

Legislative Assembly of Alberta

Title: **Wednesday, November 14, 2001** **8:00 p.m.**
 Date: 01/11/14
 [Mr. Shariff in the chair]

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

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

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

THE DEPUTY CHAIRMAN: We have amendment A1. The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you very much. I'm happy to have the opportunity to speak to this bill this evening. As my colleague from Edmonton-Riverview stated yesterday when speaking to this bill in second reading, we don't have a whole lot of concerns about it. It did go out for consultation to a number of groups.

MR. MacDONALD: Like who?

MS CARLSON: Well, the groups that we sent it out to were a large number: the AARN, the Health Sciences Association, the United Nurses, the College of Licensed Practical Nurses, and the federation of health professions. We did have a couple of comments of concern come back, which I think one of my colleagues will be speaking to in a few minutes, so I won't take away her thunder on that one.

The general concerns that we heard about this, Mr. Chairman, were that there weren't enough resources in the system available for all disciplinary hearings, and we know that's been an ongoing problem within the system. They still are concerned that there aren't going to be enough resources for those kinds of actions, so we would expect the government to be coming forward with some kind of a plan that would address that. Perhaps the best way to address it would be to work with these groups who have been consulted by both yourselves and ourselves and come up with some reasonable solutions that don't spend a whole lot of money but do address the concerns that are outstanding. So that is the major concern. It is relatively minor in nature, and as a result of that, we're not going to hold this bill up. In fact, we would expect to see it passed through committee tonight and, undoubtedly, third reading as well.

We know that the government thinks that the framework that was brought in in Bill 11 would be adequate to address the concerns that were outlined by organizations, and we're not sure if that will happen or not. We look forward to seeing some of those regulations coming forward at some point in time. That's part of the problem with not seeing regulations at the same time that we're debating the bill: people have to trust that the government is going to always be correct. It is very risky business, Mr. Chairman. We have seen time and time again that this government is far from perfect.

MS BLAKEMAN: They just don't trust them.

MS CARLSON: As my colleague says: some just don't trust you. But I will state that you're just far from perfect.

Certainly there's always benefit from healthy discussions and hearty discussions from people directly affected or people like us who sometimes, once in a while do come up with some good ideas that we've seen you incorporate into legislation that makes it

stronger. So I think that's once again something that could happen here.

Some of the clarification that comes into the bill is an improvement, I think, over what we had before. So, in general, not a bad bill, Mr. Chairman. Those are all of the comments I have at this particular stage of this bill.

Thank you.

[Motion on amendment A1 carried]

[The clauses of Bill 18 as amended agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.
 The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 18.

[Motion carried]

[Mr. Shariff in the chair]

MR. LOUGHEED: The Committee of the Whole has had under consideration and reports the following with some amendments: Bill 18. Mr. Speaker, 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 ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? Carried.

head: Government Bills and Orders
 head: Second Reading

Bill 22 **Builders' Lien Amendment Act, 2001**

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

MR. DUCHARME: Thank you, Mr. Speaker. It is my pleasure to move second reading of Bill 22, the Builders' Lien Amendment Act, 2001.

For some years now we have been hearing from members of the oil and gas industry that the Builders' Lien Act is not working well for them in certain situations. The Canadian Association of Oilwell Drilling Contractors and the Petroleum Services Association of Canada have told us that typically payments for certain work in the oil and gas sector are not made within 45 days from the completion date. As a result, legal remedies against nonpayments that are now provided by the Builders' Lien Act are not in practice available to this industry sector. The industry has requested that we extend the present 45-day filing period for liens to 90 days. The bill you see before you, Mr. Speaker, is the government's response to this request.

[The Speaker in the chair]

Along with the necessary consequential changes Bill 22 extends the filing period for liens to 90 days effective April 1, 2002. However, it also specifies that this extension only applies to contractors that drill oil and gas wells or service oil and gas well sites as they are the only ones that are affected by the unique industry payment practices that I have just described.

The major proponents of Bill 22 are the Canadian Association of Oilwell Drilling Contractors and the Petroleum Services Association of Canada. I'm very pleased to note that these two associations worked very hard with the producer organizations – that is, the Small Explorers and Producers Association of Canada and the Canadian Association of Petroleum Producers – to reach a consensus. All four of these stakeholders have been consulted on the amendment and have recently written letters supporting this bill. Alberta Energy also supports this amendment.

Mr. Speaker, I would like to thank all of our stakeholders for their important input during the development of the bill. They have also undertaken to notify their members of the amendments, and they will provide further information and explanations on the application of the changes to the industry members that are affected. Bill 22 is important to the oil and gas industry, that plays such a significant part in our province's economy, Mr. Speaker, and I urge all members of this Legislature to give this important bill their full support.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. Happy to respond to Bill 22. This is an excellent example of an industry that had an issue they wanted to be addressed and very effectively lobbied all three parties – the government, the Official Opposition, and the other opposition party – in terms of sharing the information on what it was they wanted and needed and the reasons why they were requesting the change from a 45-day filing period to 90 days and did a very effective job of doing that. After talking to their representative and posing some questions and getting what we felt were very good answers, we were quite happy as a caucus to support this change. We would never obstruct the ability of any organization or group of companies to earn income and to get paid for services once they have provided those services, and this certainly seems to be a streamlining kind of process for what is really a small piece of the oil and gas industry in this province.

8:10

They don't have some of the same options as larger organizations have, which would be interim billing or any kind of prorated payment structure. These folks need to wait till the very end of their project to get their money, and if for some reason the money isn't forthcoming, then they have a real tough time securing those dollars at a later date. So to give them a little extra time to put a lien in place if necessary, Mr. Speaker, certainly is a small request for them to make of this Assembly. We would have been happy to have seen it in miscellaneous statutes, I believe, after having had all of the information explained to us. So certainly this is a case where we are happy to work co-operatively with the industry and with the government on a bill, and we certainly expect that we'll see a speedy passage of this bill through the Legislature, which is the commitment we gave to the organizations and which we are happy to comply with.

It's a very good process that they've undertaken. They went to all the directly affected and indirectly affected user groups for com-

ments on the changes in this legislation. They had originally asked for a longer extension – I believe it was to 120 days – and had one group that objected to that length of an extension, feeling that it would handicap them in the reverse way by having too short of a filing period. So based on that one objection, they decreased the days to 90 from the original request. There was great deal of compliance within their organization and co-operation with other organizations, so we certainly applaud their efforts and their very effective lobbying of people who will make the decisions on the law, which is those of us here this evening.

