

## Legislative Assembly of Alberta

Title: **Tuesday, November 13, 2001**

**8:00 p.m.**

Date: 01/11/13

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

[Mr. Shariff in the chair]

THE DEPUTY CHAIRMAN: We'll call the committee to order.

### **Bill 16 School Amendment Act, 2001**

THE DEPUTY CHAIRMAN: Are there any comments or questions to be offered? The last time we dealt with this issue, we were dealing with amendment A1. The hon. minister.

DR. OBERG: Thank you very much, Mr. Chairman. We've had extensive discussion on amendment A1. As a matter of fact, we've had 84 minutes on second reading and 255 minutes in committee on amendment A1. I would like to suggest to the Assembly that we go ahead and vote on this amendment as there will be another amendment that will come forward immediately afterwards. It will be circulated to the respective members, and I can comment on that amendment as soon as the first one is voted on. I understand that we cannot put another amendment on the floor until this one is voted on.

[Motion on amendment A1 carried]

THE DEPUTY CHAIRMAN: The hon. minister.

DR. OBERG: Thank you, Mr. Chairman. I would propose government amendment 2, which I understand is being circulated to everyone now.

THE DEPUTY CHAIRMAN: We shall refer to this as amendment A2. The hon. minister.

DR. OBERG: Thank you very much, Mr. Chairman. I'd like to move amendment A2, that is before you, and if I may go through it section by section here now, the first section is something that has been agreed to by all of the bishops as well as the Francophone school boards as well as the Catholic school boards. Quite briefly, it adds section 2 to the preamble, which says that "such that the principles of Francophone educational governance are distinct from, not transferable to nor a precedent for, the English educational system," adding that after "in the Region" in the preamble. This is something that has been agreed to by the aforementioned parties over the summer.

The section B that you have here is what has been labeled the so-called choice amendments, and these have been struck out. Mr. Chairman, it was questionable, in all fairness, as to whether or not these were constitutionally correct. The Alberta Catholic School Trustees' Association, pending the nonpassing of this bill in the spring, has stated that they would not agree to it, and given the questionable constitutionality of these, they have been struck out.

Mr. Chairman, the next section is section C, which adds, "In this Division, 'Region' means a Separate School Region," and a separate school region will be an area of land that has been agreed to by the Catholic school boards in a way that they can expand their boundaries.

Mr. Chairman, section C(b) adds: "provide for services by a separate school board in a Separate School Region." What this

means is that when a separate school region is so proclaimed, the separate school board that is within that separate school region shall provide the services.

The next one, which is section 208.03, basically states that the minister may make regulations regarding "the consultation process that must be followed in respect of the establishment of a new separate school district."

The following one is section 208.03(b), which allows for a dispute resolution mechanism.

Mr. Chairman, the changes that have been made on the 4 by 4s that were added to this act have been quite literally put down to a regulation-making power on the consultation process, and I will mention that very briefly. I know that we cannot have any regulations until the bill is passed, but the draft regulations that we have proposed state that a consultation process must occur if a 4 by 4 process is going forward. The other thing that the consultation process must show is that there is consultation with both the public electorate as well as the Catholic electorate, and this is something completely new. I feel that it will solve a lot of the issues that have occurred with 4 by 4 formations in the past.

Also included in the regulations, which have been circulated to the opposition as well as to the numerous parties that have been involved, is the idea that if a public school board and a separate school board agree on the extension of the boundaries – and I will repeat that: if they agree on the extension of the boundaries – then under section 210 of the act the minister has the ability to expand the Catholic separate school boundaries. If the public school board does not agree, then it will fall back to the 4 by 4 process that is existing already. What I have also given the indication of is that we can roll up the 4 by 4s, which is within the existing act, to ensure that there is one vote, in essence, all at once. So there are two ways that the Catholic boards can be expanded.

Section D is section 30, which has been struck out.

Section E basically states that "a separate school elector who has a child enrolled in a public school in the Greater Southern Francophone Region No. 4 may vote for a candidate who is standing for election as a public school member," basically giving the ability to an elector who has a child enrolled in the Francophone school system to vote for that candidate.

