

Legislative Assembly of Alberta

Title: **Tuesday, March 12, 2002**

1:30 p.m.

Date: 02/03/12

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Our Father, we thank You for Your abundant blessings to our province and ourselves. We ask You to ensure to us Your guidance and the will to follow it. Amen.

Please be seated.

head: Introduction of Visitors

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

MR. DUCHARME: Thank you, Mr. Speaker. It is my pleasure this afternoon to introduce Mr. Ernie Isley, former Member of the Legislative Assembly, who is seated in your gallery. Mr. Isley represented the Bonnyville constituency from the 19th through the 22nd Legislature. I would ask Mr. Isley to please rise and receive the traditional warm welcome.

head: Introduction of Guests

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

MR. LUKASZUK: Thank you, Mr. Speaker. It's indeed a pleasure to introduce to you a number of members of the Holy Rosary club, fine individuals of Polish descent. I guess that would be synonymous. Among them is Mr. Marian Hajdasz, president; Tadeusz Szczepanski, first vice-president; Clarence Jarock, second vice-president; Agnes Jarock, treasurer; Walter Linkewich, secretary; and all board members. I would ask them to rise and receive the traditional warm welcome of this Assembly.

Thank you.

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

DR. NICOL: Thank you, Mr. Speaker. It's a real pleasure today to stand and introduce to the Legislative Assembly a person who's looking down from the top now when he used to sit down here with us. Mr. Percy Wickman is here to join us. Percy, wave up there, and everybody give him a round of applause.

Mr. Speaker, I also have two other introductions I'd like to make. Mr. Len Borowski and Mr. Ross Demkiw are in the public gallery. They were candidates that ran in the last election for us. I'd just like them to stand and be recognized as coming in to look at what's going on here now.

THE SPEAKER: The hon. Minister of Health and Wellness.

MR. MAR: Thank you, Mr. Speaker. I'm very pleased to introduce to you and through you to members of the Assembly Mr. Joachim Lemaire. Joachim is from northern France, and he is in Edmonton as part of the Edmonton Glenora Rotary Club student exchange program. A part of that exchange program requires students to attend high school in their host country, and even though Joachim graduated from grade 12 in France, he is attending Eastglen high school here in the city of Edmonton. Over the course of the year Joe will be living with three different Glenora Rotary families. His current family is Margot Ross-Graham and her husband, Mick

Graham, and their three children. I had the good fortune of being able to meet Joe and his host earlier this afternoon, and I would ask that the two of them please rise and receive the warm traditional welcome of this Assembly.

head: Oral Question Period

THE SPEAKER: First Official Opposition main question. The hon. Leader of the Official Opposition.

Education System

DR. NICOL: Thank you, Mr. Speaker. After his last meeting with the Premier, Larry Booi said:

From the beginning, teachers have been concerned about classroom conditions, fair salaries and initiatives to recruit and retain teachers . . . and it is important that the . . . process provide an opportunity for all three concerns to be raised.

My question is to the Premier. Why is the Premier misrepresenting the position of the elected president of the ATA and the thousands of teachers that he represents?

MR. KLEIN: Mr. Speaker, far be it from misrepresenting the president of the ATA. As a matter of fact, that's precisely what we have in mind: to address those particular situations through a blue-ribbon panel or a commission or some form of process that has yet to be determined to address a multitude of issues facing education today.

THE SPEAKER: The hon. Minister of Learning to supplement?

DR. OBERG: Yes. Thank you, Mr. Speaker. There are just two things that I wanted to add if I may quote to you, and this is from the ATA web site. March 4: ATA President Larry Booi meets with Premier Ralph Klein and subsequently with Minister of Learning, Dr. Lyle Oberg, and Minister of Human Resources and Employment, Clint Dunford. The Premier agrees to bring to caucus and cabinet for discussion two potential approaches to resolving disputes: number one, initiating an arbitration process and, number two, establishing a commission to investigate teaching and learning conditions. Right from the ATA web site.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Arbitration procedures can include more than just wages and salaries.

My second question is to the Premier. Is it the government's policy to make no commitment to improving the conditions of schools in this province over the course of the upcoming teachers' contract and in the current negotiations?

MR. KLEIN: Mr. Speaker, we have committed to take a good hard, thorough look at the situation. Putting those kinds of conditions in a contract doesn't really solve a thing, because as I explained in this Legislature yesterday, one size simply does not fit all. What we need to do – and Mr. Booi agrees – is to have a full and thorough examination of education to ensure its sustainability for future generations. That's what it's all about.

THE SPEAKER: The hon. Minister of Learning to supplement.

DR. OBERG: Thank you, Mr. Speaker. Once again I will quote from the ATA web site.

Impending changes in education point out the need for teacher-

board cooperation. Neither party can operate in a vacuum and expect complicated problems to be resolved during the heat of regular collective bargaining.

DR. NICOL: Good negotiation includes all the conditions, Mr. Speaker.

My final question to the Premier: can the Premier explain why his legacy to Albertans will be overcrowded classrooms, overworked teachers, and no extra help for special-needs students?

MR. KLEIN: Mr. Speaker, nothing could be further from the truth. Notwithstanding our commitment to look at education, to ensure sustainability of education for future generations, we have provided in our budgets reasonable increases to accommodate precisely what the hon. Leader of the Opposition pointed out.

To explain the amount of extra money we have put in to accommodate special needs, to accommodate early literacy programs, to accommodate a number of issues, I will have the hon. minister supplement.

DR. OBERG: Thank you very much, Mr. Speaker. Special needs in itself has more than doubled, from around \$158 million to a little over \$300 million in the last five years. When it came to special needs, we had a full review on this involving all of the stakeholders. There were some 20 or 30 stakeholders. They brought back 66 recommendations, all of which we accepted. This government, this department accepted each and every one of them.

When it comes to class size – and this, you will be pleased to know, will be my last quote of today: “I am the first to admit that class size alone doesn’t make a difference.” That was the hon. Member for Edmonton-Mill Woods in his response to the Speech from the Throne.

THE SPEAKER: Second Official Opposition main question. The hon. Leader of the Official Opposition.

Money Not Spent during Teachers’ Labour Dispute

DR. NICOL: Thank you, Mr. Speaker. The government has saved over \$50 million as a result of the teachers’ strike. According to the Premier last Thursday, not a single penny of these dollars will go directly back into education. That money will instead be put into general revenue. My questions are for the Premier. How can the Premier justify not putting the money saved as a result of the teachers’ strike directly back into the education budget?

MR. KLEIN: Mr. Speaker, this is money that wasn’t spent within the budget, and it goes to other priority areas. I would remind the Leader of the Official Opposition that education, albeit very important, extremely important, is a priority area, but there are other priorities. We have a multitude of issues to deal with that require money. They complain that every single thing we do is underfunded. Underfunded. So this money will go to address some of those problems, the problems that they have brought up. We have infrastructure problems. We have problems related to seniors. We have problems certainly related to health. We have problems related to sustainable resource development, children’s services, transportation, PDD boards, administration of justice, municipalities. You name it; we’ve got it. So that money will be put to good use indeed.

1:40

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Why will the Premier not

make this money available to school boards to cover the additional costs that are going to be associated with this arbitration and with the settlement? They need that money in education, Mr. Premier.

MR. KLEIN: Mr. Speaker, this government did not go out on strike. This government did not go out on strike. The \$50 million that was budgeted for teachers’ salaries was not used. It goes back into the general revenue fund and is used as the government deems appropriate. I can tell you that those dollars will be used in priority areas to address many of the urgent needs that I’ve previously outlined.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Why won’t you give that money back to the school boards to cover the costs that are associated with this arbitration process that you’ve put in place? That’s going to increase their costs over and above what was in the budget before. They deserve that money, Mr. Premier.

MR. KLEIN: Mr. Speaker, first of all, these will be onetime dollars. I can’t in my wildest dreams imagine that this arbitration process is going to come anywhere near \$50 million.

I’ll have the hon. minister supplement.

DR. OBERG: Yes. Thank you, Mr. Speaker. For every 1 percent increase in teachers’ salaries around the province it costs us roughly \$23 million. The key component here is that those dollars are ongoing. They are not onetime dollars. The savings that were retained from the strike were a little over \$50 million. According to our accounting practices, those dollars have to be put back into general revenue.

I will not comment on the upcoming budget, but I think that people will be more than pleasantly surprised as to what occurs.

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

Teachers’ Labour Dispute

DR. MASSEY: Thank you, Mr. Speaker. The Premier and his Minister of Learning have acted like vigilantes, sniping at teachers and poisoning the atmosphere in schools across this province. My questions are to the Premier. How have the Premier’s attacks on teachers improved the learning atmosphere in our schools?

MR. KLEIN: Mr. Speaker, the preamble to the question is entirely wrong, which made the question invalid, because we have not in any way, shape, or form tried to undermine the value of the teachers. We have not attacked the teachers, we have not acted as vigilantes, and we are not in any way, shape, or form poisoning the classroom situation, so the question is invalid.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. Again to the Premier: how does the Premier’s teacher-bashing lure bright students into the profession and retain teachers in the schools? Just how does he intend to do it?

MR. KLEIN: Mr. Speaker, again the preamble to the question, you know, where he alludes to teacher-bashing, makes the question invalid. One relates to the other, and we are not teacher-bashing. Why would we teacher-bash? There are 20 teachers in our caucus.

DR. MASSEY: To the Premier, Mr. Speaker: how does taking away teachers' right to assemble and violating their Charter rights improve the atmosphere in our schools?

MR. KLEIN: Mr. Speaker, I have never in my life heard anything so ludicrous, so ridiculous, so untrue. Teachers can assemble anytime, anywhere, anyplace that they want to assemble: in the lunchroom, in front of the Leg., in the hon. member's office if he wants them to assemble there, in town halls, in church basements. Wherever they want to assemble, they can assemble.

THE SPEAKER: The hon. leader of the third party, followed by the hon. Member for Whitecourt-Ste. Anne.

Teachers' Arbitration Legislation

DR. PANNU: Thank you, Mr. Speaker. One week ago the province's teachers offered this government labour peace, asking in return only for a fair and unbiased arbitration process. The Premier did a total flip-flop last week, first agreeing with the teachers and then doing a complete reversal, throwing statesmanship to the wind, ending up in vindictiveness. My question to the Premier: how can the Premier possibly justify double-crossing Alberta's teachers through his government's reprehensible and unacceptable actions?

MR. KLEIN: There was no double cross. Nothing was reprehensible, Mr. Speaker. To enlighten the hon. member of the third party, there was a process, and indeed the decision to bring in the legislation was taken after considerable debate and consideration.

I'll go through the process. The notion of legislation, whatever that legislation might be, was first brought to agenda and priorities a week ago Monday. It was then taken to cabinet. It was then taken to caucus. While that process was going on, I had the opportunity of meeting with the president of the ATA and the president of the Alberta School Boards Association. The draft legislation was then taken to agenda and priorities again. It was then taken again to caucus. So there was a very thorough process and, I can assure you, a very lengthy and considered and intelligent debate on this issue before the legislation was brought forward, Mr. Speaker.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. Why did the Premier cave in to his Minister of Learning and the right-wing hawks in his own caucus, who have for months been demanding that government extract its pound of flesh from the teachers?

MR. KLEIN: Mr. Speaker, that simply is not true. There's been no discussion whatsoever about extracting a pound or an ounce of flesh from the teachers.

Relative to the minister's role in all of this, I'll have him respond.

DR. OBERG: Thank you very much, Mr. Speaker. The Premier is absolutely correct. When Mr. Booi came and met with, first, the Premier and, secondly, with the Minister of Human Resources and Employment and myself, the issue, as I read from these quotes on the ATA web site, about class size, the issue about instructional time, PTRs were all to be put forward to a commission, a summit, an investigation of the learning system, which will take place this fall. We did agree to that. The president of the ATA also stated that he wanted a very narrow focus on the arbitration. He did ask for legislation with binding arbitration. He wanted a narrow focus. What I will say, though, is that the president of the Alberta

Teachers' Association did not ask for school boards not to be able to run a deficit.

There is another party to this matter. That other party is the employers, whom we subsequently met with, who put forward their case to the same group of people. One of the conditions that they demanded was that they cannot run a deficit. So, Mr. Speaker, we attempted to marry the two that were put forward to us, and you subsequently have that legislation, which will be discussed later on today.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My final question to the Premier: why did the Premier decide to be so utterly callous and decide to return the goodwill of teachers with the most draconian piece of legislation that has ever been introduced in the entire political history of this province?

MR. KLEIN: Mr. Speaker, the legislation now being debated is far from draconian, and it certainly is not callous. As a matter of fact, the majority of the legislation is in accordance with what the president of the ATA and the president of the ASBA requested.

We have brought forward legislation that keeps students in class – of no concern to the socialist NDs, no concern whatsoever. Students, you know, don't pay unions dues, so why think about them. Many of them aren't active contributors to the ND Party, so forget about the students. You know, the NDs want us to forget about the students. Well, we want to think about the students. They are the most important people in this debate.

1:50

The arbitration process provides for a fair salary settlement that will at the very least make Alberta teachers the best paid on average in Canada, which they already are, Mr. Speaker, and establishes a high-level review of longer term issues in education. That's what's important. We've committed to that. We want to achieve sustainability in education for future generations.

Maintenance Enforcement Program

MR. VANDERBURG: Mr. Speaker, in the past year ATCO Gas sold off its Viking-Kinsella natural gas fields and will be disbursing to ATCO Gas customers this month approximately \$405 million in profits from the sale. My question is to the Minister of Justice and Attorney General. I understand your department is making a court-ordered garnishee of these payments to divert into the maintenance enforcement program. Is that true?

MR. HANCOCK: Well, yes, Mr. Speaker. Anytime maintenance enforcement finds a source of money going to somebody who hasn't paid their bills, they garnishee it.

MR. VANDERBURG: Again to the same minister: how many of these court orders will be issued, and what will your department spend to collect \$200 to \$500?

MR. HANCOCK: Well, Mr. Speaker, they aren't court orders. They're simply garnishee summonses. We have a process to take them off the word processing machine. It's a matter of filling in the details as to who is being garnisheered and from what source. I don't know how many pieces of paper are involved in this, but it's simply a matter of maintenance enforcement sending the paper over to ATCO, saying: if you're sending money to these people, please send it to the court instead because we have a garnishee and they haven't paid their bill.

MR. VANDERBURG: My final question again to the minister: I just want to know what this will cost us per garnishee.

MR. HANCOCK: Well, Mr. Speaker, I don't know the exact cost that will be involved, but the bottom line here is that there is a considerable amount of money going out from ATCO Gas to Albertans. Most Albertans will not be affected by the action that is being taken by maintenance enforcement, but those Albertans who haven't paid their maintenance payments to take care of their children will be subject to a garnishee. We garnishee those funds wherever we can find a source of income or a source of funds that somebody is receiving if they have not made their payments to take care of their children. That's what maintenance enforcement is about. We make no apologies for that, and we will be garnisheeing those moneys.

THE SPEAKER: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Calgary-West.

Health Care Premiums

DR. TAFT: Thank you, Mr. Speaker. Based on the numbers from the Alberta School Boards Association, this province's school boards will be out of pocket up to \$8 million annually when health premiums rise. In addition, teachers will see up to \$3 million stripped off their paycheques every year because of premium hikes. To the Premier: how can the Premier justify an \$11 million claw-back of funds from classrooms and teachers?

MR. KLEIN: Relative to premiums, that issue will be addressed in the budget, Mr. Speaker. But to speak generally to the issue of premiums, premiums were introduced in this province to give Albertans an understanding that there is a cost associated with the delivery of health care services. It's not hidden in a payroll tax or other kinds of taxes; it's up front. Originally premiums were to cover 20 percent – two zero percent – of all insured services. They now cover 11 percent. What we're attempting to do in accordance with the recommendation in the Mazankowski report is bring those premiums in line with the true cost of delivering insured services.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. So what's the sense in paying provincial funds to school boards, only to strip those funds back from those boards?

MR. KLEIN: Mr. Speaker, it's not only school boards. If indeed we deal with this, everyone will be involved. This is not peculiar or specific to school boards. It is a fact of economics that we need to make adjustments to the health care premiums to reflect the true cost of delivering insured services.

DR. TAFT: Will the Premier admit that higher health care premiums are certain to have a direct impact on classroom funding?

MR. KLEIN: Mr. Speaker, any adjustment to health care premiums upwards will have a direct impact on the payroll of every single employer in this province that pays a portion of health care premiums. For those who don't pay a portion of health care premiums, of course it will have no impact. I would suggest that there are literally thousands of employers – businesses large and small, public institutions large and small – that pay all or a portion of their employees' health care premiums, and yes, they will be

affected. But don't try to intimate in any way, shape, or form that this is exclusive and specific to school boards. It's not.

THE SPEAKER: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Centre.

Seniors' Benefit Program

MS KRYCZKA: Thank you, Mr. Speaker. Thousands of lower income Alberta seniors live better quality lives due to the provincial government's seniors' benefit program, which is one of the best in Canada. However, yesterday morning I learned that there is concern in Calgary that, to quote, seniors' benefits offices will be closed in Calgary, Red Deer, and Cochrane. My main question is to the Minister of Seniors. Is this rumour accurate, and if not, could the minister clarify what is happening, if anything?

THE SPEAKER: The hon. minister.

