

Legislative Assembly of Alberta

Title: Monday, March 2, 1998 1:30 p.m.
Date: 98/03/02
[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Welcome. Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privilege as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

Please be seated.

head: **Presenting Petitions**

THE SPEAKER: The hon. Member for Airdrie-Rocky View.

MS HALEY: Thank you, Mr. Speaker. I'd like to present a petition today on behalf of the Canada Family Action Coalition, 5,053 signatures collected from all over the province of Alberta requesting that the government increase funding to private schools, the basic instructional grant.

THE SPEAKER: The hon. Member for Livingstone-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. I wish to present petitions today organized by constituents of the Crowsnest Pass – this petition represents 5,573 Albertans, many of whom live in the constituency – presented to the Minister of Environmental Protection opposing the recent changes to increased campground fees and the introduction of random camping restrictions by the government of Alberta, and 17 signatures from business students at SAIT in Calgary on the same issue, as they took it up as a project to look at the camping fees. They also signed an additional petition.

Thank you.

head: **Introduction of Bills**

Bill 19 Protection against Family Violence Act

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

MRS. BURGNER: Thank you, Mr. Speaker. I request leave to introduce a bill being the Protection against Family Violence Act.

In addition to recognizing the serious impact of family violence within our communities, this bill is intended to give victims of family violence additional legal remedies, in particular emergency orders, by a more expeditious process than currently exists.

[Leave granted; Bill 19 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move that Bill 19 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 22

Health Insurance Premiums Amendment Act, 1998

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

MS KRYCZKA: Thank you, Mr. Speaker. I request leave to introduce Bill 22, the Health Insurance Premiums Amendment Act, 1998.

Bill 22 demonstrates our commitment to providing accessible and efficient health care programs throughout this province. This amendment removes a potential conflict between the administration of the seniors' benefits program and the premium subsidy program for seniors under the Health Insurance Premiums Act. This amendment will also permit further regulatory changes that may be required in the future to harmonize the two programs.

Thank you.

[Leave granted; Bill 22 read a first time]

MR. HAVELOCK: Mr. Speaker, I move that Bill 22 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

THE SPEAKER: The hon. Member for Fort McMurray.

Bill 23 Railway Act

MR. BOUTILIER: Thank you, Mr. Speaker. I request leave this afternoon to introduce Bill 23, being the Railway Act.

The bill proposes to facilitate the development of new short line railways and ensure that safety aspects of the provincial railway operations are adequately addressed. The new act will reflect a shift in focus from economic regulation to that of safety.

[Leave granted; Bill 23 read a first time]

MR. HAVELOCK: Mr. Speaker, I move that Bill 23 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

MR. JONSON: Mr. Speaker, today I'm pleased to table four copies of a letter that I sent to Mr. Greg Eberhart, registrar, Alberta Pharmaceutical Association, regarding the Alberta government's recognition of Pharmacy Awareness Week.

Thank you, Mr. Speaker.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm tabling this afternoon copies of correspondence from Mr. Dale Stewart of Fallis, Alberta, dated February 28, 1998. In my letter of even date to the minister, Mr. Stewart's need for surgery to remove a cancerous tumour has been classified urgent, but his operation in Edmonton has now been postponed five and a half weeks due to a lack of an available ICU bed.

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

MR. STELMACH: Thank you, Mr. Speaker. I have three letters to table today on behalf of the Minister of Community Development. The first item is a letter congratulating Cathy Borst and her team on their victory at the 1998 Scott Tournament of Hearts Canadian women's curling championships. This Edmonton Ottewell curling club team faced many tough opponents during the championship, yet consistently outperformed them all, a sign of real true champions.

The second letter is a letter congratulating Gao Min of Edmonton on her upcoming induction into the International Swimming Hall of Fame.

The final tabling today is a letter congratulating Dale Phillips of Edmonton and Selwyn Jacob formerly of Edmonton on winning the Canada Award for the program *The Road Taken* at this year's Gemini Awards gala.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table two letters today, one of them to a good friend of mine and of the community, Mr. Selwyn Jacob, who last night received the Canada Award at our Gemini celebrations for his film *The Road Taken*.

The second tabling is a letter to the National Black Coalition of Canada, Alberta chapter, complimenting them on a very excellently run and well-received black history month in Alberta and specifically saluting the awards of excellence recipients: Verna Hinds; Michael Lancaster; Movements, Sharlene Thomas; the Peppercorn Band; Stephen Parker; and Noel Byer. Congratulations to all these outstanding Albertans.

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

MS CARLSON: Thank you, Mr. Speaker. I'm tabling today four copies of a letter from De Jessiman, chairman of the Agricultural Service Board, county of Stettler, No. 6. It's a copy of a letter that went to the Premier.

THE SPEAKER: Hon. members, I also wish to table today a copy of a memorandum from the hon. Member for Calgary-Egmont to myself requesting that Bill 204, the Workers' Compensation Amendment Act, 1998, be brought to Committee of the Whole on Tuesday, March 3, 1998.

head: **Introduction of Guests**

THE SPEAKER: The hon. Leader of the Official Opposition.

MR. MITCHELL: Mr. Speaker, thank you. I have the pleasure of introducing a group from my constituency. I'd like to begin with an apology. I missed the picture that was scheduled for me and them. Thankfully the Member from Edmonton-Riverview was able to step in, and I'd like to say that I'm sorry I wasn't able to be there. They are 48 students from St. Martha Catholic elementary school. They are accompanied by teachers Mrs. O'Brien, Mrs. Antonakis, and Mr. Rykes, and I would ask that they stand in the gallery and receive the welcome of the members of the Legislative Assembly.

1:40

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. It is indeed a pleasure for me to rise and introduce to you and through you seven members of the Edmonton Swiss Men's Choir. The Edmonton Swiss Men's Choir holds membership in the 100-year-old North American Swiss Singing Alliance. A notable accomplishment of the choir is their winning a perfect 100 percent score when they performed in front of three judges in Pittsburgh last July. This has never happened before in the 100-year history of the alliance. They are seated in the members' gallery. I would like to ask them to stand as I call out their names and to remain standing. So let's begin with the choir director, Elizabeth Lesoway-Anderson; the president, Gerry Paravicini; the honorary Swiss consul, Bruno Dobler; vice-president, Michael von der Burg; the treasurer, Paul Ehrler; the secretary, Alec Preston; and the chairman of the year 2000 committee, Karl Strickler. Let's give them a very warm welcome.

THE 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 this Assembly 47 grade 6 students from James Mowat school in Fort Saskatchewan. They're accompanied by Mr. Ted Fellows, Mrs. Karin Bittner, and Mr. Gary Miller. They're seated in the members' gallery. I'd ask them to stand and accept the warm welcome of this Assembly.

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

MR. WHITE: Thank you, Mr. Speaker. I rise today to introduce to you and through you 19 students from the Alberta Vocational College in my constituency. They are in the English as a Second Language program, which is incidentally still funded by this government. They are accompanied by their teacher, Miss Jennifer Burden, and I'd ask that all 20 do rise and receive the warm welcome of this Assembly.

head: **Ministerial Statements**

THE SPEAKER: The hon. Minister of Intergovernmental and Aboriginal Affairs.

Multilateral Agreement on Investment

MR. HANCOCK: Thank you, Mr. Speaker. Before I start, might I first commend you on the installation of the provincial flags that grace our House today. The new flags demonstrate our commitment to this country and to federalism, and in the interest of the commitment I'll be speaking today on the multilateral agreement on investment.

How that pertains is that ministers responsible for international trade met on February 19 to discuss, among other things, this important issue. I had intended to bring a report to the House last week on this topic to update you on our discussions, in fact last Thursday, but in light of the demonstration that was going on, I thought it would be better to postpone it to today so we could do it in a more rational and coherent manner.

Mr. Speaker, Alberta's investment potential is one of the key elements in the Alberta advantage. Alberta has had a long-standing tradition of welcoming foreign investment. We have encouraged it, and we have avoided unnecessary restriction or interference with domestic or foreign investments. Alberta has

benefited from the participation of foreign investors. Foreign investment has contributed and continues to contribute significantly to our country's and our province's growth, prosperity, and employment.

Alberta companies are also increasingly investing abroad, expanding their business activities, and thereby expanding their employment back in Alberta as well and generating more benefits for Albertans. They and their existing and future employees as well as Alberta tax revenues would benefit from more predictable investment rules in other countries.

Consequently, Alberta has taken a great interest in the negotiations leading to a multilateral agreement on investment since they were launched by the ministers of the Organization for Economic Co-operation and Development in 1995. From the outset Alberta has pressed for provincial participation with the federal government because of the potential effect on areas of provincial jurisdiction. Alberta wanted to make sure that provincial interests were accurately and fully reflected in the Canadian positions in the negotiations, and we've been very active with the federal negotiators to that end over the last two years.

On February 19 Canada's federal and provincial ministers responsible for international trade reviewed in detail issues and recent developments concerning the MAI. At that meeting the federal minister and chief negotiator clearly stated that negotiations leading to MAI will not conclude this spring and will likely continue through 1998 and into 1999. This extension in the MAI negotiations will provide provincial, territorial, and federal governments with more time to address issues of concern. This will also provide more time for the government to receive any additional input from Albertans – individuals, businesses, organizations, or associations – who may have issues to present.

In the course of negotiations Alberta has identified the following as key issues. There should be no presumption in the negotiations that Canadian provinces will automatically be covered by an agreement concluded in the OECD. Provinces should have the opportunity to consider coverage and explicitly consent to being covered by the rights and obligations of the MAI. There must be full respect for the areas of provincial jurisdiction, including health, social services, education, environment, labour, natural resources, and foreign ownership of land. The MAI should include reservation processes similar to that found in NAFTA which would operate to exclude specific provincial measures from the agreement. The MAI reservation process should also preserve the current and future policy flexibility of Canadian governments in broad sectoral areas such as health, social services, and public education. The management and development of natural resources by provincial governments must be respected.

Alberta has also identified that the MAI is different from the investment provisions under NAFTA. The MAI is not part of a larger negotiation on trade and investment issues where additional benefits in the area of market access or dispute settlement might be achieved. The general objective in the negotiations is to secure national treatment of foreign investors and investments. This means that foreign investors must be treated no less favourably than domestic investors or investments except in those areas which may be excluded from the agreement, such as health, social services, or public education.

Alberta has long supported an open provincial economy. The vast majority of Alberta measures and policies are already consistent with the national treatment principle, and this approach has proved beneficial for Alberta's development and prosperity. An MAI may also benefit Canadians and Albertans by providing

for greater security and stability for Canadian and Alberta investors and investments in other OECD countries.

The government of Alberta will evaluate the final results of the negotiations in light of the key issues and concerns that have been identified. At that time, consideration will be given to the potential approval of the agreement for implementation by the province in accordance with Alberta's International Trade and Investment Agreements Implementation Act.

The delay in negotiations through 1998 and into 1999 could mean that the MAI will be under discussion at the same time that a new group of multilateral trade negotiations are beginning in the World Trade Organization. Investment might then be addressed in the context of the WTO negotiations where a broader range of countries and issues could be involved, providing an opportunity for greater benefit to Canada and Alberta.

Mr. Speaker, Alberta remains an interested participant in these negotiations. The government of Alberta will be vigilant in monitoring all aspects of any such agreement so that those areas that Albertans value deeply will not be adversely affected.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to respond on behalf of the Alberta Liberal caucus. Discussions among 29 OECD countries on the multilateral agreement on investment, the MAI, have significant implication for Canada's and Alberta's position in the global economy as we enter the 21st century. The MAI is an important effort to negotiate an internationally acceptable set of rules for the treatment of international investment. Despite the fact that world investment is growing twice as fast as trade and is intrinsically linked with trade, there is no multilateral framework of rules for investment.

Canada is a trading nation and Alberta is a trading province relying on the attraction of investment for economic growth and job creation. For every billion dollars of new investment attracted into Canada, 45,000 jobs are created and sustained in the five years after that investment is made. We must be active participants in MAI negotiations because we need to establish clear international ground rules on investment and have those rules enforced by an effective disputes resolution system. Therefore we're pleased that an extension in the MAI negotiations will provide Albertans with an opportunity to provide further input. We also need to include more than just the 29 OECD member countries in discussions on this comprehensive agreement so that all 130 countries that are members of the World Trade Organization can participate.

1:50

Mr. Speaker, there are valid concerns being expressed by many Albertans about the implications of the MAI on our sovereignty as a country and on our ability to preserve the publicly funded social programs in health care, education, and social services. The provincial government has a responsibility to Albertans to ensure that the MAI is a deal that fully supports our interests, meets our requirements, and safeguards our values as a society. We need ironclad reservations in the MAI that preserve and protect our publicly funded health care system, education system, social services, programs for our aboriginal peoples and minorities groups, and other social programs. The MAI must protect our Canadian culture and our cultural industries as well. Labour and environmental standards must be maintained at a high quality under the MAI.

This MAI is an opportunity to shape an agreement that serves

Albertans by increasing trade and investment and job creation while still protecting the fundamental social programs that make us unique. Mr. Speaker, I believe these high objectives are possible within the framework of a properly constructed MAI agreement.

Thank you.

head:

Oral Question Period

Health Care System

MR. MITCHELL: Mr. Speaker, we all hope that nobody is disagreeing that there is a critical problem in the Capital health region with its health care system. Even the Premier knows that this problem exists, although to this point he's not been quite willing to admit to the extent of it. Now Dr. Gordon Arnett, clinical chief of orthopedic surgery for the Capital health authority, has said, and I quote: it can't go on like that forever; people will die. To the Premier: is the Premier confident in the face of this assessment that the crisis in Edmonton's health care is not putting people's lives unnecessarily at risk?

MR. KLEIN: Mr. Speaker, the government is very sensitive to this issue. I understand that there was an emergency debate on this issue on Friday.

First of all, I've said before and I'll say again that we will continue to monitor the situation. As a matter of fact the hon. Minister of Health is doing that right now with respect to in particular the Capital regional health authority and the Calgary regional health authority to identify pressure points that are pressure points on a sustainable basis. Once they are identified and once we have a handle on the resources that will be needed, if in fact resources are needed, then we will deal with that situation.

As I understand it the situation that occurred last week is somewhat of a national phenomenon. The reports I have read and what I've heard on the radio and on television are that this is a situation that exists virtually across the country because of an extraordinary outbreak of very serious flu. [interjections] Mr. Speaker, this is the absolute truth. If they don't believe me, perhaps they have another reason.

Mr. Speaker, I am advised that the situation now has stabilized somewhat. That's not to say that we're going to abandon our commitment to look at the situation on a long-term basis. I understand the situation has stabilized. I am told that indeed in the city of Calgary on Saturday night there were something like over a hundred empty hospital beds. Surgery has resumed today. Not all surgery I'm sure. Certainly elective surgery goes to the bottom of the list, but nonelective surgery is back on schedule as I understand it.

Nonetheless we are monitoring the situation carefully. This, again I remind you, is probably the busiest time that hospitals have had in a long time. Mr. Speaker, Albertans have always counted on us to do the right thing and to do it carefully and in a targeted fashion, and we will. That is our commitment.

MR. MITCHELL: The Premier has an infinite capacity to deny the obvious, Mr. Speaker.

Given that when the Capital health authority a couple of years ago couldn't cut fast enough for the Premier's liking, he dispatched the now Minister of Family and Social Services to find another \$20 million in cuts, why won't the Premier now take some extraordinary steps to fix the crisis that all that unplanned cutting created?

MR. KLEIN: Well, first of all, Mr. Speaker, there wasn't unplanned cutting; there was very thoughtful reorganization of the health care system. If the leader of the Liberal opposition thinks it was appropriate to have over 200 health administrations in this province, then his values relative to how money should be spent are a lot different from ours. We did tremendous reorganization. And, yes, we did challenge the system to find better and new and more effective ways of doing things. In fact, regional health authorities throughout the province are doing things in a much more efficient and much more effective way.

Mr. Speaker, I have to reiterate. Part of the problem was a very severe outbreak of serious flu – serious flu – which in the case of many seniors led to pneumonia. [interjections]

If they want to supplement, they really have a time and an opportunity to supplement. It's not during my period of time to answer the question, Mr. Speaker. [interjections] If they want to heckle and cackle, then I'll just take my seat.

MR. MITCHELL: Surgeries were canceled. Generally we don't do surgeries on people with the flu, Mr. Speaker. Why won't . . .

Speaker's Ruling Provocative Language

THE SPEAKER: Hon. Leader of the Official Opposition, I've listened attentively now to the various questions, and it seems to me that we're getting into a rather argumentative basis here for question period, which basically is to ascertain information. I've listened to the questions, and one could make the argument that they violate some of the traditions of *Beauchesne*, which basically says that questions should be to the point and should be brief and they should be attempting to ascertain government positions. I've listened to the responses and today am satisfied that there's nothing inflammatory coming from the responses in this regard. So I'd ask you to quickly come to the chase.

