now in our school system. So when we start talking about information, we have to recognize and understand that some of the information is incredibly prejudicial.

The other example would be young offender information. As a consequence of changes over the last two years both to the federal statute and provincial practices, we now have more information being shared with school officials, with school administration in terms of the young offender system, the young offender centres. All these things accumulate and end up in a student's file. So I think it's important, Mr. Chairman, that we consider what the impact of those things is going to be and whether Bill 21 is going to better protect or weaken the safeguards to protect that student's personal information. Recognizing that by definition children mature, that by definition children grow older, we've got to be careful that things they may have done when they were eight or nine or 10 don't end up, in effect, handicapping that child for the balance of his or her student

career. We've got to be able to allow children to do stupid things, dumb things and be able to come back and get the benefit of the doubt and be able to finish their school career.

Anyway, just going through some of the things that I think have to be changed in Bill 21, if one looks at section 2, there's a provision that a copy of the student record can be provided. If you read the last sentence, "on receiving payment for it at the rate prescribed by the board," well, the school board is under no particular obligation to ensure that it's a cost recovery basis, to ensure it's only reproduction costs, photocopy costs. School boards are hard-pressed for dollars. There's nothing to stop a school board from tacking on a little extra for administration – or whatever else they may want to call it – not because they're malevolently attempting to obstruct public access to records but perhaps just because they're squeezed for dollars and look to recapture money wherever they can. Well, it seems to me that what we have to say is that there have to be some limits in terms of what that rate can be and that there's got to be some requirement. If it's cost recovery, let's say that.

Some of the other issues here – and I'm jumping around a little bit. There is a provision in section 13 that allows a regulation to be made

respecting the collection, use, disclosure, disposal and destruction of personal information within the meaning of the Freedom of Information and Protection of Privacy Act by the Minister, a board or an operator of a charter school.

Well, this is all done entirely by regulation. What we haven't done and won't for the one, two, or three years it takes to make school boards subject to the freedom of information Act – this is going to be our transitional provision. If it is, then we should expect that at least the same standard is met when it comes to protecting privacy.

The FOIP Act has two elements: one, access to information; the other one, protection of privacy. The Act won't apply for a period of time, but the privacy standard I think we should move to immediately. I think we should move to that standard right away. So what that would mean is that when the Lieutenant Governor in Council – i.e., cabinet – go off into the back room to make the set of regulations under Bill 21, there will be a set of very clear guidelines which set out what our expectations are. In fact, I intend to introduce an amendment which will spell out what the principle should be which should govern those regulations.

There is a provision here in terms of releasing information about salaries paid to administrators and superintendents. You know, what I find interesting here is that when the productivity plus program was introduced by the provincial government a couple of years ago, there was this concern, Mr. Chairman, that the government wanted to be able to reward government employees who were particularly efficient or whatever and be able to give them some kind of a cash bonus. There was a concern in terms of many people wanting to know: who got those bonuses, and how much did they get? One thing led to another, and the government consulted Mr. Clark, the Information and Privacy Commissioner, who made a ruling in terms of what information could be released. But it looks to me like what the government is attempting to do in Bill 21 is set up a very different standard for disclosure in terms of senior administrators. So that begs the question: why wouldn't we have the same standard apply to all management-level civil servants that we would to those involved in education? I mean, why wouldn't it be just as important to find out what's happening in terms of the Department of Justice or the Department of Health as what is happening in terms of school administration?

4:40

One of the other amendments has to do with section 20 and the proposed section 126.1(1). The proposal would be to add after (d) a new (e) which talks about "a listing of expenditures by payee for supplies, services and fixed assets of \$5,000 or more in aggregate." I think that's an appropriate and helpful amendment as well. In fact, I think what I'll start doing, Mr. Chairman, if I can get a page to start distributing these amendments . . . Actually, just before I do that, I think there are some other speakers who want to speak more generally on the Bill before I start introducing the specific amendments. I've highlighted at least some of the concerns, and I'll let other members speak while we organize the amendments.

Thanks very much, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Chairman. Just a couple of comments I want to bring out in terms of some of the directions we see in the Bill here. Basically, there are a couple of sections that relate to the ability to charge fees and how these fees relate to recovery of costs.