So, Mr. Speaker, with that, we're very happy to support this bill in principle at this reading.

THE SPEAKER: The hon. Minister of Energy.

MR. SMITH: Thank you, Mr. Speaker. Firstly, I feel compelled to rise and thank the Official Opposition for their desire to co-operate on this bill, which moves the lien period out to a reasonable amount of time that is really acceptable industry practice.

From my experience in the oil industry and I know from others in this room and also from those in the service sector, Mr. Speaker, it's the service sector that really is the job generator of this industry. It's the service sector that provides the many opportunities for employment for individuals, whether they be from Paddle Prairie or from Manyberries. It's this government's ability to create the environment that allows those service companies to thrive in an energy industry that today exports more oil to the United States than Saudi Arabia and that I think indicates an expression of an ability for everybody to work together towards a common cause in a circumstance where all Albertans will benefit.

I think that congratulations should go to the Member for Bonnyville-Cold Lake, who brought the bill forward and has done a good job in getting it through. Secondly, to the industry who – I don't think I'd use the term "lobby," but I would certainly use the term "expression of concern," expression of interest in an explanatory fashion as to how all would benefit from this, how people can charge either less or more now that they have more protection in collecting their bills. I think it is a bill that will without any cost to this government help promote employment, opportunity, and development of this great industry in Alberta.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I am supporting the previous speakers in their comments on Bill 22, the Builders' Lien Amendment Act, 2001. I think we're all willing to support this bill.

A couple of things struck me when I was thinking about this bill and casting my mind back over the presentations that were made to us by those requesting the changes. I think one of the things that I remember the most is that in many cases we're dealing with small or smaller providers or operators here, and I know that it can be difficult to try and keep up on the administration and the follow-up in a smaller business. You really just want to get out there and do the work that you're doing, and the paperwork can sort of follow along behind. So giving them an extension in the amount of time that they've got, from 45 days to 90 days, does allow for those small businesspeople to catch up on the paperwork and make sure that everything is going well for them and, if it's not, to make use of that extra time to file the lien. I think that's a question of fairness.

The Minister of Energy spoke about the opportunities for employment and activity in the oil and gas sector that this bill could be enabling. I think that's fair enough. One of the concerns we see

in this day and age is that I don't think you can count anymore on the larger companies that we might work for – and I think you can look at this in almost any sector – that we used to think of as reliable and rock solid and for sure going to be there to pay their bills. It's a bit of a surprise to these operators in this oil and gas business when they submit a bill to a huge company and they're not getting payment in a reasonable amount of time. I think the days when we could depend on those large organizations staying there forever are long gone. It's not hard to think of a few names of companies that we thought would be here forever and are not anymore. Woodward's is gone; Canadian Airlines, gone; Massey-Ferguson, gone. Those were names that we thought would have lived forever in Canada, and that's simply not the case anymore.

So we have to allow for small business operators to be able to make sure that they get paid, frankly, and to give them time to take advantage of court proceedings that are open to them to chase that money down. I think it is a question of fairness. Certainly we know that larger companies will have a staff of lawyers on high alert ready to do the bidding of these huge corporations and multinational corporations, but that just isn't the case with the sector that provides most of the employment and most of the economic activity in Canada, and that is the small and medium-size business. So I'm pleased to see this small change that is going to make their lives and their business a little easier.

Now, I know that my colleague also had some specific comments that he wanted to make on this bill, and I don't want to unduly delay passage of this, so I do appreciate the opportunity to make those few comments. I think it's a good bill, and certainly when we're looking at the principle of the bill, I'm more than willing to support it in second reading.

Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I, too, am anxious to say a few words on the Builders' Lien Amendment Act, Bill 22. I think that this amendment will be beneficial for the oil and gas sector in this province because it will better reflect and enhance the oil and gas industry payment practices, where payment is typically not made in full, as I understand it, within the 45-day period.

8:20

Now, there has been extensive consultation between the industry – I'm sure it was mentioned in this Assembly – and various ministers of the Crown. It is an amendment that while other people may consider it just a matter of a routine, we need to recognize and understand the importance of the oil and gas well drilling industry and the fact that this drilling and service industry is seasonal in this province, Mr. Speaker. As well, it has its ups and downs, which are reflected in the international prices of both oil and gas. Of course, we are entering, as freeze-up occurs – and it may be a little later this year. Its highest activity is in the winter, and it is also reliant on public resource development policy. Every now and then it would be, I believe, prudent of this House to study the current practices, the current incentives and perhaps change them as a reflection of commodity or royalty prices.

However, Mr. Speaker, over the last 25 years we've seen two periods of high activity. That of course was 1978 to 1980 and 1994 to '97. At the same time we have experienced activity levels that have been very poor. We look at what occurred between 1981 and '92 and '98-99. When activity levels are low, operators want to stretch out these payments. The payment terms are often 90 or 100

days, and in some instances, unfortunately, no payment is received. The sharp reduction in activity that occurred three years ago saw the failure of a number of significant public companies. Some contractors who had supplied services for years had financial difficulty.

Now, if we look at the time period before 1967, there was a lien filing period in this province of 120 days, but we changed that in 1967. The Buchanan commission report reduced the lien filing period to 45 days. This was done as a matter of consistency, and here we are changing it again. I support these changes. All hon. members of this Assembly recognize the economic contribution of the oil and gas sector to the economy.

In closing, I would like to say that as the industry shifts focus from southeastern Alberta over to the foothills front and up to the Peace River arch as the weather gets cold, I wish all Albertans who are involved in this industry a prosperous winter – not only a prosperous winter, Mr. Speaker, but a healthy drilling season in that hopefully no young Albertans will have an injury that prevents them from working further or perhaps even a death on the job.

With those comments, I'm pleased to say that I hope this bill has speedy passage through the Assembly. Thank you.

THE SPEAKER: The hon. Member for Bonnyville-Cold Lake to close the debate.

MR. DUCHARME: Question.

[Motion carried; Bill 22 read a second time]

head: Government Bills and Orders

head: Committee of the Whole

(continued)

[Mr. Shariff in the chair]

THE DEPUTY CHAIRMAN: Okay; we'll call the committee to order.