Health Care System (continued)

MR. MITCHELL: Mr. Speaker, why won't the Premier direct the Minister of Health to sit down with the Treasurer to determine how much of the budgeted cushion from the current fiscal year is available to fund the Capital health authority so that they can meet this crisis head-on? It exists and it has to be dealt with.

MR. KLEIN: Mr. Speaker, again I say that we're not insensitive to this situation. As a matter of fact, once we get a handle on where the funds, if necessary, are to be targeted and for the right reasons, then indeed we'll have that discussion in Treasury Board. We'll also have that discussion with the various chairmen and CEOs of the regional health authorities. I understand that later this month the hon. Minister of Health will be meeting with the CEOs of the regional health authorities to get a better handle on where the pressure points are.

Mr. Speaker, the leader of the Liberal opposition has this propensity, of course, to always, always focus on the negative. I would like to table a letter, and I'd like to read the letter first of all. It's addressed to myself, dated February 24. It says

On behalf of the Board . . .
This is the Capital regional health authority.

. . . I would like to thank the Government of Alberta for addressing Capital Health's inherited deficit in the 1998-99 provincial budget. We are very pleased with the announcement.

It lifts some of the burden we have carried for several years, which will help us plan better for the future.

By addressing our inherited deficit, we will accomplish several things.

This is just one case, Mr. Speaker.

- it will help restore the majority of our working capital needs;
- we can claim supplier discounts and generate interest revenue;
- we can generate up to \$5 million dollars annually in additional revenue in future years, to address some access problems;
- we can pay down the long term debt we carry that was inherited at regionalization.

Thank you again for your ongoing support and leadership.

Signed, Neil Wilkinson, chair of the Capital regional health authority.

So, Mr. Speaker, all is not bad.

THE SPEAKER: Second Official Opposition main question. The hon. Member for Calgary-Buffalo.

2:00 Mental Health Services

MR. DICKSON: Thank you, Mr. Speaker. The Provincial Health Council has acknowledged shortcomings in Alberta's mental health system. More specifically, the Calgary regional health authority has determined that the leading cause for death for Calgary children 10 to 17 years old is suicide. More children take their own lives than die through car accidents or from cancer. That same health authority has declared that social supports enhance well-being, enhance mental health. So my question this afternoon to the Premier would be this: just what social supports are now lacking in the Calgary region which may account for this unacceptably high rate of suicide among Calgary area youth?

MR. KLEIN: Well, Mr. Speaker, the situation is indeed unfortunate according to the reports. Relative to the support services that are available, I will have the hon. Minister of Family and Social Services supplement it and, if necessary, followed by the hon. Minister of Health.

DR. OBERG: Thank you very much, Mr. Speaker. Anytime a child commits suicide, it is a tragic circumstance. There are a lot of issues that adolescent children face these days. We are attempting to help any adolescent that we can identify who is at risk for suicide. Through the children's services initiative we have addressed this as a major issue. Through children's services we are continuing to work with the schools. Whether it's through family liaison workers, whether it's identifying problems at the level of the family, we are trying to work with this. This is an extremely serious situation albeit some of it, if not most of it, is a social situation. It is something that we are working very carefully with, and hopefully we will get results in this very critical field.

MR. JONSON: Mr. Speaker, I think that since this question is an important one – I'm sure it's important to the opposition – I would like to point out that we increased community mental health funding for the Calgary regional health authority last year. This year in the budget members of the opposition, I'm sure, would note that we have addressed an inequity in mental health funding as it applies to acute mental health care beds in Calgary.

Mr. Speaker, I would like to indicate that I will certainly look again at the statistics the hon. member is referring to. I would

like to emphasize that if it is along the same lines as another important question he raised last week, the point here is that if you were to go back, in that case, to 1990, you would find that the number of suicides in 1990 with a much smaller population in Calgary was higher than it is today. I will look at this particular category the member is referring to and certainly provide him a detailed answer.

MR. DICKSON: I go back to the Premier, Mr. Speaker, and ask him: to what extent should Albertans attribute this high suicide rate to the cuts to school counselors, cuts to school psychologists, and the overall lack of mental health services in this province?

MR. KLEIN: Mr. Speaker, as the hon. Minister of Health pointed out, the situation indeed was more severe in 1990 than it is today. In 1990 you'll recall and many members of this Legislature will recall that we were generating huge deficits, borrowing to fund things like health and education and other government services. The situation, according to the minister, was much worse then.

I'll have the hon. minister supplement.

MR. JONSON: Mr. Speaker, the important thing here is that, first all of all, we are doing something now through the health care system in this province, and that is establishing measures, establishing benchmarks, reporting on our performance. Therefore we have a basis to plan and take remedial action. This issue that the hon. member raises, of course, is a very important one, but I do think that trends and issues such as this have to be looked at in context. We are making an additional financial effort in the area of mental health as it pertains to the Calgary health authority, and the statistics that are being quoted perhaps should be looked in the broad context.

MR. DICKSON: Given that the only important statistic for Albertans is that 1,636 Calgary children have taken their own lives since 1980, given that that's the statistic Albertans are concerned about, Mr. Speaker, I'd go back and ask the Premier, since it appears that the real lack and the real difficulty is a lack of leadership more than anything else – I want to ask him how he reconciles his comments with the advice from the Provincial Health Council which said Albertans

report difficulty in accessing treatment for mental health needs – and this impaired access appears to be consistent across all regions and [all] services.

MR. KLEIN: Mr. Speaker, relative to mental health programs, generally, as you know, there is a move from institutionalized care to community-based care. We are moving as quickly and expeditiously as possible to accommodate this, but having said that, I note that the hon. member alluded to figures from 1980 to today. That spans an 18-year period. That is a very long period of time. I can't speak to what programs were in place relative to this issue in 1980, but I can assure you that the programs today are indeed much more meaningful and much more sophisticated than they ever were before to address this very serious problem.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Norwood.

DR. OBERG: May I supplement the answer?

THE SPEAKER: I've already called Edmonton-Norwood.

Hell's Angels

MS OLSEN: Thank you, Mr. Speaker. Despite warnings from the Criminal Intelligence Service of Canada that organized crime is on the rise in Alberta, the Justice minister's total lack of action allowed the outlaw Hell's Angels to set up a chapter in Alberta this summer. To the Minister of Justice: as the minister's inaction let the Hell's Angels get in, what action are you now taking to get them out?

MR. HAVELOCK: Well, Mr. Speaker, certainly the Hell's Angels coming to this province is a concern for the department. As the hon. member knows, however, this is a free country, and we can't simply preclude people from moving from one place to another. What I've been doing - in fact there has been an allocation put in the budget. We will be looking at a provincial strategy in assisting law enforcement agencies throughout this province. What I want to do is ensure that the problem is defined, its strategies are defined, and then we will look at budget allocation in the future. But we're working closely with the chiefs of police to address this issue.

MS OLSEN: Why is it that the minister will not provide any funding to the Calgary or Edmonton police services to battle the outlaw bikers when three of Canada's most wanted Hell's Angels - armed, dangerous, and wanted for murder - are being hidden by their gang in the city of Edmonton?

MR. HAVELOCK: Well, Mr. Speaker, there's a couple of issues here. One, this department will not directly fund police operations because, being the Attorney General, we need to maintain some degree of independence from those operations. Nevertheless, as I just indicated, we are working with the police departments, not only Calgary and Edmonton but throughout the province, to come up with a strategy to address the issue.

At this point in time I've indicated to the police chiefs that we have funding in our budget to pay for some individuals to take a look at this and come forward with a plan. As the member knows, this government will not simply throw money at something unless there will be some results achieved through that expenditure and also, if we have a plan in place.

MS OLSEN: Thank you, Mr. Speaker. I thought it was judicial independence.

When the Hell's Angels are clearly a danger to this city, why did the minister ignore last year's recommendations from an RCMP biker intelligence officer to set up a task force of 10 members in the cities of Edmonton and Calgary to combat the problem with the Hell's Angels?

MR. HAVELOCK: Well, Mr. Speaker, again, if the Edmonton city police or the Calgary city police or the RCMP wish to set up a task force, they certainly are entitled to do so. In fact, through our budget provincially we spend about \$80 million on policing. I think that through the Department of Municipal Affairs there's approximately \$15 million given to municipalities to direct towards policing costs.

Again, the simple point I'm going to make is that regardless of that recommendation, I've indicated to the chiefs of police that we will work with them. They have to work with us, however, Mr. Speaker. Again, I will not simply write a cheque unless we have a strategy in place to deal with the problem, and that's what we're working on.

2:10

National Child Tax Benefit

MS BARRETT: Mr. Speaker, in response to questions I posed last Wednesday in this Chamber, the Minister of Family and Social Services said:

We have absolutely no intention of cutting the rates on AISH or SFI in Alberta regardless of what the federal Liberal government has done.

Well, I'm tabling an internal document dated February 18, 1998, that directly contradicts the minister's statement. The memo states that as of August 1 of this year, SFI rates will be reduced "\$50 for the first child, \$34 for the second child," and \$27 for any subsequent children. My question to the minister is this: will he now come clean to the people of Alberta and tell us why he's lowering welfare rates, which are already the lowest in Canada?

DR. OBERG: Mr. Speaker, the hon. member is absolutely right. The cheque from the provincial government will be lowered \$50. There will be a cheque, however, from the federal government to make up for that. What I said in the House last week is that the total amount of dollars received will be exactly the same.

Mr. Speaker, what we will be doing with the money that has been saved from the national child benefit is: we have put in a low-income health benefit program for children so that the children of people earning from \$13,000 to \$18,000 can be looked after, can have health benefits.

Mr. Speaker, it's very nice to use these figures however you want, but the bottom line is: people on AISH, people on SFI will see no change in their dollars because of the national child benefit.

MS BARRETT: Well, perhaps the minister can tell Albertans just what it will take for his department and his ministry to reverse the cuts to welfare rates that happened in the last six years and allow the benefits of the expanded child tax benefit to reach the poorest families, those who are living on AISH and SFI.

DR. OBERG: Thank you, Mr. Speaker. First of all, I would challenge the leader of the third party on her anecdote that these are the poorest members. The people who are making relatively \$13,000 to \$18,000 who are not on welfare do not have medical benefits. These people do not have optical benefits. These people do not have dental benefits. If you are on welfare, your family has these.

So what we are attempting to do with the national child benefit is use this money, \$10.2 million for this year from July 1 on, to allow these people to have those benefits. We talked to people around the province in the fall, and that's what they have decided is the best way these dollars can be used, and quite frankly I absolutely agree with them. I think it's essential that we put in this program. I think it's absolutely essential that people, when they move off welfare, know that there will be something there for their children if their children get sick.

MS BARRETT: Why does the minister continue to say that the planned reductions are to encourage movement back into the workforce when his own office confirmed last week that the planned reductions apply to AISH and assured-support clients as well?

DR. OBERG: Mr. Speaker, the national child benefit does not apply to AISH. It may apply to the assured income, but it does not apply to AISH.

Quite frankly, I'm quite appalled by what the hon. member has just stated. She has just stated that just because someone is disabled and receives assured income for the severely handicapped, they can never, ever work again. Mr. Speaker, that's appalling.

THE SPEAKER: The hon. Member for Calgary-Egmont, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Anorexia Treatment

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Health. The 16-year-old daughter of constituents of mine has been given a 50-50 chance of surviving her battle with anorexia. Experts state that this is a growing disease with new cases occurring at the rate of 1 per 100 of population, and a staggering one-half of 1 percent of the entire female population will be hospitalized for anorexia during their lifetime. To the Minister of Health: what treatment systems do we currently have in Alberta for adolescent anorexics?

MR. JONSON: Mr. Speaker, certainly this is a major concern for the health care system. We have here in the capital city at the University of Alberta and the Walter C. Mackenzie health centre a very well staffed group of experts, I think, at the forefront of treatment of this condition – doctors, psychologists; the whole team is there – working on this particular matter. That is our primary area of expertise to all parts of the province as well as our primary treatment centre.

In Calgary we have a number of people who are as knowledgeable as possible in this area and deal with cases of this type. It is certainly an area of concern, Mr. Speaker, that I think we've made some progress in, but it is one that the overall health care community would like to know more about and be more effective in.

MR. HERARD: Thank you, Mr. Speaker. My first supplemental: given that the experts state that family and peer support in a home environment is important to the success of treatment of anorexia, what advice would the minister give my constituents, who desperately want to increase the odds for their adolescent child and feel that their only choice is to go out of province for treatment?

MR. JONSON: Mr. Speaker, as I hope I made clear in my initial response, this is a disease, a condition, which is troubling to the overall medical community and, of course, most of all to the families and individuals involved. All across Canada, I think, we are struggling with the same issue.

I would like to indicate to the hon. member in direct answer to the question that if treatment is deemed to be medically required, we fund support through Alberta health care for the treatment of an adolescent in particular in this case at any hospital or approved medical facility across Canada.

MR. HERARD: Final supplemental: will the minister ask the regional health authorities to review their anorexia treatment plans to pay appropriate attention to the concerns with respect to adolescent treatment?

MR. JONSON: Certainly, Mr. Speaker, in the general sense, yes. I think we want to improve this particular area of treatment. It is

of concern to the minister and to Alberta Health. We will be working with the regional health authorities and with the people who are knowledgeable in the whole area to hopefully improve our treatment of these disorders. It is a very challenging and troubling area. We certainly do not have all the answers as far as curing this condition.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Calgary McCall.

Day Care Subsidies

MRS. SOETAERT: Thank you, Mr. Speaker. The elimination of day care operating allowances flies in the face of this government's so-called commitment to Alberta families. The elimination of this allowance has special implications for rural day care centres. Today we hear that the Children's Care Centre Society of Rural Strathcona is closing its doors, forcing 20 families to find alternate care. There are no other day care centres in Ardrossan. My questions are to the Minister of Family and Social Services. Why is accessibility to quality, regulated day care not one of your department's goals?

DR. OBERG: Thank you, Mr. Speaker. This year we have decided to take down the operating allowance by \$10 million. We have taken those \$10 million and moved them to the child care subsidy. The idea behind that is that we are giving those dollars to the people who need them the absolute most. As I've stated in this Assembly at least four or five times, this government is committed to helping the poor. This government is committed to having a better standard of living for the poor in Alberta. We feel that by taking those \$10 million and putting them down to the people that need child care subsidy, it is a much better way rather than having a universal supplement to people who are making \$100,000, \$200,000, \$300,000 a year. These dollars have been increased to the people of Alberta who need it the most.

MRS. SOETAERT: Thank you, Mr. Speaker. My first supplemental: why have you ignored the feedback from day care operators, families in rural Alberta, especially those families in Ardrossan, regarding this change? You've ignored them.

DR. OBERG: Mr. Speaker, we have not ignored the feedback. I hear every day about concerns from lower income people. That is who is getting this money. Quite frankly, if you are a two-parent family with two children in day care and if you gross up to \$60,000 a year, you still receive a partial subsidy. So we have listened to the low-income people of the province. We have put the dollars back to the low-income people of the province. We feel that is the mandate of this province. It is not to provide universal, empirical subsidy to day care.

2:20

MRS. SOETAERT: My final question, Mr. Speaker: how many licensed rural day care centres are forecast to close as a result of this change?

DR. OBERG: Mr. Speaker, I have not heard of any day care centres apart from the one I've just been informed is closing. At the moment in Alberta we have roughly 30 percent more day care spaces than are presently being used. Quite frankly, there are going to be some day cares that close, and there are going to be some that open. That's a fact of life. We presently have 70

percent that are for-profit day cares. These are the day cares that this member is suggesting we give the money to, the for-profit. It seems to me that goes against what they've been talking about in this Legislature for a long time. We have 30 percent of the day cares who are not-for-profit agencies, and quite frankly these numbers are going to shift. We have kept the same amount of dollars in day care. We have given it to the people that need it worst. The very interesting part is that some of these day cares are actually seeing an increase in dollars that they are receiving, but do you think that they are passing it on to their clients? Not a chance.

THE SPEAKER: The hon. Member for Calgary-McCall, followed by the hon. Member for Edmonton-Glenora.

English as a Second Language

MR. SHARIFF: Thank you, Mr. Speaker. My questions are to the Minister of Education. The Calgary board of education has recently stated that they need \$950,000 to break even in providing programs for English as a Second Language. According to the Calgary board of education, despite the recently announced reinvestment of \$5 million more for ESL they will still have a \$710,000 shortfall. Can the minister explain how funding for ESL will be distributed to the school boards, and what steps will the minister take to ensure that the new funding for ESL will lead to additional ESL services and not be gobbled up by administration?

Speaker's Ruling Anticipation

THE SPEAKER: Hon. member, tonight on the schedule in the Assembly are the estimates under subcommittee A for Education. It strikes me that the very specific nature of the question you've just raised would best follow under the opportunity to deal with that estimate tonight in Education.

The hon. Member for Edmonton-Glenora, followed by the hon. Member for Highwood.