The first one is where the issues come up in terms of the access to student records. They give the board the right to prescribe a rate, and I think we want to be sure here that this rate doesn't reflect some kind of a profit-making situation where it's based on the cost of providing those records in terms of maybe a photocopy cost plus a time allocation for staff. We don't want to start seeing these kinds of issues become profit motivated, profit driven for school boards. We want to make sure that they end up providing that kind of a service on a regular basis, on an organized basis for the persons requesting it.

The other basic one that I want to talk about briefly is the issue of some of the residency requirements that they talk about in terms of foster children. I think this is a really good idea, to make sure that the actual schools are recognized based on where the child is and where it's enrolled rather than on residency of parents. This is going to be of concern, you know, to help parents who have children that need special care in a social sense, not necessarily in a learning sense, to make sure that the school board gets recognized for their attendance.

The other issue in connection with residency deals with the issue of centralizing the programs that are going to be offered, the enrollment offerings, for students in their fourth and fifth years of high school. This, I take it, is for the students that are going back to repeat courses. So it becomes an issue of: are we going to create essentially remedial high schools where students who are going to be coming back to take upgrades or to complete a program will be centralized in one particular area? This again brings us back to the issue: is this a mechanism to facilitate the handling and the operation of the bond program, which is part of this Bill as well, where they're only going to have one or two schools then that have to deal with the administration associated with collecting and monitoring and handling the dollars that are associated with the bonds that are going to be required of students that go back to complete their program?

The other issue that I want to bring up a little bit is the tuition fees for non-Alberta students. For a non-Alberta Canadian it basically says that the school board is restricted to not charge more than the cost of educating the student. I know the federal government's dollars for education in the province are being cut

back, but maybe we should have some recognition of that contribution here, and instead of, say, the total cost of educating the student, have it tied into the cost of educating the student minus any federal transfers that come in the context of education.

The next one deals with the non-Canadian students who are attending. I guess I find some problems here when we're encouraging the public school system or any of the schools in the province to, in essence, step out and try and make a profit from the education process. When they bring in students, they contribute a very significant amount to the broadening of the education perspective of our Alberta students. I think we should be encouraging every school in the province to have some children attending those schools who have a nationality that's beyond Canadian, that brings in those ideas so that we can keep the idea of a world economy, a world education system, a world understanding much more in context for the students.

It's so important that we don't discourage that exposure of children of school age to the international context. By raising fees too high, that becomes part of it. We should be looking at these foreign students as real contributors to our education system as opposed to a necessary profit-making part of it. I would not object to this if it was put in there in the sense of a cost recovery relationship for non-Canadian students, but making it into a profit relationship, it becomes a real issue of dealing with this from the prospective of: are we trying to make money off other children as they come to broaden their perspective?

Many of the families and the countries that would be sending their children over here are doing it so that those children do get an exposure to a broader based culture. We should be trying to encourage these kinds of student exchanges, where maybe one of our children goes to Japan or Taiwan or Indonesia or Chile, someplace in Europe, someplace in Africa and deals with a child coming back to our school system on that exchange so that we can share that breadth of educational experience and international understanding. This is so important as we move to a global world, where we're going to be interacting more and more all the time with people from different countries, from different cultures. This is really important.

No real comments on the performance bond section. I think this is something whose time has come. We've got to make sure that students who do not take advantage of our education system in the first instance are not necessarily hindered in upgrading themselves, but they've got to share the responsibility of doing that. I think the performance bonds really do that.

The Member for Calgary-Buffalo spoke at length on the FOIP issues and how that went. I see no problem in dealing with that.

The other one that I want to talk a little bit about is the relationship of the superintendent to the school, the school board, and the Ministry of Education. I see this as, again, almost like a person in the middle, where they are responsible too much to the Department of Education, yet the decisions that are made and the direction taken for the school are the responsibility of the board. I think if we're going to have the superintendents in a position where they have to be loyal and faithful and directive to the wishes and the directions given by the board, they should be responsible back to that board instead of moving it up and making that responsibility common to the Department of Education. This is what we need to look at in terms of the relationship that it brings out. I think in the context of the Bill most of that relationship deals with the minister's responsibility for the superintendent's contract. Still, you know, you tend to shift your loyalties based on who writes your paycheque and who signs your contract

as opposed to who asks you to carry out a mandate for their agenda. So what we've got to do is make sure that that kind of issue gets put into the public debate and gets looked at.