Section F is simply that 38(2) is struck out.

Mr. Chairman, from what I understand in talking to the various players that are involved in this, the Alberta Catholic School Trustees' Association is strongly behind this. As late as today I have heard that the Public School Boards' Association is behind this as well, seeing that it has been explained to them. I have not received that in a formal written way from the public school board, but in our conversations that were held this morning and subsequent conversations that were held with the Government House Leader later on this afternoon, I understand that they are in favour.

Although this is a change from the original bill, I believe that it potentially gives a solution to the 4 by 4 issue. Many members here who have had 4 by 4s occur in their constituencies know the vast amount of problems that can involve, and many of you have come to me and asked for a solution. Indeed, Mr. Chairman, in my own constituency Brooks and Strathmore have both had 4 by 4 votes, and they have been very difficult to handle from a community point of view. I truly believe that this will lead to a better resolution of these issues and will lead to a resolution of these issues that will not result in the devastating rifts that are occurring in our communities.

Mr. Chairman, there is one other thing that really must be said here, and that is: what happens if nothing is done tonight? Quite frankly, what will happen is that the existing 4 by 4 process will continue. We can put our heads in the sand and say that the

community down the road will not have a 4 by 4 process put on, but as many of you have seen in the letters that I've sent you, we are now up to roughly 170 4 by 4 processes, 4 by 4 formation votes that have occurred in the last three years. These formation votes are hugely disruptive to communities, and anything that we can do to solve this will certainly be seen as advantageous to our communities.

8:10

We have the choice tonight. We can put our heads in the sand and hope that these things don't occur, hope that there will not be any 4 by 4 votes in the Forestburgs of the world, in the Heislars of the world, and in the Dayslands of the world, but that could happen tomorrow. Those that are public school supporters, those that are public members and non-Catholics within these small communities will have absolutely no choice. They will have absolutely no consultation. Indeed they may wake up the next morning and find that there has been a Catholic school district formed in their small community. Is this a reality? The answer is yes; this is a distinct reality. As I said, there have been close to 170 of these occur in the last three years. Many of these are by votes of 4 to 0, 5 to 0, 10 to 0, 11 to 0, and it causes a great amount of rift within the communities.

Is this the absolute perfect way to solve a potentially bad issue? The answer is probably not, but this is a way that we have negotiated, that we have talked about over the last three or four months, and I feel that it is a successful way to solve this issue. The one thing that we absolutely cannot do is put our heads in the sand and say that this issue will go away, because it will not go away. It will come back to haunt us. It will come back to cause divisive problems in our communities, and the answer will not be there. This does give an answer.

Is it the answer we want? Potentially we could get a better answer, but I do feel that this is the best way to go, and with the agreement of the boards involved, it is a very viable option to put forward and will indeed help those formation votes, help the communities that otherwise would have huge rifts in them, as we have seen in the community of Brooks, as we have seen in the community of Innisfail, as we have seen in the communities of Strathmore and Canmore as well.

So, Mr. Chairman, I've said my piece on this. I feel that this amendment is extremely important and must go ahead. Thank you.

THE DEPUTY CHAIRMAN: Before I recognize the hon. Member for Edmonton-Mill Woods, may we briefly revert to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

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

MRS. O'NEILL: Thank you, Mr. Chairman. I'd like to introduce to you and through you to members of this Assembly visitors in the public gallery: M. Pierre Desroches and his daughter, I believe – M. Desroches is the chairperson of the north-central Francophone board – and also trustee Irene Harvey and her husband, Ron Harvey. Mrs. Harvey is a trustee in the St. Albert Protestant school division. I'd ask them to rise and receive the warm welcome of this Assembly.

THE DEPUTY CHAIRMAN: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Chairman. It is my pleasure to introduce to you and through you three individuals that are in the

public gallery. One is Gail Horner. She is the chair of Sturgeon school division. Terese Gervais, a board member and also past chair of the Sturgeon school division, is with her husband, Dave Gervais. I would ask them to please rise and receive the warm welcome of this Assembly.