Vocational Training

MR. SAPERS: Thank you, Mr. Speaker. The Minister of Advanced Education and Career Development says that he's concerned about a growing skills shortage in the province of Alberta. Now, before looking to bring out-of-province workers to Alberta to fill this expected shortage, the government should make sure that they are doing everything possible to assist Albertans in developing needed skills. My questions are to the minister. Can the minister confirm that all funds, every dollar allocated under the Canada/Alberta labour market development agreement for this fiscal year will be fully utilized for retraining Albertans?

MR. DUNFORD: Mr. Speaker, we may need clarification. In the preamble we talked about a skills shortage that everybody here in the House recognizes would be applying to those skills where we have an apprenticeship program and journeyman certification. That is by far the overwhelming pressure that's been placed on this minister given the tremendous economy that we have in Alberta. The Alberta advantage is really operating here, and it's really tremendous.

The Alberta advantage and how it's operating, though, also has a reference to the actual question that the member raised, and that

is whether or not we'll be expending all of the funds from the labour market agreement. The answer is no. We will not be expending all of those funds because what we have found in actual experience has taken place in Alberta is that because the economy is so hot and the requirement for workers is so great, we actually have a tremendous decrease in the demand for the skills development program, which the member is referring to. So I think we have good news on that score. I think the fact that we will not be expending the money is in fact good news.

MR. SAPERS: Mr. Speaker, will the minister, then, tell us how this lack of demand has translated into his department's agreement with the federal government and if federal money will be returned unspent?

MR. DUNFORD: Mr. Speaker, dollars will lapse. This is quite appropriate. This ministry does not feel obligated. When we have dollars that are targeted toward a specific program and if we find the demand is not there, we are not going to make excuses and look for ways to spend that money. I am part of a fiscally responsible government, and we have to not only say those kinds of things, but we have to act in an appropriate manner. I believe that in this case we're meeting the needs that are out there. The applications that come to us through the career development centres, through the institutions, through the private vocational schools that are out there – we have met all of that demand, and when we have dollars left over, we want to return them for the benefit of all taxpayers not only here in Alberta but in Canada as well.

MR. SAPERS: Will the minister confirm that in fact the lapsed dollars have nothing at all to do with him being parsimonious but everything to do with the fact that his department has changed the way in which they fund the private vocational schools, and instead of funding the schools to provide ongoing training in a stable way, they've made the decision to only fund students, which has left many, many students unable to find ongoing training?

MR. DUNFORD: Well, as a matter of fact, Mr. Speaker, the hon. member is correct except who he has pointed to. It was actually the federal Liberals that made that specific change, and it has caused the situation in Alberta where tremendous dollars have lapsed. The federal government at one point in time was not interested in outcomes. They were strictly interested in input. What they wanted were applications so that the private vocational school would be able to accept 30, 50, 70 students, and they were funded on that basis. When we signed the labour market agreement, we said that here in Alberta we are target based, we're outcome driven, and the dollars will follow the student. If we have a dollar, we'll get him in a program. No students? No dollars.

THE SPEAKER: The hon. Member for Highwood, followed by the hon. Member for Edmonton-Ellerslie.

High School Departmental Exams

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the Minister of Education and arise from my concern that the quarterly system for high schools be supported, encouraged, and allowed to flourish. I'm alarmed that the government's record for supporting alternatives in education is jeopardized by the announced cancellation of the November and April grade 12

diploma exams. My question, then, to the Minister of Education: is it government policy to cancel a pilot project early when the school and the student results are so positive?

MR. MAR: Mr. Speaker, I'd first of all like to clarify that the examination schedules that were set out for November and April were not part of a pilot project. The intention at the outset of scheduling those additional exams was to expand the current exam schedule. However, the number of students that wrote diploma examinations in those two time periods was somewhat lower than was expected, and the provision of these exams proved to be quite costly. We were expecting an average of 500 students per exam in 1997-98, but the actual number was about half of that, and of those who wrote, about half of those students were rewriting exams to improve their current marks.

MR. TANNAS: Mr. Speaker, my question is to the same minister. Would the minister consider only offering three diploma exams per sitting in November and April, as originally suggested by parents and teachers from the Foothills Composite high school in my constituency?

2:30

MR. MAR: Mr. Speaker, although there are a small number of students writing, it would appear that the number of students that will write these types of exams will increase if there continues to be an increase in interest in implementing, for example, year-round schooling or a quarter-mester system schools. I have taken some interest in the suggestion that the hon. member has made and have directed officials of the Department of Education to look at alternative models for offering November and April exam sittings in a way that takes into account that it is also our goal to reduce the cost of administering these examinations.

MR. TANNAS: Mr. Speaker, my final supplemental is again to the Minister of Education. Would the minister, in the interest of sustaining the quarterly system, then commit to a serious review of this cancellation of the November and April diploma exams?

MR. MAR: Mr. Speaker, I will make the commitment to do that. As I indicated earlier, I have directed my department officials to look at a way of providing these examinations in a manner that's cost-effective. As I indicated, there does appear to be a growing demand for exams to be written in April and November. As an example of how this can affect a student, some of the students who write diploma exams in November are applying for entrance to postsecondary institutions in January, and that is why these exams are important.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Calgary-Currie.

Private Land Drainage

MS CARLSON: Thank you, Mr. Speaker. Large-scale drainage projects have been constructed in the county of Stettler without the neighbouring landowner's permission and without the required licences. As a result of major ditching in 1996, last spring adjacent properties were flooded with one landowner having 35 acres under water and four feet of water in his yard, causing damage to farm equipment and stored grain. This has been going on for 17 months, and the Minister of Environmental Protection refuses to do anything about it. Will that same minister tell us

what good it is having a Water Resources Act that requires licensing if the minister and his department refuse to enforce it?

MR. LUND: Well, Mr. Speaker, given that the hon. member made a number of statements that are not totally accurate, I feel compelled to walk her through the process. It's true that there are a number of drainage projects in the province that proceed without a licence. Now, the process that we follow: we ask the people, regardless of who they are, to attempt to get a licence. That process takes a fair bit of time because, of course, it's a situation of dealing with the adjacent landowners and actually licensing and completing a drainage project clear down to an outlet that is sufficient to handle the water. If that is not possible, then our department warns the people that they will have to render the structure ineffective. Once again that does take some time because you first of all give notice. You've got to give them some time to do it. If they don't do it, then you follow through. And we are following through. Now, this particular one, if it's the one she referred to in a letter that she filed, I believe was a Hutterite colony. It was a major project, and we are acting on it.

MS CARLSON: Well, Mr. Speaker, why have individuals been told by Environmental Protection staff that they should pursue private litigation rather than expect the department to do their job? Could you answer that one for us?

MR. LUND: Well, Mr. Speaker, I don't believe or accept for one moment that anyone in my department told someone that it wasn't their job to deal with an illegal drainage project. The situation as I understand it: there was damage to adjoining property, to crops, to machinery, and I believe even buildings. And, yes, we would not be proceeding with any kind of litigation to recover those damage costs. That would be up to the individual that suffered the loss. But we are proceeding with action relative to the fact that a ditch was dug that was not legal.

MS CARLSON: Well, Mr. Speaker, given that the minister tells us that 17 months is not long enough to fix this problem, will he tell us what actions he is going to do with this spring runoff to ensure that the neighbouring farms and roads do not get flooded again as a result of these illegal drainage ditches?

MR. LUND: Mr. Speaker, I walked through the process. While I know that in a normal spring this would be a major concern, the department is currently dealing with the issue, and the drainage project will be rendered ineffective very shortly.

THE SPEAKER: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Castle Downs.

Regional Educational Consortia

MRS. BURGNER: Thank you, Mr. Speaker. Recent correspondence from the Calgary regional consortium has brought to our attention that this program has a significant role to play in professional development at the community level. As part of the restructuring of the education system, this government made a commitment to set up these regional consortia. At that time they were given reasons to provide in-service and professional development for teachers and make it more efficient and effective and especially more responsive. My question is to the Minister of Education. Given that they are concerned about their future, what is the current status of the regional consortia?

MR. MAR: Mr. Speaker, there are six regional consortia across the province of Alberta, and five of them were set up in 1996 and modeled on a pilot that began operating in southern Alberta in 1989. The regional consortia are partnerships between the Department of Education, the Alberta School Boards Association, the Alberta Teachers' Association, and other education partners. The purpose of the consortia was to provide in-service to support the implementation of school councils and school-based decision-making, which were new provincial initiatives. Each regional consortium provides programs that are geared specifically to give these people the skills that they need to help achieve the goals of their school boards' three-year plans and to meet the local needs of students and schools. The regional consortia were developed as part of a three-year initiative, and government funding for this initiative ends on 31 August 1998. Consortia have received \$150,000 for infrastructure in each of the consortia plus \$2 per student in each participating school authority to provide for operation of programs.

MRS. BURGNER: Thank you, Mr. Speaker. My first supplementary to the same minister: does every school board in this province now participate with the regional consortia in-service?

MR. MAR: Mr. Speaker, to the best of my knowledge, every school board in the province and all private school authorities have access to this training. All of the school boards participate, and approximately 30 private schools also participate in consortia in-service training.

MRS. BURGNER: Thank you, Mr. Speaker. My final supplementary: what kinds of training are provided, and how has the minister measured the success of this initiative?

MR. MAR: Mr. Speaker, between September of 1996 and June of 1997 consortia served more than 13,000 participants. Program offerings include classroom teaching strategies linking literacy with learning, parental involvement conferences, technology learning, leadership of principals, reading recovery and early literacy strategies, multiple intelligence strategies, phonics and reading, the implementation of the western Canadian protocol on curriculum, implementing the western protocol on mathematics and science, class management for teachers, and math workshops for parents.

East Central and Edmonton consortia in partnership have offered also a distinguished speaker series with a number of topics of interest to participants. Those topics included building a community of learners, strategies for acquiring effective learning skills and dealing with test anxiety, and math and science performance assessments. The response of people who participate in the consortia has been very high. There have been participation ratings for in-servicing that have indicated a 95 percent satisfaction rate. We do send out surveys, and the results have been consistently high.

THE SPEAKER: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Banff-Cochrane.

2:40 Alberta Opportunity Company

MS PAUL: Thank you, Mr. Speaker. The mandate of the Alberta Opportunity Company is to provide financial assistance and guidance for the start-up and development of small and medium-sized Alberta businesses. In fact, on April 30, 1997, the

Minister of Economic Development suggested that most of the loans provided by the AOC are usually new loans for start-ups. To the Minister of Economic Development: will the minister explain why 37 percent of AOC loans this year are for refinancing debt, financial restructuring, and for the purchase of existing businesses?

MRS. BLACK: Well, Mr. Speaker, I think the hon. member is somewhat confused with the operations of AOC. This is a normal, ongoing business for clients of AOC to go back in and to deal with AOC on restructuring of financing like would take place in other financial institutions. AOC's success has been heralded all across this province for helping small businesses and has actually helped some small businesses in smaller communities have a lead in the community and carry on. So it's not unusual for a company to go back in and restructure a financial arrangement with AOC.

I hope that when my estimates come up in the next day, I can provide some detailed information for the hon. member as to the types of loans that AOC has been involved with and on some of the people who have gone back to work with AOC on an ongoing basis, because I think it's a success story.

MS PAUL: Well, my first supplementary, then, to the same minister: why did AOC authorize a \$700,000 loan to restructure the debt of a Calgary franchise of Humpty's restaurant?

MRS. BLACK: Mr. Speaker, AOC operates at an arm's-length distance from the government, and actually I don't get involved with the particulars of one loan over another. But I'm sure that if the hon. member would like to go and visit the offices of AOC and talk about the requirements for financing through AOC, she can by all means go ahead and do that.

I think the success, though, of AOC has been felt throughout the province. Quite frankly, the way they are structured today and with the streamlining that they've gone through, they've been able to put a lot of initiatives in place throughout this province, particularly with small companies.

MS PAUL: Well, my last supplementary is to the same minister. How much of the \$76 million in new AOC loans will be used for financial restructuring or for the purchase of established businesses?

MRS. BLACK: Well, Mr. Speaker, I think that would be better to come up during our estimates. No one can predict what the next year's business is going to look like until the opportunities come through the door. Quite frankly, we're hopeful of seeing a lot of new small businesses evolve in this province, particularly in certain areas, and we hope that AOC will be a player there to help that evolution take place.

Speaker's Ruling Anticipation

THE SPEAKER: Hon. members, before we move to Orders of the Day, might I just remind hon. members that on Thursdays we have a provision in our Routine on our Order Paper called Projected Government Business? On Thursdays the Opposition House Leader rises and asks a question of the Government House Leader: what is the projected business for the following week? A verbal response is given, and that's outlined in *Hansard*. On all members' desks, when they arrived today, there's also the Routine

order, and the Routine covers all of this, if you look at the Routine today on page 5 and page 6. Now, I say that because one of the standing traditions that we have in this Assembly is something dealing with anticipation. If a particular estimate is up on a particular day, traditionally the Speaker has said that it is rather inappropriate to have questions directed to that particular ministry in the question period.

Now, today we had a situation where the Speaker rose when the hon. Member for Calgary-McCall raised a question of a very specific nature with respect to estimates. The Speaker said: well, I think we're getting into the area of the estimates. The hon. member agreed and said that was fine. Then shortly thereafter the hon. Member for Highwood rose, who has also another capacity, that of being the Deputy Speaker. But the Speaker listened very carefully to the question he raised, and it basically was dealing with government policy. So it proceeded. When it came to the question of the hon. Member for Calgary-Currie, the Speaker simply gave up, with three questions now dealing in anticipation with the Department of Education.

So can I just remind all members that the estimates that are before the Assembly tomorrow, as per the schedule outlined, deal with subcommittees in Agriculture, Food and Rural Development and Economic Development. Following our tradition in here, it would be rather inappropriate for all members to deal with those two departments tomorrow. Do it the following day but not the same day.

head: **Orders of the Day**

head: **Government Motions**

**Freedom of Information and
Protection of Privacy Committee**

20. Mr. Hancock moved on behalf of Mr. Havelock:

Be it resolved that

- (1) A select special Freedom of Information and Protection of Privacy Act review committee of the Legislative Assembly of Alberta be appointed pursuant to section 91 of the Freedom of Information and Protection of Privacy Act consisting of the following members: Mr. Friedel, chairman; Ms Barrett; Mr. Cardinal; Mr. Dickson; Mr. Ducharme; Ms Paul; Mr. Stevens; and Mrs. Tarchuk.
- (2) The chairman and members of the committee shall be paid in accordance with the schedule of category A committees provided in Members' Services Committee Order 10/89.
- (3) Reasonable disbursements by the committee for advertising, staff assistance, equipment and supplies, rent, travel, and other expenditures necessary for the effective conduct of its responsibilities shall be paid subject to the approval of the chairman.
- (4) In carrying out its duties, the committee may undertake limited travel within Alberta to consult with interested Albertans.
- (5) In carrying out its responsibilities, the committee may with the concurrence of the head of the department utilize the services of members of the public service employed in that department or the staff employed by the Assembly.
- (6) The committee may without leave of the Assembly sit during a period when the Assembly is adjourned.
- (7) When its work has been completed, the committee shall report to the Assembly if it is then sitting. During a

period when the Assembly is adjourned, the committee may release its report by depositing a copy with the Clerk and forwarding a copy to each member of the Assembly.

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I wonder if the hon. minister could tell us what the purpose is of the committee. We've got all the other things in there, but what is the purpose of the committee?

MR. HANCOCK: Well, Mr. Speaker, as has been mentioned in the House on previous occasions, the Freedom of Information and Protection of Privacy Act provides for a review at this point in time and in this year, so an all-party committee is being struck in order to provide the review as provided for in the legislation.

[Motion carried]

Standing Orders Amendment

21. Mr. Hancock moved on behalf of Mr. Havelock:

Be it resolved that the Standing Orders of the Legislative Assembly be amended as follows:

1. (1) Standing Order 8(2)(c) is struck out and the following is substituted:
 - (c) at 4:30 p.m.:
 - Government Motions,
 - Government Bills and Orders, or
 - Private Bills
 - (2) Standing Order 37 is amended
 - (a) in suborder (1)
 - (i) by striking out "quadruplicate" and substituting "quintuplicate",
 - (ii) by striking out "one in the Legislature Library" and substituting "two in the Legislature Library", and
 - (iii) by adding ", one to the Official Opposition and one to *Hansard*" after "Legislature Library";
 - (b) in suborder (3) by striking out "quadruplicate" and substituting "quintuplicate".
 - (3) The following is added after Standing Order 39:
 - 39.1(1) A member who has a motion other than a Government Motion on the Order Paper may, subject to the Speaker's approval, amend the motion before it is moved in the Assembly.
 - (2) Notice of the amended motion must appear on the Order Paper not less than 4 sitting days before the motion is moved.
 - (4) The following is added after Standing Order 83:
 - 83.1(1) No petition may be read and received if it does not contain a notice on each page that the name and address of every person who signs the petition may be made available to the public as the petition will be a document of the Assembly.
 - (2) Only petitions that are read and received may be made available to the public or to members.
 - (3) This Standing Order applies to petitions presented in the Assembly commencing in 1999.
- Be it further resolved that the following temporary amendments to the Standing Orders not be effective past the dissolution of the 24th Legislature:

2. (1) Standing Order 7 is amended
 - (a) in suborder (1) by adding "Recognitions (Monday and Wednesday)" after "Ministerial Statements",
 - (b) by adding the following after suborder (5):
 - (6) When Recognitions are called on Mondays and Wednesdays, up to seven members other than members of Executive Council may make a one-minute statement of congratulations or recognition, which is not debatable.
- (2) The following is added after Standing Order 37:
 - 37.1 (1) Documents required by statute to be laid before the Assembly may be tabled by providing the required number of copies to the Clerk before 10:30 a.m. on any day the Assembly sits.
 - (2) When the Clerk receives a tabling under suborder (1) which is in order, the Clerk shall read the title of the tabling when "Tabling Returns and Reports" is called in the daily Routine.
 - (3) The amendments in this section shall be repealed one week after the date the Speaker receives written notice to this effect from
 - (a) the Government House Leader,
 - (b) the Official Opposition House Leader, or
 - (c) the House Leader of the New Democrat Opposition.
3. The amendments to the Standing Orders in sections 1 and 2 shall take effect on Monday, March 2, 1998.