4:50

The other issues that come out in terms of the Bill deal basically with the issue of auditing. I was a little concerned when the audit boards were being removed. We've got to make sure that this kind of process is in place, and we've got to make sure that the spending patterns of the school boards are adequately accounted for in the context of the public dollars that are there. We want to make sure that those are really applied.

I don't really see too much of a concern that I have with any of the rest of the specific parts of the Bill. I'm sure that some of the other members will have some concerns and will be working with the critics to make sure the appropriate amendments get in. So those are the general comments that I wanted to make, Mr. Chairman.

Thank you.

THE ACTING CHAIRMAN: Thank you. The Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. My first amendment – actually it's the amendment of the Member for Edmonton-Mill Woods, that I'm moving on his behalf. It's now been distributed to all members, and I'd just refer members to it now. The amendment is in section 20, in the proposed section 126.1(1), to add the following after clause (d): “(e) a listing of expenditures by payee for supplies, services and fixed assets of \$5,000 or more in aggregate.”

Now, because the freedom of information Act does not and will not apply for one, two, or three years to local school boards, I think what we want to do is put local ratepayers in roughly the same position that they are provincially when the public accounts come out every autumn. People are entitled to see who has in fact been paid tax dollars for the provision of supplies . . .

THE ACTING CHAIRMAN: Hon. member, for everyone's information this will be amendment A1. It has already been circulated.

Thank you, and you may continue.

MR. DICKSON: Thank you, Mr. Chairman. Just so nobody is misled, there's another amendment being distributed, but A1 is the one I'm talking about.

Albertans now are entitled to see the public accounts and see in the fall of 1997 what payments have been made using their tax dollars over the last fiscal year. What we think is that ratepayers – there is only one taxpayer in Alberta, as the former Provincial Treasurer said so often – are also entitled to be able to see what expenditures are made for all of the same reasons. It helps to reinforce a sense of accountability. It allows all of us as ratepayers to see what kind of money is being spent by school boards on our behalf. It allows Albertans to be able to say, “Hold it; I think this expenditure is too much; I think school boards are spending too much” on whatever particular service may be in question. So it's a basic element of accountability, and the threshold of \$5,000 is put in to screen out the minor purchases or expenditures and simply to focus on the more substantial ones. It covers “supplies, services and fixed assets” so that we can be sure that with amendment A1 Albertans will have the information that in fact the government says they want. The government provides much of

this information when it comes to provincial government departments. So why would we not hold school boards in this respect to the same level of accountability?

In fact, we've heard the Minister of Education challenge the school boards and suggest in the past that some school boards haven't been aggressive enough in terms of squeezing dollars. There's been some suggestion, I know, in my city and yours, Mr. Chairman, Calgary, that the public school authority is not as lean as it might be. Well, this amendment would go some distance to addressing that concern. I think the concern is not particularly well founded, but I would think that the Minister of Education, when he looks at this amendment, would say: yeah, I think it's important that Calgarians should be able to find out in any given year what expenditures have been made for supplies, services, and fixed assets in excess of \$5,000.

I think it's an amendment that would be consistent with the insistence on the part of the government, warranted or not, that it's about openness and accountability. This would be a meaningful way, through this amendment, to bring that level of discipline to the level of local school boards, and I'd encourage all members to support it for that very reason.

Thanks very much, Mr. Chairman.

[Motion on amendment A1 lost]

THE ACTING CHAIRMAN: The Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Chairman. I have a further amendment, that I am proposing as amendment A2, which has been distributed as I was speaking on A1. Amendment A2 addresses one of the other problems with Bill 21.

In section 20 we have a number of bits of information that are going to be produced. If one looks at what will be the new section 126.1(2), we have the provision now that

the board has the authority to disclose the information listed in subsection (1) notwithstanding any other Act or any provision of any agreement that purports to prohibit the disclosure of that information.

Well, we already have in Alberta a very good Act . . .

THE ACTING CHAIRMAN: Hon. member, for everyone's information this will be amendment A2, and that's already before you.

You may proceed.

MR. DICKSON: Thanks, Mr. Chairman. We have in Alberta arguably one of the finest freedom of information laws anywhere in Canada, and that Act represents a very excellent balancing of competing interests. So I guess what I'm saying is that instead of now sort of marching into the china shop without considering what kind of impact this is going to have, why wouldn't we simply import into Bill 21 the key elements of the Freedom of Information and Protection of Privacy Act? If in fact the Freedom of Information and Protection of Privacy Act is everything this government says it is - and this is one area where I believe the government. It's arguably one of the best pieces of legislation of its kind anywhere in Canada. So why wouldn't we simply say that that will apply here? There are safeguards built in. If it's deemed to be in the public interest, matters can still be disclosed. It seems to me that you don't create a whole bunch of new tests if you've got one test which is well established, carefully developed and designed. We just apply that test. For all of those reasons I'm going to encourage members to bring this in.