Bill 16

School Amendment Act, 2001

THE DEPUTY CHAIRMAN: We have before us amendment A2. The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. I appreciate the opportunity to make some comments and ask some questions about the amendment that we have before us. Last night we were fairly confident that the issues surrounding Bill 16 and the subsequent amendments had been pretty well resolved. I think we left fairly pleased that the minister had been able to accomplish that goal. Like all things to do with schools and religion, they can sometimes be not quite as smooth in trying to solve problems as we would like it.

Late this afternoon we had a communication, that I think has been shared with a number of MLAs in the House, from the Public School Boards' Association. They have commented in their memo that they're very pleased with the developments that have occurred thus far in Bill 16, but they have raised a number of issues that still need to be addressed. Some of those issues concern the bill itself and the amendments, and others are in the draft regulations that the minister was good enough to share with us. Sharing those draft regulations was important to us. We thank him and appreciate what he has done to make sure that we all understand, when the bill is passed, where the regulations are going, knowing full well that they are draft regulations and subject to change.

If I could, Mr. Chairman, I would like to raise the concerns that

the Public School Boards' Association of Alberta has shared with us if the minister would be kind enough to maybe respond to them. The very first is what the Public School Boards' Association labels as a fatal flaw. If I could read their objection to it: at this point the bill does not ensure that members of the minority faith can vote for or against establishment of a separate school education without going through a divisive organizational meeting. Now, I have to admit, Mr. Chairman, that I've never been to one of those meetings, and it's only secondhand that I hear the kinds of problems that arise at those meetings for voters. I notice that in the School Act it calls for votes at those meetings to be done by secret ballot. Nevertheless, the Public School Boards' Association has suggested that section 202 of the School Act be amended to provide for a plebiscite among members of the minority faith as an alternative to the organizational meeting. I would be interested in the minister's comment to that kind of proposal and how practical it is and whether it would be any less divisive than the process that's already in place. So that's the first issue that has been raised.

8:30

The second issue is concern with the proposition – this again is in the draft regulations, so I really feel a little uneasy addressing them in this forum, Mr. Chairman, but the issues have been raised, so I would like them on the record – that the minister can order a separate school board to provide services outside its jurisdiction. They go on to say that it's one thing to say that school boards sometimes may provide services at their own discretion, but the comment was made that it's quite another thing to allow the minister to make such an order. It's that provision of services outside their jurisdiction that has the association concerned.

There are a number of questions – and we've had these before us before – in terms of Francophone education. We've had this discussion in the Legislature, and I understand that the minister on previous occasions has commented on this. But I think it might be appropriate because the issue has been raised again this evening or this afternoon: that the constitutionality of the provisions for Francophone education would be questioned should Bill 16 be passed. It's based on the fact that Protestant trustees are excluded from decision-making for most Francophone schools, while Catholic trustees are included in the decision-making process for non-Catholic schools. That's really I think the crux of the matter. I think the minister has done some work in the area, has commented on it before, and I would appreciate the minister again addressing that issue if he might.

I guess the last item the Public School Boards' Association raised with us is that given there has been good progress, that association would like an opportunity to meet with the ACSTA. They've asked for four to six days for that kind of meeting to take place. I would ask of the minister that should the bill be dealt with this evening, which I think has been the intent of the government, to pass it through committee and third reading, that should that happen, would the minister consider convening a meeting of representatives from the Alberta Catholic School Trustees' Association and the Public School Boards' Association of Alberta to look at the issues that are raised about the regulations as they appear in the draft regulations and hopefully to work together to make a set of regulations that are satisfactory to both sides? I met earlier today with representatives of the Alberta Catholic School Trustees' Association. They had not at that time had an opportunity to carefully examine the draft regulations, so obviously I can't speak for them, but I'm sure that an opportunity to discuss them would be something they would be open to.

Those are the issues that were raised by the Public School Boards'

Association of Alberta, Mr. Chairman, and I would appreciate if the minister would comment on them. Thank you.

THE DEPUTY CHAIRMAN: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Chairman. I will comment on the issues as they have been raised.

The issue of a plebiscite as opposed to an organizational meeting. I will comment on it from a couple of points of view. First of all, this is a thing that is dealt with by the Alberta Catholic School Trustees' Association. It is their process. It is in the Constitution and is their process. They have stated that they are fully content with the existing process.

When it comes to the plebiscite, as well, at the actual vote it is a secret ballot. It is not a public meeting. It is not putting up your hands and being identified. Where the issue actually comes is after the organizational meeting and before the vote, where there is a lot of lobbying going on. I do not feel that a plebiscite would change that at all.

The second issue, in talking to our Legislative Counsel, is that because this is an element that has not been dealt with by the existing amendments or the existing changes to the bill, this would have to have unanimous consent to go back to second reading and subsequently on.

The third thing is that I do not feel, as I mentioned previously, that the plebiscite will change the divisiveness that occurs within a community when there are these votes. I feel that a plebiscite is very similar to a vote.

The second point that was raised, about the separate school boards outside of their jurisdiction being able to provide services. That is not true. Under this act the separate school boards will provide jurisdiction when their regions are expanded. They will not have the ability to provide services outside of their jurisdiction.

The next thing is the Francophone education. I will say on the Francophone side of things that through the hon. Member for Bonnyville-Cold Lake and a lot of the work that has been done, all of the Francophone school boards, including the bishops from Alberta, have signed off on these changes. Is there a potential for a constitutional challenge? There may be, Mr. Chairman; there may be. But I guess the importance of this Legislature is that we do what the people want, and the Francophone school boards want this. I feel it is in the best interest of kids. Sometimes we have to remember why we're here, which is for the best interest of kids, the best interest of adults, the best interest of parents, not necessarily the best interests of the Constitution. That is what the Francophone component does.

With regards to the last issue, I'd be more than happy to sit down with the ACSTA and representatives of the PSBA to go over their draft regulations.

I believe that that has answered the questions the hon. member has put forward to me tonight. Thank you.

THE DEPUTY CHAIRMAN: The hon. leader of the ND opposition.

DR. PANNU: Thank you, Mr. Chairman. At the outset I want to thank the minister for fully sharing the information that he brought to the House. Then he offered both the Liberal opposition and us more information related to that, and I want to thank him for it.

I also want the House to be very cautious. All of us need to be. It's a sensitive issue; it can lead to tensions. Divisiveness was associated with debates on this for a very long time. It's a historical legacy of the way this country was put together, and we have learned to live with it. It's a constitutionally mandated arrangement, so we

all agree that we must respect the framework, then, of the Constitution, of the historical legacy, and try as amicably as possible to deal with evolving situations that must be addressed. It's in that spirit that I think the minister has operated, and it's in that spirit that I'm going to be making my comments.