### Bill 16

#### School Amendment Act, 2001

(continued)

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. I'm delighted with what I heard from the minister, and I would seek some clarification from him and from the Government House Leader, who, I understand from what the minister said, have been in consultation with the Public School Boards' Association over the amendments. Are the objections to these amendments that the public school board members have put forward no longer considered valid by that group, and do they in fact concur with the amendments that we see in front of us? Could I have that reconfirmed and ask the Government House Leader if that's his understanding too, that those objections have been withdrawn?

THE DEPUTY CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Chairman. What has happened today is that my deputy minister had a discussion with the Public School Boards' Association, and subsequently the Government House Leader had a conversation with the executive director of the Public School Boards' Association. I would seek the assurance from the hon. member across the way that with these new events, and I do say these are new events – I would be more than willing to discuss this tomorrow after the hon. member has had a chance to confirm this, and we could talk about the bill again tomorrow.

MR. HANCOCK: Mr. Chairman, the hon. member has asked for my concurrence with what the minister has said. I have to say that it might be a little strong to suggest that the Public School Boards' Association has endorsed the amendments. What I had referenced to the minister was that I had a very positive telephone conversation with the executive director and that he'd indicated to me that the meeting he'd had with the deputy minister this morning was very positive and that he felt there were two further amendments that might be useful to have and was talking to members of his association with respect to that but that generally he believed that this was going in the right direction and would solve the problem. So it might be a little strong to say that he was endorsing the amendments. I couldn't put that in his mouth.

What I'd related to the minister was a very positive conversation about the direction that was happening and an agreement that with perhaps one more amendment, which he was discussing and hoped to raise with the ACSTA, he thought we were perhaps going in the right direction. I hope that clarifies.

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman, and thank you to the minister and to the Government House Leader. Nothing would make the opposition happier than having an agreement that the

amendments before the House are fully endorsed by all of the interest groups, in particular the ACSTA and the Public School Boards' Association, who make up the vast majority of boards in the province. It has been something that the ASBA has struggled with and has been unable to do. If it is indeed true that we are very close to the agreement of both of those groups, then I think there's no doubt that the government will have the enthusiastic support of the opposition.

I would take the minister up on his offer then. As I understand the offer, the amendments would not be passed this evening. They would be brought back again tomorrow. That would give us an opportunity to discuss them this evening and to hear further in terms of any projected amendments tomorrow. Could I have that confirmed?

THE DEPUTY CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you, Mr. Chairman. That's exactly what I will confirm tonight. I understand that both the opposition leader and the hon. critic for Learning will be meeting with the ACSTA tomorrow, so I believe it would be advisable to continue this discussion tomorrow after these meetings have taken place, and I look forward to hopefully the passing of this bill tomorrow.

DR. PANNU: Mr. Chairman, I'm very pleased to hear what I've heard from the minister and from the Government House Leader. I am indeed meeting with the ACSTA representatives tomorrow morning at 10 o'clock. I have also received a request to meet with some representatives of the Public School Boards' Association. That meeting is scheduled for the day after tomorrow. What I'll do is look into the possibility of following up my meeting with the ACSTA with a meeting with the public school board people tomorrow, if I can, to make sure that there's no unnecessary delay in getting this House to conclude the debate on the issues under discussion. So I'm pleased, Mr. Chairman, that the minister has taken this initiative and that he has sought to bridge the gap between various parties, that had lots at stake, I understand, with the proposed amendments. So I'll look forward to the meeting tomorrow, and then we'll come back to it.

8:20

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. I appreciate the minister's willingness to wait until we've had a chance to consult with those groups. It's a courtesy that I really do appreciate.

I do have some questions about the consultation process and how it proceeded. The fact that one of the groups seems to have been deeply involved in the forming of the amendments, or privy to the amendments, and other groups were left out: I'm not quite sure that I understand why that happened. I know that there has been some animosity and some objections to the amendments from the Public School Boards' Association, but I think the kinds of concerns that were being raised were not raised exclusively by that association.