MR. WOLOSHYN: Thank you, Mr. Speaker. The offices will be relocated in Calgary, Lethbridge, and Red Deer. With respect to Calgary, we've entered into a contract with the Kerby Centre, and what was previously administered through a government office will now be handled in the Kerby Centre. They do an awful lot of good work with seniors, and we felt that it would enhance their operations. Certainly having a contract with Kerby is a benefit to all seniors in the Calgary area. There won't be any interruption of service. As a matter of fact, it will be improved.

In addition, we've also arranged with the Lethbridge Senior Citizens Organization a similar kind of arrangement where our office will be housed in their facilities, again with the intention of bringing the service closer to the user; namely, in both cases the senior.

In Red Deer we're currently having discussions with the Golden Circle Resource Centre to see if we can find some better way of delivering information in that city also.

The other service centres – namely, Edmonton, Stony Plain, Medicine Hat, St. Paul, and Grande Prairie – will remain for the time being as they are.

THE SPEAKER: The hon. member.

MS KRYCZKA: Thank you, Mr. Speaker. I do have a supplemental to the same minister. Could the minister inform us of the date that these changes will take effect and any other changes that seniors should know as a result; for example, a change in telephone numbers for seniors' inquiries?

MR. WOLOSHYN: The changes will be effective on April 1, and I would stress that the seniors, if they do want to make a call, stick with the provincewide seniors' information line. In that way, there won't be confusion with the numbers in the interim.

THE SPEAKER: The hon. Member for Edmonton-Centre, followed by the hon. Member for West Yellowhead.

Children's Services Fatality Investigation

MS BLAKEMAN: Thank you, Mr. Speaker. In December of last year a child in the care of Children's Services escaped from his group home and later froze to death after a drinking party. My questions are all to the Minister of Children's Services. Why did the minister not hold a special case review of this teenager's death?

MS EVANS: Mr. Speaker, there will be, in fact, a special case

review of this teenager's death. Let me just cite further that there have been, I believe, allegations in this House before that there wasn't follow-through on behalf of this child when in actual fact the child and family services authority staff had contacted the RCMP immediately. This is, like all of the deaths of children, an absolutely tragic situation. It's a situation where supports were provided and where the child chose to make other choices on his own behalf. Again, some children that are severely at risk who have been apprehended, have been protected, have been cared for then find ways on their own to leave the group home, and it's most unfortunate.

2:00

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you. Well, given that this seems to be an issue, why does the department not have standards and procedures in place to protect these children who have a track record of running away? Why is this a surprise? Why isn't something in place?

MS EVANS: Well, Mr. Speaker, there are standards in place to protect children, and rarely but sometimes children will find their own means of being able to convince adult support workers that they are managing appropriately. This is a very frequent phenomenon associated as well with suicides, where children, once they've arrived at a certain decision, will put in things, little blocks, little ways of telling people that they're going to do something quite differently than they're going to do. They may illustrate for a period of time absolute trustworthiness and then break the pattern. It's something that they've already preplanned. In this situation we don't know all of the circumstances. It will be part of a special case review with a special case review panel.

Mr. Speaker, quite recently I've determined that we will look again at the special case review process to see if there are other ways of enhancing the process so that we can look at all of the practice issues concerned, involve the College of Social Workers where appropriate and look at expanding the role. It is something that has been reviewed for a period of time in conjunction with the Minister of Justice and the medical examiner as we look at the practices of the fatality inquiry and to see whether or not there are ways of reviewing all parts of the situation where we have the unfortunate tragedy of losing a child, to see if we can do better, learn more, and improve our practices throughout.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Well, thank you. Is one of the things that you looked at making a full public fatality inquiry automatic every time a child in care dies?

MS EVANS: Well, Mr. Speaker, it's very interesting that the hon. member raises this. There are parts of models throughout Canada that we're looking at, most particularly in British Columbia, where there are fatality inquiries involved with a much-expanded mandate for the number of children that die, not only children that may die during a period while they're in care but all children. For example, in Alberta that would include over 450 children if we looked at the situation of all children whose deaths have occurred and say: all right; what has happened in this particular situation? So prior to the Child Welfare Act being tabled in this House, something we intend to do hopefully in the next year or in the spring of next year, we will have examined that issue thoroughly. There is work being done currently in Children's Services to examine that issue and work

being done with the other cross-ministry initiatives that are part of how we look at taking care of children better.

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

Mountain Pine Beetle Control

MR. STRANG: Thank you very much, Mr. Speaker. Infestations of mountain pine beetle can devastate pine forests in western North America. In British Columbia the current pine beetle infestation is now the largest in B.C.'s history, affecting more than 600,000 hectares and damaging \$4.2 billion – and that's billion dollars – worth of timber. My question is to the Minister of Sustainable Resource Development. What steps is your department following to prevent the same devastating infestation in Alberta?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. That is truly an important question because forestry continues to be an important industry here in Alberta. We do have a very efficient beetle monitoring system in place here in Alberta. We monitor beetle infestations in fact in B.C., the U.S., and also the national parks to determine the threat or the potential threat to Alberta. We also use some special traps to assist us in monitoring the numbers of beetles that may be entering our forested areas in Alberta. Also, we are currently planning control measures with Banff national park, and with their co-operation, of course, we hope to take actions that will slow the beetles' movement into Alberta this spring.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My first supplemental question is to the same minister. Can the minister tell the Assembly if these preventative steps are being done in time to control mountain pine beetle populations in the province of Alberta?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Yes, Mr. Speaker. If necessary, we can take extraordinary measures under the Forest and Prairie Protection Act. In fact, going back, by acting quickly, Alberta successfully dealt with a major outbreak in the southeastern slopes in the early '80s at a cost of around \$6.2 million. Our target is of course to control major outbreaks within one year of discovery. Currently there are no major infestations in the eastern slopes. This could change rapidly if Banff infestations are not controlled, and we will of course continue monitoring the situation.

THE SPEAKER: The hon. member.

MR. STRANG: Thank you, Mr. Speaker. My second supplemental question is to the same minister. How does your department know that its control activities are working?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. Just very briefly. We are focused in our efforts, of course. Alberta has been fortunate to have experienced only two outbreaks since 1985, and no sustained beetle populations were detected in the province until early 1997, in Banff actually. My department, of course, will develop an emergency process and response to the issue in order to deal with it.

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

Children's Services Standards and Policies

MS CARLSON: Thank you, Mr. Speaker. There are still many questions that the minister has left unanswered about the death of a teenager in Grande Prairie while in government care. My questions are all to the Minister of Children's Services. Why is it that the minister is taking more than three months to decide whether or not she should call a special case review in the instance of this death?

MS EVANS: Mr. Speaker, the hon. member opposite seems to create an impression that it's at the whim of the minister whether or not a special case review is called, and that's not the case. It is absolutely policy that the deputy minister, when the time is appropriate, engage in putting together a recommendation to the minister for the evolution of a special case review. Yes, it happens, and it's a matter of sequence when we've got all of the facts and everything ready to follow through with.

In some cases, Mr. Speaker, we're more expedient than in others. It depends entirely on some of the situations that are going on both within the authority and in the case that's involved. It's no mystery. There will be a special case review that will in fact provide recommendations back through the department as well as address the issues that may emerge as a result of the review of the authority.

MS CARLSON: Well, Mr. Speaker, maybe she can answer this question. Why did they take a child into care like this, who is a security issue and at risk for running away, when they can't provide those facilities? She has told us in this House that she is unable to provide those kinds of secure facilities.

MS EVANS: Mr. Speaker, there are some issues that relate to particular cases that are confidential in nature, and I will withhold response on any particular details. This is not unlike many of the other situations where tragedies occur, where there are some circumstances which cannot be divulged in the House. Last week we released a report with considerable portions of that report severed. It should be a clear indication under our laws and the protection of information that we do not release all of the details. However, I can assure the hon. member that we continue to work in the best interests of the children.

2:10

MS CARLSON: Mr. Speaker, the last report from this office showed that there were no standards. Is that going to be the outcome of this report as well?

MS EVANS: Mr. Speaker, the hon. member leads this House in a direction which is totally inappropriate. There are standards. There are standards that deal with private guardianship. There are standards that deal with tragedies that emerge that involve children. In the last-referenced document, which resulted in response to the deaths of the children from Slave Lake, there was an acknowledgment that in the case of private guardianship, it would be worthy of clarification. It did not seem to imply or it should not be taken implicit that in all of those areas – i.e., in private guardianship – we don't have policy and standards and that they are not throughout our ministry and perhaps even in other parts of that particular authority. That authority and that report identified one area, and to gather that information and infer that we do not have standards and policies throughout Children's Services is an absolute injustice to the people that know thoroughly that there are policies in place.

THE SPEAKER: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Buffalo.

Teachers' Labour Dispute

(continued)

MR. MASON: Thank you very much, Mr. Speaker. Last week the Premier met with the president of the ATA in his office. It seemed at the time that a degree of agreement was achieved. Yesterday the Premier repeatedly quoted Mr. Booi out of context in order to justify his betrayal of Alberta's teachers. To the Premier: when the Premier agreed to refer the arbitration process to cabinet and to the Tory caucus, did he indicate to Mr. Booi that this process would goose-step over teachers' collective bargaining rights by taking away their right to strike?

MR. KLEIN: Mr. Speaker, what I conveyed to the two ministers involved and what I conveyed to caucus was an honest portrayal of what was conveyed to me by Mr. Booi. Again I find it very difficult to provide an appropriate and a meaningful answer to a question that had as its prelude such a vicious and unthoughtful prelude.

THE SPEAKER: The hon. member.

MR. MASON: Thank you very much, Mr. Speaker. Well, I think we're getting somewhere.

Did the Premier tell Mr. Booi that the arbitration board will be legally prevented from approving any contract which would cost the government even a single nickel more than they've already budgeted?

MR. KLEIN: Well, Mr. Speaker, the arbitrator will make the determination. We provide in the budget what we deem as a Legislature to be appropriate for the operation of schools in this province – it's as simple as that – with the local jurisdiction ultimately – and this will be after this arbitration process takes place – to determine how those dollars are to be spent.

MR. MASON: Mr. Speaker, did the Premier tell Alberta's teachers that the process he had in mind would set up the government as judge, jury, and executioner?

MR. KLEIN: Mr. Speaker, you know, again I don't know what the NDs are striving to do, other than to denigrate really the decorum and the dignity of this Legislature by using such words as callous, pound of flesh, vigilante, goose-step, slavery, fascist, totalitarianism, you name it, and the list goes on and on.

THE SPEAKER: The hon. Member for Calgary-Buffalo, followed by the hon. Member for Edmonton-Glenarry.

Charging Inmates User Fees

MR. CENAICO: Thank you, Mr. Speaker. It is reported that a county in Massachusetts, United States, is going to charge inmates \$5 a day for room, board, and three meals a day in county jails. With today's fiscal realities in mind my questions are to the Solicitor General. Will the Solicitor General examine this program to see if something similar could be instituted in Alberta?

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Well, thank you, Mr. Speaker. I'd like to let the Member for Calgary-Buffalo know that officials in my department

will revisit the idea. I've been told that we examined it in the past, but due to legal opinions we received at the time, they felt that Alberta did not have the jurisdiction to charge these types of user fees.

However, I'd like to say that I'm interested in what the member is saying and in looking at new programs, and I plan to find out what's going on in the United States. I want to emphasize, though, that Alberta's provincial correctional centres are already the most cost-efficient in the country. We've had provinces visit us. Our offenders are at a cost of about \$86 a day, half the cost of the federal institutions and about \$40 to \$50 a day less than privatized facilities in Ontario. Mr. Speaker, I also want to emphasize that I'm going to be going to Ontario and looking at their privatized facilities.

MR. CENAIKO: Mr. Speaker, in the same county in Massachusetts inmates also currently have to pay for their own haircuts and transportation. Will the Solicitor General commit to looking to see if these can be implemented in Alberta?

MRS. FORSYTH: Mr. Speaker, I'd like to tell the hon. member that offenders in our correctional facilities already pay for their own haircuts. The conditions in our facilities are very spartan. We're not talking about Club Fed here. If offenders want Club Feds, they have to go to the federal institutions. Our facilities are clean but bare. The food is plain. There are no pool tables. There are no colour TVs, just the black-and-white models that one of our members brought in. In fact, I'm now looking at making all of our facilities smoke free.

MR. CENAIKO: My final question, Mr. Speaker, is again to the Solicitor General. What type of work are inmates required to do while in custody in provincial jails, if any?

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Thank you, Mr. Speaker. I can tell you that the offenders in our correctional facilities don't lie around all day unless they're sick or they're in court. All sentenced offenders are assigned to work crews. Our young offenders go to mandatory schooling or do various kinds of labour. Last year our inmate work crews provided more than 1 million hours of free community labour worth about \$6 million to Albertans. Our offenders cut firewood, clean trails, pick up garbage, all sorts of things. I want to emphasize that our offenders are not paid to do this work.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Vermilion-Lloydminster.

Children's Services Practices Review

MR. BONNER: Thank you, Mr. Speaker. In the recent case of the twins who died in Thunder Bay, the Minister of Children's Services said that there would be a review of staff accountability. Clearly, two staff members have already been held accountable and been given the entire burden of blame, but whether the minister herself will take any responsibility is still unclear. My questions are to the Minister of Children's Services. Will the minister make public the review of staff accountability, in particular the review of her own accountability?

MS EVANS: Mr. Speaker, we have been very accountable in this. We have been very transparent. We do not release the confidential nature of the human resource consultant review. However, in the

arbitration process which will follow, there will be some discussion about that. In terms of the recommendations in the special case review that deal with policy, throughout the 15 recommendations there is accountability. Regrettably children died, but we took action. We have been accountable.

MR. BONNER: Mr. Speaker, to the same minister: why are child welfare staff being blamed for failing to follow standards and procedures that aren't even in place?

MS EVANS: Mr. Speaker, I believe that all the releases and all the comments made by this minister on this issue were relative not to the standards but to the practice issues. The special case review precipitated some review following the human resource and practice issues. They were not policy issues. They were reviewed by two external legal people that were involved, one a human resource specialist. They were not deemed to be practice issues. In the words of Dr. Charles Ferguson you could have a million dollars and you could have all the policies in the world; the lack of sound decision-making relates to neither one.

MR. BONNER: To the same minister, Mr. Speaker: isn't it your job to make sure that proper standards and procedures are already in place?

MS EVANS: Yes.

THE SPEAKER: The hon. Member for Vermilion-Lloydminster, followed by the hon. Member for Olds-Didsbury-Three Hills.

2:20

Crop Insurance Fund

MR. SNELGROVE: Thank you, Mr. Speaker. The Alberta crop insurance fund is a fund that's built by contributions from the farmers, from the two levels of government. The fund started in 1994 with around \$88 million and went to \$408 million. The interest income on that fund last year was approximately \$24 million. The 30 percent reduction in premiums cost approximately \$23.7 million. Could the Minister of Finance tell us why she felt it necessary to cancel this very successful program which had attracted many farmers to it?

THE SPEAKER: The hon. minister.

MRS. NELSON: Well, thank you very much, Mr. Speaker. This is a very important fund that has been built, again, by a triparty agreement between the federal government, the province, and the producers within this province. It's built on an actuarial basis, where you would have a 25-year sound relationship within the fund to build up an asset base. Decisions on an annual basis as to what to do with the income earned from the fund are made either to enhance the fund, the benefits of the fund, or to look at reductions in crop insurance premiums. Those decisions are not made by the Minister of Finance but, rather, are under the jurisdiction of the Minister of Agriculture, Food and Rural Development, our Deputy Premier, and I'd ask her to supplement the answer.

MRS. McCLELLAN: Mr. Speaker, I dealt with this issue earlier in question period, on the decision to not proceed with the 30 percent reduction in crop insurance premiums this year. In that answer I did indicate that that reduction had been put in place in two crop years, the two past crop years, to offset higher input costs and low commodity prices. As commodity prices have increased, inputs

have settled and somewhat reduced. The decision was made not to proceed with the 30 percent reduction in premiums this year. However, as indicated earlier in my response – and I won't go through all of them today in the interests of time – we were able to provide some enhancements to the crop insurance program which had been indicated to us as important by the producers.

THE SPEAKER: The hon. member.

MR. SNELGROVE: Thank you. Could the ministers commit that the interest or the revenue income from this fund would stay in the fund to be used by producers in the future?

MRS. McCLELLAN: Mr. Speaker, I can certainly answer that question. All moneys that accrued to that fund are held in that fund and are available to ensure that there is a crop insurance fund available in times of call on that fund. So the fund builds over a period of years, as has been indicated. It is to be actuarially sound over a period of 25 years. Some years – and it can be successive years – there are calls on that fund. So it's important that we have a fund basis that actuaries tell us is the appropriate number to ensure that the insurance fund – it is an insurance fund – is there for producers when they need it.

THE SPEAKER: Hon. members, the time for question period has left us. However, the hon. Minister of Transportation wishes to respond to a question raised in the House the other day. As per our tradition, should I recognize the hon. Minister of Transportation, then the hon. Member for Edmonton-Glengarry, from whom the questions originated, would also have an opportunity for a supplemental.

The hon. Minister of Transportation.

Land Acquisition Negotiations

MR. STELMACH: Well, thank you, Mr. Speaker. With respect to the question asked to me by the hon. Member for Edmonton-Glengarry on Thursday, March 7, I would like to advise that negotiations for this piece of property, the campground that he had referred to, took place between Transportation officials and officials from the county of Barrhead. This is an important safety project to remove two high-radius S-curves and straighten out a section of highway 18 through the county of Barrhead. These negotiations were carried out by officials within the parameters of governing legislation, regulations, and operating policies of the government. The department gained four acres of land, which will result in the removal of three very unsafe approaches. The county gained three new approaches and reclamation of an oiled approach. Although the county requested 250 metres to be paved on an adjacent local road, we were unable to accommodate this request due to cost. The full settlement, including the four acres of land, two of which were an operating municipal campground, was an agreed-to amount of \$10,000.