Mr. Chairman, if I might say this. If anybody votes against this amendment, I hope they'll first stand up in the Assembly and tell us what part of the government's own law they don't trust, because that's the message that a negative vote on this amendment would give. What this would do . . .

5:00

AN HON. MEMBER: Nice try, Gary.

MR. DICKSON: Mr. Chairman, I'm not as persuasive as I was before the election, but it's a good thing that Lethbridge-West can see that finally we've got the Education critic here, who's going to be able to present not only a more powerful and moving argument than I'm able to muster but I think even able to rally support from the minister of advanced education, because of all members in this Assembly he is one of those members who has steadfastly and consistently argued that government's got to be more open for it to be legitimate; it's got to be more transparent for people to support it. Here we have a chance to take the government's freedom of information law and just apply it in this case.

As I've said before, Mr. Chairman, before the minister of advanced education got me going off on a side route, I just wanted to make the point that the balances are all in this and people have got to say why it is that they wouldn't trust their Premier's number one Bill in 1994. When the Premier comes back, I don't think the minister of advanced education wants to hear what his boss's response is. By shooting down an amendment, he voted against the Premier's flagship Bill from 1994, 1997. The Premier says that it's the most important thing. I expect that the members, the minister of advanced education's colleagues, all private members are going to accept that direction from the man that got them all elected. I hope that they're going to be happy to do that.

AN HON. MEMBER: That's why they don't choose you.

MR. DICKSON: Mr. Chairman, every time I go to wind up and sit down, somebody says something provocative, but there are a number of other excellent amendments as well. I expect there may be some other members that wish to participate in the debate, because this is also an issue in Taber, hon. member. People in Taber also want to know why their member voted for a freedom of information law in 1994 and is now prepared to say: yes, but it shouldn't apply under the School Act. Well, I think that's a preposterous proposition. I think Albertans will think that, even residents of Taber, Alberta.

Thank very much, Mr. Chairman.

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

MRS. SOETAERT: Thank you, Mr. Chairman. You know, hearing the hon. Member for Calgary-Buffalo, I just had to take the opportunity to stand and support this amendment.

MR. PHAM: Question.

MRS. SOETAERT: Calgary-Montrose: one of these days I'll answer his question.

Mr. Chairman, this is a very good amendment. What it says is that school boards and everything under the School Act would apply to the Freedom of Information and Protection of Privacy

Act, and I would certainly encourage all members to support that. I don't think there's a school board across this province that wouldn't be willing to do that. They are elected officials, and they are accountable to their constituents. I don't see that as a problem with them. In fact, I think they would welcome that. So unless there are any other school board trustees in this Assembly who feel any different, that may want to speak against that, I would assume, then, that every member in here would certainly be supporting it.

I'm hoping that the members opposite will have a real serious look at it. Maybe the nod from the Minister of Education – he can crack the whip, and they'll all vote for it. I am sure that it's a worthwhile amendment. It's only about accountability and openness, and it puts the school boards in line with many other sectors within our province. I would encourage everyone to have a real look at this amendment, and if you can't support it, at least have the courage to stand up instead of heckling across.

AN HON. MEMBER: This heckler. This heckler.

MRS. SOETAERT: There you go. There you go, Taber – it's not Taber-Warner anymore. What is it? He went and changed his name. I can't get him as quickly as I used to. He's great at heckling across but won't stand up and courageously speak to even an amendment: why he would not or why he would support it, or why he doesn't have an opinion on anything. I'd appreciate just a glimmer of life from over there. That would be most appreciated.

So with those few comments I would hope that all members would support this amendment.

[Motion on amendment A2 lost]

THE ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you very much. The Minister of Economic Development and Tourism is anxious to get on to something else this afternoon, but I wanted to tell her that there's a number of other important amendments, and I am counting on her to give her careful attention to each one of them.

Section 13, Mr. Chairman, of Bill 21 delegates the entire power of making regulations relative to freedom of information to the Lieutenant Governor . . .

THE ACTING CHAIRMAN: Sorry. Has the amendment been circulated?