One of the very difficult things that the government faced in trying to come up with amendments was balancing the Catholic boards' desire, an understandable desire, to promote and to expand and to make available to separate school supporters a Catholic education, to expand that across the province. That had to be balanced against a concern particularly in rural communities that many of their schools would no longer be viable if those schools were split, and it's not clear to me how the amendments are going to do anything to

relieve that. In some rural settings, if the very small schools that already exist there are further split, then the school is no longer going to be viable. Some of those communities have argued very strongly that if they lose the school, they lose their community. So I'm not sure how the amendments will deal with those objections and prevent that from happening. Of course, it was one of the difficulties with Bill 16. I think that's a really important point and one that we would like to have clarified before we proceed.

The whole business of choice seems to have been such a strongly endorsed principle by the government. I think that they have rightly backed the number of school districts who have made available wide choices for parents and students and have encouraged that. They've encouraged choice by the open boundary policies that they've endorsed. I think that that's a good, sound way for the government to proceed, and I endorse that. What it seems that the amendments are going to do is that they are going to strike out at least for Catholic residents that whole notion of choice. I understand from the minister that the Catholic trustees association endorses the amendments, so obviously they've come to grips with that problem, but I would for my own part like some further explanation. What does it mean in terms of the government's endorsement of the principle of choice?

I would like to make a couple of other comments, if I might, Mr. Chairman, about the legislation. One of the difficulties that we've run into in terms of trying to get feedback about the legislation is the way it's been drafted and proposed. We originally started with the School Act. Following the School Act, we had Bill 16 introduced, which amended the School Act. Then in May we had amendments to Bill 16. Now in November we again have amendments to the bill that affect the act. What's happening, it seems to me, is that we are making the legislation very, very obscure to the general public and interested ratepayers. It's getting very, very difficult, I think, for someone who is generally interested in the changes to the School Act to follow the changes and what those changes mean to them and to the interests that they represent. I guess if I have any concern about haste, it's that this is becoming very complex in terms of reading and understanding.

It takes me back to one of the promises made by this government. I'm not sure if it was the Premier, but I know that the government, campaigning in the 1992-1993 time period, made strong arguments at that time for plain-language legislation. I think it might be a good time for the government to come back and look at that principle and the notion of making sure that an act, an important act like the School Act, and amendments to it are accessible to everyone without a legal background.

I was looking at some of the advocates for plain-language legislation. One of the authors described a legal writing as four centuries of inflation and obscurity. I think this may be reflected in what we have before us. It's often overblown, it's often swaddled in obscurity I think were the words used to describe a legal writing. The author was even more critical and went on to say that it was the largest body of poorly written literature ever created by the human race. I would hate to think that in our province we're making a contribution to that body of poorly written literature through this kind of legislation.

I know it's not going to be possible with these amendments, given where we are, but I would make a plea in future changes for the notion of trying to make it more public, more easily understood to individuals. I think of the newly elected trustees in the province who are just taking their places on school boards picking up the act, Bill 16, and the amendments and the further amendments to the act and trying to work their way through it. Some of them must wonder exactly what they got themselves elected to do, because I don't think

it's an easy task. But that, Mr. Chairman, is an aside.

I think that's all I'll say for now. I have some further comments about waiting for the regulations. I know that the minister is caught. You have to have the legislation before you can put out the regulations that are going to flow from that legislation, but in this case the regulations are going to be so very, very, important to the interested parties that I think there can be some argument made that if you can't put out the regulations, you might at least put out a draft copy of the regulations so the people can understand really what's going to happen.