If the Member for Edmonton-Glengarry has any further questions or wants a look at the plan, we'd certainly be able to invite him to the office and research it further.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you very much, Mr. Speaker, for this opportunity. To the minister: given that the province originally sold the land to the county for \$1 and bought the land back for \$10,000 plus three paved approaches, is this a fair bargain for the province in this negotiation?

MR. STELMACH: Mr. Speaker, the original transfer of the campground to the county of Barrhead took place back in 1996, with discussions initiating in 1995. That was at a time when the Department of Environment had to significantly reduce some of its operating costs, part of which was to divest themselves of campgrounds that were rather costly to operate. At that time, there was a significant deficit in the operating of this government. As a result, following those difficult decisions that were made in '94, '95, and '96, what has happened is that we have, of course, additional predictability and stability not only in this government but in its operations, which has now encouraged tremendous unprecedented growth to the province. Part of that growth is not only in people, but it's also in the number of vehicles. As a result, today, in 2002, we have more vehicles and highways. Some of these highways that conveyed less traffic certainly than they do today are now coming up with safety concerns, and we must address them and address them as quickly as possible so we ensure the safety of our traveling motoring public.

head: Members' Statements

THE SPEAKER: Hon. members, before calling on the hon. Member for Calgary-Fort, let me congratulate the following 23 members who on March 12, 2001, joined this Assembly. The hon. members are now celebrating their first year anniversary. To the hon. Member for Drayton Valley-Calmar, the hon. Member for Calgary-Shaw, the hon. Member for Calgary-Buffalo, the hon. Member for Lac La Biche-St. Paul, the hon. Member for Calgary-Bow, the hon. Member for Dunvegan, the hon. Member for Grande Prairie-Wapiti, the hon. Member for Spruce Grove-Sturgeon-St. Albert, the hon. Member for Edmonton-Glenora, the hon. Member for Cardston-Taber-Warner, the hon. Member for Grande Prairie-Smoky, the hon. Member for Calgary-Currie, the hon. Member for Edmonton-Castle Downs, the hon. Member for Edmonton-Meadowlark, the hon. Member for Edmonton-Norwood, the hon. Minister of Economic Development, the hon. Member for Innisfail-Sylvan Lake, the hon. Member for Edmonton-Calder, the hon. Member for Vermilion-Lloydminster, the hon. Member for Edmonton-Riverview, the hon. Member for Whitecourt-St. Anne, the hon. Member for Edmonton-Manning: you are no longer rookies; you've now been here one year.

The hon. Member for Calgary-Fort.

Day with a Doc Program

MR. CAO: Thank you, Mr. Speaker. First I want to thank the Calgary regional health authority for having entertained my request for participating in their Day with a Doc program. My thanks also go to the emergency staff at the Foothills hospital for donning me in a white coat and letting me play pretend doctor. The experience was informative and rewarding for me as an MLA, having hands-on experience. This is one of many of CHR's initiatives to share information and seek input from a variety of stakeholders toward ensuring the sustainability of CHR's world-class health care system.

2:30

I spent the whole afternoon in the emergency ward, starting out with a nurse at the triage desk. I felt the dedicated, professional work of the triage nurses in handling a continuous line of incoming patients. I shared the frustration of people waiting for their turn in discomfort and pain. I saw many ambulance staff who brought in patients and waited patiently for the opening of beds. Dr. Gil Curry allowed me to shadow him around from patient to patient. For the whole afternoon we were on our feet, walking from one case to another, and never sat down.

At times I had a chance to talk to patients themselves. Many patients were senior citizens with previous conditions. There was a mother with her newborn infant, a young worker with his hand nailed to a two-by-four wood block, a number of middle-aged patients with heart and lung problems. All in all, I sensed their confidence in our excellent health care system and our dedicated nurses and doctors, who were working tirelessly in an outstanding team spirit.

I am very pleased with the government's commitment to a sustainable health care system available to all Albertans. It is vital that the change process engages our stakeholders and partners in a rational debate through open dialogues and factual information. With our hands-on experiences I have no doubt that Alberta continues to have the best health care system possible.

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

Ministerial Responsibility

MS CARLSON: Thank you, Mr. Speaker. I rise today to talk about the importance of ministerial responsibility in a democracy. One of the pillars of democracy is accountability of the elected officials to the voters. At regular intervals MLAs are required to set their actions before the voters and ask for a mandate to continue. Within our democracy the bureaucracy is responsible for carrying out the policies of the elected officials. By its nature the bureaucracy is supposed to make sure that every person accessing a particular service is treated fairly, impartially, and without prejudice.

The bridge between the democratically elected officials and the bureaucracy is the office of the minister. The minister is responsible for taking the policies of the elected MLAs to her or his department and implementing programs that reflect these decisions. The minister must also answer to the Legislature when programs do not reflect the will of the elected officials and thereby the desires of the voters. The minister can take the credit for a well-run department and must accept responsibility when the desired outcomes are not achieved. Questions about the successes and failures in a department must start with the minister.

Staff in the bureaucracy are, like any employees in the public or private sector, responsible for their actions. They are required to follow operating policies and procedures and perform their duties to the best of their ability. Staff cannot be blamed for the absence of clear formal operating procedures and policies. Staff cannot be blamed for inadequate funding levels. Staff cannot be blamed for a lack of support resources. Staff cannot be blamed for unreasonable workloads. Staff cannot be blamed when ministries are judged first and foremost on their financial bottom line.

The minister must accept responsibility for ensuring that there are clear formal operating procedures and policies. The minister must accept responsibility for funding, support resources, and workloads. A minister must never scapegoat or blame. Nobody is claiming that it's easy to be a minister, but they are paid to do a job, and the Legislature and the voters expect it to be done.

Alan Anderton

MRS. JABLONSKI: Mr. Speaker, I rise to acknowledge the life and work of Alan Anderton of Red Deer, who was chair of the Persons with Developmental Disabilities Provincial Board until his untimely death on March 10, 2002.

Alan served two terms as provincial chair of the PDD board, chair of the Michener Centre Board, and on the family and social services advisory committee that recommended a PDD program like the one we have today. A motivator and champion of the PDD community,

Alan once said: I believe we can all make a difference and that making a difference is important. This man certainly made a difference to the PDD community in Alberta. His leadership and vision helped earn this program a reputation as one of the best in Canada and earned Alan the respect and admiration of many. Alan brought extensive knowledge and experience from several sectors – business, local government, and voluntary board work – that served him well as PDD chair.

A resident of Red Deer, he was well known as a man who cared about his community and his neighbours. He was elected three times as alderman and mayor of the district of Mackenzie. He also served as the chair of the regional health authority, hospital board, and on the national hospital accreditation committee. Alan held degrees in economics and commerce and an MBA and was a certified management accountant. He worked in the forestry industry, was a business strategist for a publicly traded satellite communications company, and owned and operated a distribution house in western Canada.

Alan Anderton was an Albertan who made a difference. He will be remembered by people from all walks of life, in particular the PDD recipients and families, who are able to live fuller, more satisfying lives in the community thanks to this pioneer and advocate. On behalf of the Legislature I offer our sincere sympathies to Alan Anderton's wife, Corinne, and their four children.

THE SPEAKER: The hon. Member for Cardston-Taber-Warner.

Warner Civic Centre

MR. JACOBS: Thank you, Mr. Speaker. I rise today to recognize the people who live in the villages of Warner, Coutts, Milk River, and much of the county of Warner. This is a story of people working together to help themselves. It is a story about thousands of volunteer hours of labour and community fund-raisers and significant financial contributions from many local businesses and members of the community.

This is a story about people working together to renovate the Warner Civic Centre, which was built in 1957 and provided the only ice arena between Warner and Great Falls, Montana. The teams that play in this minor hockey league, consisting of several age groups, come from all over southern Alberta as well as from northern Montana. A couple of years ago some people in the community decided that their ice arena needed to be renovated, enlarged, and improved. They recognized the importance of recreation for their youth. This renovation will guarantee that their kids will have a good hockey facility for years to come.

This is a story, Mr. Speaker, of an effort by people to help the survival of rural Alberta. This story shows that people can work together to help create a brighter future for small rural communities.

On Saturday, March 9, 2002, I had the honour of attending the opening ceremonies to celebrate the completion of this renovation. The people have done a great job. The facility is something they can be proud of. There were hundreds of people in attendance from all over southern Alberta and northern Montana. The efforts of civic leaders and volunteers were recognized. I was able to bring greetings on behalf of Premier Klein and the Hon. Ron Stevens, Minister of Gaming, and presented a plaque commemorating the donation made under CFEP and the community lottery board, which, I'm happy to say, to me was a good use of lotto dollars.

Mr. Speaker, I commend the leaders and people involved in this project for their vision and effort. Thank you.

head: Introduction of Bills

THE SPEAKER: The hon. Minister of Finance.

Bill 17
Appropriation (Interim Supply) Act, 2002

MRS. NELSON: Mr. Speaker, I request leave to introduce Bill 17, the Appropriation (Interim Supply) Act, 2002. This being a money bill, Her Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 17 read a first time]

head: Tabling Returns and Reports

THE SPEAKER: The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table an official letter of sincerest condolences to Corinne Anderton and her family on the very sudden loss of her husband and our good friend, Mr. Alan Anderton. As our Member for Red Deer-North indicated, Alan was indeed an incredible visionary, a tremendously committed hard worker on behalf of PDD, and a great servant to the public of Alberta. We shall all miss him, and we sympathize deeply with Corinne and her family on this sudden loss of a good friend, Alan.

Thank you.

2:40

THE SPEAKER: The hon. Minister of Government Services.

MR. COUTTS: Thank you, Mr. Speaker. I'm pleased today to table five copies of the Alberta Real Estate Foundation 2001 annual report. This is a landmark year for the foundation as they celebrate 10 years of service to the real estate industry as well as Albertans.

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. I rise today to table the prerequisite number of copies of a letter from Brad Wuetherick, president of the Graduate Students' Association, in support of the student finance and loan amendment act, 2002.

THE SPEAKER: Minister of Learning, it would help, as well, if you would table the document you quoted from earlier this afternoon in the question period.

The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I have three tablings today. The first is a letter from Cliff Hansen to the Premier requesting that the Evan-Thomas area be considered for protection. The second is a letter to the Minister of Sustainable Resource Development supporting the Chinchaga wilderness as an officially recognized protection area. The third tabling is two letters from David Donahue, who is also in support of conserving wilderness, particularly pointing out that clear-cut logging is destroying our wildlife and wildlife habitation.

Thank you.

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

DR. TAFT: Thank you, Mr. Speaker. I rise today to table background information on the costs of health care premiums to teachers and the impact that an increase in those premiums may have.

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'd like to table five copies of some background information on the costs of health care premiums to school boards.

Thank you.

Privilege
Misleading the House

THE SPEAKER: Hon. members, yesterday afternoon in the Assembly the hon. Member for Edmonton-Highlands rose on a purported point of privilege, and the chair advised certain directions that the hon. member might choose to take, including that of following Standing Order 15(2), where written notice would be provided. The chair did receive by 11:25 this morning a letter from the hon. Member for Edmonton-Highlands that he was choosing to proceed with a question of privilege against the Premier.

The chair will now recognize the hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. The Premier's statements made in this Assembly on February 28 in my view misled the Assembly with respect to the government's intentions regarding the teachers' dispute. I would submit that as we were misled, it interfered in a real and appreciative way with how we as the opposition conducted ourselves with respect to the government's potential actions and the legislation.

Now, Mr. Speaker, the clear distinction between what the Premier said on February 28, which I quoted yesterday, and the content of the legislation did not become apparent, obviously, until the legislation was tabled in the House yesterday. So I rose at that time, having quickly perused the legislation and realized that in fact the Premier's statements to the House in connection with that legislation were clearly misleading to us on this side.

Mr. Speaker, the argument will no doubt be made that this is simply a dispute between members as to facts. I would argue that the features of Bill 12, which were presented yesterday, are so grossly at variance with the Premier's statements that no reasonable person could conclude that the legislation was not punitive in nature.

So I would argue on that basis that my privileges and privileges of other members of the House have been violated by statements made by the Premier which were misleading to the Assembly with respect to the content, tone, and nature of the legislation tabled yesterday.

THE SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. Privilege is about protecting the rights of members. The hon. Member for Edmonton-Highland's submission has absolutely nothing to do with protecting the rights of members and absolutely everything to do with him trying to characterize a debate that's going to happen and characterize a piece of legislation in a manner which is quite consistent with the characterizations that he's used in question period today and yesterday. If anything is offensive to this House, those misleading preambles to his question were.

To say that Bill 12, which is going to be debated fully this afternoon in this House and this evening in this House and probably tomorrow in this House, is a punitive piece of legislation is at best an opinion from that hon. member. I wouldn't even characterize it as a dispute of facts. It is simply his characterization, probably not his alone; I would guess that his seatmate may share his opinion. But I would doubt if anyone else in this House would characterize the legislation as punitive, regardless of what they think about its terms. [interjections] Regardless of whether they do – and some of the members opposite say that they might characterize it as punitive

– it would be simply that, an opinion. It's not a fact, and it's not even part and parcel or substance of the question of privilege.

The Premier, making his statement, which was a true statement, that this government will not be punitive to teachers, did not mislead the House, and to go one step further, that is not something which is the subject of privilege in any event. Privilege, Mr. Speaker, is a question of

- freedom of speech;
- freedom from arrest in civil actions;
- exemption from jury duty;
- exemption from attendance as a witness.

These are from the *House of Commons Procedure and Practice* book, which you so kindly gave to House leaders some couple years ago and admonished us to read on Saturday mornings. I think the only contempt here is that the hon. Member for Edmonton-Highlands has not taken your admonition to read the book.

There are questions of privilege when people are obstructed from doing their duty; in other words, if they can't attend or if they're frustrated in doing their duties. And I use that term in the legal sense, not in the sense in which the hon. member is obviously frustrated.

Mr. Speaker, there's clearly no issue of privilege today. The hon. Premier indicated in response to a question on February 28 that as a government we would not be bringing forward punitive legislation. The legislation with respect to teachers was tabled yesterday, and it's not punitive legislation, as much as the hon. member wants to characterize it as such. He can do so in his speech, which he's quite able to do later on today, and I'm sure he'll be giving a speech later on today. It does not in any way impugn his ability to carry on his duties as a member, and it's not a breach of privilege. It's not even a point of order. It demeans the concept of privilege.

THE SPEAKER: Hon. members, the chair does appreciate the hon. Member for Edmonton-Highlands advising the chair this morning to give the chair an opportunity to deal with the matters that have been contained in *Hansard*, and the chair is prepared to rule on this purported question of privilege raised by the Member for Edmonton-Highlands.

As the chair understands it, the member's purported question of privilege is that the Premier deliberately misled the Assembly in connection with comments he made about what would or would not be in Bill 12, the Education Services Settlement Act. The Member for Edmonton-Highlands raised this purported question of privilege yesterday, March 11, following the division on second reading of his Bill 203.

At page 235 in *Hansard* he indicates that he had just, quote, perused, end quote, Bill 12 and was raising the matter at the first opportunity under Standing Order 15(5). The chair invited the member to provide fuller written notice prior to today's proceedings and to give the notice to the Premier if he was to be the subject of the purported question of privilege, which the member has done.

The thrust of the member's letter, which he elaborated on today in the Assembly, is such that there were deliberately misleading statements giving rise to a prima facie breach of privilege.

2:50

First, the chair wants to emphasize that deliberately misleading the House is one of the most serious charges that can be leveled against another member. The authorities are clear that such a charge proceeds like a contempt, which in turn proceeds like a question of privilege. *Erskine May*, the 22nd edition, at pages 111 and 112, discusses this issue and states:

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making

a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.

More senior members in the House may recall that the Profumo affair in the United Kingdom is the basis for the reference. I'm glad to see the Member for Edmonton-Castle Downs nodding in agreement.

The chair has also reviewed recent allegations in the Canadian House of Commons on similar charges and found that they were advanced as matters of contempt. As the chair indicated, an allegation of deliberately misleading the House is a very, very serious matter which should not be made lightly or for purely partisan reasons.

In this case the allegation made by the Member for Edmonton-Highlands focuses on a certain subjective interpretation of Bill 12. Such an allegation is at best a disagreement between members and hardly meets the test of a point of order let alone a contempt of the Assembly. Differing interpretations of bills are properly the subject of debate. It should not be necessary for the chair to remind members that it is the Assembly, not the government, that passes the laws of this province and is where the debates on those laws take place.

Accordingly, there is no prima facie question of privilege. As the chair has indicated before, questions of privilege should not be raised lightly. The rights and immunities as well as the responsibilities of a member are matters that should be treated with utmost seriousness and respect.

Speaker's Ruling Decorum

THE SPEAKER: Hon. members, that deals with that matter, but the chair does want to take an opportunity to ask hon. members to please recognize in the discussions and the intercourse that occurs here verbally between hon. members, regardless of whether or not it is a question being raised or an answer being provided, that the usage of certain words does have connotations which may not be what the hon. member using the word might necessarily mean.