MR. HANCOCK: Mr. Speaker, Government Motion 21 outlines temporary and permanent changes to the Standing Orders agreed to by the three parties of the Assembly, the most noteworthy being the establishment of a category of recognitions, which will be addressed on Mondays and Wednesdays in seven one-minute allotments, governed by the recent signing of an append to the House leader agreement of April 30, 1997.

Mr. Speaker, I understand that the table has agreed that we do not need to read the full compendium of the changes to Standing Orders being proposed. While this motion reflects some changes to Standing Orders which are much less than I'd hoped we'd be able to accomplish, they're certainly nonetheless very important changes.

THE SPEAKER: The hon. Official Opposition House Leader.

MR. SAPERS: Thank you, Mr. Speaker. I want to say that it wasn't exactly the most dramatic set of changes, and I recall that when you were in the capacity of Government House Leader, the changes that you and the then Opposition House Leader made were far more substantial.

We are working towards resolving a couple of other procedural issues, but I do think it is noteworthy that all three parties saw that we had a problem in the proceedings of the day in how we dealt with recognitions and messages of congratulation. So I want to thank the Government House Leader for taking our request to his caucus and for at least the success we achieved, as limited as it may be, on just that point. I hope, Mr. Speaker, that we'll be able to have an exchange like this later on in the session to announce or to ratify some even more substantial changes in the Standing Orders.

THE SPEAKER: The hon. Deputy Government House Leader to close the debate?

[Motion carried]

head: Government Bills and Orders
head: Second Reading

2:50

Bill 3
School Amendment Act, 1998

THE SPEAKER: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Speaker. I'm pleased to bring forward Bill 3, the School Amendment Act, 1998, for second reading.

This legislation is largely a housekeeping document with proposed changes to just three sections of the act. What these amendments do is recognize the variety of learning options available to our students to develop good work skills and to accommodate voluntary changes in school board affiliations while continuing to ensure stability in our school system.

First of all, Mr. Speaker, amendments to section 37 update the School Act to reflect the growth of work skill options in our secondary schools. Today students have a much broader range of work skills programs, like the registered apprenticeship program, that include on-the-job training. By replacing the words "work experience" with the phrase "off-campus education," the act will now be able to cover the full range of options available.

The amendments also dispense with the need for ministerial approval of jobsites since school boards already are responsible for jobsite monitoring.

Most of the amendments in this amending act, Mr. Speaker, are to section 208.6. In speaking to school boards and other education audiences around the province recently, I have emphasized the need for stability in our education system. The amendments to section 208.6 allow us to accommodate further voluntary change without jeopardizing the stability and structure Alberta has worked so hard to achieve.

First, the proposed amendments define which entities may change their affiliations with a regional division, ensuring a smooth transition when a ward that had voluntarily joined one regional division chooses to align itself with a different school board.

Another amendment proposes to maintain the number of school boards in the province at 60, which is the total as of 1 April this year. Reducing the number of school boards to 60 has been part of our commitment to effective and efficient public school administration in the province, and it is a commitment we are going to keep. Accommodating choice is a key principle of our public education system, and it is also a principle that we will honour.

Local decision-making is a pillar of our education system, and it is a pillar we will strengthen by ensuring petitions to withdraw from a regional division are presented to that board instead of to the minister, empowering the secretary of the school board to determine the sufficiency of the petition, and ensuring that negotiators are elected rather than appointed by the minister.

I have said repeatedly, Mr. Speaker, that our students come first. Another amendment ensures that any changes to the structure of a regional division occur at the beginning of the next school year so that students are not disrupted.

The last section we need to amend, Mr. Speaker, is section

208.8. In Bill 21 last year we provided regional divisions with the ability to change their structure to a school division. Now we need to provide for interim trustees to govern a converted school division until a new board is elected. Right now there are three regional divisions that want to make the change to school divisions as of September 1; that is, this fall. However, the earliest a board could be elected is in October during municipal elections. We need to accommodate these regional divisions and wish to make the changes to 208.8 accordingly.

Mr. Speaker, in conclusion, in the interests of a stable, effective public education system, I urge members of this House to support second reading of Bill 3, which I now wish to move.

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

DR. MASSEY: Thanks, Mr. Speaker. Speaking to Bill 3, we had as a caucus looked at the bill and originally decided that we were in support of the bill. But a number of questions have arisen, and I hope that the minister will be able to help us out and to assure us that the concerns we have are not grounded in the actual wording of the bill.

If you look at the underlying principles of the bill, there are at least two that seem to stand out, and that is by broadening the power of boards to offer programs other than on school campuses and by broadening the terminology and dropping direct references to work experience programs, which have a specific meaning and refer to those programs offered in high schools where students go out and work in a business in the community or work in a service agency in the local community, to a wording that says "may provide off-campus . . . programs." That's a broadening of the act, as far as we can understand, and I'd be interested in the minister's comments.

The second principle is the continued trend towards larger school boards, and the principle seems to be that larger school boards are better. If I read the act correctly here, once a board has joined another board, they will never be able to reconstitute themselves but must always be attached to another board. So the underlying principle seems to be that bigger is better in terms of school boards, and I'd like to come back to that in a few minutes.

Going back to the notion of providing off-campus programs, if you look at the kinds of off-campus programs that are provided now by boards – and I look at this city – the Environmental Education Centre hosts students for partial or multiday experiences. The McKay Avenue archives also hosts students for programs there. Those are obviously off-campus programs for Edmonton public and Edmonton Catholic school students. Students are involved in off-campus programs such as travel and study programs, where they often will travel to Europe with high school teachers and have part of their social studies and language arts programs offered in those off-site locations.

Shop programs. Students move from school to school often to take advantage of superior or existing shop facilities located at other buildings or in other parts of a school district. I've already mentioned the work experience programs. They're the kinds of things that were mentioned in the act previously and have been successful.

There are other off-campus programs – and I'm not sure here where the definition ends – where boards direct students to take programs at schools that are off campus for them. I think of the programs for the blind, where they're even directed to go to other provinces for programs. I think of the special education programs that are offered by private institutions, and if they cannot offer

that program themselves, boards can direct students to those programs. Now, I'm not sure that they would be included or were intended for inclusion in this revision to the act, but again, the wording has raised questions. The minister in his opening comments talked about the apprenticeship programs and the need for them to be off campus. So there are a lot of off-campus programs now.

I think one of the problems that we run into is that nowhere in the School Act can we find a definition of what "program" means. I looked at references to programs in the definitions, and you'll find, for instance, that an early childhood services program "means an education program provided pursuant to section 24." Yet when you turn to those sections, you really don't get a definition of what a program is. It tells you how old the youngster has to be. It also tells you that the parent agrees. It tells you that they can levy fees. But nowhere does it tell you what is a program. There's confusion, I think, in terms of the differences between a program, a course of study, a subject, and a work experience program. I think we would be well served if the School Act in some future modification took on the task of trying to differentiate, trying to make some distinction between those different descriptions. Then we might not have the difficulty we have with this particular change in trying to determine exactly what an off-campus education program entails. Again, the references in the School Act don't seem to be of much assistance.

3:00

The question, of course, that's raised in our minds is: is this an attempt to move towards more privatization? By taking away the narrow focus on work experience programs, with which we're all familiar, and saying "off-campus education programs," are they now opening the door to boards coming into contracts and agreements with private providers for parts of the public education program? I think that's a concern that has to be voiced and that I think has to be addressed at some time by the government. Exactly what is the intention? What assurance is there that that's not the intent of this particular amendment? Again, the minister in his opening comments indicated that this was a housekeeping bill – and I take him at his word – but I think this concern has to be addressed.

Going back to the second principle that the amendment seems to address, the notion that bigger school boards are better. If you look back at the history of Alberta and the move to larger school boards, efficiency experts came forward and convinced us that larger school boards were better than the one-room schools and the one-room school districts that we had. Educational reformers again came and convinced us that there were economies of scale to be realized by bringing schools together, by having fewer school boards. It was argued that there would be better resources for youngsters, that they could be better supplied in larger settings than they could in small rural ones.

There are arguments about specialized instruction, that if you moved into a larger setting, if a school district had more schools, then the whole notion of specialization of instruction could be better carried out. Specialized facilities were again used as an argument for putting boards together, putting more schools together into larger and larger districts. In rural Alberta actually the centralization of schools was sold not primarily on the better education arguments but on the better roads argument, because to have those centralized facilities, they were going to have to have better roads to transport youngsters.

So we've had this history of moving to larger districts and combining schools, with the notion that it was going to be better.

That in the last little while I think has been questioned in a number of different ways. It was questioned by the government itself, who took actions to impose a ward system on Edmonton to try to break down a large school district. The argument has been made in some quarters that these larger school districts actually serve students poorly, that there is a disconnection, that the links between students and parents and their communities and their school districts are broken as the districts become larger. If you look at the sheer geographic size of some of the boards that are being created, you can understand how this might take place. When we have boards that extend almost from the eastern border of the province to the central part of the province, you can ask how connected those parents are to a board that sits in Edmonton, even though they may have a representative on it. So the notion of larger boards as being better is one that is being questioned.

There was an article in *Education Week* which addressed the paradox of educational power and attempted to explore the arguments of why reform in education has been inhibited because of this movement to larger and larger school boards, which become more and more remote from schools, which become more and more remote from teachers and become more remote from the ratepayers that support them. It also points to other changes that have been made – and those changes have been made here – the focus on performance measures at school district levels. If you're looking at testing results, that focus at school district level for those results takes accountability away from individual teachers and places it at the district level, which again is most remote from schools. So I think that it's time for some questioning of how much better large school districts are and how much better served children are by large school districts.

Those are some of the comments I have about the amended act, Mr. Speaker, and I hope that especially the concern about the change in wording from “work experience program” to “off-campus education programs” can be addressed.

Thanks very much.

THE SPEAKER: The hon. Leader of the Official Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I want to be in a position to support this bill. I rise in good faith to ask the minister to convince me of a couple of things. Like my colleague from Edmonton-Mill Woods I have some questions that are unanswered as yet. I see the act obviously addresses two matters, two issues. One is the question of off-campus education programs; the other is the question of re-establishing a ward with another division.

At face value I cannot see what the significance is of the change from “work experience program” to “off-campus education programs” unless it is to allow a more generous – if I can say that – consideration of what might be provided by private-sector interests wanting to get into the education field. The implication could therefore be that this is a step that will allow, unintentionally if not intentionally, the further privatization of the education system in Alberta. I am opposed to a broadening of private education because it can seriously erode public education, and public education, as the minister has stated, is so important to our society to ensure that people are given fairness of opportunity and equality of opportunity in our society.

My concern and perhaps the intensity of my question therefore are heightened by statements published by Lou Hyndman, a former member of the Conservative government, dated January 1995 in which he seems to be making an effort to explain what

this Conservative government was really doing. He uses these words, and I quote from his paper.

It is to permanently change the relationship between Albertans and their government and to fundamentally restructure the traditional activities of government.

This was in response to his feeling that the government was being unfairly accused of being focused only on cost-cutting and the elimination of the deficit and was forgetting the importance of these other issues like education.

3:10

Then later in the paper – it's page 5 – he's talking of the consequences of the changes that will come from – I'm quoting him – “the ‘real’ Klein agenda.” He says that

new small and middle sized businesses that can start to carry out work formerly done by Departments, Boards, agencies and commissions will be formed. Liquor stores and private Drivers License outlets are just the start. Provincial parks, jails, some social services, many inspection services, are all up for transfer from government departments.

Then just a few paragraphs later, as if in anticipation of these consequences, he says about “opportunities . . . from the ‘real’ Klein agenda”:

Educators should plan for a regime where 50% of all teaching takes place outside the K-12 system and should seek to be actively involved in comparative performance measurement.

That is a loaded statement that dovetails, one could argue, quite unfortunately with the change from “a work experience program” to “off-campus education programs” and opens up very strongly the possibility of an emphasis on more and more privately delivered education services. I would like to see the minister somehow convince us, make an effort at least to convince us that that is not the case, that that is not what motivates this particular amendment, and in doing so, also provide us with what does motivate this particular amendment. If he could be more explicit than he's been up to this point about that.

The other issue that raises questions is the matter of a ward of a regional division holding a plebiscite to remove themselves from one regional division and to join another regional division. Not fighting democracy, it would be appropriate that wards should have the right to move from one division to another. I am concerned that that might be designed to support only the creation of ever larger school district authorities, that if taken in isolation would certainly deny the possibility of establishing new education districts that might be warranted by population trends or community variables. I think that we don't need to rule out the possibility of certain new districts being created and not just allow for the reshuffling of wards within and between already existing regional educational divisions. So I would ask that the minister give us some insight into whether he is cutting off all possibility of more districts being created, if they were ever determined to be necessary, or whether this is simply a provision which deals with an isolated case and doesn't have implications for that broader case.

Thank you, Mr. Speaker, for allowing me the chance to raise those two concerns, and I'll let somebody else address them.

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

DR. PANNU: Thank you, Mr. Speaker. My reading of Bill 3, the School Amendment Act, 1998, leads me to raise several questions when I compare section 37 that's being repealed and the existing act. In the reading of that section being repealed, I notice that there's a term called “work experience program” referenced

rather specifically. That will be replaced, I guess, in the amended act, if this bill were to be passed, by a statement which refers to "off-campus education programs." It's in the plural. The amendment obviously seeks a much broader scope and mandate for placing students away from campus – campus as the school precinct, I suppose, as defined.

Also, the notion of the workplace is not clear. There's no definition in the new amended section 37 of what constitutes a workplace. As I read the bill to amend the act, at the moment it seems it's really an attempt to seek statutory powers that will be placed with the boards to contract out education programs presently provided on campus by school boards themselves. In other words, as I read section 37 of Bill 3, it seems to me to be a clear attempt to seek on behalf of the boards, to give to the boards the powers to privatize whatever education programs they see fit for contracting out, privatization, or delivery by persons other than the boards themselves. I would like the minister's response specifically to this concern of mine, because if indeed what's sought here in section 37 is the contracting-out powers to be given to boards, then clearly I would not be able to support this bill in principle.

Also, I have a question about the fact that in section 37 of the proposed bill, I find that the school boards will not be obliged to seek approval of the minister in making these decisions about getting education programs delivered by persons outside of the school premises. In the existing act the minister is required to give such permission for a work experience program, as it's specifically stated there. But in the proposed bill the minister disappears from the scene, again leaving to the school boards all the necessary powers that they need or will seek in order to privatize programs at will. So that's a serious concern, and I hope the minister will specifically and openly address this for us in order for me at least to be able to make up my mind whether to vote for or against the bill in principle.

The difficulty with the notion of the workplace, of course, as a site where education programs could be offered, where some programs, at least, will be offered if this bill were to become reality, raises questions also about the health and safety aspects of workplaces, which normally are covered under the health and safety legislation. Would students who will receive their education in these workplaces be covered under those statutes which deal with occupational health and safety?

3:20

Workers' compensation and employment standards legislation clearly also apply to the regulation of workplaces with respect to wages and the interests of people who work in the workplaces. So I find the notion of the workplace, as long as it remains undefined, problematic. With respect to the safeguards that one needs to show them, some would have to do with the health and safety interests and other interests of future students who will presumably be sent out to seek education programs in places called workplaces, not knowing what the workplace is, how it is defined, whether or not it will be covered for the purposes of students under the provisions of the Workers' Compensation Board's responsibilities or under health and safety or employment standards.

Also, going to section 208.6, which is being repealed and being replaced in order to change the arrangements under which petitions can be made by a ward "to provide for a plebiscite to determine whether the ward should be withdrawn from the regional division," again I find that the minister's role in the process is being eliminated. It's now "the board" that will be the

authority to which such a request will go, and it's "the board" that will have to deal with this. I again find it somewhat puzzling as to why the minister seeks to withdraw himself or herself or his department's central role in the determination of matters related to plebiscites seeking withdrawal from the regional division.