8:30

I think it's particularly important how disputes between school jurisdictions are going to be mediated and the kind of process that the minister and the department will follow when such disputes arise. I think that without a pretty firm indication of how those disputes are going to be resolved, it's going to be hard to fully endorse the legislation. That may be a premature judgment, Mr. Chairman. If there's going to be another amendment introduced tomorrow, that may cover some of it, but right at this particular point I'm nervous about the promise that the regulations will cover a lot of what the legislation has in mind. It's not that I don't have great faith in the current minister of education to do as he's said, but as we know, there will be subsequent ministers of education and there will be subsequent school boards and subsequent people involved in the associations who have been privy to the negotiations on these amendments, and their understanding may not always be what we have today. So I would really strongly urge some form of the regulations being offered by the government for those of us that are involved in the amendments, that those regulations be made public.

I have a few other things to say, Mr. Chairman, but I'll reserve them for later. Thank you.

THE DEPUTY CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Chairman. I will respond to some of the questions that just have been raised.

First of all, I will echo what the hon. member has said about plain language legislation, but I will add that when you're involved with legal counsel and the legalities of some of the legislation, it is extremely difficult to put it in plain language. I will certainly take that criticism and agree with it when it comes to plain language legislation.

The second thing I wanted to comment on was the regulations. Mr. Chairman, as the hon. member knows, I cannot put forward regulations until the bill has been passed. I will, however, make available tomorrow morning to both the hon. leader of the third party and the hon. member the draft regulations that will go with this legislation. They will be sent to your office tomorrow morning.

The next thing was about the various amendments to Bill 16. Mr. Chairman, anytime you attempt to change something that has been in the Constitution for very close to a hundred years – I believe it was the Alberta Act, so it may have even been before the Constitution – there can be certain things that have problems. What we found is that over the summer some positions of some of the affected parties had changed. Subsequently we had to change the legislation, and that is the reason why we have brought forward something that I do not like bringing forward. I do not like bringing amendments to amendments, but unfortunately that has occurred, and it is there before you.

The next thing I just wanted to mention was the issue of choice, and I believe the hon. member has missed a little bit, the comment that I made about choice. What choice has to do with is whether or

not a Catholic elects to stay a Catholic or whether or not they can become a public school supporter. The initial issue that was in Bill 16 was that on the taxation form a person could say that they were either a separate school supporter or they were not. It did not ask anyone to deny their religion. Subsequently that was taken out of there as the ACSTA did not agree with that.

That brings me to probably the most important point of the evening, and that is about the small communities. One of the main issues we have when we have small communities is that, as we all know, in a community of 700 or a community of a thousand you cannot have two school systems. You cannot have two schools. It is just not economically viable to have 10 students in this school and 20 students in this school or 50 and 50. It just does not make a lot of common sense to you and I.

Mr. Chairman, what happens today, what happens at this moment is that if the Catholic minority within that small 4 by 4 or that small community says they want to have a Catholic school district come in and give them Catholic education, they then take a census to determine that they are a minority religion. They subsequently follow up with a vote, and as I stated before, many of these votes are 5 to nothing, 10 to nothing. The interesting point, though, is there is absolutely no need for the Catholic electorate to comment or even talk to the public school electorate that would be affected by this. Under these regulations what we have is a mandatory consultation.

So we are not changing, we are not taking away the ability for that Catholic electorate to form a Catholic school district within that 4 by 4. What we are saying is that everyone – everyone – has to be told. If you take the critical mass of a school of 150 and split it, say, to 80-70, it does affect everyone. In this democratic society if people are knowledgeable about the issues, then I respect that they will make the right decision. Because this is constitutionally valid, it is important that that ability continue, but by making the consultation mandatory, by ensuring that people must talk about what is happening, I feel and I have utter confidence that in these small communities the right decision will be made.

[Mr. Tannas in the chair]

I also have utter confidence in the ACSTA and the Catholic school boards that they will make the right decision, that they will not go in when there is a situation where there are 30 or 40 students and it is not economically viable. I fully respect that they, too, will find a way to deliver Catholic education to these students, whether it's by distance education, whether it's by various other ways. I believe that by the Catholic school boards and the public school boards sitting down together and actually talking about solutions, we will find the right solutions to these problems.