I had the opportunity this morning to meet with the Alberta Catholic School Trustees' Association. They're obviously anxious that we proceed with this as soon as possible. I've also been contacted by the Public School Boards' Association, and they urge me and us to give them a little more time so that they can have some further negotiation over the next week or so to see if at least on some of the issues they can develop a consensus and a common position. Certainly this plea was made in the name of coming to some sort of agreement on issues between the Public School Boards' Association and the Catholic School Trustees' Association, and the desire to come to some sort of common position through negotiation is a laudable one.

8:40

I know the minister feels that he has a timetable he wants to respect, but I do want to ask him to consider the possibility of allowing a week. I think there are several school board association meetings taking place over the weekend. Starting tomorrow, I guess, one association meeting, and the day after tomorrow another one starts. Then on Sunday I understand it's the Alberta School Boards Association that meets. It is during this third annual Alberta School Boards Association meeting that the Public School Boards' Association suggests they will have the opportunity to meet their counterparts in the ACSTA, so they're asking for some time. I want the minister certainly to consider this.

Moving from there to some other observations to the amendments proposed. I went through the bill as thoroughly as I could with these things in my hand, and the regulations the minister's office provided this morning around 11 o'clock were also studied very closely by me. One thing I noticed is that only one part of the bill is being amended. I recall the debate during the spring session, and there were all kinds of issues there. I'm a little bit concerned that the area of the bill where the minister had agreed to bring forward amendments deals with the concerns of one party, one set of stakeholders to the whole issue of the education act and changes to it. So I am a bit concerned about it. He has obviously responded fully, I guess, to the ACSTA concerns as well as he can. But the concerns on the other side, which I tried to put on the record I guess during the spring debate, seem still alive, and in the minds of some spokespersons on the public school board side they're still waiting to be addressed.

I have a letter here that came to my desk only today, but I'm sure the minister has received it before. It is from Gail Horner, chair of the board of trustees of Sturgeon school division, I think. There are several points that she makes there on issues related to choice, issues related to inclusiveness and the open boundaries policy. The last one that I think she raises has to do with the minister's ability to expand the school division. Then she closes her letter by saying that the amended bill, if it were to be approved, would provide yet another avenue for the expansion of what she calls Catholic schools or Catholic education. I'm quoting this simply because she had urged me this morning on the title page of her fax to me to table this letter in the House, that it is urgent, and I failed to do this. I didn't get it in time to bring it to the House, so I want to make sure I put this thing on record and apologize to Ms Horner for failing to table the letter earlier this afternoon.

The issue of choice, Mr. Chairman. Particularly the ability of a nonminority group of students and their families to be able to attend

and to be admitted to separate schools is I think an important one, because the public school board side does allow everyone on, I guess, request or demand to be admitted. I have always defined a school system as a good school system which in essence is guided by the principle of inclusiveness. Schools are more than just places where we learn to do math and science. These are places where we learn to be human beings, to be citizens, to be members of a broader community we call the national community.

So in that sense, I guess, the more inclusive we can make every dimension of our public school system – and we have two dimensions in our two streams, if you wish. They are partners in educating our children, giving them the very best education, both in citizenship and of course in other areas. We should try to strengthen that partnership and try to make exchanges across these borders as easy as possible, including the movement of students. So the issue of choice is something that I think perhaps needs to be addressed.

I have a few other questions. I'm pleased the minister believes that some of the concerns that have been expressed by the public school board representatives perhaps can be addressed at the level of regulations, and I would certainly encourage the minister to take this matter seriously and see if he can bring the parties together at the level of developing regulations which might address some of these concerns.

The last thing I want to say, in this round that is, is that the bill includes several other things. It has some provisions with respect to tightening up some regulations for the approval of charter schools. The bill also includes a section which leads to the elimination of that board. These two matters haven't received the attention, in my view, that they deserve, because we got very much involved with the sections that dealt with this historic sort of divide and feature of our public school system. We haven't either in this sitting, certainly up to this point – and I'm as much at fault as anyone else, I guess – or even in the spring session paid enough attention to all the different parts of the bill. After all, it's the School Amendment Act. It deals with various aspects of the existing act, but we have focused in our debate, I think, on matters that relate to the minority rights to education as historically entrenched in the Constitution.

As part of this very last remark that I made on minority rights, I am pleased that the Francophone rights to education in their own language, as are now, I think, guaranteed by the Charter of Rights and Freedoms of our country, are being accommodated here. I learned from the minister that there has been some problem in the southern part of the province with the school boards, so he has decided to grandfather those two, the public and the private or the Protestant and the Catholic boards, for the Francophone community.

The only concern I have here is that although at the moment other Francophone communities that are affected in the north, whatever, may not have the problem of some Protestant minority within the Francophone community seeking the right to establish their own schools, it would happen in the future. I wonder if the minister has something to say about it, if the provisions of this amended act will allow for that or not.

So with that I'll close.

THE DEPUTY CHAIRMAN: The hon. Minister of Learning.

8:50

DR. OBERG: Thank you very much, Mr. Chairman. I want to touch on a couple of points. There is ability within the act that when the number of Protestant Francophone students reaches 500, they can establish their own districts. That is in there.

The other comment I will make, Mr. Chairman – and I'll keep this extremely brief – is that I did talk to the person last night. I

apologize for speaking about someone who is not in the Legislature. I did sit down with her after session last night for about a half hour or three-quarters of an hour and explained it to her. She seemed relatively content. I also asked her, if she had any questions, to call me today, and she did not call. So I can only assume that she was content with that. She seemed reasonably content up to this point.

Mr. Chairman, all of the comments have been extremely good on this bill. I would suggest that in the commitments I have made to the hon. member about having the ACSTA and the PSBA sit down with myself to discuss regulations later on next week, I think we have a very good bill here. I think it's something that we should go ahead and vote on.

Thank you.

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

DR. MASSEY: Thanks, Mr. Chairman. Just a few remarks. One, to first of all thank the minister for agreeing to expediting a meeting between the two associations so that the regulations can be examined and the interests of both the groups can be brought to the table. I think that's a good move on the part of the minister, and I thank him very much for doing that.

I suspect we could be here for a number of sessions trying to straighten out the School Act. As I said last evening, I'm having difficulty following the paper trail from the act to the bill to the amendments to the amendments, and then today we had the draft regulations. So it's becoming an interesting exercise in wordsmithing.