AN HON. MEMBER: In the process, Mr. Chairman.

THE ACTING CHAIRMAN: Okay. We'll refer to this as amendment A3.

MR. DICKSON: Thanks very much, Mr. Chairman. The difficulty – and I alluded to this in my initial comments on Bill 21. If freedom of information doesn't apply to local school boards for one or two or three years, it's a question of: what are the transitional provisions going to be? What the government would have us do is to allow more secret lawmaking by way of delegation to decide how that personal information is going to be used, disclosed, disposed, or destroyed. They've made reference to the freedom of information Act but of course only for the

definition of personal information. Now, the Minister of Education and the Minister of Labour I think are very much alive to the fact that even though freedom of information is mentioned here, it's only to flesh out the meaning of "personal information." Otherwise, the Act doesn't apply.

What this amendment does is to set out the principles that have to be followed in making regulations, and the principles are the five rights that Albertans have pursuant to the Freedom of Information and Protection of Privacy Act. What are those five principles? They're all set out in section 2 of the Act. The first right is "a right of access to the records in the custody or under the control of a public body." The second one is "to control the manner in which a public body may collect personal information . . . to control the use." The third is "to allow individuals, subject to limited and specific exceptions . . . a right of access." The fourth one is "to allow individuals a right to request corrections to personal information about themselves that is held by a public body." The last one is "to provide for independent reviews of decisions." All we're doing, Mr. Chairman, just so everybody is absolutely clear, is taking the five principles set out in section 2 of the Freedom of Information and Protection of Privacy Act, we're importing them into the School Act, and we're simply saying that if you make regulations, make them consistent with those five principles.

Now, the proposition that I'd make to the Minister of Labour and all members: if you don't accept the five principles in section 2 of the freedom of information Act, please stand up and tell us which ones you don't like. Please stand up and say: we don't accept this. [interjection] Well, the reason is that they're only legislated, Mr. Chairman. The question was: so if they're legislated, why do we need them in the regulations? Because for the two or three years before freedom of information applies to local school boards, school boards that are spending several billion tax dollars, there are no ground rules. Albertans don't have a right when it comes to information from the school board, the same right that they have to go to the Minister of Federal and Intergovernmental Affairs and say: I want to know how those tax dollars are being spent. It's just a kind of parity. The government talks all the time about equality. What's the matter with parity in this case?

5:10

So I just say with respect to A3, in concluding, that if there are members that are uncomfortable with the principles, please stand up and say so, because otherwise this is a vote for or against the principles in the Premier's flagship Bill from the spring of 1994. Lots of other elements in that Act have changed – the amendment package of 1995 – but in 1994 these were the key principles.

You know, Mr. Chairman, in St. Albert I know that there are residents that want to know whether their MLA supports the principles in section 2 of the freedom of information Act. They're going to have a chance, when they see what the vote is and how members speak on this Bill, to know whether their MLA, who is by all accounts a conscientious and hardworking and responsive MLA . . .

MR. SAPERS: People in Edmonton-Whitemud want to know too. People in Edmonton-Whitemud are particularly concerned about this. I know that.

MR. DICKSON: In Edmonton-Whitemud those citizens also want the kind of access that other Albertans take as a matter of right. [interjection] Yeah, but when they elected the Member for

Edmonton-Whitemud, they thought he was going to come into the Assembly. [interjections] Mr. Chairman, this is nothing compared to the buzz from angry constituents if their members don't support this amendment.

I'm sure that there may be other members that wish to speak, so I'd just encourage everybody to consider their support for freedom of information, openness, and transparency, recognize that the regulations are still going to be made anyway. It just provides some ground rules to secret lawmaking in a very minimal, modest way, and I encourage everybody to support it for those reasons.

Thanks, Mr. Chairman.

[Motion on amendment A3 lost]

THE ACTING CHAIRMAN: Are you standing up to speak, hon. member?

MR. DICKSON: I certainly am, Mr. Chairman. There's one further amendment being circulated now, and I'll just identify it for members while it's being distributed. When we look at the Bill, what we find in Bill 21: in section 5 there's a particularly troubling provision, and it would substitute a new section 24(2) that says: "A person or board that provides an early childhood services program . . .

THE ACTING CHAIRMAN: The Chair does not have the proposed amendment, so if you could just wait for a moment.

MR. DICKSON: Certainly.