Now, the chair doesn't want to replay or relive certain things, but all of us have individual backgrounds and heritage, and some words that may be used in a context by other members may have great offence for certain members of another heritage. If one is not careful about that, one may insult and humiliate and cause unfortunate castigations to another member that the originator of the statements may not want to have done. As an example, if you are a member of Germanic heritage, a Canadian albeit but a member of Germanic heritage, words such as goose-stepping, slavery, enslavement have certain connotations that when used in the year 2002 may cause reflections back to events of another century and another time and may not have been the intended usage of the originator of a comment.

Now, the chair has intervened in the past when some members of this House had raised utterances against other members, including: why don't you go back to where you came from? This is clearly out of order, clearly inappropriate, clearly offensive and not in keeping with the democracy that we have in the province of Alberta at this time.

So I would ask hon. members to be very cautious about the usage of their words. The English language is a very beautiful language, it is a very colourful language, and many words have multiple meanings. Yet the language has so many words that with a little bit of effort one can find a better usage of a word than perhaps we have experienced on several occasions in the past. This is decorum. This is what it must be all about for parliamentarians, and the standard

expected of us is a higher standard than would normally be expected in places other than this Assembly.

head: **Orders of the Day**

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

Bill 12
Education Services Settlement Act

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. I'm standing today to move second reading of Bill 12, the Education Services Settlement Act.

I have moved many bills in this House. I have been in here for nine years, and each and every time I move a bill, I start with: it is with great pleasure that I move this bill. Mr. Speaker, I feel that this bill does not represent that. I feel that this bill represents a breakdown in the collective bargaining that occurred between the school boards and the Alberta Teachers' Association. This is the end point of a process that has occurred over the last six to eight months. This bill will be a onetime bill I hope. I hope that we can go back to the local bargaining process, to the process where school boards sat down with their local teachers and worked out agreements that were satisfactory to both of them.

In putting this bill forward today, as I've indicated in question period on several occasions, it comes about at the request of the Alberta School Boards Association as well as the Alberta Teachers' Association. Mr. Speaker, we are not proud of that. It would have been much better to have the agreements settled by the local people. In saying that, however, this bill is now before the Legislative Assembly, and there are some issues that need to be discussed. I will attempt to deal with them in a very general manner in dealing with the principles of the bill.

First of all, Mr. Speaker, I'll talk about the principle of fairness within the arbitration tribunal that is included in this bill. The Alberta Teachers' Association will nominate a member of that arbitration tribunal, the Alberta School Boards Association will nominate a member of that tribunal, and the government of Alberta will nominate the chairman of that tribunal. If there is a majority amongst these three that agree on a particular settlement or a particular binding arbitration agreement, that majority will rule the day. If there is no majority, meaning if all three have different opinions, then it will be the chair's duty to put forward the collective bargaining agreement that he so wishes.

Mr. Speaker, there are several other issues here, and there are a lot of things that deal with the arbitration process. There are a lot of issues around that. We feel that as much as possible we have taken it from the Labour Relations Code. We have attempted not to add in other things. I will not hesitate to point these out because I feel that they are the issues that were being discussed today in question period as well as with the Alberta Teachers' Association, the Alberta School Boards Association.

The first one, Mr. Speaker, is quite simply the principle that school boards can only pay a settlement that they can afford. The government of Alberta sets policies in this province. It is not the School Boards Association, it is not the Teachers' Association who set the policies of taxation, who set the policies of this government. Therefore, in this legislation is a section that talks specifically about school boards running deficits and saying that any arbitration settlement cannot lead the school boards to run a deficit. This is something that is in keeping with what the citizens of Alberta think,

what the citizens of Alberta realize, that running deficits, that taking the money out of the classroom to pay for this is not the way to go.

Mr. Speaker, there are also some other issues. One very important issue is the agreement that we thought we had with the Alberta Teachers' Association that I read to you today and indeed was even on their web site which basically established a commission to investigate teaching and learning conditions. As Minister of Learning I think that's extremely important. It has been 30 years since we had a full-fledged commission to take a look at the learning system. I believe that a lot of the changes that we have made in my term as Minister of Learning need to be evaluated. We need to have the external people come and take a very objective look at what is occurring. I have no problems in doing that because I know that our public school system is the best public school system in the world bar none. That's something that we should be very, very proud of.

Mr. Speaker, in saying that, I'll draw attention to the part of the bill that talks about pupil/teacher ratio, class size, as well as instructional time. These are three very critical issues that need to be discussed, and today, in coming into the Legislature, I was asked about these issues, asked if this bill stripped out these rights from contracts.

Today, as of right now, in the collective agreements there are three collective agreements that deal with instructional time, there are two collective agreements that deal with class size, and there is one collective agreement that deals with pupil/teacher ratio. That's out of around 64 different collective agreements that are around the province. We felt that everyone had to start on the level playing field when we have a very fair and open discussion about what is happening in our children's classrooms, about what is happening in teaching conditions, dealing with the needs that many members in this Assembly have brought up.

3:00

Special needs. Absolutely. A very important, important element about special-needs education is integration. What effect does integration have? Should we continue on with integration? Should we not continue on with integration? Mr. Speaker, these are very important issues. As I stated previously – and again there is much wisdom in what the ATA has put on their web site, where they stated: "Neither party can operate in a vacuum and expect complicated problems to be resolved during the heat of regular collective bargaining." There is no problem that is more complicated than that of special-needs education. It is something that I've committed to giving a thorough look at, giving a thorough review of, as well as anything else in the education system. We are coming to a point where we are looking at distance education. We are looking at different ways of ensuring that our children are learning. I fully concur with the element that this commission will be doing probably later on in the summer or fall. So again that was something that was agreed to by the Alberta Teachers' Association and the Premier and subsequently myself.

Mr. Speaker, there are also some issues in here about the right to strike. Well, what is in this bill basically states that the right to strike will be taken away until there is an agreement in place. There have been people that have talked about it saying that this makes it an essential service, that this takes away the right to strike. It is anything but the truth. There are 47 boards that are encompassed in this agreement, possibly less if there are settlements signed before five days after this has passed. There are 47 boards. There are another 17 or so boards that are out there that have agreements in place. Their right to strike has not been taken away. They have legitimate collective bargaining agreements. Yes, they can strike, and yes, they can do whatever they want when their collective

bargaining agreement comes up. So this does not take it away. It is a very common practice in binding arbitration – that is what we were asked to do – to limit both parties from either striking or locking out until the binding arbitration process is done. That’s exactly what this bill does. It also puts in a finite time frame, because that is another important principle. There must be a finite time frame to the arbitration, and the finite time frame is August 31 of the year 2002, at which time the arbitrations of the 47 boards must all be complete. Again a very important element.

Another element that is in here is that the contract will be two years. Mr. Speaker, I don’t think anyone in this Assembly or anyone in Alberta would contemplate being back in a position in September of this year where we again would have strikes. There have to be two years at least of labour peace so that we can continue bettering the education system, the learning system. In this bill is a clause stating that the binding collective agreement will be until September of 2003.

Mr. Speaker, we have attempted to narrow the focus of an arbitration settlement to salaries. We have opened up a debate that all Albertans will be having come this fall about the learning system, about conditions in the classroom, about classroom size, about special needs, and quite frankly about anything else that is raised in the learning system, because it is incredibly important. It is something that this government believes is one of the most important elements of any government, and I would daresay that all governments think of that across the country. So we are open to that, because we want to hear if there are better ideas, if there are better ways to do things. We will look at it, and we will be open minded enough to take that, but we cannot bias these talks by putting into the collective agreement issues that will be discussed.

Another point that must be made, Mr. Speaker, because they are questions that have been raised, is quite simply that if the school boards and the Alberta Teachers’ Association locals want to put it in as memorandums of understanding, as letters of understanding, they can quite simply put that in on instructional time. They can put it in on pupil/teacher ratio. They can put it in on class size. They can add it to the agreement. What this legislation is saying is that it cannot be part of the collective agreement until we have had a very important and very critical discussion about the whole learning industry, so to speak.

Mr. Speaker, I feel that, as I stated, in a perfect world I would not be standing here putting this bill forward because we would have labour peace, and we would have had a settlement signed by the two parties that are negotiating it, the school boards and the ATA locals. Unfortunately, through a lot of different events – and no one is completely, one hundred percent innocent in all of this – we have come forward and put this bill in to bring labour peace, to allow our students to stay in the classroom.

Mr. Speaker, just in closing, I want to say one really important thing, and that is something that we all have to think about. Actually, I’ve said more than one, but I will say the most important thing, and that is that the learning system is about students. It is about students first and foremost, and that is the most critical element. That is the element that this side of the House, this government believes in strongly and will do anything for, because the rights of a student to education are paramount.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I do agree with the minister on one thing, and that’s that it’s very unfortunate that this bill is in front of the House. It’s a shame. Shame on the minister

and shame on the government for introducing a bill that so viciously attacks a professional group.

They had the opportunity, Mr. Speaker. They had the opportunity, and they let it go by. They could have settled this dispute amicably. The president of the Alberta Teachers’ Association and the Premier met. The grounds for a good settlement that would have returned classrooms in the province to normal were set in place, and that was bypassed. What we have is this kind of a sham bill that pretends to be working in the interests of children and in all reality is a bill designed to crush a professional organization. What’s even more insulting is that the government distorts the teachers’ position and perspective by saying that this is what they wanted in Bill 12. Is that not the ultimate insult, to turn around and say to them, “Yes, we’re only doing this because the teachers wanted it”?

Mr. Speaker, there are a number of principles that underlie Bill 12, not many of them that are very pretty. The bill seems to say that a commitment to study schools absolves the government of the responsibility to be fair, a principle that I think most people would find very, very hard to support. The bill talks about a study, very briefly about a study, and then goes on to take away the rights of teachers and to restrict the kinds of negotiations and bargaining that will go on. It seems to me that it has things backwards. Certainly if the roots of the dispute are class size, if the roots of the dispute are 10 years of chronic underfunding, if the roots of the dispute are the loss of school board authority, their inability to raise resources, if the roots of the dispute are special-needs children being warehoused in classrooms because there are inappropriate resources, and if the roots of the dispute are that the government gave other professional groups double-digit awards, then why weren’t those issues addressed? Why do we put the cart before the horse? Why don’t we have the study and then the resolution? It’s incredible that the bill is presented and pretends to resolve matters in this way.

Another principle that the bill seems to support is that teachers talking to each other is harmful to the system. I think it has to be the first bill that I can remember being in this Legislature – and I’m sure it’s a rare thing in others – that tells individuals what they can talk about and who they can talk to. This is a bill that by definition restricts what teachers can say to each other. [interjections] Look in the definitions. Look under the definition of a strike. What does it say under the definition of a strike? [interjections]

3:10

THE SPEAKER: Hon. members, the hon. Member for Edmonton-Mill Woods does have the floor.

DR. MASSEY: Thank you, Mr. Speaker. Another principle that it seems to adhere to is that punitive arbitration will somehow or other improve the situation in the schools. We just heard the minister say that this is going to lead to peace and that two years down the road things are going to be better. This bill sows the seeds for labour unrest, for professional unrest for the next decade in the province. The two years are going to pass quickly, and if the calls that we’ve been getting from parents and from teachers are any indication, it’s not a matter that’s going to be dismissed that easily and dismissed with a bill such as Bill 12.

Another principle that the bill seems to support is that local bargaining is a complete failure and that the results of any agreements that are entered into with the teachers have to be tightly controlled and dictated by the government. Every move that the arbitrator and the negotiators make is restricted by this act. They are not allowed to talk about the very things that caused the strike in the first place. They aren’t allowed to talk about class size. They aren’t allowed to talk about special-needs children. They aren’t allowed to

talk about needed resources. Those things are all off the table. Mr. Speaker, they didn't have to be ruled out by the arbitration. They didn't have to be enumerated. The arbitrator could have been left free to suggest a strategy by which those kinds of things could have been resolved, and that didn't happen. Instead, we have this putting of the arbitrator in the box and constraining what they can do. The kinds of resources that they can use when they are trying to make agreements have been greatly restricted. A number of boards have situations where there's obviously a need for more resources. The arbitrator won't be able to comment upon that and certainly won't be able to take that into consideration when awards are made.

Unbelievably, the minister thinks that this bill is going to end up resolving the problems, and anything but that is the case, Mr. Speaker.

Going back to local bargaining for just a minute, I heard the president of the Alberta School Boards Association and her concern that local boards be able to settle with their teachers, that they have the freedom to work out agreements with their teachers. Well, it seems to me that both the Alberta Teachers' Association and the Alberta School Boards Association have lost that ability and that this has usurped their authority in terms of any kind of negotiations, any kind of settlement that they could come to locally. We are truly now into provincial bargaining, and any hope that they might return to the days when local agreements were made I think has vanished with Bill 12. Again the tragedy is that it could have been avoided, Mr. Speaker. We didn't need it. We didn't need Bill 12. Every opportunity was there for the situation to have been worked out. The kind of poisoning of the atmosphere in schools is going to ultimately not be in the best interests of children and students, and it's going to result in working conditions and in school situations where young people thinking of going into the profession are not going to want to join. It's going to make those teachers in the profession who can leave and who are ready to leave make that decision to get out much faster than they would otherwise have done.

A number of principles, Mr. Speaker, in Bill 12, all of them bad. The minister had the audacity to mention the word "fairness," that somehow or other this was a fair process. I can't quite understand how, having heard what he's heard in this Legislature since it resumed, having heard what he's heard from the Teachers' Association and the Alberta School Boards Association, he could possibly have believed that fairness is an underlying principle of this bill.

The other principles that are there, again, I think are really very questionable, and it's a sad day for the province, Mr. Speaker. It's a failure of the government to do the right thing, and it's particularly a failure of the minister who had the chance, who had every chance to make things better and failed to take advantage of it.

I think that with those comments, Mr. Speaker, I'll conclude. This is a seriously flawed process. It's an astounding piece of legislation, and when the history of the province and this government is written, it'll take its place alongside Bill 11. Thank you.

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Speaker. There are few things more essential to our success than education. Education gives us the power to improve ourselves, to reach our goals, and to fully participate in our communities. It benefits us as individuals and as a society.

In Alberta we understand the value of education, and we understand the value of our teachers. I still remember my first grade teacher, Mrs. Eldridge. I loved her, Mr. Speaker, and I am truly thankful to those great teachers who now teach my kids in Drayton Valley. Teachers are the cornerstones of our education system. We

could provide students with the best books, the newest technology, and the greatest facilities. We could give them all of this, and it wouldn't make any difference without a good teacher. Teachers make all the difference when it comes to learning. It is absolutely vital that we keep them in Alberta's classrooms.

Mr. Speaker, it is time to settle the disputes about salaries and benefits and ensure that Alberta's teachers are able to do their important work with children. This bill compares apples to apples as we look at teachers' salaries across the country. This bill ensures that the settlements are sustainable and affordable, and it calls for teachers to stay on the job while doing so.

Now, I believe in democracy more than anybody, Mr. Speaker. Last year when I sponsored the private members' bill called the Citizens' Initiative Act, I declared my absolute commitment to the one person, one vote cornerstone principle of democracy. I know that teachers have a right to strike if they so choose via the democratic process, and that happened. The teachers walked off the job to bring attention to the issues, and those very issues will be addressed.

This bill does not permanently remove the strike option nor does it declare teachers an essential service. It says that teachers cannot strike nor can boards lock out during the arbitration process, which is common practice in arbitration. Bill 12 will keep teachers in the classroom, it will resolve their pressing issues around salaries and benefits, and it will allow us to then take proper time to address teachers' other concerns in a thoughtful and constructive manner. As a former school board trustee I also know how important it is to review the education system in a comprehensive manner, and we will do that, Mr. Speaker. This bill says such in the preamble.

We have a great education system, and our teachers are a huge part of that. We need to move forward together. This bill does that, and therefore I am pleased to support it, Mr. Speaker.

3:20

THE SPEAKER: Hon. members, Standing Order 29(2) kicks in. The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I would like to ask the hon. member if the provision of the bill which provides that no school board may run a deficit in order to make a settlement and the arbitration board cannot so order means that teachers are going to get anything more than the 4 and 2 percent that's already budgeted by the province.

REV. ABBOTT: Well, Mr. Speaker, I think that would be a question more appropriately put to the arbitrator. However, I do know that the taxpayers of Alberta are very happy to see that provision in the bill.

THE SPEAKER: Additional questions?

Then, hon. Member for Edmonton-Highlands, should I recognize you now for participation at second reading?

MR. MASON: That's suitable, Mr. Speaker. I'd be glad to speak now. I would be pleased to give my views on Bill 12 today. I begin by noting that the minister indicated that he gets no pleasure out of introducing this bill, and believe me, the opposition also gets no pleasure out of this bill. It's quite appropriate the minister ought not to get pleasure out of introducing this bill, because this bill is perhaps the worst piece of legislation to come before this House since before Bill 11 was introduced a couple of years ago. The minister also indicated – and I noted this with interest – that every party has some responsibility in bringing about the breakdown that has occurred that's given rise to this bill.

So what is the government's responsibility in that, Mr. Speaker?

Well, the minister didn't say nor has the Premier or the minister indicated any assumption of responsibility for this situation in their response to any of the questions put to them during question period or at any other time. It's fine for the minister to say in a very offhand and generalized way that the government bears some part of the responsibility – that's clearly what I infer from his statement – but he doesn't take the responsibility to take the responsibility, and that, I think, is some of the problem.