With that, I am pleased the minister has agreed to convene that meeting. I think it goes some way in meeting the concerns of the Public School Boards' Association that there be an opportunity for them to have a voice and to meet with the Catholic trustees to try to work out any kinds of disagreements on the regulations. I think there were a couple of concerns that were raised vis-a-vis the regulations, but as I said before, Mr. Chairman, I think it's inappropriate for us to be debating those regulations when they are in draft form, and the two associations will have an opportunity to address them in the near future, I assume.

So I think that concludes my comments, Mr. Chairman. Thank you very much.

[Motion on amendment A2 carried]

[The clauses of Bill 16 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I would move that the committee rise and report Bill 16.

[Motion carried]

[Mr. Shariff in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration and reports the following with some amendments: Bill 16. 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 the report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders

head: Third Reading

Bill 16
School Amendment Act, 2001

THE DEPUTY SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. I'd like to take this opportunity to move third reading of Bill 16.

I will limit my comments at this moment and save them for the closure of the bill so that I could answer some of the questions, if there are any further questions, as well as to sum up what this bill is all about and what this bill will do.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. Just about 10 minutes ago, when I was speaking, I did express support for a request that has come from the Public School Boards' Association that it would be advisable, indeed it will be helpful to not proceed to the conclusion of the third reading this evening. I would certainly be happy to see the minister agree with me on this.

[The Speaker in the chair]

I think there is merit to this proposal that the two sides be given an opportunity to meet. One can always argue that these sides had three months to do this, but I think the attention doesn't get focused unless people see the amendments, see exactly the actions the minister is willing to take to accommodate lobbying done by each side. So although technically they had three months, they are saying that they didn't have the information you shared with us last night. I don't know when you shared it with them, but they didn't have this over the three months. For that reason alone I would think it makes sense to give serious consideration to the request and in fact accede to it. If I had the powers to do it, I would do that. A week in the life of a Legislature, in the life of a province, in the life of a society is not all that much if it can bring agreement, if it can bring people together. So that would be my position on that one.

There are some other parts of the bill that I will comment on briefly. The section dealing with charter schools in the bill. I notice that the act tries to tighten some of the conditions for approval, and to the extent to which the minister has gone in that direction, I welcome that effort. However, in my judgment the charter school experiment was undertaken in good faith, but it hasn't shown the results. On the other hand, we have seen that the alternative programs which it is now possible to offer within our public school system allow, more or less, for us to pursue the objectives that charter schools were initially designed for.

9:00

So even now I would have hesitation to vote yes to the bill, because I think we should simply stop chartering schools. I have given some reasons why that should happen on some other grounds too. In the light of some recent events I think what we need to do is to make our school system more inclusive, try to reduce and ultimately, hopefully, eliminate potential segregation of students into different segments of the school system. That can only serve all of us well in the long run. So the charter school portion, in my judgment, should be repealed. It's a failed experiment. There's no point in simply tightening up the requirements.

There are charter schools in existence. What do we do about those? I think we could certainly do the same thing with them that we've done with the Francophone, Protestant, and Catholic schools. We could grandfather them. So I have serious reservations about that part of this bill, that it hasn't really done the job.

On the abolishment of the board that dealt with capital grants and school buildings. In some ways it seems a neater arrangement whereby a committee, a board that represented the bureaucracy, if you wish, of the government is no longer responsible for making those decisions; rather, those decisions would be made through the active collaboration between the two ministries. The serious concern that I have there is that it opens the process to political influence, to be blunt, from within the caucus of the ministers, that it's subject to more of a political influence in the making of these decisions. That's why I said, when we were discussing the bill, that we didn't pay enough attention to the other segments of the bill, because the one very important part of the bill that we have dealt with consumed most of our concern and attention. So that's another major concern that I have.

I simply then conclude by asking the minister to consider not taking the third reading tonight, taking the bill to its final conclusion. If he can at all do this, give the School Boards' Association time to negotiate over the weekend, by Tuesday I think this should be over and we can return to this either Tuesday night or Wednesday.

With that, Mr. Speaker, I conclude my remarks. Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. At this time I would like to speak briefly about Bill 16. I listened with a great deal of interest to the hon. Member for Edmonton-Strathcona's remarks. I always have reservations about the charter school system in Alberta, and that is obviously reflected in the most recent report from the Auditor General. The flags that have been raised probably have been noted by all members of this Assembly, but again what sorts of guidelines are in place to confirm the performance measures of these schools?

For instance, we had a charter school from the constituency of Edmonton-Gold Bar in here yesterday, and there were 14 students in that class. Meanwhile, in the separate system over at St. Gabriel school there are 34 children plus two with special needs, so there is an inequity here. The system does not seem to be in balance. The minister, to his credit, obviously has the interests of all Alberta schoolchildren whenever he or the department makes these decisions, but this issue of the charter schools is certainly not going away.

Now, we look at the dissolution of the School Buildings Board. People always talk about the creation of a new school. The education critic for the Official Opposition put it so well. It was stated by the Member for Edmonton-Mill Woods that so many politicians are anxious to appear and are fighting with one another over the silver

shovel whenever there's a groundbreaking ceremony for a new school, yet they do not, Mr. Speaker, show up to drive the bulldozer for the wrecking of an inner-city school whenever these schools are closed. They're certainly not anxious to participate in those ceremonies. I see the dissolution of the School Buildings Board as taking this issue and placing it in the hands of the minister's office. We are making this political. I do not think that is right.

Now, at this time last year we had a school in the hon. Member for Edmonton-Strathcona's constituency, Rutherford school. Another board wanted that school. I was present at the public meeting. There was a letter, apparently, from a minister of the Crown: here's a million dollars to the Edmonton public board; if you give us this school, you can take the million dollars and refurbish a school in the constituency of Edmonton-Gold Bar, Idylwyde elementary school. Of course, the parents were opposed to this. The meeting was, to say the least, noisy. What did we find out at the end of the school year? At the end of the school year Idylwyde school is to be closed, transferred to another board, and everybody is suddenly going to be bused over to Rutherford school free of charge for a year. This was a political decision, and that's why I'm afraid things are going to even get worse with this.

I'm disappointed in Bill 16. I certainly hope for the sake of our children that I am wrong. To think that a decision will be made on how people vote or do not vote in an election on what sort of system and what sorts of school facilities they're going to have I think is wrong for the children of this province, and that's why I have a great deal of difficulty with this Bill 16.