THE ACTING CHAIRMAN: Okay. The Chair has before it an amendment to section 24(2). We will refer to this as amendment A4.

You may proceed.

MR. DICKSON: Thanks very much, Mr. Chairman. Because I've got more amendments than I have desk space here, I just want to read out the amendment I'm referring to. This is being moved on behalf of my colleague from Edmonton-Mill Woods, and this is in section 5 in the proposed section 24(2) by adding "not" before "charge." I want to make sure we're all dealing with the same . . .

THE ACTING CHAIRMAN: That's correct. That is amendment A4.

MR. DICKSON: All right. So what I'd encourage members to do is just quickly turn in section 5 to the proposed section 24(2), and this is the provision that provides:

A person or board that provides an [ECS] program may charge fees in respect of the program from the parent of a child referred to in subsection (1)(a) who attends the program.

The amendment here that I'm moving on behalf of my colleague from Edmonton-Mill Woods, the Liberal Education critic, would be to insert the word "not" before "charge."

I want to be really candid with all members on this one. Unlike the other amendments, this clearly is something where I expect that there will be some contention and indeed some disagreement. I can't put this forward as something that's ever been supported by the Premier of the province, and in fact it would seem to me that this government has been prepared in the past to countenance fees charged to five-year-old children trying to get early childhood services. So all I can say, Mr. Chairman, is that this is one of

those defining issues when we speak that maybe shows the cleavage in the House, and maybe it shows the differences between this side and the other side.

Mr. Chairman, I know that we have many other speakers to this amendment. The issue I think is clear, and I simply ask for the support of all members on behalf of my colleague from Edmonton-Mill Woods.

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

MRS. SOETAERT: Thank you, Mr. Chairman. I just want to say that this virtually would not allow charging for ECS. We've had that debate many times in here. The minister at the time would try to bring forth reports that said that ECS doesn't count, yet they were all not worth the paper they were written on because all of us know the value of ECS. If we don't, we should.

I would say that if we're talking about the issue of equality in this province, we want to make it equal access for every child to get kindergarten, to get ECS. I would say that in order to make that an equal opportunity, that should not be charged for. There are children who cannot afford ECS in this province. That comes as no surprise to anyone in this Assembly if you've at all walked around your own constituency. So I would urge all members that if we're talking about an equal opportunity in education, we allow for this amendment so that we do not charge for early childhood education.

With those few comments I would hope that people who care about our youth in our province, our young kids, that they have an equal chance – we do not allow fees to come into play when it comes to early childhood services.

[Motion on amendment A4 lost]

THE ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Chairman. My colleague from Edmonton-Mill Woods is a prolific amendment writer, and in fact I suspect that as I speak – I'm a bit concerned, Mr. Chairman, because I think the Minister of Education is over trying to find out which researcher has generated these solid ideas because he wants him working in the Department of Education.

THE ACTING CHAIRMAN: We have before us this amendment which we will deal with as A5. I'm just curious to know: are you moving this on behalf of the Member for Edmonton-Mill Woods?

MR. DICKSON: I am, indeed, Mr. Chairman. I'm sorry if I didn't make that . . .

THE ACTING CHAIRMAN: And the Member for Edmonton-Mill Woods is present in the House.

AN HON. MEMBER: Yes.

THE ACTING CHAIRMAN: Okay. That's fine. Proceed.

5:20

MR. DICKSON: Thanks. What happened is that it was on the form, and it was simply easier to follow it through, Mr. Chairman, than to make the change.

In any event, I'm not surprised. The Minister of Education is a bright fellow, and I expect that he's been thinking that he

wished he had been able to sponsor some of these amendments, so he wants to find out who in our first-class research department has designed these and wants to put him to good use. [interjection] It works just like on the government side, Mr. Chairman. We're only the front people.

With respect to A5, I'd encourage members to look at section 13. When they get there, they will find that this is the amendment to section 61(c). What we're proposing to do is add "or a private school" after "charter school." Now, let's be real clear and recognize that it is still the Lieutenant Governor in Council in secret, as they are wont to do, making all the regulations. The Minister of ED and T should be the first one to understand that what we're trying to do is help out the cabinet.