The one implication – and the minister, I'm sure, will inform me on this – of passing this authority with respect to plebiscites solely to the level of the boards could be of course the costs of holding plebiscites. Clearly, in the present act it is the minister's responsibility to provide for such plebiscites. In the amendment that is sought in section 208.6, the minister's withdrawal implies, of course, that if there are any costs or if there's any commitment of additional resources needed in order to carry out the plebiscite, the expenditures and other commitment of such additional resources would clearly be the responsibility of the board itself rather than the department or the minister. This is a matter that, again, concerned me given that the board's capacity to raise funds on their own has been severely curtailed by the earlier decisions of this government. It would appear to me that this change, which would translate into additional costs for carrying out another activity on behalf of the minister, is unreasonable and an unfair demand on the resources of the board, limited as they are, I think, at the moment across this province. So these are my two major concerns.

To conclude, I think I should ask the minister if he would at least define for us exactly what "off-campus" would mean, what "workplace" would mean, and whether or not these changes are indeed enabling legislation, enabling if not encouraging school boards to contract out what they have historically been responsible for delivering and doing on behalf of ratepayers and citizens in general.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I, too, have a few comments on this bill and would like to have them clarified before we vote on it. One of them has to do with the minister's opening comments. He talked about this bill moving forward to ensure stability in education. That concerns me a little, because I would think that ensuring stability means that what you're going to do is establish what the proper framework is for the delivery of service and then properly fund it. Ensuring stability, in my mind, means that I don't have to go out and sell chocolates to make sure that my kids have textbooks in their classroom. Ensuring stability, to me, means that I don't have to go work bingos and casinos night after night to ensure that there's proper funding in the schools. So I think that he more properly would have addressed that concern by addressing those issues.

In terms of this bill, the current section 37, I have some concerns with "a work experience program" changing to "off-campus education programs." I'm wondering if he can tell us if these are work skill programs, specifically, or if they include extracurricular kinds of activities. He talked to us about providing a full range of options that are available. Could he tell us what those are? Could he table those options or describe them in some detail here in the House so that we're making an informed decision when we vote on this bill? I think that that would be very appropriate in this case.

Also in his opening comments he talked about the number of school boards existing in terms of "1 April this year." Was he talking about 1997, or was he talking about 1998? So if he could just clarify that for me.

I have some concerns, like the Member for Edmonton-Strath-

cona had, about the WCB implications of putting students in some of these work environments, and I'm wondering how you translate work credits for employable income earnings, which is what WCB funds on. Perhaps if you could address that issue, I'd be happy about that.

Also, when you talk about the decision-making power that's going to be left to the school boards, who is going to be monitoring for consistency in these programs? I think that needs to be addressed as well.

So if he could answer those questions, Mr. Speaker, then I'll be able to decide how I'll support this bill.

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

MR. SAPERS: Thank you, Mr. Speaker. Bill 3 was much anticipated, at least by this member. There's been so much discussion and debate about education and the state of public education in this province that I must admit I was a little disappointed when I first saw this. In particular, I'm thinking about the task forces that are out about the province right now looking at everything from capital infrastructure to private-school funding. I thought we would see something from this minister that would give us a clear, straight-ahead snapshot of where the government was going with public education, particularly K to 12 education programming and funding.

I was hoping, as well, that we would see something concrete about integration of the community and technology and so many of the other aspects, or facets, of community life that we're seeing other jurisdictions embrace when they remake their public education policy. Unfortunately, I didn't see a lot of that, but there are parts of this bill which, I suppose, could branch out and could encompass all of those things. It kind of comes at it sideways though. It's the part of the bill that deals with the "off-campus education programs." I wish I had a clear sense of what that meant and what that held for the future in Alberta.

3:30

I had a number of thoughts that came to mind when I read that. One of them was the document that was published on the web site for Career Development Alberta, which talked about opportunities in Alberta. I remember reading that. In several places in that document it talked about growth in private education. It talked about the potential for business to be more involved in what has been public enterprise. It talked about the growing job demands, the projected employment for people who were willing to take an entrepreneurial risk when it comes to providing educational programs. I was wondering whether or not that was really a little bit of foreshadowing, you know, giving us a glimpse of what's really meant in Bill 3.

I'm assuming that members of Executive Council get together and talk about these things, so I'm assuming that somebody has a plan and that it's been discussed. I know what they say about making assumptions, Mr. Speaker. Nonetheless, I am making the assumption that the Minister of Advanced Education and Career Development would have been at a meeting at some point with the Minister of Education and that they would be discussing how their departments and their plans are going to dovetail and fit together in some kind of a coherent whole. So I am confident that that's happened, but I wish I could have the same confidence about what Bill 3 means for that particular vision of the future.

Another thought that came to my mind about the off-campus workplace and the lack of definition about what the workplace becomes and how unregulated this could become was my reflec-

tion about a newspaper article I read I think just last week about a very unfortunate and somewhat sordid episode that involved a member of the Royal Canadian Mounted Police and a student who was involved in a ride-along program. That particular member of the RCMP has been, I believe, charged and maybe even convicted now of sexual exploitation because of using his position of authority to seduce, I suppose, take advantage of this young woman. So here's a student who's out in an RCMP cruiser on a work experience program. I guess the last thing I would think the government would want to be doing right now is leaving these work experience programs even more undefined or more unregulated. I mean, if you think about it, if this kind of a circumstance could arise with the present environment and involve a member of a law enforcement agency, imagine what could happen and how much more abusive it could be if we go ahead and leave work experience programs to be largely unmonitored, unregulated, ill-defined.

[The Deputy Speaker in the chair]

I guess the third thought that came to mind when I saw this bill, particularly the sections about off-campus education programs, is the ability to monitor or measure or determine the applicability of one course of instruction against another, one experience against another. Will we be able to determine in any valid way whether one student's experience approximates another student's experience and then make sure that one student didn't gain an unfair advantage or in fact receive an unwarranted penalty for being involved in a work experience program that was substantially different from that program that another student was involved with? Mr. Speaker, it seems to me that we owe it to our students and to their parents that there should be some sort of predictability about these kinds of programs.

There are many educators and former educators who are now members of this Assembly, and I think that everybody that's been in the position of trying to either set up, establish, monitor, or supervise a work experience program will tell you that they can become little more than an administrative annoyance and a bit of a free ride for the student unless a lot of thought and effort goes into them and unless a lot of care and attention goes into what you expect the student to get out of those programs. As far as that goes, Mr. Speaker, I think the same care and attention has to go into what we would expect the employers or the supervising agencies to get out of those programs.

My own experience is that I've been on both sides of that equation. I have been called upon to supervise students in work placement; I've also been called upon to design work placement as an educator. Some of the most enriched learning experiences have come about as a result of these kinds of programs. Unfortunately, in the words of both the students and the supervising agencies, some of the largest wastes of time have also come about in the context of these kinds of programs. So I share that concern with the Assembly.

I would ask the Minister of Education to make it clear to the House, before we proceed much further with this bill, just what exactly he had in mind, how it's going to be set up, how it's going to be monitored and regulated. Certainly, he doesn't want us to embrace a legislative proposal that would have workplaces or the work experience completely left to chance. I'm certain that the Minister of Education knows better than that, and we would want some definition and some structure even if it was in the dreaded regulations section of the bill. I note, of course, that there is a healthy regulations section in this bill.

I can promise you that we'll have time in committee to deal

with the requisite amendments to correct the deficiencies in the bill in that regard, making sure that those substantial items that should be part of the bill are moved into the bill and that those areas that are left to being dealt with by regulation will be referred to the Standing Committee on Law and Regulations so that they can be debated. Of course, I think you're familiar with the form of that amendment, Mr. Speaker.

The last point that I want to raise at this point in the debate is really to underscore Edmonton-Ellerslie's contribution to the debate about the stability of funding. Just last week I worked at a casino till 1 in the morning. Luckily, Mr. Speaker, it was one of the casinos that shuts down at 1 a.m. instead of 2 a.m., so I didn't have to stay all the way through till 2. I also didn't have to stay in the count room, which means I didn't have to stay until 3:30. And liquor consumption wasn't particularly high that night, not like the last casino where they had to call security to break up a couple of fights at the gaming table. Actually this one didn't have any violence attached to it, so I guess it was a relatively benign experience.

The irony struck me that here I was rushing away from the Assembly in the middle of budget estimates debates to go show up at Argyll casino to start my shift as a chip runner, which is a very, very exciting and worthwhile thing to do, Mr. Speaker. I was doing this to help raise money for my daughter's public junior high school. The irony just struck me as I was looking out over the crowd of people at the gaming tables, those plugging money into the VLTs and the one-armed bandits and going into the poker room. I was thinking about what they might say if I asked every one of these people if they would give my daughter a \$5 contribution to her school, what they might say about the role of government in providing tax revenue to support public education.

The thought struck me, Mr. Speaker, that I stood a much better chance, filling my shift as a chip runner, to help pay for some of the needed things at that school than I would have stood if I had gone and tapped each one of those players on the shoulder and asked them for a \$5 or a \$10 contribution. That's not because those people in that gaming room aren't generous. You know, what I imagine they would have said to me is: that's what I pay my taxes for; I already contributed to your daughter's public education; that's why I pay my taxes. You know, I couldn't have argued with them. I would have thought that they would have made a very . . . [interjection] Oh, was the question: why did I? Was the Member for St. Albert rising under *Beauchesne* to ask a question in debate?

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: I didn't see anyone rising on a point of order. The chair was merely going to observe that I was finding it difficult to listen to the hon. Member for Edmonton-Glenora because there appeared to be a second voice which was coming over the system as loudly as the first voice. When I look at the first voice, I see that he is the speaker that's up now, but the second voice has already spoken. I wonder if we could just have one speaker at a time, please.

Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I think he was provoked and was rising to my defence.

3:40

Debate Continued

MR. SAPERS: I understand that in the exchange – and this is

relevant to the bill at the principle stage – there was a question put to my comments about the casino and my ruminating about what I was doing at this casino and whether I was really helping or not in volunteering to be a fund-raiser for my daughter's school. The question was put: well, if I didn't like it, why did I go? Of course, that's because in Alberta today organizations, whether they be charitable organizations, church-based organizations, or school-based organizations, have been denied every other avenue and opportunity of government funding. They've been denied every other means of obtaining necessary dollars to do anything but the exact bare minimum.

The Minister of Economic Development is saying that I'm raising the money for a ski trip. Perhaps she would like to spend some time in Edmonton public schools. She could see that this money is being raised for computers, for software, for desks, for classroom textbooks, for laboratory equipment: Bunsen burners, microscopes, telescopes, petri dishes. Mr. Speaker, every other legitimate means has been cut off. There was once a time when government saw it as their prerogative and, in fact, part of their essential purpose to provide organizations such as school boards and other nongovernment and charitable and quasi-public organizations – government saw it as the right thing to do to provide access to grant money to these organizations that had worthwhile and demonstrable need.

What's happened in Alberta in 1998 is that, instead, everything is left to chance, literally a game of chance. If the games happen to skim off enough money and there's enough money left in the pool, then these organizations can apply for all of this speculative gaming, gambling revenue. That's how the government now in Alberta lives up to its obligation to help these quasi-governmental, quasi-public, not-for-profit, nongovernment organizations meet their established needs.

So, Mr. Speaker, when I take a look and I see that the bill mentions stability or predictability of funding for education and I stack that up against my own experience and I stack that up against the need for every parent who cares about their child's education to go and participate in all of these fund-raising drives, whether it be selling pool tickets or Entertainment books or going to work at casinos and bingos, I see a real distance between what's in the bill and what the reality is.

So if the Minister of Education would take just a couple more minutes and at some point would respond to the concerns raised about the lack of definition in terms of the workplace, the unregulated nature of what these work experience programs may become, how this bill fits in with the task force on private-school funding, with the task force on school infrastructure, if he would reflect on the relationship between his department and the Department of Advanced Education and Career Development, particularly when it comes to the potential for growth in private education, if he would let us know how technology fits into this overall plan, and if he would tell us about the stability of the funding, I would certainly appreciate it, and it would make it a lot easier for me to endorse this bill.

If the minister has a satisfactory response to all of these issues and if he's able to articulate that response in a way that's understandable and acceptable, I for one am more than happy to hear it and would love to be persuaded that this government has a clear vision of the future of public education in this province and a vision that includes truly predictable and stable funding, a vision that includes the integration of K to 12 education with postsecondary and lifelong learning, a vision that keeps the public in public education, puts the public interest first and foremost.

Thank you very much, Mr. Speaker.

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

MR. MacDONALD: Thank you, Mr. Speaker. On the School Amendment Act, Bill 3, as proposed by the hon. Minister of Education, I have a few comments and a few questions for the minister this afternoon.

The principle of providing off-campus education for students is a sound one. This has gone on in technical and vocational training since the minister of advanced education, the hon. Member for Lethbridge-West, introduced the Alberta qualification certificate program back into the advanced education system last April. Now, this system that was reintroduced helps people help themselves. They can learn at their own pace. They can learn from remote areas; they don't have to come to one of the big centres to get a formal education. Now, the only problem I have with the minister's proposal, this Alberta qualification certificate program, is the fact that of course they increased fees from \$25 to over \$710 in some of the trade qualifications, the idea that we can with the stroke of a pen.

In the current section 37 of the act: work experience program. The proposed title of the new section 37 is: off-campus education programs. Now, subsection (4) of section 37 says:

A student who is participating in an off-campus education program is considered to be attending school while at the workplace provided for the program.

Who, Mr. Speaker, is going to pay the wages of this student? Is this some sort of combination of federal/provincial departments? Is the businessperson going to pay the wages? Also, is this in combination with the minister of advanced education an expansion of RAP?

Earlier in the day we talked about the perceived labour shortage in this province. The minister of advanced education has many times spoken eloquently about RAP. There are many people in the province who would say RAP is nothing more than forced, cheap labour. That's how it was described to me. They're not at all satisfied with RAP. I'm waiting for statistics from these individuals before I would dare question the minister, but I am telling him that this is what people are telling me about the program. They think it's a good idea, but it is not working. If the Minister of Education is somehow going to provide the same program in this bill, I would like to hear about it. I would like to hear about that very much, because I am concerned about the opening of the door to more privatization in our education system in this province. This amendment to the School Act helps facilitate this transfer from the public to the private sector, and I have a lot of concern about that.

With those comments I will take my seat, and I will anxiously await the Minister of Education and his response to my questions.

Thank you.

MR. HANCOCK: Mr. Speaker, I move we now adjourn the debate on Bill 3 at this time.

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 3. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

3:50

Bill 17

Metis Settlements Statutes Amendment Act, 1998

THE DEPUTY SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. I would like to begin discussion on Bill 17, the Metis Settlements Statutes Amendment Act, 1998, by outlining its primary purposes. I will then discuss some of the more significant features of the bill in greater detail.

Bill 17 has four primary purposes. It implements new financial arrangements developed by the Métis Settlements General Council and the government through amendments to the Metis Settlements Accord Implementation Act. It makes amendments to the Metis Settlements Act to improve or enable changes to the governing structures and systems on the settlements. It recognizes the Métis settlements as a form of local government in Alberta through the amendment of a number of provincial statutes. It amends other provincial acts to recognize the Métis settlements land registry as the place where settlements' interest in land must be recorded.

Mr. Speaker, when the Métis settlements legislation was introduced and debated in 1990, there was considerable discussion in this Assembly regarding the fact that both the settlements and the province were embarking upon a unique experience. At that time it was recognized that it would be necessary to review periodically the contents of the legislation to ensure it was meeting the needs of the settlements and their members. After nearly eight years, during which the settlements and the government have worked together in implementing the legislation, we have identified a number of changes to help the settlements better serve the needs of their members.

I would like to stress the co-operative process through which Bill 17 was put together. The Métis Settlements General Council proposed most of the amendments contained in Bill 17. Their representatives participated directly in the drafting of the bill. I think the level of co-operation and participation in developing Bill 17 is indicative of the continuing positive relationship between the settlements and the Alberta government. The legislation passed in 1990 was developed through close consultation between the settlements and the government of the day. This commitment to working together is the foundation of the relationship between the settlements and the province.

As I said before, when the settlements legislation was passed in 1990, it was generally recognized by all involved that there might need to be adjustments to part of it. One of those was the area of funding. In 1989 and 1990, when the funding arrangements were developed by the settlements and the province, it was recognized that it would be desirable to review periodically these arrangements. To ensure this would happen on a regular basis, the Metis Settlements Accord Implementation Act provides that financial reviews are to be conducted by the general council and the government at specified times. The intent of these reviews, as expressed in section 9 of that act, is to consider whether the funding arrangements reflect the needs of the settlements and their members in light of prevailing circumstances.