Let's go back to the budget a year ago, when for the first time the government included line items for wages only with respect to teachers. This was the first time it has ever been done. I hope and pray it's the last time it will ever be done, but the Premier has consistently argued that that was a guaranteed raise for teachers. In fact, the opposite is the case, Mr. Speaker. It was a ceiling, a cap, and a clear indication to boards that if they provided more money than the 4 and 2 percent, it must come at the expense of classroom conditions.

Now, the teachers have been very, very consistent and I think quite principled on the point that they do not want their wages and working conditions to come at the expense of the children in the classroom, yet the very situation that was created by the government set the stage for the entire dispute that has evolved and emerged subsequently, and that was the genesis of it. That is where this whole problem began, because the government said: this is how much school boards have to pay an increase. Of course, that amount was very, very substantially below other settlements that the government has agreed to – for example, their settlements with nurses, their settlements with doctors, their settlements with provincial employees – and need I say, Mr. speaker, regardless of their settlement for themselves.

So that created the seeds of the present conflict, and the government proceeded to water those seeds and encouraged them to grow and fertilized them. There was plenty of fertilizer applied to those seeds, and the discontent grew. We then had a situation where the Minister of Learning was constantly getting into verbal battles and jousting with the ATA, and there were antagonistic remarks made not only by the minister, but from across the ocean in Japan the Premier piped up about how good Alberta teachers had it relative to teachers in that country. You talk about comparing apples to oranges. Well, there's a very, very real difference.

Mr. Speaker, things continued apace, and the government got itself involved very directly, starting with that budget, between the school boards and the teachers. Now we hear in the House today that the government doesn't want to be involved between the school boards and the teachers and they think that the school boards should handle the whole issue.

To prove their point, instead of agreeing to an arbitration, which would put all of the issues on the table and which would be an unfettered arbitration in which the arbitration board could take into account the actual financial conditions of teachers and comparable wages and so on, there's an artificial condition that's placed on there in this bill, and that is the one which requires the arbitration board to not award any settlement which might have the effect of placing a local school board in a deficit position.

Now, what is that other than the government simply saying in legislation that they will not contribute one more nickel than they've already budgeted towards this teacher settlement? They're washing their hands of it, Mr. Speaker. They're saying: no; if the school board doesn't have the money, you can't give them a wage increase. When has that ever been a condition for arbitration, Mr. Speaker? When has that ever been a condition, that the school board doesn't have the money even though the province could supply the money and has saved \$50 million on the strike so far and has a massive tax

decrease for corporations coming up in this budget? Yet the arbitrator is in no position to award a settlement if the school board doesn't have the money, but the school boards don't have the money. The province has the money.

Therefore, what the government has done is indirectly imposed its wage settlement on the teachers through this so-called arbitration process. What it's really saying is: you get 4 and 2, like we said from the very beginning. You can't give more because the school boards don't have it, and if the province isn't going to put any more money into the settlement, then it's 4 and 2 because that's what the government budgeted.

We find this to be a deeply offensive bill. I want to deal with the language that has been addressed by yourself, Mr. Speaker, and by members opposite. We believe that this bill is authoritarian in nature. We believe that it is reactionary in content, and when we use words as you have described, it is not with any national connotation, but it is with a political connotation. The sense that governments have overridden the rights of their citizens in the past is an important lesson that we mustn't forget, and we must be able to recall some of the political history that's taken place so that we are not condemned to repeat the mistakes of others. Certainly if those comments were taken in any way as implying a national comment, then that was not intended, and I would be very sorry if anyone took offence because of that. We're talking about the politics of this, Mr. Speaker. That's the issue.

3:30

The government is using its majority to impose a settlement on the teachers. It is not allowing them to strike. It is stacking the deck in terms of the composition of these arbitration boards. Normally, Mr. Speaker, an arbitration board consists of one person representing the employees, one representing the employer, and they jointly agree on a third person, who is neutral, in order to chair it. But the way the government has structured this, there's one from the school boards, one from the government, and one from the teachers. So automatically the deck is stacked 2 to 1 against the teachers. They don't have a chance. Furthermore, if the minister doesn't like how their representative is performing, he has the authority under this bill to yank that person off the arbitration board so that it can get on with the business of delivering the 4 and 2 settlement that the government has wanted all along for teachers. It's taking away teachers' right to strike into the bargain.

Mr. Speaker, we view this particular bill with amazement, with great concern. We believe that it is an affront to the democratic traditions of the people of Alberta. We believe that this bill takes away rights, imposes conditions, and forces people to work for a fixed amount, whether they want to or not. Their only opportunity is to resign.

AN HON. MEMBER: Slave wages.

MR. MASON: The hon. member brings up the words "slave wages." Mr. Speaker, slavery is a term which means that people are required to work not of their free will and for whatever remuneration the employer cares to provide. They don't have a free choice. They can't bargain. They have to take the job. They have to work there. The only exception to that here, Mr. Speaker, is that the people have the right, I suppose, to quit.

I would remind members opposite that when the Nova Scotia government last fall attempted a similar move with respect to that province's nurses, the nurses resigned en masse. That put the government right behind the eight ball. The government quickly realized its mistake and corrected the situation. But it puts the

government clearly behind the eight ball in the contradiction that they're creating, because if the teachers or the nurses or any other employees won't work for what the government has to offer, then the government has a big problem.

The Minister of Learning indicated that this bill will bring labour peace for two years. Mr. Speaker, that is nonsense. You cannot order people to work under conditions and for wages that you set, take away their basic rights, and expect that you can call that peace. It's not peace. It's an enforced settlement, and there will not be peace. There will be, I'm convinced, ongoing dissent, ongoing disruptions, and I think that the government is living in a fool's paradise if it believes that it can achieve labour peace through this particular piece of legislation.

I want to deal also a little bit with the role that the government played once the strike had got under way. The government waited. We heard the minister say that he has to wait a certain number of days before he can make a case that there's actually an emergency and go to court and order the teachers back, so he waited. But the strike started in Edmonton and in other places before it started in Calgary and other places, so we had the ridiculous situation of the government going before the courts and arguing that an emergency had occurred in Edmonton because the teachers had been out for three weeks but that an emergency also existed in Calgary, where the teachers had only been out for a few days. Again the incompetence, the arrogance, and the lack of any conception of what it's like to collectively bargain were apparent, and the judge did what in my view was exactly the right thing. He threw the government's case out on its ear. What happened then, Mr. Speaker? The government had for a second time created a huge mess in this whole dispute and antagonized things even further. The government lawyers were virtually laughed out of court.

Then what did the teachers do? They said: "We have the right to go back on strike. The court has upheld our right, but we're not going to do it. We're not going to do it." Instead, they wanted to talk to the government and see if there wasn't some basis for an agreement that could be reached, and that was a good move. It seemed at first that the Premier was receptive to that move by the teachers. It seemed that we might be on the way to solving something and have some real labour peace. The teachers did not go back out. They behaved very responsibly. They sacrificed their own personal and immediate interests in favour of achieving a workable long-term solution, and they met with the Premier.

What happened then? Well, the Premier indicated that there would be an arbitration process, that the arbitration process would be along the lines that had been envisaged, but the bill is completely different, Mr. Speaker, and I think that it is a travesty and a tragedy.

Thank you, Mr. Speaker.

THE SPEAKER: Hon. members, Standing Order 29(2) kicks in.

The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Drayton Valley-Calmar and the hon. Member for Edmonton-Ellerslie.

MR. DANYLUK: Thank you very much, Mr. Speaker. To the hon. member of the third party: in your opinion, if the 4 and 2 guaranteed increase was a cap on salaries, then do you feel that the use of the additional 3 and a half percent put to the instruction block takes money out of the classroom if it is used for teachers' salaries?

MR. MASON: Yes.

THE SPEAKER: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Speaker. In light of the recent ruling that you just made regarding respecting the rules and traditions of this House, how does the Member for Edmonton-Highlands justify citing such nonsense like the Premier's trip to Japan or references to slavery in a speech that's supposed to be about the principles of the bill.

MR. MASON: I'd be pleased to answer that one, Mr. Speaker. I cited the Premier's speech in Japan because I thought it was extremely inappropriate for him to intervene from halfway around the world by comparing Alberta's teachers to teachers in Japan. It was completely inappropriate.

In terms of slavery, I think I explained very carefully in my speech, Mr. Speaker, that the imposition of labour that is not voluntary under terms and conditions set by the employer, or the government in this case, is in our view a form of slavery. We used the term in its political sense and advisedly.

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

MS CARLSON: Thank you, Mr. Speaker. I wonder if the member could expand on how he believes the government has mismanaged this total process.

MR. MASON: Well, thank you, hon. member. I would be pleased to do that, because I wanted to come to the question of the teachers. The teachers met with the Premier and thought that they had an understanding whereby an arbitration process much broader than the one contained in this legislation would be used. Of course, they found out just on the same day as the bill was introduced that in fact there are a number of very, very rigorous constraints on the arbitration board and that they can't force the boards into a deficit position, which gets the government off the hook completely for contributing any further money, and furthermore that classroom conditions would be excluded from the arbitration, which they would not have been had it gone to arbitration in the normal process.

THE SPEAKER: The hon. Government House Leader, under this provision.

3:40

MR. HANCOCK: Thank you, Mr. Speaker. Given that the member has indicated that he believes that anything above 4 percent would have to come from the 3 and a half percent instructional block and therefore would be taking money from the classrooms, is the hon. member accusing teachers of having taken money from the classrooms in every other year that they've bargained since time started? Because there was only a per capita grant given before.

MR. MASON: No, Mr. Speaker.

THE SPEAKER: Hon. members, would there be additional questions? We still have time under this provision.

MR. CAO: Well, I would like to ask the hon. member regarding his previous statement, when he was asked whether taking 3 and a half percent out of the classroom is for the teachers. To the first question he said yes. Then in his next answer he said no. So can you explain which one?

MR. MASON: Yes. They're different questions, Mr. Speaker. Clearly, in the context of the government putting line items in place for teachers' salaries, the answer is that it should not come at the

expense of the other money because the government has made it clear to school boards that that money won't be replaced. Previously the whole system was quite different. The government would give a block. The negotiations would take place, and if there was a shortage in one year because of a settlement, the government would make it up in the next year. In the past even Conservative governments were considerably more generous than this one.

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

MS CARLSON: Yes, Mr. Speaker. I would like to ask the member if he could tell us what he thinks the government should have done.

MR. MASON: Mr. Speaker, I would begin by not including it as a line item in the budget, letting the local boards settle the dispute, and if there are shortfalls, then cancel the planned cut to corporate income tax and pay the boards the money they need to improve and resolve the dispute and provide good education to students in Alberta.

THE SPEAKER: The time has now left us in this particular provision.

I will now recognize the hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Ellerslie.

MR. LUKASZUK: Thank you, Mr. Speaker. I find it very difficult to not comment on some of the statements made by the previous speaker, particularly those that pertain to comparing this government and the members of this Legislature to other countries and other political parties of the past or present that can be described as totalitarian and promoting slavery.

[Mr. Shariff in the chair]

First of all, Mr. Speaker, all it does is show that the hon. member has a gross lack of insight into what it is that he professes. Second of all, I find that to be a personal affront and perhaps even an insult to many Albertans who indeed come from jurisdictions where such practices take place.

MS CARLSON: A point of order, Mr. Speaker.

THE ACTING SPEAKER: On a point of order, the hon. Member for Edmonton-Ellerslie.

Point of Order Allegations against Members

MS CARLSON: Mr. Speaker, I rise under 23(h), (i), and (j). We have just this afternoon received a ruling from yourself talking about the wise use of words and making allegations against other members. I do believe that that is exactly what this member then continued to do in his opening comments.

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm hoping that you will not find a point of order there, because I listened carefully to what the Member for Edmonton-Castle Downs said in his opening, and I think his reference was simply to say that there was a ruling made earlier in this House with respect to not using certain types of words or phrases in this House that might connote some disrespect

or drum up ill feelings on the part of those who perhaps lived through a particular period of history. We all know that Alberta is comprised of people from many parts of the world, and for some those words that the Speaker referred to earlier in his clarification would indeed be offensive and would potentially create a lot of hardship and heartache. I don't believe that the hon. member referred to those words by name. I think he referred to them in a generic sense, and perhaps it might even have been based on some of his own personal experiences in his own family. From that standpoint I'm hoping you will not find it to be a point of order.

THE ACTING SPEAKER: The hon. Member for Edmonton-Strathcona on the point of order.

DR. PANNU: Thank you, Mr. Speaker. I want to remind the House that this afternoon the Speaker made a very important and interesting observation with respect to the use of words: how they get heard, how they get interpreted, and how attribution of those meanings to particular persons can breach the order of the House.

Now, I just want to draw the attention of the House to the word "totalitarianism." Totalitarianism at one time was associated with Stalinism, with Maoism, with Hitler's fascism. Since when can the use of the word "totalitarianism" become offensive to people coming from these countries? In fact, people came here to an island of freedom, escaping totalitarianism. I don't understand.

The point is this, Mr. Speaker, that this impugns the use of words that are standardized – everyone understands what they mean – and people in this country have fought, given their lives against totalitarianism, against fascism. To say that using this word would be offensive I think is simply not appropriate, and I'll ask the member to take his word back and go on with his speech.

THE ACTING SPEAKER: The hon. Member for Edmonton-Rutherford on the point of order.

MR. McCLELLAND: Yes. Mr. Speaker, this clearly is debate. This is not a point of order.

THE ACTING SPEAKER: The hon. Member for Edmonton-Castle Downs on the point of order.

MR. LUKASZUK: Thank you, Mr. Speaker. My comments were clearly directed at comments made earlier by the previous speaker. However, they were not intended to insult in any way or manner any member of this Assembly and particularly the member in question. If they have offended any member, I do indeed withdraw my statement.

Thank you.

THE ACTING SPEAKER: I hope that resolves the matter. Thank you.

The hon. Member for Edmonton-Castle Downs to proceed with the debate.

Debate Continued

MR. LUKASZUK: Thank you, Mr. Speaker. On the actual bill in question I rise today not only as a member of this Assembly but also as an educator and as a person who indeed holds teachers in very high esteem. I'm sure that every member in this House can think of at least one teacher that has in some profound way changed the course of that member's life. I particularly can think of my grade 12 or 11 high school English teacher, Mrs. Margaret Hogan, who

indeed has contributed to my completing university and perhaps even ending up here among the hon. members of this Assembly.

Mr. Speaker, there has been a lot said about Bill 12 by members of the opposite parties and perhaps even by the media that is not in this bill, but very little has been said about what actually is in this particular piece of legislation. Albertans indeed value education and the education system in this province and want to have a choice in its future. Students want to receive the best education possible, and parents want to see their children succeed. Those priorities are reflected in this bill, and I believe that they're shared among all of the members of this particular Assembly. As government we're here to support students and parents in reaching these goals. We are committed to our students. Their learning is one of our government's top priorities, and we are unwilling to compromise this.

The labour dispute in school jurisdictions, Mr. Speaker, has put education on the front pages, making this the right time to take a step back and take a good look at the bigger picture. Bill 12, the Education Services Settlement Act, puts the wheels in motion for a broad review of Alberta's education system, and this government has undertaken to review Alberta's education system. Over the next 18 months Albertans are going to have the opportunity to participate in dialogue about our system and directions for its future, and this may be a marvelous forum for the members of the opposition to actually produce some constructive criticism for a change.

3:50

Our system is already among the best in the world. We have a lot to work with and a great foundation to build on. Of course, before we get around to planning for the future, there are some very immediate issues we need to resolve right now. The Education Services Settlement Act will bring out resolutions to the ongoing labour dispute between teachers and school boards. Mr. Speaker, labour dispute between teachers and school boards: these disputes have gone on long enough. They can keep us from moving our system forward and can place students' learning in a precarious position. The hon. Premier has met with the Alberta Teachers' Association and the Alberta School Boards Association. They did agree that at this point binding arbitration is the best option for everyone involved, especially students. The arbitration process the government has established will protect students from further strikes or lockouts, and it will keep them protected for the full two-year term of the arbitrated settlement.

This is not anything new, Mr. Speaker. The binding arbitration process generally rules out strikes or a lockout while the process is under way, and then once contracts are in place, they are binding, making any job action illegal. This is not a loss or any threat to democracy. It is a standard process. The union and the school boards would have or should have known the terms going into this process. The tribunal will consider the immediate issues related to teachers' salaries and benefits. It will take into account local economic conditions and school boards' financial situations, and the tribunal's decision will be binding upon all parties. This is a fair and reasonable process. It will move us past the immediate issue of teachers' salaries and benefits and allow us to engage in a far more constructive discussion about our system and policy directions, like those that impact the classrooms.

Mr. Speaker, this is an important discussion. We need to approach it openly, with collaboration, and we need to take the time to do it right. It's a universal truth that keeping a sense of perspective in the middle of a disagreement is difficult. The issue can seem insurmountable, and the distance between two sides can seem a light-year away. The ATA's own position on this, as reflected in the position paper on their web site, is that

impending changes in education point out the need for teacher-board cooperation. Neither party can operate in a vacuum and expect complicated problems to be resolved during the heat of regular collective bargaining . . . Teachers can implement educational policies more effectively when they have helped to formulate them.

I hope that the ATA will read this legislation and take the opportunity to participate in the long-term review of education policy which is forthcoming, Mr. Speaker. As a government we are absolutely committed to keeping our system focused on students first. Bill 12 lives up to that commitment. My hope is that teachers and school boards across the province also put the interests of students first and work together towards a settlement.

Foremost as well, Mr. Speaker, my hope is that the parties in the opposition will also put the interests of the teachers as their priority and not attempt to score political points on an issue as sensitive as this.