Thank you, Mr. Speaker.

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

DR. MASSEY: Thank you, Mr. Speaker. Just a few comments about Bill 16 and the amendments at this stage. It's an important bill. It covers a lot of ground, and I don't think any of us pretend that it's the final word. I'm sure that we are going to be back here if not in the spring then sometime in this Legislature making more amendments, some that will arise out of the things that we do this evening. As the School Act has been for a long time, it's a work in progress. Hopefully, that progress is making things better for youngsters in this province.

The provisions in the bill are important ones: the creation of new Francophone regional authorities and the clarification in terms of bringing employment action against teachers in all of the schools of the province: the public, the separate, and the private. I think the creation of separate school regions is certainly different from anything that's been done in the province before. I applauded the provisions that were put in place for the establishment of a charter school, asking first that they seek recognition as an alternative program under one of the two public systems. Again, as I said when we debated the bill at previous stages, I think that's a good provision.

9:10

Dissolving the School Buildings Board: I have questions about that, getting rid of the School Buildings Board and putting that directly under the minister. Certainly it may not be this minister, but the opportunities for political interference in the school building program I think arise when it comes under the purview of a minister. Now, having said that, I recognize that the School Buildings Board was certainly under the department and under a minister's direction and that their actions could be influenced by the minister, but at least it gave the view of an independent body acting on school buildings,

although I was one of the first to criticize some of the decisions that they made when I was a school trustee.

All in all, there are some important provisions in the bill. At the end of the day we've seen they aren't all agreed to by all parties, but it's been a very, very difficult task trying to reach agreement on some aspects of the bill. I think that's shown in the fact that the Alberta School Boards Association was unable to take a position on many parts of the bill and, in fact, I think had actually left and walked away from taking a position on some aspects of the bill. That's testimony to how difficult the issues that are dealt with in Bill 16 are.

With those comments I'd like to conclude, but I would again like to thank the minister. He hasn't agreed with the public school boards' request for four to six days, but he has agreed to bring the two groups together and work on the regulations. I think that's a good move and one that I thank him for.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Learning to close the debate.

DR. OBERG: Thank you very much, Mr. Speaker. What I thought I would do today is just go over a little bit about what the bill is about. As has been very graciously mentioned by the two previous speakers, there's a clause that deals with the charter schools. In essence, what it does is it allows for the formation of charter schools, but first they have to go through and ask the school boards for an alternative program.

The School Buildings Board. There have been some comments about that, and I would just leave it to the Assembly that the best reason as to why we are getting rid of the School Buildings Board is Amiskwaciy Academy, which was not allowed to go ahead because it did not meet the School Buildings Board's regulations. Subsequently I was forced to do that out of my own budget and go around the School Buildings Board. It's a perfect example of the excellent learning opportunities that we had the ability to tap into, but because it didn't meet all the regulations, it was not approved.

We have also tightened up the regulations for teachers who lose their licences or teachers who have problems so that things are communicated across the country, which again is very important.

Francophone governance is in here. This is something that has been agreed to by all parties involved.

Lastly is the so-called 4 by 4 proposal, allowing for expansion of the Catholic boundaries. I believe it's a very good process that we have brought in.

Very quickly, Mr. Speaker, I'd just like to say thank you. First of all, thank you to the ASBA, Alberta School Boards Association, for the work that they did on these proposals – I realize that at the last moment they could not arrive at a conclusion, but they certainly brought it forward – the ACSTA for the work that they did, and the PSBA for coming on board toward the end of the process. I'd also especially like to thank the hon. Member for Bonnyville-Cold Lake, who very graciously agreed to step into something that I don't think he entirely realized how big a job it would be on the Francophone governance side. He and his colleague Pierre Desroches and a couple of other colleagues did an extremely important job and an excellent job in bringing the Francophone school population together and in bringing forward some very important amendments.

Lastly, Mr. Speaker, I would like to thank the two opposition parties for their co-operation over the last two days. I realize that as with every bill there is give and take, and I think that this was a very good example of how the Legislature can actually work when we sit down and talk with each other.

With that, Mr. Speaker, I would move that the question be put before the floor.

[Motion carried; Bill 16 read a third time]

head: Government Bills and Orders

head: Second Reading

(continued)

Bill 27

Provincial Court Amendment Act, 2001

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Speaker. Before introducing Bill 27 for second reading, might we revert to the introduction of guests?

THE SPEAKER: Hon. minister, I've recognized you; you have the floor.

MR. HANCOCK: Well, thank you, Mr. Speaker. Then without the permission of the House I would like to move for second reading Bill 27, the Provincial Court Amendment Act, 2001.

But quite apart from that, while on my feet I would like to introduce to you and through you to the members of this Assembly a former member of this House who's been sitting in the members' gallery watching the debate on Bill 16. As I know most members know, David King has had a lot to say to us over the years on many, many subjects and particularly on Bill 16.

I think it's always in order to recognize people who have served the province of Alberta and to recognize friends when they do attend in the Assembly. I'd like David King to rise and receive the traditional warm welcome of the House.

Mr. Speaker, I have no intention of asking that he be appointed to the provincial bench. However, Bill 27, the Provincial Court Amendment Act, I would commend to the House because it is, I think, a very important piece of legislation. There are some minor items in the bill dealing with the operation of the court, but the significance of the bill really has to do with being able to retain judges who have attained the normal retirement age of 70, which is the retirement age under our current Provincial Court Judges Act, but who still are able and willing to make a strong contribution to justice in this province and to the courts of our province.

There are many members of the practising bar in this province who do not wish to leave practice early to seek appointment to the bench but who could be encouraged to apply for appointment to the bench and give of their wisdom if they had the opportunity of staying and doing that for a period of time. So many practitioners who reach the age of 65 or even their early 60s are not willing to now apply for the bench because of the retirement age of 70. There are also many judges serving on the bench who are very, very capable, who do a great deal of good work, and who could continue to serve this province and would be willing to continue to serve this province in that capacity if they had the opportunity to do so.

The provisions of Bill 27, in short, allow for the appointment of judges past the normal age of retirement for additional one-year terms until they reach the age of 75. The criteria for appointment would be spelled out by the Chief Judge of the province. So it would be a totally independent process from government. The recommendation of the Chief Judge for the reappointment would be the triggering factor. Of course, the Chief Judge, in setting up his criteria, would probably take some advice from the way that it is done in other jurisdictions. In Ontario, for example, there are criteria set out and an opportunity for a thorough medical examination to ensure that the person who is being proposed for an additional term of office is physically fit and able to carry out the job.