Mr. Chairman, what I have just said is what is included in the amendments to Bill 16. I believe these are good amendments. I believe they should go forward. I believe they will answer a lot of the questions that have been put forward.

Thank you.

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

MR. BONNER: Thank you very much, Mr. Chairman. I just have a few comments here in regards to the amendments this evening.

As previous speakers have said, it is difficult to follow the changes. Certainly one of those changes was outlined in a letter that I tabled today from the Sturgeon school division. This letter was dated November 12. As of yesterday they received from a third party information about draft amendments to Bill 16 that the government intends to introduce in the Legislature next week. Now,

I am not certain if they are the only public school board that did not see these amendments or did see them, but one of their suggestions in this letter I tabled today, Mr. Chairman – and I quote from the letter – was that

if our information about Government House amendments is reliable, we call on the Government [to] leave the amendments in committee stage for at least ten days before completing consideration of the Bill.

I think that until such time as we have assurances from all public school boards that they have had the advantage of reviewing these amendments and to see how they are impacted and, as well, to have the necessary consultation, that suggestion is an excellent suggestion. I would urge the minister that before we proceed any further with the amendments to Bill 16, we do have the assurances from each individual public school board that they indeed have seen the amendments and have had an opportunity to see how those amendments would impact their school boards.

Thank you, Mr. Chairman.

8:40

THE CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Chairman. To respond to that, what I will say is that in the legislation there is but one thing that is added, and that one thing is that there is mandatory consultation, that there's regulation-making power on the consultation process leading up to a formation of new or expanded Catholic school boundaries. So I would put it to you, hon. member, that in this legislation everything else has been removed and that it should not take 10 days for them to take a look at it. I will say – and again I apologize, but this is thirdhand – that my deputy minister did meet with the Public School Boards' Association of Alberta today. Tentatively – again, I apologize; this is thirdhand – it was a good meeting.

The other thing I will say – and I believe that this is very important to say – is that if the Alberta Catholic School Trustees' Association did nothing, if they did nothing on this, then the 4 by 4 votes would continue, and over the next three years I would have another 170 of them. So this very much affects the Catholic School Trustees' Association. They have felt that there is a problem, and I commend them for doing that. They have stated that they support the idea of mandatory consultation, talking to everyone in the community, talking to their public school boards about the formation within a community. That is something that the public school boards do not have the authority to change. This is something that is constitutionally a right of the Alberta Catholic school boards in Alberta, and the public school boards constitutionally do not have this right.

I will say one thing, and I apologize for this for the member sitting in the gallery. It is a separate school right, and the reason I say that is because we do have a public separate school board. We have one public separate school board in my province. I do apologize for that.

Mr. Chairman, it is something that they have the ability to expand today. It is something that these school boards have the right to do. I commend the separate school boards for realizing that there's a problem, for proposing a solution, and again I'll reiterate that if nothing is done today, if nothing is done on this legislation, the 4 by 4 process will continue. There will continue to be expansion of the Catholic school boundaries. There will continue to be rifts within the communities, which all the separate boards and the public boards recognize do no one any good. All of this will continue for the next hundred years or until the province of Alberta is covered. What we have here today is a solution to this issue that will allow for cooler heads to prevail, for people to sit down and have a logical discussion

about what is going to happen to the education of the students in both the separate schools and the public schools of this province.

I do believe that this is the right way to go. I commend everyone who has been involved in this. I commend the separate school boards for putting these positions forward even though they did not have to. They did not have to say that they will talk to anyone, because it's their constitutional right not to, but they have said that we do not want to have these continual rifts in the communities over formation. I commend everyone involved, but I would remind the hon. member that that is the issue.

Thank you.

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

DR. MASSEY: Thank you, Mr. Chairman. I thank the minister for the back and forth, the debate we've had this evening. It's important.

I guess I would leave with just one question to the minister. Given all that we have before us and the changes in terms of choice, how does he see the amendments impacting a Catholic parent who is right now sending their child to a public school system? What will be the impact?