In 1996 one of these financial reviews was conducted. This was particularly important for the settlements as the funding arrangements contained in the Metis Settlements Accord Implementation Act were scheduled to change in 1997. The capital and operational funding to the settlements was going to be decreased from \$25 million to \$10 million, plus funding from the matching grants program established by the act. The settlements and the

government sat down together to review the progress that had been made since 1990 and the circumstances in 1996. After careful analysis both parties felt the matching grants program did not provide any certainty regarding the level of funding that would be available. There was concern the funding would not be adequate to meet the needs of the settlements and their members. As a result, the settlements and the government worked together to develop and propose alternative funding arrangements, which were presented in a business plan.

Both parties felt that these new arrangements would provide greater certainty and at the same time provide ongoing opportunities for adjustments depending on the circumstances. At the same time, both the settlements and the government recognized that it would be necessary to amend the existing provisions of the Metis Settlements Accord Implementation Act to accommodate these new arrangements. It was agreed that the matching grants program contained in the Metis Settlements Accord Implementation Act would need to be suspended as long as the alternative funding arrangements agreed to by the settlements and the government were in place. The Metis Settlements Statutes Amendment Act does this.

It might be asked why the amendment simply does not eliminate this program altogether. The settlements felt that suspending the program was preferable. If in the future they and the government cannot reach agreement on funding arrangements, then they will be able to return to the matching grant system. For every year that a funding agreement is in place, however, a year of eligibility under the matching grant program will be eliminated.

This approach to funding arrangements reflects the continuing evolution of the relationship between the settlements and the government. It is based on the business planning model employed by the government. The settlements have recognized the value of this approach and its potential to improve the effectiveness and efficiency of any government. Business planning also provides flexibility and the ability to make adjustments to meet changing circumstances.

The ability and willingness to make adjustments is also reflected in the fact that the settlements and the government worked together to review the Metis Settlements Act to determine if changes to it were necessary. After several years of experience it was clear to both parties that adjustments could be made to improve the governing structures and systems for the settlements. The amendments to the Metis Settlements Act contained in Bill 17 reflect this experience. There are a considerable number of amendments, and I would like to discuss a few of them in greater detail.

The first changes I would like to discuss are in the area of elections. The amendments will clarify the requirements for candidates for settlement councils to make disclosure statements of financial interests and the impacts of failing to do so. This has been the subject of several disputes surrounding settlement elections. The amendments will improve the election process and give settlement members more confidence in it.

The next amendment in this area would enable changes to the timing of elections and the length of councillors' terms of office. Currently there is an election every year in May on the settlements, and councillors are elected for staggered terms. These provisions were based on the election processes contained in the former Metis Betterment Act. They were what the settlements knew and were used to. Over the years, however, the settlements began to realize having elections every year detracted from their ability to develop and implement long-term planning. The timing

of the elections in May can also be a problem. Settlement budgets are approved every year, coming into force on April 1. When the election is held in May, a significant change in the council can occur. This can create difficulties in achieving a settlement's objectives. As a result, Bill 17 will enable the election process to be amended by regulation. The settlements will have to develop and propose any changes to the election system. The government will work closely with the settlements in responding to their proposals for changes.

Another amendment I would like to discuss relates to the allocation of funds among settlements. Currently the Métis Settlements General Council, which is comprised of all the settlements, must make a policy every year to divide funding among themselves. Bill 17 provides that general council will be able to make long-term financial allocation policies which can be amended if necessary. This will enable the settlements to improve their long-range planning to meet the needs of the individual settlements. This is consistent with the emphasis on the business planning processes which the settlements are now employing.

Another amendment to improve the administration of the settlements creates a type of interim supply capacity for settlement councils. Currently settlements can only spend money on the basis of a budget approved by settlement members. While this principle will be maintained, Bill 17 will allow a settlement council to spend up to \$100,000 to maintain basic settlement operations if a bylaw is not passed by April 1. This has happened in the past. It has placed settlements in a difficult position. Having the ability to spend up to \$100,000 until the budget bylaw can be passed will enable the settlements to maintain their administrations.

There are also amendments proposed which affect the operation of the Métis Settlements General Council. Bill 17 will clarify the rules for voting at the general council. The bill also provides a mechanism to adjust the list of areas where the general council can make policies. General council policies govern the actions of the settlements. Settlement bylaws, for instance, cannot be inconsistent with the policies. The Metis Settlements Act contains a list of areas where the general council can make policies. That list was developed to meet the needs identified in 1990. Bill 17 will enable the minister, at the request of the general council, to make a regulation adding to the list of powers.

In addition to the regulation-making power, a specific amendment is proposed to empower the general council to make a policy regarding fees, charges, and levies that can be imposed by settlement bylaws and providing for their collection. This amendment will contribute to the settlement's goal of self-reliance. They have committed to increasing the contributions of settlement members to the costs of services provided to them. This new policy-making power being provided to the general council will facilitate achieving that objective.

In respect to the structure of the general council, Bill 17 provides the opportunity to change the size of the general council if the settlements want to do so.

4:00

Mr. Speaker, there are a number of amendments to the Metis Settlements Act which are directed at improving the administration and management of settlement lands. The Métis settlements land registry is established by the act. A separate registry system was deemed to be necessary to reflect the fact that the interests in settlement lands are unique. The development of the Métis settlements land registry by the settlements and the province was a significant achievement. It is the only registry system in the

country that was specifically designed to record interests in lands held collectively by aboriginal people.

It is true that the federal government, through the department of Indian affairs, maintains a registry of interests in reserve lands. That system, however, was not designed with the input of the First Nations, and the federal government has only recently begun to look at how to improve it. In fact, Mr. Speaker, federal officials recently met with representatives of the Métis Settlements General Council and government officials to discuss, amongst other things, how the Métis settlements land registry was developed and how it operates.

As I said, the Métis settlements land registry is unique. Since it has been operational, some adjustments to the legislation have been identified which would improve its operation. These relate to how interests in land are registered or recorded in the registry. There are different categories of registration which are used in the registry which have different effects. Interests in land can be registered, recorded, or filed. Although the regulation-making authority in the Metis Settlements Act to establish the land registry referred to these different categories, the other references only referred to registration and not to filing or recording. As a result, Bill 17 proposes amendments to the Metis Settlements Act in various sections to reflect the operation and requirements of the land registry.

Mr. Speaker, there are a number of other amendments to the Metis Settlements Act contained in Bill 17. I do not propose to discuss all of these at this time. I would be pleased to address the other amendments later if desired.

I would now like to turn to the amendments to other provincial statutes which recognize settlements as a form of local government within the province. These amendments reflect and implement the principles contained in the Metis Settlements Accord Implementation Act. It has always been the intent that the settlements should be able to function within the mosaic of local governments in Alberta. It is also necessary to recognize, however, that the settlements are different in some ways than other types of local government. The amendments contained in Bill 17 cover a wide variety of subject matters. Most of them are fairly straightforward; others are a little more complex. They are all intended to provide the settlements with the power, rights, and responsibilities of other local governments and to enable the more effective application of provincial programs on settlements.

Mr. Speaker, I will outline some of the amendments to give a picture of their purposes. Municipal councillors are not required to serve on juries; settlement councillors will now also be exempt from jury duty. The Public Lands Act says that public land may be sold to a municipal corporation at a price determined by the minister; settlements will now be included in the definition of municipal corporation. Rural utility associations can sell their works to a municipality under the Rural Utilities Act; they will now be able to sell them to settlements. Under the Cemeteries Act only religious societies and municipalities can establish new cemeteries; settlements will now have the authority to do so.

Mr. Speaker, there are many more similar amendments, but as I said before, I don't propose to go into detail about every one of them. I would stress, however, that these amendments were developed in close consultation with the settlements. In fact, it was the settlements who developed the proposals for the changes.

The final category of amendments recognizes the Métis settlements land registry, which is established by the Metis Settlements Act. Section 104 of that act provides that interests in settlement lands cannot be registered in land titles offices; it must

be filed in the Métis settlements land registry. This section of the Metis Settlements Act reflects the fact that the settlement lands are unique in Alberta and in Canada for that matter. They are the only lands in the country collectively owned by Métis people as represented by the Métis Settlements General Council. They were in 1990 and still are the only constitutionally protected Métis land base in the country. The interests which people can hold in settlement lands are also unique. They are created by a combination of provincial legislation and general council policy and reflect the aboriginal culture of the settlements. As a result, the decision was made in 1990 to create a separate land registry system for the settlements and to require that interests in settlement lands be reported there.

Mr. Speaker, there are a significant number of provincial statutes which deal with the recording of interests in land. Bill 17 updates these statutes to reflect the requirements of settlements. Settlement lands must be registered in the Métis settlements land registry and the nature of those interests in land.

As with the previous categories of amendments, I will not go into detail about each one. I will, however, give some examples illustrating the nature of the amendments. For instance, the Public Health Act provides that notices of health hazards can be filed at a land titles office. Bill 17 provides that such notices can be filed at the Métis settlements land registry. The Land Agents Licensing Act contains a definition of "owner of land," which includes a person who is shown by the records of the land titles office as having an interest in the surface of land. This then determines who must give consent to surface access. Bill 17 will include a reference to the lands held in land registered at the Métis settlements land registry.

Both the Rural Electrification Long Term Financing Act and the Rural Electrification Loan Act will be amended to enable the making of regulations to reflect the uniqueness of settlements' land interests, specifically the prohibitions contained in the Metis Settlements Act and the Metis Settlements Land Protection Act against the use of the fee simple title to the settlement lands as security.

A number of amendments to the Surveys Act are proposed. These recognize the Métis settlements land registry and clarify the requirements for survey and official plans of settlement lands.

Again, Mr. Speaker, I'm not going to discuss all the amendments in detail. Taken as a whole, they will improve the administration of settlement lands and enable the effective application of a number of provincial statutes on settlement lands.

In conclusion, Mr. Speaker, Bill 17 represents the settlements' and the province's continuing commitment to work together to improve the governance of the settlements and better meet the needs of the settlement members. Developed co-operatively, the bill will provide for more effective settlement operations and further recognize the Métis settlements as part of the fabric of governance in Alberta.

Mr. Speaker, I ask that Bill 17, the Metis Settlements Statutes Amendment Act, 1998, be presented for second reading by the Legislative Assembly.

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

MS OLSEN: Thank you, Mr. Speaker. I'm pleased to rise today to speak to the amendments to the Metis Settlements Statutes Amendment Act. I need to note, though, that I've had a number of the grassroots members contact me since this bill has been put

out with some concerns. I think the idea behind this bill is to improve governance on the settlements, to improve accountability. It sets up and recognizes the settlements as a unique form of local government with powers similar to municipalities. I don't think that in itself is all a bad thing to do. As a matter of fact, it sets up an accountability process that is far more accountable, but I must bring up some concerns from the grassroots folks from the settlements.

I can't deny the fact that there's some animosity that exists between the Métis general council, the settlement councils, and some of the residents on the settlements. One of the big concerns I have, which has been pointed out to me over the last week or so, is that I'm wondering what opportunity the ordinary people on the settlements had to know what changes have been made and what kind of input they had. Have they seen a draft copy of the bill? I understand that apparently many of the people on the settlements did not actually see what was being proposed, so there are some concerns there.

It would be very important for me in supporting the principle of this bill and the amendments down the road to know that every aspect was dealt with in terms of consultation. What did public consultation actually mean? We know that from the government side that can mean any number of different things. Was that just with the council members from the settlements? Was that just with the settlement council members and the general council? I'm just quoting from the Métis Settlements General Council news release: "All of the changes were based on consultation between the Government and Settlements." That comment was made by a member of the Métis Settlements General Council. I guess I'm wondering: what indeed were those consultations? Who were the people from the settlements that were consulted? So that is of huge concern for me, because I've had people contact me saying that they haven't seen the bill, that the public consultations were limited and they didn't go far enough. Holding a public meeting just is not going far enough.

4:10

One other concern that was pointed out in these particular amendments or to the bill itself was the inability of settlement members, those folks living on the settlement, to be able to pass down through a will the property they have in their possession. The land can't be passed down. If somebody's father passes away, he can't pass that on through a will to the son. So there's concern, then, that the family may indeed lose that land. I'm wondering, you know, what sorts of arrangements have been made to protect the people who are living on the land or if the settlement council could just take over that land. So I see a need to make the legislation strong enough to protect all the individuals on the settlements in relation to that.

There's also another concern, about no one being permitted to live on a settlement unless they're a health professional or a teacher. As we've moved forward, common-law relationships exist. Does that exclude the common-law spouse of another individual so that they couldn't both live there if they weren't legally married? I think that would have some serious implications down the road.

Also brought up to me – and I know I've brought this up to the minister before, but I'm compelled to bring it up again, certainly to get it on the record here. That's in relationship to the membership and voters lists. I think what's important is that we recognize this as an ongoing issue. I recognize that some of the residents of the settlements will be grandfathered or should be grandfathered. They should always be able to stay there.

However, there is some concern, and I believe those concerns were brought up to the minister. Apparently, one of the settlements had been asked to submit a list of names that could be verified in terms of whether or not they had Indian or Métis status with respect to section 90 of the Metis Settlements Act. The concern there was that this couldn't be done because they had to go through the settlement council, and the settlement council refused to act on that particular request. So there are some barriers for some of the grassroots people living on a settlement. That's still an issue, and I certainly think, given the long-term problem with this, there's got to be a way to mediate a settlement with these folks and have them come to some understanding on who can live on the settlements and, you know, who has the right to be there.

I guess one of the other issues around that is that if people have been given status to live there in some instances and now we have a restriction on who else can live on the settlements – so somebody in a common-law relationship can't live on the settlement with their spouse – then that raises some concerns for me. So I think it has to be deemed to be fair. The impact of the legislation is very far-reaching, so I'm very compelled to ensure that everybody is satisfied, not just the councils and the Métis Settlements General Council.

Also, in relation to the issue around financing and budgeting, if the settlements are now going to be functioning like a council, a city council, I'm wondering if any thought has been given to the Auditor General's recommendation to the government that they do a quarterly budget update to assist the councils; in this case so they can see just where the necessary adjustments need to be made and ensure that the budget comes within a prudent 1 or 2 percent variance on either side. So I'm wondering if any thought has been given to that. I know that the Auditor General would like the provincial government to get there and attain that type of budgeting process. I think it would help with the accountability for the councils, and it would certainly allow the members to feel comfortable that their council was working in a prudent way.

You talk about in the new bill that a financial allocation may apply to more than one financial year, but it doesn't state what the maximum would be. I think it would be prudent to have a maximum number on that.

I'm wondering again in terms of the bylaws. There was some discussion that the amendments allow the settlements to expend up to \$100,000 under the authority of a council resolution. I'm wondering what would be deemed as a reasonable delay in passing bylaws, and maybe something could be outlined so people know and understand that what the council is doing is in their best interest. I think one of the biggest concerns with settlements and actually with reserves in this province is the accountability issue. All the grassroots people want to see is that the people representing them are fair and they're accountable. That's why I feel this type of process is worth while, but I am concerned that the grassroots folks need to be satisfied in their own minds that this process is going to be more accountable.

I agree that the Conflicts of Interest Act should be amended and add the Métis Settlements Appeal Tribunal to the schedule of this act. Very clearly the act lists offices, including the tribunals, to which an MLA cannot be appointed. I think that's important, that any of us MLAs who hold the status of Métis in this province shouldn't be part of the different government processes within the settlements.

I guess I'm also wondering about the notion of an ombudsman. The whole notion of the Métis Settlements Appeal Tribunal hasn't

been that well received outside of the councils. It is felt among many of the folks living in the settlements that they have no way to discuss with anybody some of the issues and concerns they have. They feel they can't come to the government because the government is responsible and the minister is responsible for the Metis Settlements Act. They feel they can't go to the council because they report to the government. So there doesn't seem to be any arm's-length or independent tribunal or ombudsman that folks can go to and actually air their concerns regarding any particular aspect of the running of a settlement and any other activities going on in the settlement.

4:20

So those are some of my concerns. I also note that I believe a petition has been circulated in respect to some of the issues I've discussed, and I'm just wondering if we could clarify some of those questions that the petitioners had, or maybe the minister already has. Prior to us passing this legislation, I'd feel comfortable if some of their questions to the minister were answered in that respect.

I also have heard from a number of people in relation to them feeling that right now a true democratic process doesn't exist, so I'm wondering how we can sell the whole notion of greater government accountability to the folks. Many people feel that there's just a certain segment within a settlement or even on a reserve that has sort of the full control. They want to make sure that everybody is well represented. So given the changes that are being proposed, I think that will achieve some of that, but I think there has to be a mechanism to sell that. That may require more than just the settlement councils going out and discussing the changes, perhaps a broader educational package so they'll understand that there really is some change and this is really meant to assist them as opposed to restrict what's happening or to restrict and confine the changes to a small group of people.

I think that's all my concerns right now. I at this point of course would support the bill in principle. I do have some concerns, and I know there are some other issues being brought forward to me. I haven't yet received that feedback, and certainly I'll share that with you once I do receive it.