I don't want to go on too much at length with respect to the bill other than to say that the Chief Judge of the Provincial Court has requested that we make this amendment to the Provincial Court Act. It helps in some way to align the Provincial Court Act with the Court of Queen's Bench and the Court of Appeal, where the retirement age is 75. However, this does not take it directly to a retirement age of 75 but rather allows for the continuation on one-year renewable terms up until the age of 75 and will allow us in that way to keep some of the very good experience. It will allow the Chief Judge the opportunity to keep judges who might otherwise serve in a supernumerary capacity but in that capacity not be full-time judges, not be required to keep up on judicial education, and not be required to participate in the court in a full manner. So it's a small change but I think a fairly significant change which will allow the Chief Judge and the Provincial Court to continue to do the good work that they do for the province.

9:20

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. Despite the urging from the Minister of Energy I'm not going to speak against this bill. In principle I think there's a good suggestion here. This bill was introduced for first reading yesterday, so I have had a bit of time to have a look at it in addition to the information that was provided to me by the minister previous to this. So there are some sections in the bill which are essentially housekeeping and clarification sections, which I think will just make the operation of the Provincial Court run smoother.

As the minister pointed out, the primary change that is put forward in this bill is allowing judges to be reappointed to remain in office past the age of 70, up to the age of 75. I think this is an important change and a timely change in light of the current situation that we have in justice in Alberta, and I think that issue is around timely access to justice. That has been impaired. We know that we have a problem with not enough Crown prosecutors. We're having problems with courtroom space, and currently I think there are still 10 vacancies for Provincial Court judges. So this is pretty serious because what the effect of this can be is that people do not get their cases heard in court in a timely enough manner. Constitutionally they are guaranteed that right, and although it's not an arbitrary date, it does become clear at a certain point that cases are going to be dropped or dismissed because the people charged did not have timely access to justice.

There are a number of things working against this, as I just outlined, right now. I think that imposing a 1 percent cut on the Department of Justice, as was done recently as part of the overall government cutbacks, has put additional strain on the justice system to be able to perform. That 1 percent cut is coming at a very bad time. Nonetheless, there have been a few things that the minister has attempted to do, and I will continue to encourage him to do better because I think that there's lots of room for improvement in this system.

Certainly he has tried to address the shortage of Crown prosecutors and the poor pay, which was having them literally run – not walk but run – across the street to other places for an increase in salary. He has provided funds for a slight improvement in their salaries and an additional 15 Crown prosecutors. They're working under a workload right now of 500 cases, compared to a national average of 342. So that's not reducing the caseload by that much.

SOME HON. MEMBERS: Relevance.

MS BLAKEMAN: It's about access to justice.

MS CARLSON: Go back to sleep, you guys.

MS BLAKEMAN: Yeah, back to sleep.

Certainly looking at allowing trained, experienced judges to sit for longer will take some of the pressure off the system in trying to fill those 10 vacancies for Provincial Court judges. I don't think that that allows for the minister or the government to back away from appointing those 10 judges. I think that still needs to be done, and certainly I will continue to pressure the minister to do that, but this might give us enough breathing room that the province wouldn't find itself in a position where cases are being dismissed because of being unable to provide access to justice in a timely manner.

The minister has also tried to look at doing away with preliminary trials, and I think there are additional problems involved in that. Right now in the courtrooms there's a certain assumption of collapsing, that a lawyer goes in there and finds out that several of his cases or preliminary trials that day have been canceled, and that gives them a bit of breathing room. What we'll have now is that every trial they've got scheduled is going to go, which takes away some of their ability to catch up on their work, and I think that's a problem as well.

I did consult with the legal profession as much as I could, which wasn't very much, on this bill to see if there was any sort of violent reaction against this, and there hasn't been. The only comment that was negative that came back to me was just a comment – and this is the opinion of a lawyer being expressed – that if they weren't very good judges, at least they were gone by 70, and now they'd be around possibly until they're 75. I think the answer to that is to look into the legislation to see if there are safeguards built into the legislation. Indeed, the opportunity for those safeguards is there in that the legislation does talk about: "the Chief Judge or the Judicial Council" would determine that the reappointment would enhance the efficiency and effectiveness of the "administration of the Court" and that there will be "criteria established by the Chief Judge and approved by the Judicial Council."

Now, I'm always concerned when I see something that's sort of given a shell in legislation, but we don't actually get to see the specifics of it. It's appropriate that the courts are kept separate here and that they have a right to develop their own criteria – and they should; they're the ones that are experts there – and there should be that separation between government and the judiciary. So we will believe in them and uphold them and trust that those criteria will be developed that will be able to screen out any judges where it's inappropriate for them to be serving longer or to have additional reappointments past the age of 70. I think there are always other places to look, and the minister himself mentioned criteria that are being used in Ontario that involve a medical exam. All of that sounds quite reasonable to me.

Interestingly, aside from this being a rather necessary measure for justice in Alberta to be upheld, it's also recognizing an aging and healthier population. Certainly when we used to think of my grandparents' generation, somebody who was 75 was really old and probably not feeling very well. That is just not the case now; it's just not. People well into their 80s are living on their own, managing their own affairs. Some of them are still working or running their own businesses. Certainly with the availability of medical technology and pharmaceuticals any chronic diseases can be dealt with. So there shouldn't be an assumption now that someone that is past the age of 65 is somehow in ill health or unable to perform a job adequately, and I think we will likely see more and more positions that are opened up past the age of 65.

9:30

Now, in the case of Provincial Court judges we've gone till age 70. The higher courts have gone to age 75 for some time. So it's perfectly appropriate and I think applaudable that we are looking at capturing that wisdom and experience that's available through those judges that have already served. I think there is a double check or a level of appeal built into this legislation around that development of criteria, and that should give the courts lots of room to develop the best criteria for themselves.

There are some changes in here that clarify existing legislation, modernizing the language as much as anything. I noticed somewhere in here they're using the word "furnish" and that's being clarified to say "sending," so that's an updating of an archaic use of language which, I think, is more than acceptable. I think we need to make our legislation more understandable to the average person. And clarifications about use of mail.