Thank you.

THE ACTING SPEAKER: Hon. members, any questions or comments? The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I would like to ask the Member for Edmonton-Castle Downs what talking about Mrs. Margaret Hogan has to do with the principles of Bill 12, which is what debate is supposed to be at second reading, when Bill 12 is a strike-breaking, contract-stripping settlement act?

MR. LUKASZUK: First of all, Mr. Speaker, there is nothing strike breaking in this particular piece of legislation. Let the record show that. However, my mentioning of a previous teacher simply shows this government's and my personal respect for the profession of teaching, and that is what exactly is reflected in this particular piece of legislation.

MR. MASON: Mr. Speaker, I would like to ask the hon. member: when he asks the opposition to put the interests of teachers ahead of political advantage, just to paraphrase, how does he feel that the government is putting the interests of teachers first, ahead of their political advantage?

MR. LUKASZUK: Mr. Speaker, this member obviously was not listening again to what was being said. I clearly said that we should be putting the interests of students ahead of anybody else and not teachers. This member purports that teachers are more important in the system than students.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmr.

REV. ABBOTT: Thank you, Mr. Speaker. I was happy to hear the member's speech. He talked about himself as a former educator, and he also commented on the excellent education system that we have here in Alberta. Perhaps he could just expand on that a little bit, about why he feels that we have such an excellent education system in Alberta now.

MR. LUKASZUK: Thank you for that question. Mr. Speaker, I have the unusual privilege of being able to compare Alberta education to systems of learning in other countries, and I find it to be superior and second to none. However, is there room for improvement? Yes, there always is. I think this government and all the members of this Chamber are dedicated to continuously improving the system.

THE ACTING SPEAKER: The hon. Member for Edmonton-Ellerslie on a question or comment.

MS CARLSON: Yes, Mr. Speaker. In response to my earlier question the Member for Edmonton-Castle Downs said that this was not a strike-breaking bill, but my question to him is that I'm wondering if he forgot to read one of the key highlights of the bill, which takes away the teachers' right to strike until August 2003.

MR. LUKASZUK: Mr. Speaker, I would be surprised that a well-seasoned member of this Legislature would be reading legislation of this type for the very first time. Every time there is binding arbitration, there are limits on strike during the arbitration and then during the settled agreement.

THE ACTING SPEAKER: The hon. Member for Edmonton-Highlands on a question or comment.

MR. MASON: Thank you, Mr. Speaker. I would like to just indicate to the hon. member, first of all, that he might want to take a look at the *Hansard* account of his last sentence tomorrow, that maybe he misspoke himself and he meant to say: the students.

The question I have for the hon. member, then, is how students' interests are protected when teachers are so clearly unhappy with the legislation and how the labour climate is going to be affected, in his view, over the next few years by this legislation.

MR. LUKASZUK: Mr. Speaker, I firmly believe that the best place for students is in the classroom, and that's what this government has been striving to do. I also believe that teachers, being professionals, will be able to put their personal feelings aside and continue to deliver the best education possible.

THE ACTING SPEAKER: Debate to resume. The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. I am happy to have an opportunity to debate Bill 12, Education Services Settlement Act. I'm not happy to agree with the content of the bill nor with the process by which we have seen motions come forward in this Assembly, where this particular piece of legislation can be rammed through and debate, in fact, stalled. We have a bill here that takes away people's right to bargain. At the same time that the bill is introduced, we have the Government House Leader also taking away the right to debate if he doesn't like the length of time it takes or the essence of the content of the debate.

So this is a very lead-footed treatment of a bill that shouldn't really be required at this particular point in time. In principle I am completely opposed to the bill.

4:00

AN HON. MEMBER: It might insult speeders.

MS CARLSON: Well, that's true; it could insult speeders. Maybe I'll have to think about that and rephrase it. I'm sure one of these honourable gentlemen in here will be coming up with a question of clarification on that during my five minutes. I look forward to that.

What we have is the very first piece of substantive legislation come through this House that is going to be rammed down the throats of Albertans whether they like it or not in record speed because of the legislative processes that this government has also put into place in recent days.

When we take a look at the object of this bill – and perhaps that's

what the former speaker didn't do, because he seemed to miss the boat on exactly what the intent of the legislation is. So I'll lay it out carefully, and perhaps he can respond later on in questions. What it does is set out to force teachers to stay in the classroom for the next 18 months. That is strike-breaking by anybody's definition or terminology, Mr. Speaker. It is also, in fact, a process that is intended to break the kind of collective bargaining processes that we have seen come forward in past years.

The object of it is also to have them working under contracts that make no mention of classroom conditions, clearly, from everything we heard, a contradiction of what the Premier committed to when he talked to people from the ATA: put everything on the table for arbitration and suddenly changes his mind and claws back those issues that he doesn't agree with or doesn't want addressed at this particular time.

It's designed so that the government doesn't have to spend any extra money, because school boards cannot incur deficits as set out in this particular arbitration process. Do we want the government to spend money willy-nilly as they would say we do? That's absolutely not true. Mr. Speaker, we have a budget of over \$21 billion in this province for this past year, and this government can't make it work. What is wrong with their management processes? It isn't a matter of singling out individual groups and saying that they can't have any money. In fact, this government doesn't know how to manage, and they need to learn how to do that. They need to be able to put in frameworks where they can manage that money. Small countries run on less than \$21 billion a year. People with much greater populations than ours run on less than those kinds of dollars. This government just can't get it right and hasn't been able to get it right for the past decade, longer than the past decade in fact.

What we see in terms of background on this legislation is that we've got 48 different public and separate boards that have no contracts for the past year and for the upcoming year. This act applies to 47 of those school boards and the 48th, Elk Island, whose school board has not ratified the proposed contract, so they can become part of this arbitration process if the school wants to. We see this kind of interference coming forward right after we've seen what has been the largest teachers' strike in Alberta's history. Why a strike? Because we saw government interference at all levels in the beginning of the processes, when they should have just backed out and let the boards do their jobs. But that's not the way this government likes to do business. So what we have is a very punitive kind of bill.

It was interesting, Mr. Speaker, that when we earlier this afternoon heard the Member for Edmonton-Highlands bring forward a point of privilege, the discussion of punitive measures was hotly debated. The Member for Edmonton-Highlands stated what the Premier had said; the Government House Leader said not. I would like to agree with the Member for Edmonton-Highlands in stating that the government's comments made by the Premier were in fact punitive in nature. To back that up, I want to back us up into question period for just a minute. The Government House Leader said that there was nothing punitive about what the Premier said, yet today in question period the Premier said that teachers couldn't have the money assigned to them because they had gone out on strike.

Let's just set the stage for a moment on this particular issue if we could. I would refer all hon. members to the *Oxford Dictionary*, 10th edition, and the definition of "punitive," which says: inflicting or intended as punishment. Then I go to the Premier's comments today in response to a money question, and this is very important in terms of the principles of why this bill is good or bad, should be or shouldn't be supported, because what we have here is, in fact, a punitive bill. The Premier, in response to a question from our leader,

who wanted to know why the Premier wouldn't make the money that they had saved through the strike available to school boards – now, if we think about this, this money had already been allocated to school boards in this province to be paid out at set times during the year. That money was already budgeted for salaries of some kind. Be they teachers or aides, salaries was the allocation.

Now the teachers go out on strike. There are some cost savings there in this portion of the budget year, but the Premier says that instead of allowing that money to stay within the education budget, they are going to claw it back into the general revenue fund and use it elsewhere. So our leader asks why he doesn't make it available to education. The Premier clearly states, "Mr. Speaker, this government did not go out on strike." So, Mr. Speaker, I say to you that if that is not a punitive measure having been taken on behalf of this government, then the definition as explained to us in the *Oxford Dictionary* cannot be accurate.

I challenge what the Government House Leader said earlier in his response to the point of privilege here, because what we have seen by this government time and time again, particularly when it comes to dealing with teachers, is very punitive indeed. I think there can be no questioning that, and I am surprised that he would try to defend that.

MR. HANCOCK: Of course there could be questioning of that.

MS CARLSON: Well, if that's what you want to put on the record, then you get to ask me a question in a few moments, and that will be interesting to see. They take away the right to strike; they take away the money. What's left? [interjections]

Well, it is my opinion, there's no doubt, and I am certainly entitled to give that opinion in this Legislature and to speak on behalf of the teachers, many of whom I have had lengthy discussions with for many months now, many months prior to the negotiations actually starting, because the teachers in this province were a little wary of this government and the direction that they would go in, and they were right to have those kinds of concerns, Mr. Speaker. We've certainly seen them played out in all of this government's actions.

Late, late tonight, I am expecting, when we finally get to committee on this bill, Mr. Speaker, I will be discussing some of the points of the many people who have sent me letters, a few inches of them here – and these are the ones that I haven't tabled so far. I'll be reviewing those in committee, which I expect will happen quite a bit later this evening, not on the second day of debate, as is the normal course of action for the processes of debate policies in this government. This government wants to do all of these particular stages of the bill – and I know you're going to say that committee isn't a stage, but generally speaking it's been the practice of this House to have second reading on one day, give us an opportunity to go out and talk to the stakeholders and find out what their responses and feedback are, and then come back at another time, not even usually the next day, to deal with the bill in committee but, generally speaking, sometime in the future, so that this government can attempt to live up to its statements of being open and accountable.

You can't be open and you can't be accountable when you don't let the people of Alberta have their say on legislation and when we ram through stages of a bill like this has been . . . [interjections] Well, I see that there are a few members that don't like what I'm saying, and I eagerly anticipate their entering into debate on this particular bill. It would be quite outstanding to see that happen, but I don't hold my breath on that particular topic because it hasn't generally happened that we see many government members enter into debate. Certainly we have seen one teacher put his comments on the record, and I would expect that we would hear from every

single former teacher in this Assembly on this particular bill. At the very least they owe their profession the knowledge of how they stand on the bill and why they stand the way they do. At the very least they have a professional courtesy to their colleagues to do that. So we would expect them to all get up and put their comments on the record.

4:10

In the few moments that I have left to speak on this particular bill, I would like to address one particular aspect of it that I find quite offensive in principle, and then later I will come back to this in some more detail. Mr. Speaker, I would refer you to page 3 of the bill, where we talk about interpretation. Particularly what I am concerned about is 1(1)(f), where it talks about the definitions of strike. This is in fact an impossible situation for people to work by and sets an interesting precedent for the government's own behaviour in other departments and other areas, which we will be pursuing in the future.

If we take a look at that particular section, it says:

(f) "strike" includes

(i) a cessation of work.

Well, they can't do that, of course, with the legislation we see here.

(ii) a refusal to work or to continue to work by 2 or more employees acting in combination or in concert or in accordance with a common understanding.

So exactly what does that mean in layman's language? It looks like the Government House Leader may have had a hand in helping to draft the legalese in this. What I see is that what we've got here is, as an example, a principal who instructs a teacher to perhaps supervise a lunchroom. Then in accordance with this, can that teacher go to a teacher colleague and discuss whether or not that person wants to do the supervision or whether or not they're not going to do it? In fact, they can't do that according to this legislation. If you take a look at this, it says, "A refusal to work or to continue to work by 2 or more employees acting in combination or in concert or in accordance with a common understanding." In fact, according to this particular piece of legislation, those two employees can't even talk to each other about what the issues are. [interjections]

Well, if you don't think it says that, then stand up and defend the legislation, because my interpretation is that that's exactly what it says.

We go on, and what does it say there, Mr. Speaker? [interjection] No. You see, that's the problem. That's a very interesting comment by the minister of health, who also happens to be a lawyer. They draft this legislation in the kind of language that's very hard for people to understand, and that is exactly one of the reasons why we want to be able to take this legislation out to stakeholders and give them time to have it reviewed and give them time to have it interpreted in terms that laypeople can understand. But not this government. They say, "No, no, no, no" and then ram it down everybody's throats. We have seen that time and time again with this government in different kinds of legislation that they've brought in here.

Let's talk about the notwithstanding clause. That was a perfect example. I saw every single lawyer on the front bench come in that day and say: there's absolutely nothing wrong with this legislation; we have reviewed it; it's great legislation. We send it out to the public, get it back in, and guess what? They were wrong.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmor on a point of order.

Point of Order Relevance

REV. ABBOTT: Point of order, Mr. Speaker. *Beauchesne's* 459,

relevance. She's speaking about something totally different than Bill 12 here.

MS CARLSON: On the point of order, Mr. Speaker, he should have been listening to the debate. In fact, if we take a look at any of the relevance references that we would go to, being *Beauchesne's* or *Erskine May*, you will find that there is clear definition on relevance, and in fact it isn't easy to define. *Erskine May* clearly points out that it can often be a long and winding trail, taking some time to get to the relevance of the issue, which is in fact a particular tactic that the Speaker himself employed when he was a member of this Legislature.

In fact, I got to my point quite quickly in pointing out how this government has misinterpreted their own legislation on one particular matter. I could have gone to many other particular matters but chose not to. So there is clearly no point of order.

THE ACTING SPEAKER: The hon. Member for Edmonton-Highlands on the point of order.

MR. MASON: Yes. Thank you very much, Mr. Speaker. I just want to indicate that according to *Beauchesne's* 459, cited by the hon. member opposite, it starts off with the sentence: "Relevance is not easy to define. In borderline cases the Member should be given the benefit of the doubt, although the Speaker has frequently admonished Members who have strayed in debate." Subsection 2 is also very interesting. It says that Standing Order 11(2) calls on the Speaker to bring to order "members who indulge in persistent repetition."

Now, I would think that if the hon. member has strayed in the discussion, it was no more than many other hon. members have occasionally strayed. I don't know what caused the hon. member opposite to rise on this point of order, but I suggest that it may be in order that we can prolong this debate on the bill.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmar rose on a point of order on *Beauchesne's* 459. This is a great learning experience for hon. members. I would like to refer the hon. member to the last sentence in that particular section, which says, "In practice, wide discretion is used by the Speaker and the rule is not rigidly enforced." However, it's important for everyone to try and focus on bills at the second reading stage. We are talking about the principles of the bill, and I hope that this resolves the issue. I don't see a point of order in this. Thank you.

The hon. Member for Edmonton-Ellerslie to proceed.

Debate Continued

MS CARLSON: Thank you, Mr. Speaker. I am happy to continue on with the debate. Unfortunately, with the new rules we only have 15 minutes to speak to the issue at second reading, and I have, in fact, a great deal more to say. I only just barely started to talk about my major concern under "Interpretation."

THE ACTING SPEAKER: As per Standing Orders the chair will now entertain questions and comments for the next five minutes. The hon. Member for Lac La Biche-St. Paul.

MR. DANYLUK: Thank you very much, Mr. Speaker. Comments made by the hon. member from the opposition stated that the government can't get it right and also that the government can't manage. Without having a budget debate, all we hear from the party opposite is: spend, spend, spend. Could you please tell us how you

would reallocate funding to address your priorities? Where would you decrease and where would you increase?

MS CARLSON: Mr. Speaker, in response to the question from Lac La Biche-St. Paul I would state this: take a look at your own household budget. If you had \$21 billion to work with, you would be able to appropriately manage the money and follow through to the right programs, and that is exactly what we would do on this side of the House if we were in power.

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

MR. MASON: Thank you very much, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Ellerslie about her comments about the punitive nature of the bill. She referred to the Premier's comments with respect to the money that had been saved during the strike and the Premier's comments to that. Does she care to comment on what the Premier had to say about the withdrawal of the offer of the pension liability?

MS CARLSON: Well, of course I would like to talk about that. This is a clear tactic by the Premier time and time again to play to the optics of people in the province. What he puts out there are those feel-good, sound-nice messages, and he floats little trial balloons, but in fact when it comes down to the short strokes and he actually has to act on the information he put out there, he can't do it. He backs up, and he entrenches back into that very right-wing conservative mind-set which is not at all open and accountable to the way that business should be conducted in this province and is not, in fact, acting in good faith.

THE ACTING SPEAKER: The hon. Minister of Justice.

MR. HANCOCK: Thank you, Mr. Speaker. The hon. member in her comments seemed to try and insinuate that the definition of strike suggested that two teachers couldn't talk together. I want to ask her where in the definition in section 1(1)(f) it says that the strike includes teachers talking together. In fact, does it not read that strikes include "a refusal to work or to continue to work by 2 or more employees acting in combination"? Where does it say that they can't talk about things?

4:20

MS CARLSON: Well, Mr. Speaker, these lawyers. You know, they only read half the sentence, and they don't complete the full thought. Let's go back to what it actually says and talk about it in complexity. So we talk about 1(1)(f)(i), (ii), (iii). We talk about there, just to complete the one that he was talking about there as he only read half of it, that it's "in concert or in accordance with a common understanding." How do they come to that common understanding if they don't talk? I would ask you that question.

THE ACTING SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member Edmonton-Rutherford.

MR. BONNER: Thank you. A question to the hon. Member for Edmonton-Ellerslie: how will passing this particular bill, Bill 12, enhance the learning environment for students in all of our schools?

MS CARLSON: Well, I would like to thank my colleague from Edmonton-Glengarry for the very good question, which is the exact response I hear government ministers give to their colleagues when

they lob them puffballs. So thank you very much for that. I have to say that it's already my second puffball in this Assembly, and I am very happy to have received it, but in fact just on the surface does it look like a puffball? In fact, there's a very important point to be made there: how are students' lives going to be improved by strike-breaking or contract-stripping? The answer is: they won't.

MR. McCLELLAND: In the opinion of the member opposite what is more pressing in this dispute, the classroom conditions or teachers' salaries?