[Mrs. Gordon in the Chair]

I've often thought, Madam Chairman, what an incredibly tough job it is for those members of cabinet to sit around the table looking at regulations and not have some guidelines. You know, if the statute and this Legislative Assembly don't offer some direction, some assistance, some parameters to regulatory lawmakers, what you will find are some major problems. The cabinet ministers are too busy. You know, the Minister of ED and T I think has just come back from hopefully successfully doing some arm-twisting on behalf of Expo 2005, and from the smile on her face I'm hopeful that we've got an extra couple of votes for Alberta and Calgary's bid.

The point is this, Madam Chairman. What we're trying to do now is simply ensure that when the Minister of Economic Development and Tourism sits down with her colleagues to make that regulation, they have a little clearer direction in terms of what our expectation is in terms of what should be in that law. That's really in sum what this is all about, plus the fact that private schools are also managed in this province under the Minister of Education. They're also part of the responsibility of the Department of Education. So why would we omit them? Why wouldn't they be included here?

I think that my colleague from Mill Woods, with his characteristic keen attention to detail, probably spotted an oversight on the part of the Deputy Minister of Education, something the Minister of Education in his state of frenetic activity didn't see either. But he caught it, and we have a chance here to assist the minister, to assist the cabinet in making regulations in the future. I think all of these would be very good reasons to support the amendment currently before the Assembly.

If there are members who are in fact uncomfortable with this amendment, I hope they'd stand up, not talk from their seats but stand up and tell us what their specific concern is. It seems to me that this is as simple as saying that if charter schools have to meet certain requirements in terms of "disposal and destruction of personal information," the same thing should apply to private schools.

If we go back to what I tried to say at the commencement of the debate at the committee stage this afternoon, the point, Madam Chairman, was that these are Alberta schoolchildren we're talking about, and it's protecting their privacy. It's ensuring that there are some safeguards if there is inaccurate, erroneous information, and that's an important purpose. That's very important, because a decision that we make here in perhaps a casual fashion when members are only partially focused on the issue in front of us, the important question, when elastic bands are flying through the room - it's important that we remember that these are all Alberta's schoolchildren and that we're simply trying to protect their privacy, safeguard the right that they should all have.

Children don't make a decision about what kind of a school they go to. It's their parents who make that decision. But what we're talking about is protecting any child regardless of the choice their parents have made in terms of a school system. I wish the members on the government side would stand up to speak as quickly as they fire another elastic band over the head of Parliamentary Counsel, because this is a really important issue. This is an issue that I think warrants the attention of all members.

Madam Chairman, I see that it's almost 5:30, so what I would propose is that we adjourn debate on this amendment.

THE DEPUTY CHAIRMAN: Hon. Member for Calgary-*Buffalo*, under Standing Order 4(3) the committee can recess at 5:30 and meet again at 8. Are you in fact moving adjournment?

MR. DICKSON: That's exactly what I'm clumsily attempting to do, Madam Chairman. Thank you.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-*Buffalo* has moved that we adjourn debate on amendment A5, Bill 21. All those in favour?

SOME HON. MEMBERS: Aye.

THE DEPUTY CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIRMAN: Okay.

The hon. Member for Edmonton-*Mill Woods*.

DR. MASSEY: Speaking to the amendment, Madam Chairman, it just seems to make eminent good sense that all schoolchildren, regardless of where they attend schools, if those schools are in receipt of public funds, would be treated the same. Really, that's what this amendment is getting at, and that is a fairness issue, in fact making it certain that students attending private schools would be treated in a similar fashion to those who are attending charter schools and in fact all schools that are publicly supported.

The amendment has to have been an oversight by the drafters of the legislation. It seems inconceivable that they would have drafted the legislation and left out the private school sector. Again, it's a matter of fairness. It makes the legislation consistent. It makes the treatment of all classes of students the same.

THE DEPUTY CHAIRMAN: The hon. Member for Spruce Grove-*Sturgeon-St. Albert*.

MRS. SOETAERT: Thank you, Madam Chairman. I'm pleased to speak to this amendment as well. I'm hoping that maybe over the supper hour the minister will have a chance to speak to the rest of his caucus and tell them that he's in favour of this amendment so that they don't go and heckle the wrong response. I'm sure that most will support this amendment. It is simply a matter of equity and fairness. I don't think there's any private school that would truly object to this. In fact, I would venture to say that they would welcome this opportunity. They do get some public dollars. They have, I would say, no problem . . .

THE DEPUTY CHAIRMAN: Hon. member, I have to interrupt you. Pursuant to Standing Order 4(3) the committee is recessed until 8 p.m., when we will reconvene.

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