A section that is obviously a clarification is that if a judge retires at the end of a case that he's in but the judgment hasn't been rendered yet, it allows the judge to render that decision, which again I think is a cost saving to the system. If we had to run the whole trial again just because the judge couldn't give the final rendering, that's a huge waste of time of a lot of people. So good clarification there.

At this point I am willing to support this bill in principle at second reading, and I look forward to any other debate that will be brought forward by members of the Assembly. Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. I, too, am happy to support Bill 27, the Provincial Court Amendment Act, 2001, at second reading. I think it is a small move towards solving what is becoming an increasingly serious problem in this province, and that's the backlog in the courts, and also maybe saving some dollars for the province at the same time. That is one of the questions I had that I hope the minister will answer once we get to the committee stage: what is the expected dollar saving he anticipates from this move? If he no longer has to retire these judges, pay them their pension, and then hire them back on a contract basis, clearly there must be some kind of dollar saving there, and it would be interesting to know what they project that to be over the next year and coming years. So if he could answer that question for me, that would be helpful.

As I understand it, one of the provisions I particularly like in this bill is that because these judges won't be retired and then hired back, there still will be all the ongoing professional requirements for their profession in terms of upgrading and training and information sharing, and I think that's a real benefit, Mr. Speaker. The last thing we want is judges on the bench who haven't kept up with current events and changes within their profession.

It seems to me that that in itself has got to be worth the changes we're seeing here to keep these people current and up to date on what's occurring in their field. Once again, I think that's a very good idea.

This is, though, merely tinkering with some of the outstanding issues. I expect that come the spring, we're going to see some significant changes – I hope at least that we're going to see some significant changes – in how the court system is run in this province, because there is no doubt that we are running into increasing problems with people within the system. There's a huge backlog for people, a huge problem with a lack of prosecutors, wage issues, people's right to a speedy trial, the problems that occur and the huge dollar settlements that occur when people are incarcerated for

lengthy time periods and in fact then don't ever end up in court for whatever reason: lack of evidence, perhaps wrongly accused, whatever those situations may be. We end up spending taxpayer dollars on settlements with these people, which would be smaller at least, if not gone completely, if the system was sped up. So it will be good to see that this at least addresses this in part.

It seems to me also that there's another good reason for having this go forward, and that has to do with the anticipated changes that we're going to see in our own Standing Orders here in the Legislature. It looks like there will be some changes to the sub judge rule. Some of those changes we're not very happy with, and we'll have quite a bit to say at the time they hit the floor of the Assembly for debate. Nevertheless, this government has a huge majority and will certainly pass those changes. Part of the sub judge changes will talk about when we can talk about cases that are not before the court but are pending in terms of potential appeals. That's going to have some impact on how this House proceeds. We're hoping that at the very least these changes to sub judge will only apply to criminal matters. We'll see how the debate goes when we have it here in the Legislature, Mr. Speaker, but at the very least what it's going to do is block us from at least some time periods of talking about issues that are important to the people of the province and asking questions on those issues. So if the time period between when cases are decided and when the appeal time period expires can be shortened because we are keeping judges on the bench longer, then that's a good move forward. So there's another reasonable reason, I think, for supporting this bill certainly in principle.

I think those are all the concerns and points I would like to make at this time. I look forward to seeing some of those cost analyses from the minister and any other kind of factual data that he could share with us when this bill is in committee.

With those words, Mr. Speaker, I will take my seat.

THE SPEAKER: The hon. leader of the third party.

DR. PANNU: Thank you, Mr. Speaker. I would also like to speak on second reading of Bill 27 to some of the features of this bill. The quick reading of the bill draws my attention to the very first substantive amendment there to section 21.21. That's obviously a very much-needed change, that a judge who retires right in the middle of a case that he or she has fully heard but hasn't had the time to write the judgment should be able to write the judgment three months after ceasing to hold the office. I wonder how we had done without this kind of provision in the past. It is clearly a much-needed amendment, but I don't know what kinds of arrangements were made where in fact something like this happened in the past and we were yet able to have the judgments written and delivered. But it's a good housekeeping amendment. I find no reason to find any fault with it.

9:40

Dealing with the reappointment of judges, I just want to remind the House that if anyone should speak in favour of it, it should be someone in my position. I just got reappointed, at the age of 68, some eight months ago to this position, and I think that 70 years of age these days, particularly in professions such as judges and others, is perhaps too early an age for retirement. People in these positions do represent extremely valuable experience, sound judgment, and continuing high levels of energy and intellectual vigour.

The manner of reappointment is outlined here. I find that in the case of Chief Judge or the Deputy Chief Judge or the Assistant Chief Judge, the appointment will be made by the Lieutenant Governor in Council but on the recommendation of the Judicial Council. In the case of other judges the recommendation will come to the Lieutenant

Governor in Council from the Chief Judge. Unless the Judicial Council is likely to be unduly burdened with making recommendations for other judges as well as the Chief Judge, I think it might be best if all reappointments become the responsibility, in terms of making recommendations to the Lieutenant Governor in Council, of the Judicial Council, in the case of judges who are not Chief Judge, Deputy Chief Judge, or Assistant Chief Judge, and that that be the responsibility solely of one person, called the Chief Judge. I think the recommendations will have a sounder basis if Judicial Council makes these judgments regardless of the rank of the judge, of the position of the particular judge who is being recommended for the appointment. The evaluation I think would be more thorough. The collective judgment of the council would, I assume, be superior to the judgment of one person, albeit that person would be the Chief Judge. So that's one little issue. I would like to see if the minister sees any merit in this suggestion that I'm making for his consideration.

My understanding is that the bill is proposing that the reappointment at any time will be made only for one year at a time and that every year additional will come up for reconsideration at the end of the year for which the appointment was made. That's good. I think I'm supportive of that.

I guess, with the little time I've had to look at it, the rest is mostly housekeeping and cleaning up the existing legislation and bringing it in line with the proposed changes in the Provincial Court Amend-

ment Act. I haven't been able to read it closely, so I will simply close my remarks at this point. I just wanted to talk about the reappointment of the judges and the arrangement that's being proposed for a retiring judge to be able to write a judgment within three months of retirement.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Justice and Attorney General to close the debate.

MR. HANCOCK: Thank you, Mr. Speaker. There have been some interesting comments and questions raised, but rather than attempt to address them tonight, I will review *Hansard* and bring more comprehensive comments back at the committee stage.

[Motion carried; Bill 27 read a second time]

THE SPEAKER: The hon. Government House Leader.

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

[Motion carried; at 9:46 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]