MS CARLSON: No doubt, Mr. Speaker, the most pressing issue . . .

AN HON. MEMBER: A sign of intelligence.

MS CARLSON: That is the first sign of intelligence we've seen on this particular issue.

Classroom sizes are far more important. In fact, the most important part of this bill has been stripped out of it by the Premier.

THE ACTING SPEAKER: Hon. Member for Edmonton-Castle Downs, I regret the five minutes have lapsed. Debate will resume. The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Speaker. In the 15 minutes that I have to speak to Bill 12 in second reading, I'd like to speak against this bill. In principle I do object to what's being brought forward. There are three areas that I would like to talk about: consultation, respect, and long-term effect.

Now, it's interesting, because I heard both the minister and the Member for Drayton Valley-Calmar talk about Albertans approving of what the government is doing here, and interestingly I don't think Albertans have had an opportunity to make any statements back to the government on any part of this process. So I'm wondering where the assumption is made that Albertans have given this government a mandate to break the strike of any teachers and to offer forward what's in this legislation.

Let's look at some timing here. You know, eight days ago things looked like they were going pretty well. Two days later, last Thursday, we had notification of this bill that's now in front of us. So when in there was the public supposed to know what was in the bill and be able to approve of it and give that mandate back to the government to proceed with this? There wasn't the opportunity to do that nor the time. We've had a guillotine of closure put in front of us on the Order Paper with a series of motions that make it very clear that the government has the power at any time to bring forward a time limit on how much debate is to be spent here.

Now, part of our job as representatives – or at least I consider it my job as an elected representative in this House – is to take legislation back to my constituents; to give them a copy of the bill or tell them how to get a copy of the bill, download it from on-line; get their feedback on it; bring forward questions that they have; ask the questions as part of the debate in the House; and again take that feedback loop back to my constituents so that they can give me some direction in how they think I should be proceeding with the bill.

But I am obviously not meant to have an opportunity to do that this time around, because it appears that this debate on this bill is to be finished either today or perhaps, by the grace of the House leader, tomorrow, which is a very short, almost impossible time for me to do any kind of a feedback loop with my constituents or with the Albertans that I'm in touch with. Again I question how the government expects that they have a mandate from Albertans to proceed with this legislation, to have brought forward what is in this legislation.

Now, I'm wondering what the hurry is, what the threat is that the debate has to be completed on this bill. The teachers agreed that they weren't going to go back on strike. That was quite clear. So why the urgency that this bill must be debated? Why do we have those guillotine motions in front of us on the Order Paper hanging over us like a scimitar to say that we can run through all three stages of the bill in one day should the House leader decide and that in each stage the amount of debate can be limited? What's the big hurry? What's the big rush? The teachers have said that they're not going anywhere. They said that they'd stay in the classroom, so why are we in such a hurry to race this through? It doesn't allow us to get feedback. It doesn't allow us to get input from our constituents or from other Albertans.

I think there's an additional point of interest in there, that the tribunal can, if it so decides, proceed in private or behind closed doors. This government has a great proclivity to making decisions and having meetings behind closed doors, and once again that works against the whole concept of public scrutiny for this process or public input, if you'd like.

As far as consultation with Albertans that empowered this government to bring this legislation forward, I severely doubt it. I'd be really interested to go out now and do focus groups and polls and other things and say: a year ago when so many seats went to the Conservatives, was this what people understood was going to happen? Did they think that they were giving a mandate to do this, to do Bill 12? Were they giving the government a mandate to do that when 70 percent of the people did not vote for the government that is now in power? Seventy percent did not vote for them. Albertans did not give this government a mandate to do Bill 12 at all.

Now, I'd like to talk about the relationship that the government has established with workers in this province and the concept of respect and value for workers. There have been a lot of nice words spoken very recently in this House about teachers and not so many before that, but overall I haven't really seen the government or government members walking the talk on that. So why should teachers believe that this is a good deal for them or that the government has the teachers' best interests at heart here? I don't see that, frankly.

Certainly in the past and even in the future I don't find that Alberta is a warm place for unions. To me that is reflected by the fact that even our Labour Relations Board has very much a vocal non-union person appointed to it. That labour board is supposed to be there strictly for union and collective bargaining processes, and we have a non-union person. That speaks volumes to me about the amount of respect that this government has for – I can see the Minister of Justice is getting really excited, and I'm looking forward to his debate on this subject. I'm sure he will have much to bring forward. I haven't seen a lot of respect, a lot of warmth for union workers in this province.

It's been interesting to me that in the private conflicts, this government has refused to entertain, would never dream of entertaining any kind of replacement worker legislation, which would have helped the private disputes settle sooner. Some of the very long-running labour disputes like Dynamic Furniture, *Calgary Herald*, Ziegler Lumber, even the brewery drivers this last summer went on for an awfully long time.

4:30

This government, boy, wouldn't do anything to help the workers in those strikes, but you come around to anyone that's being paid from the public treasury, yowza, we want that strike stopped now, says the government. I mean, they're standing in front of us saying: you've got to debate this entire bill in one day or we're going to stop

you; we're going to bring in closure. So I just find it really interesting that when it comes to how they treat their own workers, their own employees, or workers in the public sector, this government wants to have pretty tight control on them, but they're not interested at all when it's in the private sector. Those workers, forget it.

I don't think that there's an atmosphere of respect for workers here in Alberta at all, and it's long been said in certain corridors that this government would like to break unions. I sure wouldn't like to believe that that was true, that there was any kind of concerted effort on behalf of the government to do that, but neither do I see the corresponding respect for workers that would make me believe that there was no possibility of that. So I guess it remains on the table. Do the teachers feel respect from this government? Should they feel that this legislation was a good deal for them? I look at the Premier and the whole setup of who these teachers were negotiating with.

We have had a past example – and everyone seemed very happy about it at the time – of a discussion between a union leader and the Premier that settled the problem and settled the strike. Everybody was happy with what the settlement was. So we've already had that precedent put in place. Then we get to this strike, and the same sorts of things are mentioned, that certainly we have a government that comes forward and, I believe, interferes in the collective bargaining process by detailing in their budget what the settlement amounts were to be. How can you bargain at all when one side has already said, "That's it, and we're not moving from it"? That's not a bargaining position, and it's certainly not a collective bargaining position.

So that was already set out by the government, and obviously there was going to be some request that the Premier get involved in this. The Premier leaves the province for almost the entire time that the teachers are out, and while he's away, he takes an incendiary shot at the teachers via the international media. Now, he may not have intended for that to be as insulting as teachers found it, but I can certainly tell you that the feedback I got was that they were very insulted by what was said while he was out of the country.

DR. TAFT: How could he not have intended it?

MS BLAKEMAN: Well, I will give him the benefit of the doubt that he didn't intend that, but it certainly looked suspicious.

I think that the government set itself up to be the main negotiator when they set those amounts in the budget. They demonstrated that they had control of the money. They were the piper; the government was going to call the tune. Thus there's an expectation that the Alberta School Boards Association had little influence in this process at all and that the teachers should deal directly with the government, which is what they tried to do. As a result, what did they get? The government orders the teachers back to work, but that court order is struck down, and within a few days we have the legislation that is before us, which I do see as punitive.

Now, a couple of times questions have been raised about whether there's a constitutional challenge in this legislation, and it's centered around 1(1)(f)(iii), "a concerted activity by 2 or more employees to refuse to comply with responsibilities assigned by their principal or their employer." I think that's very interesting, because this is in fact under a definition, but I think it cries out for more definition in itself. What do they mean by responsibilities? What is it that these people are restricted from not talking about or not acting upon or not discussing or not appearing to be in a concerted activity about? What responsibilities? What exactly is a concerted activity? Is that a heated discussion? Is it an exchange of paper, a letter going back and forth or an e-mail? Is it a physical activity where they're walking down the hall and discussing something? Perhaps even

having a fistfight, if we're going to define it that way. None of these things are very clear, and from that arises deep suspicions from people who at this point have no reason to believe that the government is interested in the best interests of these teachers at all. It just brings it more so.

I think the last thing I want to talk about is the long term. This does concern me. I had raised in the House and before constituents that young teachers – they have their BEd; they've got a couple of years of teaching under their belt – had made it quite clear to me, when I talked to them in the last year, that they would not be the next generation of martyrs to the teaching profession. That really distressed me. The story that one young teacher told me was that out of five friends who had all come through with their BEd at the same time and all got positions as teachers, he was the only one that was still teaching. The rest of them had been wooed away. Other employers really valued that BEd degree and valued the experience that they had as teachers and paid them significantly more. He was the only one left in the teaching profession, and he was beginning to feel a bit like he'd been had, that he'd made the wrong decision in continuing on to be a teacher, and he was not going to be the next generation of martyrs.

Now, I've just had an e-mail from another constituent that I've had ongoing correspondence with around this issue, and she said: that's it. She won't be back teaching again next year. She's not going to go into a classroom where she doesn't feel respected by the government. In fact, she was quite clear that her rights had been taken away.

I think that long term this is a problem for us. If we have a profession where the people that are in it feel that they're not appreciated, they're not respected, that they will get arbitrated, they'll get trumped on, however they're going to feel, people start not to go into that profession. We've experienced that in Alberta already with the nurses and what the government did to the nurses in the mid-90s. We're now in the position of having to pay bonuses and pay very healthy salaries to entice nurses back to Alberta to work in our hospitals again. We can easily go down that same road with the teachers. If we don't want them to work here and they feel that this is not a welcome place for them to be working, why on earth would you use that BEd and go into teaching?

Thanks very much.

THE ACTING SPEAKER: Any questions or comments? The hon. Member for Calgary-Currie.

MR. LORD: Thank you, Mr. Speaker. My question was in regards to the statistics quoted by the hon. member opposite in which she said that 70 percent did not vote for this government, knowing full well that probably 80 percent did not vote for her party either. My question is: did the member use that 70 percent figure in a malicious and intentional manner, attempting to mislead viewers and listeners and this Assembly into thinking that 70 percent of the people did not support this government and so are in fact opposed to this party?

MS BLAKEMAN: No.

MR. MASON: Mr. Speaker, on a point of order.

THE ACTING SPEAKER: Hon. Member for Edmonton-Highlands, are you rising on a point of order in question time?

Point of Order Imputing Motives

MR. MASON: Yes, I am, with respect to that last question, Mr. Speaker. That question was clearly inappropriate. [interjections]

THE ACTING SPEAKER: The hon. Member for Edmonton-Highlands has the floor.

MR. MASON: Mr. Speaker, it's very inappropriate to ask a question which impugns the hon. member's motives in making her speech, and the citation is . . .

MS CARLSON: Standing Orders 23(h), (i), and (j).

MR. MASON: Standing Orders 23(h), (i), and (j). Mr. Speaker, I appreciate the assistance, because it was so clearly a misuse of the new rules. I knew that there was a citation that could be made, and I appreciate the hon. member helping me because I wanted to be very quick.

- (h) makes allegations against another member;
- (i) imputes false or unavowed motives to another member; [or]
- (j) uses abusive or insulting language of a nature likely to create disorder.

Mr. Speaker, I would submit to you that that last question was not only inappropriate and an abuse of the new rules but violates those sections of our Standing Orders.

4:40

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I've been in this House for almost nine years, and I've heard about every type of point of order that I think is probably imaginable, but this one is a whole other category. It's sort of similar to the attempt by this member for his point of privilege earlier.

The issue here is one of inappropriateness. Now, I know what the member is likely driving at, but I think that when the member reviews 23(h), (i), and (j) and when he reviews the Blues in particular, he will see that no allegations were being made, no abusive or insulting language was being used, no false or unavowed motive was being used, which is what 23(h), (i), and (j) talk about.

Having said that and in consideration of where the member was going, I think he should also understand very clearly that when a member, such as the Member for Edmonton-Centre moments ago, deviates a little bit from perhaps a point or tries to bring in some kind of an example to support a point, it has been the tradition of the House to allow rather wide-ranging latitude. But under the new rules we're allowed to question some of that latitude, and I think that is all that the Member for Calgary-Currie was doing: simply asking for clarification and perhaps even relevance. So I would hope that this misunderstanding would be cleared away that way.

THE ACTING SPEAKER: The hon. Member for Edmonton-Ellerslie on the point of order.

MS CARLSON: Thank you, Mr. Speaker. While certainly the rules of this Assembly allow for wide-ranging latitude, that does not include imputing motives, which was clearly where that particular member was going.

Just to correct the Deputy Government House Leader, he has been in this Assembly for over nine years, not less than.

THE ACTING SPEAKER: The hon. Member for Calgary-Currie on the point of order.

MR. LORD: Thank you, Mr. Speaker. On the point of order which the member opposite has raised, I guess I would have to first question: when is it incorrect to raise a question, a question only, in

this Assembly asking whether or not someone used a statistic in a misleading manner or whether they just misunderstood the use of the statistic. So I merely asked a question, and asking a question is not a statement of fact that could be used to impugn anyone's reputation.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Member for Edmonton-Ellerslie on the point of order.

MS CARLSON: Yes. "Misleading" is specifically a *Beauchesne* disallowed word.

THE ACTING SPEAKER: Anybody else wishing to speak on the point of order? The hon. Member for Edmonton-Rutherford.

MR. McCLELLAND: There is a distinction between debate and a point of order. A point of order has to do with the orders, the rules, with which we conduct ourselves. Debate is when we have a disagreement of opinion. You're okay; I'm okay. No, you're not. Yes, you are. That's normal debate.

So this is clearly, in my opinion, for what that's worth, Mr. Speaker, a point of debate, not a point of order.

THE ACTING SPEAKER: The hon. Member for Calgary-Currie had the floor when he was asking a question to the hon. Member for Edmonton-Ellerslie. The hon. Member for Edmonton-Highlands rose on a point of order, and this has generated a very interesting debate. The chair does not have the Blues before it to be able to make a ruling and reserves to make a ruling later on.

May we proceed with the questions and comments.

MS CARLSON: A point of clarification, Mr. Speaker, under 13(6) of Standing Orders. It was the Member for Edmonton-Centre.

THE ACTING SPEAKER: I stand corrected. It was the hon. Member for Edmonton-Centre.

Debate Continued

THE ACTING SPEAKER: Questions and comments in whatever time is left? The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Speaker. The hon. Member for Edmonton-Centre mentioned a number of times the best interests of the teachers in her debate. I understand very clearly that as a member of the government I have the best interests of all the taxpayers at heart and especially the students of this province. So my question for the hon. member is: whose best interests are more paramount, those of the teachers or those of the students?

MS BLAKEMAN: When we're talking about Bill 12, it's clearly about the teachers, and that's why I'm addressing it about the teachers. This is not about the students. It's about the teachers. We're not legislating students here. We're legislating teachers.

MR. HANCOCK: Mr. Speaker, I'd like to ask the hon. member if she or any of the members of her caucus have ever read section 178 of the School Act, which indicates that the Minister of Learning must at law not pay to a school board money for teachers' or other employees' salaries when there's been a cessation of service and whether or not, having read that section, if they have, they would realize that that's a prudent section so as to not allow school boards to benefit from a lockout.

MS BLAKEMAN: I take it the member was using that as an opportunity to make a statement, and there's no question involved.

MR. MASON: Mr. Speaker, I'd like to ask the hon. Member for Edmonton-Centre if she believes that the government, having accrued additional money into general revenues, could, notwithstanding the act just cited by the Attorney General and Government House Leader, allocate the money towards education and specifically towards teachers' salaries.

MS BLAKEMAN: Thank you for the question. My understanding is that until the end of the month, which is March 31, the end of the fiscal year, departments are in fact allowed in many cases to move the money around in their department as they wish unless it's specifically enveloped. Therefore, with money coming out of the Department of Learning, one assumes that they could have reallocated it inside of the Department of Learning. The decision has been made by the government, as espoused by the Premier this afternoon, that the money was going to be removed from the department and put into general revenue. I think the money should have been reallocated inside of the Department of Learning.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Speaker. My question to the Member for Edmonton-Centre is this. Your colleague from Edmonton-Ellerslie seems to think that a guaranteed raise is a punishment. Do you share this erroneous viewpoint?

MS CARLSON: A point of order, Mr. Speaker, under 23(h), (i), and (j). He is imputing motives, clearly, in terms of what I said earlier.

THE ACTING SPEAKER: The hon. Member for Edmonton-Ellerslie on a point of order.

Point of Order Imputing Motives

MS CARLSON: Mr. Speaker, in the comments just made by the member, he is imputing motives in terms of what was said earlier.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmar on the point of order.

REV. ABBOTT: Mr. Speaker, I think that if you check the Blues, it will clearly show that the Member for Edmonton-Ellerslie called Bill 12 a punitive action. Of course, with Bill 12 we know that there's going to be a guaranteed raise to teachers. So my question was simply one of logic. Does she think that a guaranteed raise is punitive?

THE ACTING SPEAKER: Hon. members, this is an opportunity for members to be asking questions and making comments on the debate that has occurred. The hon. Member for Edmonton-Ellerslie has risen on a point of order citing 23(h), (i), and (j). The hon. Member for Drayton Valley-Calmar has responded. I hope that members will read the Standing Orders very clearly. Section 23(h) states that a person can rise on a point of order when an hon. member "makes allegations against another member," 23(i) states, "imputes false or unavowed motives to another member," and 23(j) states, "uses abusive or insulting language of a nature likely to create disorder." I hope that hon. members will act as hon. members and will debate in this House with respect for one another and discuss issues that are before it.