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

MR. MacDONALD: Thank you, Mr. Speaker. I have a few comments also on Bill 17, the Metis Settlements Statutes Amendment Act. I congratulate the hon. Member for Bonnyville-Cold Lake for his consultation process that he so proudly spoke about earlier. I certainly hope that everyone who lives on these Métis settlements was contacted. This hopefully will provide for the establishment of many decision-making processes for the settlement councils.

There are about 5,000 Métis living on eight settlements in northern Alberta. This legislation, however, will not affect the people who live outside of these settlements. The eight Métis settlements, of course, are Buffalo Lake, East Prairie, Elizabeth, Fishing Lake, Gift Lake, Kikino, Paddle Prairie, and Peavine.

Now, we can go through this legislation act by act, statute by statute, but the one that interests me, Mr. Speaker, is the Safety Codes Act. We're going to have some amendments to this. I believe it is section 40. The Safety Codes Act establishes obligations and responsibilities of property owners. The amendment in this Bill 17 will help identify who is an owner of land on

settlements as the person who is registered in the Métis settlements land registry. The Safety Codes Act provides that the settlements can be an accredited municipality – and this is very important – which allows them to do inspections, appoint safety codes officers, et cetera. If a safety codes officer issues an order that a condition can be or is to be corrected, the act says that the order can be enforced by the settlement carrying out the work and recovering costs. In the case of municipalities this is done by putting the amount on the tax roll, which can be recovered as tax arrears under the Municipal Government Act. Under these amendments Métis settlements will be able to recover costs through reference to the tax provisions of the Metis Settlements Act. In addition, the costs can be placed against the Métis title in the Métis settlements land registry. Thirdly, expenses can be collected in accordance with general council policy.

I would kindly like the hon. Member for Bonnyville-Cold Lake to realize that there are no inspections going on in a lot of these settlements as we speak. The disciplines in the Department of Labour for building, fire, electrical, gas, and plumbing inspections are not being met now. A performance indicator in the Department of Labour report, a benchmark, if you would like, is: "Ultimately Alberta Labour will not have responsibility for providing services under the Safety Codes Act in any municipalities." Well, somehow this has already happened with five of those eight settlements.

The Department of Labour has a fax back, a number you can phone and find out what's going on in all the different territories, how they've been cut up by the hon. Member for Calgary-Varsity, by his department. You can have a look for yourself. You can phone him up, and you can find out who is looking after inspections in all these disciplines for these Métis settlements.

I had time earlier this winter, early in January, Mr. Speaker, and I phoned. These people have never heard of the Safety Codes Council, the Safety Codes Act. They asked me who I was and what I wanted, and when I told them, they were astonished. If you really want to help these people, you can speak to the minister there and correct this problem. It is a problem, and I do hope I do not have to wake up some day and read in the newspaper where there has been loss of life because of the lack of inspection on these settlements. It is criminal what's going on now.

Thank you.

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

MR. GIBBONS: Thank you, Mr. Speaker. I stand to speak on the principle in the amendments of this act, Bill 17, Metis Settlements Statutes Amendment Act, 1998. As I read and try to understand the objectives of this bill, I recognize Métis settlements as a unique form of local government and give them power similar to municipalities. As I speak, I'll be talking about the municipality end of it. Also, this bill makes provisions for changes in government funding and administration in the process. Its aim is also to increase accountability and self-regulation of the Métis settlements.

We must recognize that Alberta was the first and only province to give this recognition to Métis settlements. Three acts were in force in 1990: one being the Metis Settlements Act; number two being the Metis Settlements Accord Implementation Act; and number three, the Metis Settlements Land Protection Act. Bill 17, which is now before the Legislature, is a future step in the process of setting up the settlements. It not only amends the

Metis Settlements Act and the Metis Settlements Accord Implementation Act, but it also amends 40 other acts. These amendments will give the Métis settlements rights similar to municipalities.

4:30

Now, I stand to support the bill but raise some concerns, and that is the settlements' lack of expertise to carry out the requirements of the new legislation. At least initially they will need advice and assistance from the Métis Settlements General Council to interpret and carry out all the new duties that will be required for them under the new act. Another issue to raise is accountability. We need to ensure that settlements will be fully accountable in the future, and we have received complaints in the past.

Now, this legislation is an important step to giving the Métis settlements the ability to govern themselves like any other municipality. I want to stress that as the Alberta Municipal Financing Corporation is set forward and the Métis settlements go out for the financing of municipalities, we want that they look at it in a way that the municipal department and the government are behind them as a follow-up. I look at areas in the province like Crownsnest. It was fine for our province to ask and push for amalgamation, but then to just drop them cold afterwards was one thing that is actually a bigger complaint coming out of that area down there. So I hope that this is going to be a strong direction from where we sit right now and that the province is behind it.

There are a few things in here that actually are very good. The Cemeteries Act will allow settlements to establish new cemeteries and to control such.

The Conflicts of Interest Act adds the Métis Settlements Appeal Tribunal to the schedule of this act. The act lists officers, including the tribunal, to make sure that the MLAs cannot be appointed. I really feel this is something that we can give them direction on, but let's not interfere.

The Family and Community Support Services Act. Currently this act recognizes the minister as being responsible for Métis settlements. This responsibility will now be removed and the settlement, like municipalities, will be able to establish family and community support services.

Under the Jury Act municipal councillors are excused from jury duty. This amendment will likewise exclude settlement councillors.

The Maintenance Order Act will enable the councils of the Métis settlements to apply to the court for maintenance orders against a person who is liable to maintain another person but neglects to do so. The mayors of municipalities have this power, which is now extended to the settlements.

Mr. Speaker, I sit down to leave anybody else to speak on this. Thank you.

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

MS PAUL: Yes. Thank you, Mr. Speaker. My comments on Bill 17, the Metis Settlements Statutes Amendment Act, 1998, will just be very brief. I would like to commend the hon. Member for Bonnyville-Cold Lake for his endeavour to bring this bill forward. His comments made while introducing the bill were informative, and I would like to have it noted that I am in total support of the bill. The initiative is self-explanatory, and I think it's something that should be recognized.

Before I get into just one concern that I have with the bill, I think it is also important to note – I think it's already been discussed earlier – that in 1990 new legislation with respect to

Métis settlements forming their own self-government was first introduced, and I think that's commendable. It should also be noted that Alberta was the first and the only province to give recognition to Métis settlements. So that is breaking new ground, and I think that is commendable as well.

Under that 1990 legislation there were three acts that came into force as a result. They have been outlined very briefly by the hon. Member for Edmonton-Manning. We have to make note that the Metis Settlements Act was established for settlements, settlement councils, decision-making processes, including different membership, settlement land, establishment of a Métis settlements land registry, encompassed in that area. Also, it should be noted that under that 1990 legislation the Metis Settlements Accord Implementation Act was also struck. That was followed by five years where each settlement was to receive a straight one-on-one matching grant. Also under the 1990 legislation was the Metis Settlements Land Protection Act. This act ensures that land given to the Métis from the Crown is "patented land," which means that it is held for fee simple by the general council.

Anyway, we can regurgitate what was included in the 1990 act, but it has to be commended that at least there was a first step.

The concern that I have with the settlements being self-governed or taking on more initiative or taking on more responsibility is the concern that there has to be expertise to carry out those regulations. At least initially the need will be for advice and assistance from the Métis Settlements General Council. Their advice and their expertise will be in order to interpret and carry out all the new duties that will be required of them under the current Bill 17.

Also, Mr. Speaker, in conjunction with that concern, with that area, would be accountability. We need to ensure that settlements will be fully accountable in the future. We have to also make note at this time that there have been a number of complaints in the past with the accountability issue. It hit headline news not too long ago, a few months ago actually, the concern about accountability and lots of issues on reserves, and that is something we should really be conscious of. While this bill will make the Métis settlements more independent, with independence does come an in-hand accountability. I hope that if this bill is carried on much further, when we get to Committee of the Whole, we can dissect it section by section. There are a number of interesting perspectives from this bill that I think we should all be conscious of.

With those brief comments, Mr. Speaker, I will say again that I am in support of the bill, but I do raise the concern that settlements at this time do lack expertise, and that has to come with time.

Thank you.

SOME HON. MEMBERS: Question.

THE DEPUTY SPEAKER: Ready for the question.

The hon. Member for Bonnyville-Cold Lake to close debate.

MR. DUCHARME: Thank you, Mr. Speaker. First of all, I'd like to thank the members across the way for their comments. At this time I would like to pose the question, please.

[Motion carried; Bill 17 read a second time]

4:40

Bill 18
Engineering, Geological and Geophysical
Professions Amendment Act, 1998

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

MR. WOLOSHYN: Thank you, Mr. Speaker. In rising before the Assembly to move second reading of Bill 18, the Engineering, Geological and Geophysical Professions Amendment Act, I'd like to provide a brief background of this bill.

The purpose of the act, Mr. Speaker, is to support the Association of Professional Engineers, Geologists and Geophysicists of Alberta's wishes to provide more flexibility in the provision of its services. The association commonly known as APEGGA regulates the professions of engineering, geology, and geophysics in Alberta. It also administers the educational standards, competency, and discipline for these professions. In addition, it's also charged with setting standards for admission to the professions and deciding the standards of professional conduct expected from its members.

APEGGA has the authority and obligation to respond to complaints regarding the practice of its members and can impose sanctions against its members for unskilled or unprofessional conduct. The association administers its responsibilities in partnership with other academic and professional organizations. APEGGA is represented on the engineering faculty councils of the University of Alberta and the University of Calgary as well as the science faculty councils of both of these universities.

APEGGA members are also involved in associations such as the Alberta Construction Association, the Calgary Construction Association, the Calgary gas approval board, the Tire Recycling Management Association, and technical councils associated with the Safety Codes Act. It is also partnered with the Consulting Engineers of Alberta to work with the municipalities and their organizations to determine how to best understand one another's concerns and meet their mutual needs.

Mr. Speaker, the Engineering, Geological and Geophysical Professions Amendment Act, 1998, amends four items. It changes the corporation permit stamp to a permit number. It makes the investigative committee and the appeal board processes consistent. It allows the professions to accept responsibility and approve documents prepared by others, and it delegates a selection of reviews to the practice review board.

Mr. Speaker, to streamline the professional practice procedures, the amending legislation replaces the corporation permit stamp with a corporation permit number. Currently documents must bear the stamp of the professional as well as the corporation permit stamp if the individual practises within a corporation. This amendment would replace the corporation stamp with a permit number, which is more compatible with the growing use of computer technology when producing documents and drawings. No changes are being made to the restrictions on the use of the professional stamp or seal, and the restrictions that currently apply to the use of the corporation's permit stamp will also apply to the proposed permit number.

With respect to the investigative committee and the appeal board processes, the act currently allows members and complainants to appeal decisions of APEGGA's investigative committee to the appeal board. The investigative committee can dismiss a complaint if it finds a complaint is frivolous or vexatious or if there is insufficient evidence. The appeal board can uphold such a decision if it finds that the complaint is indeed frivolous or vexatious. However, there is no reference to insufficient evidence as grounds for upholding a decision. The amendment will allow this to be added, which will result in consistency of options with both the investigative committee and the appeal board.

Currently, with respect to approval of documents prepared by others, an APEGGA member can only sign and seal documents

prepared under their direct supervision and control. For example, as the act currently reads, an APEGGA member may only stamp drawings or reports for a project in which the member is personally performing or supervising the work. This amendment would allow members to apply their stamp to work prepared by others but, I will stress, after a complete and thorough review. This would provide more flexibility in the provision of services by eliminating what is considered to be an unnecessary restriction while retaining the required level of review and responsibility by the engineers, geologists, and geophysicists. The professional stamping the work accepts responsibility and accountability for the document, and I think it's extremely important to note that after the review, if they put their stamp on it, they're accepting the responsibility for it.

The last amendment is that the practice review board proactively conducts random reviews to identify and correct unacceptable practices. Currently the review board must obtain the approval of the council to conduct a review of the practice of a professional member. This amendment would allow the practice review board to independently initiate the review.

I should note, Mr. Speaker, that APEGGA requested these changes to the act following approval by the membership at the association's last two annual general meetings.

Mr. Speaker, in closing I'd like to move that Bill 18, the Engineering, Geological and Geophysical Professions Amendment Act, 1998, be read a second time.

Thank you.

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

MR. SAPERS: Thanks, Mr. Speaker. I'm pleased to enter debate on Bill 18, the Engineering, Geological and Geophysical Professions Amendment Act. First, I'd like to start my comments by congratulating APEGGA. The work of the Association of Professional Engineers, Geologists and Geophysicists of Alberta has been quite professional and thorough. They've done a good job of bringing their concerns to the attention of Members of the Legislative Assembly, and as always they have conducted themselves in a very competent and professional manner.

I'm pleased that the government was in a position to respond to their requests for these changes, which will have a direct impact on the ability of their members to do their work efficiently and effectively. The minister has given I think a pretty good overview of what these changes would accomplish, but I do have a couple of comments and perhaps a query or two that can be more fully dealt with as this bill proceeds to further stages during debate.

When it comes to the role of the practice review board, I think this is something that we should take particular note of. The move to an independent prerogative of review is very important. The fact that the professions themselves came forward and said "We would like to be able to do this" is probably not good enough in terms of satisfying the public that it is arm's length enough if we have to ask permission of the board first. It's better for us to make this more of a spot check. I think it's also very important in terms of public confidence, as we look at self-governing professions and more and more industry self-regulation in any number of endeavours, that the public be assured that these regulatory and oversight functions have teeth and have meaning. One of the ways, of course, to indicate that is by making them not only appear to have but actually give them in law the independence that you would expect.

Now, I note that in this regard the government has embraced this concept of a self-initiated independent review, and I'm pleased. I hope that that's a precursor of things to come. I hope that we'll be able to see the same kind of self-direction when it comes to all of the legislative offices and we'll be able to see the same kind of self-initiated review when it comes to things like the Provincial Health Council of Alberta being able to on their own examine trouble spots without having to ask anybody permission first. So I see this as a very good move for these professions, and I hope that it signals a move on the part of the government that they will be expecting this kind of independence from all oversight organizations.

With the permit numbers instead of the corporate seal, this again brings the profession sort of up to speed. You'd expect that if it wasn't the engineers that were going to be current, who would be? You can't always impress or emboss a document anymore when things are done on the electronic tablet. Being able to say that a permit number is sufficient and being able to move to permit numbers I would imagine would be very helpful in the digital and the electronic age as well. So this is a move that's probably long overdue, and as I say, you would expect this at least of the engineers and their counterparts in this profession. Perhaps we may see this applied to some of the other organizations as well: architecture, architectural draftspeople, those kinds of professions.

4:50

I do have one quibble, and I hope the minister would be able to respond, because I just have an unanswered phone call out right now on this. I just want to make sure that this in no way impedes a sole practitioner, somebody that's not involved in a large corporation, that there isn't any additional expense of maintaining that registration or that permit number over and above what a geologist or a geophysicist or an engineer would have to endure right now. And if the answer is "Yes, there is some additional expense," then I just would like to know what that is. I see the minister indicating to the negative that there isn't, and I'm pleased to hear that. [interjection] Do you guys want to be alone?

The third point that I wanted to make is about the investigative committee and the appeals process. Really no comments that would serve to do anything other than just extend the minister's comments. This is an initiative of APEGGA and one that I think deserves the support of the Assembly.

I do have more substantial concerns over the last area that the legislation addresses, and that is the oversight of other people's work. This is something where I perhaps need to spend more time with those in the profession that are pursuing this to fully appreciate it, but it seems, Mr. Speaker, that we're now going to be allowing a professional to stake their professional life on the work of somebody else when they didn't directly supervise that work. We're going to have a geophysicist or an engineer approving the drawings or the work of a colleague, and they may not be as familiar as perhaps we would expect or would like them to be. I can't help but wonder whether this change has a downside in terms of future liability, insurance costs, the ability of third parties to recover damages. I just wonder what we're seeing downstream. I need to also know where this puts us in terms of other provinces and the legislative or regulatory environment that engineers, geologists, and geophysicists work in in other jurisdictions. I don't know whether this is a move that puts us ahead of the pack. If so, what exactly was the need?

Now, I can understand that if you're in a large firm and you have a whole variety of junior members of that firm, a large

number of junior members of that firm, perhaps you only need one senior member to sort of take the responsibility and sign off the work and that it can't always be a clear supervisory relationship. On the other hand, this is something that I see as part of a trend that I'm not as happy about as I am about being able to initiate reviews, for example.

There's been no end of controversy in this province already, Mr. Speaker, about the relationship that, let's say, registered nurses have vis-à-vis licensed practical nurses and the supervisory or oversight role that an RN might play with a number of LPNs. The same controversy brews around dentists and dental hygienists. Should hygienists be allowed to do work without the direct supervision of a dentist? There are many other examples: architects and architectural draftspeople, et cetera.

We have a somewhat disjointed or piecemeal environment right now when it comes to one profession providing oversight to another or one group of professionals supervising and taking responsibility for the work of another group of professionals, and I must say that I have some misgiving about the approval of documents prepared by others being given by somebody who in all fairness you couldn't say was familiar with the work. They may be familiar with the mechanics, they may be familiar with how the problem was solved, they may be familiar with the process that their colleague went through to produce the document in question, but I think it's a different standard, and I would hope that it's not a lesser standard of care or a lesser standard of accountability. So that's my quibble.