THE CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much. The Catholic parent will still have the ability as to where they send their child. One of the issues will be on taxes, as to where they send their taxes, but I must remind the hon. member that probably five or six years ago taxes were all essentially pooled. Albeit you can direct your taxes as to where you want them to go, the ultimate effect is that they all come up to the central location and then are divvied out. That ability will still continue.

There still will be the ability for a Catholic parent to send their child to whatever school they see fit. As the hon. member knows, being a former school trustee, many students within the public school system are Catholic and many students within the Catholic school system are non-Catholic. That is something that will not change as a result of this legislation.

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

DR. MASSEY: Yes, Mr. Chairman. I move that we adjourn debate.

THE CHAIRMAN: I think that's an interesting motion that should have with it additional thought. Anyway, the hon. Member for Edmonton-Mill Woods has moved that we adjourn debate at committee stage on Bill 16.

[Motion to adjourn debate carried]

THE CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Perhaps, Mr. Chairman, we could move on, then, to Bill 21. I assume, as part of the previous one, that I'll move that when we rise and report from committee, we report progress on Bill 16.

THE CHAIRMAN: The hon. Government House Leader has moved that when the committee rises and reports, we report progress on Bill 16.

Now, if I heard the hon. gentleman correctly, we would be moving to Bill 21.

**Bill 21**  
**Electronic Transactions Act**

THE CHAIRMAN: Are there any comments or amendments to be offered with respect to this bill? The hon. Minister of Innovation and Science.

MR. DOERKSEN: Mr. Chairman, thank you so much for the opportunity to speak briefly to Bill 21, the Electronic Transactions Act. I just want to commend my colleague from Spruce Grove-Sturgeon-St. Albert, who has carried this legislation on behalf of the Ministry of Innovation and Science, for doing such an outstanding job and for working through the consultation process this summer to make sure we had the proper outline, the proper approach to this particular act.

I would just refer the members of the Assembly to kind of where this fits into the whole Innovation and Science business plan, which under our goal 5 says that "the Government of Alberta will be a model user in the application of information, knowledge and technology." Mr. Chairman, that just underscores the importance we see in today's world of high-speed access to the Internet in electronic business in allowing that only paper-based transactions are no longer practical. As a result, the objective of the Electronic Transactions Act is to give electronic communications the same legal status as their paper counterparts with one key principle, and that is that both parties must consent to handling their business transactions electronically.

Mr. Chairman, as was referenced this afternoon by the Member for Spruce Grove-Sturgeon-St. Albert, we based the legislation before the House on the Uniform Electronic Commerce Act and reviewed that while we were developing our own legislation. He also noted that in Canada all jurisdictions with the exception of Newfoundland, the Northwest Territories, Nunavut, and Alberta have passed legislation based on this model law.

Mr. Chairman, there are no amendments that we propose to bring forward on the bill at committee. I think, with the support we heard earlier from the members of the opposition, that they are in fact in agreement with the bill as presented, and we look forward to the early passage of this bill.

Thank you.

8:50

THE CHAIRMAN: Are you ready for the question?

MR. HANCOCK: No, Mr. Chairman. We're not ready for the question yet.

THE CHAIRMAN: Okay.

MR. HANCOCK: So I might spend just a moment to indicate to the House that the critic for the opposition is just having a review of some final comments that he might want to make, and I'm sure he'll want to come and make them.

In the meantime, if there's an indication that someone else might want to speak to the act . . .

AN HON. MEMBER: I'll speak.

MR. HANCOCK: You have to be in your own chair.

I would commend to the House the act because it does help us to regularize what is in practice in business today in this province and in our country in the fact that we use electronic transactions on a daily basis. Many of us believe that they're quite legal in effect now because of the fact that you really don't need to actually have an ink

signature on a document in order to make it a legal document. However, it does make it easier to prove that the document was actually signed by the parties that intended it to be a legal document. So the Electronic Transactions Act just takes that one step further and makes it clearer in the public mind that those documents that are done through electronic means and where they have the consent of both parties are in fact legal documents in this province. I think that's a very important step forward in this electronic age.