On balance, I think this bill is a useful bill, and on balance, as I started off my comments, I want to congratulate the government for being responsive to the request from APEGGA. I think the engineers and the geologists and the geophysicists that have lobbied for these changes have done a good job, but I would particularly like some more discussion, perhaps in the committee stage, about the documentary analysis and approval provisions in the bill and what I see as sort of a weakening of this diligence that we've come to expect in this province, which I think has an excellent reputation for the quality of the work done by members of this organization.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Speaker. I rise this afternoon again to have a few comments on Bill 18. As I understand from the hon. Member for Stony Plain, the main purpose of this act is to update the wording of the legislation to reflect today's work environment as well as to update some of the allowable practices used by professional engineers, geologists, and geophysicists to reflect the globalization of their professions.

I, too, like the hon. Member for Edmonton-Glenora, have concerns about our standards in this province and in this country being met by engineers from other jurisdictions who are manufacturing products and sending them here. As we talk about globalization, we've got to talk about the modules that are now being constructed. They're being shipped around the world, not only from this province – it's a growth industry in this province – but they're coming from Texas. They're coming from other countries where labour rates are even cheaper than Texas. They're coming into Alberta, and these modules may not meet our standards and our quality control.

From what I can understand here in section 2(c), this will allow

engineers to take professional responsibility for projects that may have been designed outside Alberta. Now, I'm concerned about that, and perhaps the minister can clarify for me these concerns. But if this is going on, then I am not at all interested in supporting this bill, because we have standards in this province that not only must be maintained, but they must be maintained well into the future. As I said, the oil industry relies on these modules, and they cannot be substandard. It just cannot happen, because we process a lot of sour gas and volatile petrochemicals in this province.

The minister here this afternoon wants to talk about stamps and seals. Earlier in the last session I asked the Minister of Labour about this very bill. Essentially what I asked him was: why were they ignoring the fact that some construction documents did not have the official seal of an engineer on it? He did not seem too concerned. But these are roof trusses that are being manufactured in this city, and they're going throughout the province, and as we all know, the snow load varies in this province from place to place. It's a lot different in Banff and in Calgary than it is, for instance, up in Grande Prairie or, say, Fort McMurray or perhaps over in Cold Lake. It is all well and good to talk about seals and about numbers so that each engineer can stamp and get his seal of approval on a document to state that it meets certain regulations and commitments, but on the other hand we have another government department ignoring the fact that these seals are not being used. These gentlemen and these women are studying very, very hard to get their engineering degrees, and we have to look after and police this.

With those comments I will eagerly await the minister's response. Thank you.

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

5:00

MR. WOLOSZYN: Thank you to the members opposite for their comments. I'd like to clarify a couple of things. A permit number applies to the corporation only. There would not be any extra cost to individuals involved. That's strictly a streamlining of the process, and the member designing it would still be accountable for his own stamp and so on.

The other part that came in that seems to be a bit of concern is with respect to the stamping of others' work by an individual, and I'd like to address that just for a moment. Currently the act states that a member can only sign and seal documents prepared under direct "supervision and control." That in reality is not happening today, because he is not sitting there in direct supervision and control. You have registered engineering technologists who work under these engineers. You have other associates involved with them. What this amendment does I think is more reacts to the reality of the fact that the responsible engineer assumes responsibility for it in the end in any event, and this just actually formalizes what is likely happening now. So this individual – and I think the words I used were: "after a complete and thorough review." That's the bottom line. That engineer, that professional has to have reviewed the work, has to assume responsibility for it regardless of whose input goes into it, and I think it's, quite frankly, not an area of concern if you understand how it works.

With respect to the other comments on the trusses and so on, what we're referring to here would be the design. Once the construction implementation – what you follow up through there would certainly go through the Ministry of Labour, and I guess that's an issue for discussion on another day.

With those comments I'd like to again thank the members for their views and look forward to further debate and move second reading of Bill 18.

[Motion carried; Bill 18 read a second time]

[The Speaker in the chair]

Bill 20 Fair Trading Act

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake.

MR. DUCHARME: Thank you, Mr. Speaker. It's been 30 years since we last reviewed consumer-related legislation. We don't shop the same way we did back then. We buy different goods and services, and we use more credit and less cash to pay for them.

Advances in technology have created new risks in the marketplace. When, as happened recently, a vulnerable consumer in the south of the province is scammed out of all his life savings by an unethical telemarketer from out of province – and we're talking about hundreds of thousands of dollars – we're all losers. The consumer loses money which can't then be spent on other goods and services; legitimate telemarketers lose credibility, business, and goodwill; and Alberta taxpayers may well have to pick up the tab to support this unfortunate person later in life. This new act will protect both businesses and consumers by addressing some of the key areas where problems exist today by being flexible enough to keep up with rapidly developing technology and by creating a more level playing field.

The legislation was also developed as the result of consumers' complaints that they lack information about their rights and responsibilities under the law, that present legislation was too complex and scattered over several statutes, and that even when wrongdoers were successfully convicted, affected consumers had difficulty getting their money back. Businesspeople were telling us that they, too, found the legislation and regulation complex. They complained about unfair competition from businesses that don't follow the rules and about barriers to interprovincial trade. Both business and consumers told us that the court system for resolving disputes is crowded, cumbersome, and expensive. At the same time, government gave the direction of regulatory streamlining and signed the agreement on internal trade, which harmonizes our regulations with other Canadian jurisdictions.

Seven existing statutes are being consolidated into the Fair Trading Act. Many of the provisions from these acts have been streamlined and updated and are included in the new statute. When reviewing the legislation, Mr. Speaker, the key principles were reducing regulation, clarifying standards that must be followed, making things more simple for business and consumers, using plain language, protecting consumer privacy, and finding better ways to resolve disputes between consumers and business.

Going through the Fair Trading Act, Mr. Speaker, you'll find that part 1 deals with general legal principles. Part 2, unfair practices, contains the truth-in-advertising provisions of the act. It also addresses the problem of negative option billing by stating that consumers don't have to pay for goods that they haven't asked for.

Part 3 contains harmonized provisions for direct-selling businesses that are already in place in existing legislation. Many of these provisions have been extended to time-share sales so that consumers will have a cooling-off period away from possible high-pressure sales tactics.

Part 4 allows for the making of regulations which will provide the flexibility to deal with problems arising from unethical telemarketing and fast-expanding new marketing techniques like TV and Internet shopping.

Parts 5, 6, and 7 deal with credit reports, wage assignments, and fees charged by loan brokers. Albertans will now have the legal right to see a copy of their credit file held by any credit bureau or reporting agency and to correct any errors they may find. False loan brokering, where a consumer pays a fee but does not receive the promised loan or his money back, has been a problem. The act states that loan brokers may not charge for their services until the consumer has obtained the promised loan.

Part 8 contains new provisions to prevent problems that have arisen when items such as motor vehicles are put up for sale and consignment. Money received by the consignment business on these sales must be protected by deposit into trust.

Cost of credit disclosure legislation in part 9 is an important result of the agreement on internal trade. It harmonizes Alberta's legislation with that of other Canadian provinces.

Part 10 designates those trades and business that require licensing and bonding and allows for the establishment of industry-based boards for self-regulation, while licensing provisions are laid out in part 13.

Parts 11 and 12 establish the rules for debt collecting and public auctions.

Parts 14 and 15 contain the sections on remedies, enforcement, administration, and appeals. New provisions update and increase the penalties for contravention and strengthen consumer rights to be compensated for any losses they suffer as a result of contraventions of the act. There is also an alternative method to resolve disputes which does not involve going to the courts.

Other provisions allow us to exchange data with other jurisdictions and will facilitate cross-border investigation and enforcement. To maximize the potential of these provisions, Alberta has taken the lead in developing a modern complaint tracking and licensing system which is now in place. Several other jurisdictions have shown a keen interest in this as it has the potential of becoming the kernel of the national information-sharing and problem-monitoring system.

To sum up, Mr. Speaker, the Fair Trading Act will streamline consumer and business protection legislation and will clarify the rights and responsibilities of all Albertans in the marketplace. It will reduce trade barriers through harmonization of the rules and will deal more effectively with marketplace issues and problems through stronger deterrence, better restitution, and the use of appropriate dispute resolution. Once this act is in place, it will send a clear message to unethical businesses that Alberta is not the place for them and that this government will not allow Albertans to be scammed with impunity.

5:10

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to stand and address Bill 20. Certainly it's time to review consumer delivery as we see here. The former Member for Clover Bar-Fort Saskatchewan spent a great deal of her career in this Assembly working on that very project. I'm happy to see the government address it at this time.

AN HON. MEMBER: Muriel who?

MS CARLSON: Yes, Muriel Abdurahman. You remember her name. She'll be happy to know that.

MR. MITCHELL: She would have fought for day care.

MS CARLSON: She would have fought for day care too. That's true.

Mr. Speaker, given the short period of time that we've had to review this bill, I've only taken a look at two specific sections. So from that perspective I'd like to review them in terms of the intent of the whole bill, and hopefully before this comes back for debate again, we'll have some more time to take a look at it.

The part that I took a look at and have a couple of questions on is part 11, collection practices. That's an area that we often have to deal with in the constituency office when people come in and are concerned because they've been harassed by collection agencies. I'm wondering where this will actually improve the kind of consumer concerns that we've seen addressed in the past.

When we take a look at this bill and we go through some of the prohibited practices, particularly I'm concerned about (i), (j), and (k), where collection agencies are prohibited from directly or indirectly threatening or stating "an intention to proceed with any action" or making "telephone calls or personal calls of such nature or with such frequency as to constitute harassment" or giving "any person, directly or indirectly, by implication or otherwise, any false or misleading information." It's fine to say this. It's excellent to say it, and I'm glad to see it in the bill. But what are the parameters of the criteria? I am wondering where this goes. Who's putting out the guidelines here in terms of what's allowable and what isn't allowable behaviour?

So if the member who has introduced this bill can talk to us in terms of how they've established their criteria and what kind of penalties they're taking a look at for infractions, because really, Mr. Speaker, at the end of the day that's what the concern comes down to: you break the rules, fine, but then what happens? This government has a history of not necessarily following up in that regard. I am hoping that the member can do that, can tell us what's going to happen there.

If you turn to page 70 in this bill and you look at (m), it talks about collection agencies not being allowed to contact employers except in very specific circumstances. I have a concern about that, too, in terms of the consumer's right of protection when they're being chased in this regard.

Certainly if you're a young person who has got a substantial student loan, you haven't been able to find a job, you finally land one, you're behind in your student loan payments, and they've been sent to a collection agency - that is the process. They go to a collection agency within three or four months of them having been deemed to be overdue. Finally, you've got a job. You've got this huge loan you have to pay off, and the next thing you know your employer is hauling you into the office because they've been called by a collection agency and you're a poor credit risk. So I'm wondering that there aren't enough safeguards built into this bill yet.

Given that that's the only part of the bill I've been able to seriously take a look at yet, I'm sure hoping that I'm not going to find that the rest of it is somewhat arbitrary and not as definite as we want and certainly doesn't have any attachments here in terms of what the penalties for infractions are. I've overlooked that. If you can address those, I'd be happy to hear about them.

Thank you, Mr. Speaker.

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

MR. SAPERS: Thank you very much, Mr. Speaker. I know that

there's a lot of competition for people to speak on this bill at this stage, so my remarks will be . . . [interjections] They may take us to 5:30.

AN HON. MEMBER: Take us to 5:30.

MR. SAPERS: Yeah. All right. I will take us to 5:30.

One of the areas that I get a tremendous number of calls on in my constituency office has to do with consumer law. Whether it's people that are concerned about a contract they've made with a door-to-door salesperson or whether it's a decision that they've made in terms of a credit purchase, I always find, Mr. Speaker, that there is a morass of regulation and law that I have to understand so that I can explain it to my constituents. One of the things that I was in fact impressed with when I first saw Bill 20 was the comprehensive scope of the bill. In fact, as I understand it, when this bill is proclaimed into law, it will repeal some seven other pieces of current legislation.

This must make the pulse of the Member for Peace River just beat a little bit faster because of all of the deregulation and all of the red tape cutting that's such . . .

AN HON. MEMBER: He doesn't have a heart.

MR. SAPERS: I think the Member for Peace River should not have to take that kind of abuse from his colleagues, Mr. Speaker. He does have a heart. Of course, the pulse . . .

But in any case, Mr. Speaker, I was happy to see that. I was happy to see that it was all in one place. But by the same token, the difficulty with this bill being so comprehensive is that it's difficult to find a single thread or a single principle to discuss at second reading stage. The second issue, of course, is that it is probably one of the more sizable bills that has come before this Assembly for some time.

I am anticipating that as we get into committee, there will be a tremendous volume of debate on the clause-by-clause review. I can already tell you that there are some sections that are left to regulations that have made me wonder whether they might not be best dealt with in the body of the bill.

There are also some sections that deal with offences and penalties. I wonder whether or not they are best dealt with in the manner they are. We just amended some legislation in this Assembly earlier that dealt with penalties under several pieces of provincial legislation, and those penalties were reviewed for their appropriateness and applicability in this day and age. Yet I see some of the penalty sections in the Fair Trading Act that might not be in keeping with the reforms that this Assembly in fact just embraced.

One of the other areas in this bill that I was happy to see – but I'm wondering just exactly how it's going to fit in with the current regime of dealing with private information – is the section that has to do with credit transactions and private information, third-party information, information held by nongovernmental private interests about our citizens in this province. The panel that is going to be reviewing the freedom of information and privacy legislation was just officially set by this Legislature today under Government Motions earlier on the Order Paper. I would hope that this panel will have the ability to review what has been a long-standing concern of the Official Opposition, and that is the ownership and control and use of private information by third parties. I know I'm always quite surprised when I subscribe to a magazine and then the next month I get a whole flood of other

subscription offers or I get a number of phone calls at home asking me to donate to one thing or another.

There has even been some suggestion made that things as confidential and as private as patient information – records held by hospitals – are being used for fund-raising purposes. I've had several people approach me and wonder how it is that somebody working for a hospital charitable foundation just happened to know that they were just discharged from the hospital. And right after "How did you like the service you received?" the next question was, "Would you like to make a donation to the hospital?" So even in an area that is as carefully, I think, regulated and protected as patient information, those kinds of at least perceived breaches of privacy and confidentiality happen. So certainly they happen with privately held information.

The other thing I am wondering about, Mr. Speaker, is whether or not this bill goes far enough in terms of disclosure. I think that we've all, in our own experiences let alone the experiences related to us by our constituents, been faced with making credit purchase decisions, whether it be buying a car or a mortgage for a home. You're always sort of left wondering whether or not you're being told everything by the financial institution or the lender. Disclosure laws in this country do not seem to be equal to disclosure laws in the international community. In particular in Alberta, in the past at least, our disclosure laws have not been at the forefront compared to other jurisdictions.

5:20

So I think there have been many legitimate questions raised. I only had a very quick opportunity to review the disclosure section in Bill 20, and I'm looking forward to some more debate on that to ensure that it is up to the standards we would expect. I would like to be able to go back to my constituents the next time they ask me questions about that or even the next time I'm sitting across from a loans officer and be able to say, "The law has made it so you have to tell me a little bit more about what this particular contract is going to cost me, what the penalties are, and what my obligations are," other than repayment of course.

Mr. Speaker, I would like to adjourn debate at this time just to show that I can take direction from time to time.

THE SPEAKER: Having heard the motion by the hon. Member for Edmonton-Glenora, does the Assembly agree?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

head: **Statement by the Speaker**
Flags in the Chamber

THE SPEAKER: Before I call on the hon. Deputy Government House Leader, a number of members have sent notes here inquiring as to the rationale for the order of these flags. Well, the flags are in the order in which these various territories and provinces entered Confederation or created Canada, beginning on my right.

Hon. members should also know that the Alberta flag is above us as well, but the Alberta flag will come down in 1999 when the Northwest Territories divides into two territories and the new flag will come up. The Alberta flag already has its place of honour right here on the dais as well.

Hon. members should also know there were a number of other statements sent to me as to whose idea it was. Well, it was your

idea, hon. members. I listened very attentively to all those comments made during the unity debate in December of 1997, and a great number of members indicated that this should be the way it was. Then when we had the Flag Day member's statement a few weeks ago, the hon. Member for Calgary-North Hill contributed further to this particular concept.

This is also the only Assembly in Canada, including the House of Commons, that has all of the flags of the country in it.

Hon. Deputy Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker, and thank you for your words of explanation with respect to the flags, because I,

too, have been having questions as to the order of them.

I would now move that the House adjourn until 8 this evening, at which time we'll reconvene in Committee of Supply.

THE SPEAKER: Does the Assembly agree with the motion by the hon. Deputy Government House Leader?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

[The Assembly adjourned at 5:23 p.m.]