Thank you.

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

DR. MASSEY: Thank you, Mr. Chairman, I think. The opposition I think has been in support of the Electronic Transactions Act, and for good reason. I think many of us who use the Internet and who would like to use it even more in terms of purchases and business dealings are still somewhat nervous over the whole process. I know that I'm still very, very reluctant to give out credit information over the Internet, and I'm sure I'm not alone. Anything that can help consumers feel more confident that those transactions are valid and that they won't be party to transactions that can be questioned I think is a move in the right direction, so I'm supportive of the legislation.

I think, as previous speakers have indicated, there's probably a lot more that could be done in terms of protecting consumers and making sure the transactions they undertake don't lead them into any difficulties. But it's all a very new area for all of us, and it's one that's evolving. The legislation and the kinds of regulations that govern it are gradually evolving, hopefully to make sure that consumers and the providers of goods and services can use this very powerful medium to carry on their transactions and to do it safely and with confidence that the transactions will be the ones they think they're undertaking.

Thanks, Mr. Chairman.

[The clauses of Bill 21 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Carried.

**Bill 18**  
**Health Professions Amendment Act, 2001**

THE CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would like to rise and move an amendment to Bill 18 on behalf of the Minister of Health and Wellness. I believe that you have the appropriate copies of the amendment, and I would wait for them to be circulated to members.

THE CHAIRMAN: These amendments will be passed around, and in a moment we will deal further with them. They will be called amendment A1. We'll just wait a moment.

I believe everyone has a copy now of amendment A1 as moved by the hon. Government House Leader. The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. Essentially the amendments that are being brought forward, as I understand it, are as a result of the opportunity that members of the professions have

had over the course of time in which we were in recess to look at the bill and to bring forward some questions and concerns they had.

In essence, section A, with respect to section 12, is being proposed to the House to be inserted into the bill in order to assure persons who are participating in the continuing competence program that results of that would not be used to their detriment in inappropriate circumstances. Obviously it's important to ensure in professions regulated by the bill that members of those professions are encouraged to engage in continuing competence programs, and it would be very discouraging if one were to participate in such a program and then as a result of not having been as successful as they had wished to be perhaps in passing a test or in dealing with some evaluation of that program, having to have that on their record, so to speak, for future employers' reference or other people's reference, where it may be inappropriate to do so. In order to be clear and clarify the concept of the continuing competence programs and to ensure that voluntary participation is not discouraged, the amendment makes it clear that information coming out of that program would not be able to be used to that individual's detriment. So that's section A.

Section B relates to matters with respect to the Ombudsman Act. Again, it deals with the question of utilization of information obtained in the continuing competence programs against an individual member. Again, the same comments would prevail with respect to that particular section, that the intention is to encourage people to participate in such a program, not to use that process against them.

Section C essentially inserts, as I understand it, the word "liquid" into the section: "under pressure, liquid, air or gas." Here we're talking about insertions into the ear. There were concerns by professionals practising in that area that the insertion of a liquid into the ear should also be covered by that particular section of the act, and thus it's been inserted there.

9:00

Sections D and E and the remaining sections of the proposed amendment I believe deal particularly with the concept of students in various professions and making it clear that registering of a student does not register them under this particular act. So it just clarifies that the students are not registered members under the act. All of those sections deal with the various professions and the issue of students as relating to those professions.

With those comments, Mr. Chairman, I would ask the House to consider the amendments being proposed. I understand that members of the opposition have only seen them tonight and therefore may not wish to deal completely with these amendments and the bill in committee tonight, but they may wish to have some comments. It would appear that they don't, and therefore I would move that we adjourn debate on Bill 18.

[Motion to adjourn debate carried]

MR. HANCOCK: I would move that the committee rise and report and, in doing so, that it report progress on bills 18 and 16 and that it report Bill 21.

[Motion carried]

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports Bill 21. The committee reports progress on the following: bills 16 and 18. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 9:04 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