4:50

Debate Continued

THE ACTING SPEAKER: I believe that the five minutes allocated for this section are over, and we shall resume debate.

MS DeLONG: Mr. Speaker, the past months have been difficult times for education in our province. In the face of ongoing disputes between teachers and their school boards, students have been left with uncertainty. Albertans have been through strikes and lockouts, they've seen collective bargaining in their jurisdictions stalled, and they've wondered how much longer this unrest and uncertainty will continue. With Bill 12, the Education Services Settlement Act, we can reach a conclusion. This bill will protect students from reoccurring job actions. It will bring a sense of security and stability back into classrooms, and it will start teachers and school boards on the road to reasonable and affordable settlements.

On the need to resolve these issues, the Alberta Teachers' Association and the Alberta School Boards Association agree. They agree that these disputes have reached a point where the best approach to resolving them is binding arbitration. ATA President Larry Booi describes this point as the edge of the knife. He says, and I quote: we are on the knife edge here; we can move forward and deal with some difficulties, or we can continue with the increasingly hostile and problematic situation. I think we're going in the first direction. This legislation is definitely going in that first direction.

Once these labour disputes are behind us, we can start looking ahead. This legislation focuses on the issues at hand, is student centred, and also looks to the future. In the preamble of this bill it lays the groundwork for a broad and very valuable review of Alberta's learning system. This commitment demonstrates that all issues will have a chance to be aired, salary issues through arbitration and other more complex issues through a broad review.

Bill 12 reaffirms our commitment to students. It moves us past these difficult times for our learning system, and it prepares us for the future. It also sets out a fair arbitration process for teachers and boards. The three-person panel that would be charged with finding settlement would include an individual appointed by the Alberta Teachers' Association, another appointed by the Alberta School Boards Association, and the chair appointed by Human Resources and Employment. Fairness is further demonstrated by the fact that both parties have the opportunity to present their perspectives to the tribunal.

The bottom line is that we can't allow this dispute to continue on indefinitely. The Education Services Settlement Act puts us on the road to resolutions and points us squarely towards the future. I think we all agree that this is the direction that we need to be headed in. Alberta has one of the best learning systems in the world. It's time for us to move past our current challenges and start getting ready for the challenges of the future together.

THE ACTING SPEAKER: Questions or comments?

Debate will resume. The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. I rise to speak on Bill 12, Education Services Settlement Act, in its second reading. It's a sad day when we in this House are in the process of taking away by way of this bill the right related to job action, that in our democratic society all of us enjoy. It's a right that's one of the fundamental human rights that every civilized society not only respects but puts in its constitution. Canada does do that. The Charter of Rights and Freedoms, that makes us all proud citizens of the democratic society, sanctions that right. The essence of this bill, the very fundamental driving principle of this bill, has to do with whether or not that right

must be respected, legislatively protected, and in practice not only tolerated but in fact celebrated as a profoundly important statement of democracy, democratic rights, and democratic citizenship.

That's what I find most offensive – most offensive – about this bill. Whether you are a teacher, whether you are a parent, whether you are a grade 12 student, whether you are a grandparent, all of you are challenged by this proposed law, this bill. This bill is an affront to the fundamental right, it's an affront to the conception of education in our society that is supposed to educate our young into becoming democratic citizens. Education in a democracy must be education for democracy. What this bill does, if it passes through this House, is make a clear statement to our grade 9s, to our grade 10s, grade 11s, and grade 12s, who are able to understand more profoundly the issues of democracy and governments and governance, that this right is no longer seen as a sacred right in this province. To withdraw, to retreat even for a moment from our commitment to fundamental human rights, to fundamental democratic rights, is to signal that what's happening here poses a serious threat to the future of democracy in this province. That is why this bill has the smell of totalitarianism, and I am opposed to totalitarianism.

I am opposed to totalitarianism, and I respectfully ask all of my colleagues in this Legislature to announce their opposition to totalitarianism. It is important for us, whenever we get a chance, whenever it's important, to stand up for our fundamental principles. That makes this Legislature an important institution in this society. It's only in places like Pinochet's Chile or in Samozza's Nicaragua that such fundamental rights are mocked and taken away, not in the kind of democracy in which we live, and that's the challenge. That's the challenge we face. That is what's most offensive about this bill, and that is why it's not only a matter of concern or should be a matter of concern to teachers. It's not just about the taking away of the teachers' rights or attacking their interests. It's a bill which has consequences for the future of democracy itself, and therefore all Albertans have a stake in whether or not this bill in its present form goes through this Legislature. I hope it doesn't. I will certainly do whatever I can to convince my colleagues in the Legislature as well as to send a message out to Albertans about what is really at stake. I ask all of you to vote against this bill when the time comes.

Let me look at the substance of this bill. What does this bill do? How does it threaten democracy? This bill already imposes on the teachers a unilateral arbitration process. Teachers already call it a tainted arbitration process, 32,000 of them.

[The Speaker in the chair]

Why do they do this? They do it because this bill, in contrast with the terms of reference of the arbitration process that were attached to the order in council – and they were passed by this government just 10, 15 days ago or two weeks ago – included in it the possibility that there'll be one independent arbitrator that the government appointed. Of the six terms of reference, the last term of reference – and the Minister of Human Resources and Employment would remember that because he was instrumental in making sure that the sixth term among the terms of reference was there, and I compliment him for that. He stood for that. It is that particular term of reference that has been removed from what the arbitration panel here in this bill can or cannot discuss and debate and do.

5:00

So this bill represents a dramatic reversal and retreat from what this very government two weeks ago wanted to use in order to bring peace and negotiated settlements to our schools, to our education

system, to the classrooms of this province. This bill is not about settlement. It's about unsettling everything that was contractually agreed upon and practised for years, and in any employer/employee relationships not only the words of the contract are important, but the unwritten understandings which both parties are willing to respect are just as important. What this bill does is simply throw away the work of years and years of negotiations which built constructive, collaborative relationships between the teachers as employees and school boards as employers and replaces that model of collaboration and reasonable negotiation with legislative dictate.

Just because the government is represented by 74 members in this House is no reason for this government to disrespect the very principles, the very practices, the very institutional arrangements which made the education system of this province one of the best in the world. Don't underestimate the significance of the collaborative model that governs the relations between the employers and the employees in this province over generations in building a good-quality system that we all pay lip service to. What this bill does is undo that very fundamental condition that must prevail if that education system is to remain excellent, if it is to continue to guarantee to our children the very best education that they're capable of getting.

That's what this bill is undoing, and I submit to you that that is why I will not be able to support this bill, Mr. Speaker. The Premier said – let me go back a bit, because we do need to put it in context. On March 1 the government release said the following, and these are the Premier's words. He said, "I can't negotiate a settlement to the teachers' dispute, but I'm willing to meet with Mr. Booi as he has requested and see if we can develop some options to bring the dispute to an end." The Premier goes on to say:

I appreciate and respect the ATA's decision to ask teachers to stay in class in light of today's court decision, and I hope that by all parties working together, we can ensure that students stay in class without further interruption. Achieving that goal is the priority [of this] government.

I just want to remind the House that that has been the priority of the teachers as well. That is why, although the government's order in council was struck down by the Court of Queen's Bench of the province, teachers decided to return to school, return to the classroom, because students' interests were also a shared priority for them. They agreed with the Premier.

Then in good faith they entered into negotiations with the Premier, and now they feel double-crossed and stabbed in the back. I think they are right about this. They have been betrayed. Their good faith has been spurned, and instead this bill now has turned towards punitive and vindictive legislation, that will not be forgotten by teachers and that will not be forgotten by the parents of children whose educational interests have been served with great distinction by the teachers of this province, Mr. Speaker.

Mr. Speaker, there are other provisions of this bill and principles underlying them that I would like to draw to your attention during the remaining time. This bill is highly objectionable because it restricts arbitration to only those things that have nothing to do with instruction as such.

Teachers have been concerned about the conditions under which learning takes place. It is those conditions that have been simply set aside, have been rendered unnegotiable by the provisions of this bill, and that's very, very, very unfortunate, Mr. Speaker, because if it is really the interests of the students that this bill is supposed to serve, then it is those conditions of instruction and learning that should have been put front and centre in this bill. Arbitration should have been about the creation and the negotiation of those conditions so that the quality of learning of our children would be protected,

would be treated as the first priority, and other things would be later. But that is not to be if this bill is to go through.

What else is wrong with this bill, Mr. Speaker? It ties the hands of the arbitration board. It asks them to look around and look at various contracts of unionized workers, non-unionized workers, other comparable professions and whatnot, and at the end, having said all that, then it says: but you can't give an arbitration award which will push a school division to a deficit situation. That is really hindering the ability of the arbitrator to really do justice to the inquiry.

Mr. Speaker, I'm happy to take some questions, so I'll sit down now.

THE SPEAKER: Hon. members, Standing Order 29 now is available.

The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

MR. LUKASZUK: Could the member please expand on his manifesto and tell us what is so patently unreasonable or unfair with binding arbitration set in a bilateral agreement between the employee and employer?

DR. PANNU: There is no bilateral agreement here, Mr. Speaker. The ATA is saying that they are not party to this agreement. There is no agreement. They, in fact, are complaining that the agreement that they had entered into with the Premier has been violated and violated violently.

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

MR. HORNER: Thank you, Mr. Speaker. The hon. leader of the third party, I assume, agrees that teachers view the classroom conditions and integration and conditions of learning as the priority over and above even, in fact, salaries. In light of that, is he suggesting that he would deny parents, school boards, teachers, and all of the involved stakeholders the opportunity to review these items as opposed to simply sending them to an arbitrator and not having any involvement?

5:10

DR. PANNU: The arbitration should deal with things that the collective agreement between teachers as employees and school boards as employers have negotiated for the last 20 years. Why take an extremely arbitrary action to tell school boards and teachers, "You cannot continue to negotiate items and issues on which in the past you have achieved a very good agreement and worked collaboratively together?"

MR. McCLELLAND: Would the hon. leader of the third party refresh my memory, please? It seemed to me that when the Alberta Teachers' Association went to court and had the previous arbitration order overturned, did that arbitration order not have all of the other issues on the table that the leader of the third party would like to see on the table? Yet the ATA overturned it.

DR. PANNU: The ATA didn't overturn anything. It was the court that overturned the order in council, Mr. Speaker.

MR. LOUGHEED: Could the hon. member indicate – he talked a little bit in his speech about the importance of the teacher in the classroom – what he considers the most critical factor in a student's education?

DR. PANNU: Mr. Speaker, the question doesn't relate to the bill. I'm very happy to answer any question related to the content of the bill.

Thank you.

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

MR. HORNER: Thank you, Mr. Speaker. A little bit of a follow-up to my first question. Again, when I spoke with teachers and have continually spoken with teachers through the last six to eight months, special needs, classroom conditions, integration: those are the things that they tell me are more important to them than the salary. The parents also tell me that. All of these people want to have input, not just by an arbitration. I think it's something that all stakeholders should be involved in, not just the collaborative negotiation process.

DR. PANNU: I think, Mr. Speaker, I agree with the hon. member. It wasn't the teachers' choice to be thrown into the hands of the arbitrators. That was the decision made by the government. Teachers simply accepted what they felt they couldn't change.

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

MR. CAO: Thank you, Mr. Speaker. To the hon. leader of the third party. The president of the ATA was reported to say in the newspaper that

he doesn't like arbitration, binding on all parties, to end the dispute, but he feels it's the only fair solution to end the current deadlock and suggested that it might be led by a three-person panel, with one member chosen each by the teachers, the school boards and the government.

So this bill is all about that.

THE SPEAKER: Sorry. Time.

The hon. member.

DR. PANNU: Mr. Speaker, I wonder what the question is.

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

MS CARLSON: Thank you, Mr. Speaker. I wonder if the Member for Edmonton-Strathcona could tell us what he finds to be the most offensive part of the bill.

DR. PANNU: Mr. Speaker, I welcome this question. Taking away the teachers' right to strike, the most fundamental human right: that's offensive. Tying the hands of the arbitration panel so that it can't do anything is extremely offensive, and one other point . . .

THE SPEAKER: I think, hon. member, that our time has now left us for this matter.

Now the hon. Leader of the Official Opposition.

DR. NICOL: Thank you, Mr. Speaker. I rise this afternoon to enter into debate on Bill 12, the Education Services Settlement Act. I think this is a bill that, if every member of this House really had a choice, none of us would be standing to speak to today. We would have rather seen the process of settlement of contract achieved through the process of collective agreement between the teachers and the respective school boards. You know, this is the process

that's in place. This is the process that has followed out of over a hundred years now almost of development, what has been proven to be a very effective means to deal with both working conditions and a level of remuneration for individuals when they end up dealing with an employer. This kind of process has been developed over this period of time because what we end up with is the sense that if individuals don't get together in a collective way to deal with the negotiations, no kind of standardization or no kinds of conditions that affect everybody, as opposed to affecting the individual, can be put in place.

If we look at the position of the teachers as they entered into this negotiation six months ago, what we see is that they were making choices at that time to deal with both what is a fair mechanism and a fair level to determine their actual dollar value of pay, but they also wanted to deal with a whole broad spectrum of other issues that affected their ability to deal with a viable work condition. This, I think, was as much where the idea of collective agreements began as anything. It was for safety. It was for work conditions. It was for the ability of an individual to be heard. You know, this was the basis of the whole process of collective agreements. That's where it started.

It's more and more focused now on just the issue of what is a fair level of pay. But we have to look at it from the perspective of at what point does a contract relationship again enter into the conditions, where it's very important that we allow for a complete discussion of all of the aspects that are associated with the workplace from both the employer's and the employee's perspective, in this case the school boards at the local level and the local of the ATA. It's become very evident when we listen to parents, when we listen to teachers, and when we listen to citizens in the community who are involved in what's going on in their community. They've been expressing real concerns about the current status and the current conditions of our education system all the way from the macro perspectives that don't deal with this contract down to the specific issues that were really being addressed by the teachers and the school boards in the context of the aspects that are associated with this type of contract that started off six or eight months ago.

The main aspect here is: what is kind of the safety or the personal position of the teachers when they enter into the classroom? Stress causes a lot of concern for teachers; it causes a lot of concern for the students in the room. As we look at how to go about dealing with the process of trying to focus on education and trying to focus on learning for our students, we have to be able to make sure that in effect the negotiation occurs on all of the issues that are relevant to the ability of our young people to learn, to learn effectively and to learn to the fullest of their ability.

If we look at what's been happening in the process of this collective agreement, I guess this is kind of like: how did we end up standing here in the Legislature today debating Bill 12? It basically boils down to the fact that over the process of these contracts, the process that normally would have been in place was limited and was corrupted by outside influences, the first one being the comments that were made with respect to all public servants in the process of our preparing for the election that we went through a year ago. Basically, everybody who worked for the public service or in a public service role was told that they would be treated fairly, that they would be treated with respect, and that they would be treated in a sense equally.

5:20

Mr. Speaker, I don't think anybody at that point in time took that to mean that every one of them would get exactly the same percentage increase in salary, but what they wanted to see was that

they were treated in a way that showed their profession to be essential to this province and that their contribution in a professional way was valued. What happened was that the health care areas were settled significantly before the election with what in effect created benchmark expectations of basically settlements that would allow for those professions to recapture some of the remuneration they had that was lost in the '93 to '95 period, I guess, but it would also allow them to sense that they were in a profession valued by the province.

One of the big concerns that has come up in the process of this debate as I've dealt with people in the community has been the question: what's happening that so many of our teachers now are leaving the profession? Not because they're retiring but leaving because they're moving off to other jobs. What about when you go to the universities in this province? You find that 20 to 30 percent of the graduates out of the faculties of education are not actually going and taking jobs in the field of education. They're not taking jobs based on the expectation they had when they went into the profession, when they went into a university. So in effect they've had something happen to them that has diverted their attention away from where they set out to go, and this in a sense leads us to wonder what that was. Is it a sense that their chosen profession is not valued? Is it a signal that the pay package they receive inside that profession isn't competitive with others?

Mr. Speaker, I think it's important that we do look at the fact that in Alberta the government lays the claim on the table that the teachers in this province are paid as well as anywhere else in Canada. Yet what we see, in effect, is that because of the cost of living here, because of other factors of living in Alberta, the actual sense of achievement in terms of financial position by the teachers isn't at the same level as it is in other provinces. So we have to make sure that when we talk about things like, you know, they're paid the same as or at the top level of all Canadian teachers, yes. But what are their expenses associated with living here in Alberta? We have to make sure that we deal with this kind of thing from the perspective of fair treatment. [interjection] The member sitting next to me here just said: yeah, we've got the lowest unemployment.

Mr. Speaker, I'll tell you from the perspective of an economist that all that does is drive up wages. That doesn't mean that we can be satisfied with cutting back the wages of our teachers. We have to make sure that the marketplace has a place to function because if we don't do that, we end up with comments like we just heard, where people in effect are led to believe that because we have low unemployment, that means teachers can accept low pay. That goes against every aspect of labour market economics that you can ever find in a textbook, because when unemployment goes down, the rate of pay has to go up so that we end up with an aspect that gives fair treatment to individuals.

When they're dealt with under a collective agreement, we have to recognize the fact that these kinds of agreements carry over for what in effect is a two-year period. We have to make sure that a process is in place where those teachers have the ability to see a fair package over the whole life of that contract. We can't deal with it as of today; we have to deal with it in the context of the life of that contract. We see other provinces now starting to enter into negotiations with their teachers that will raise their salary levels above what we're offering our teachers after our settlement. That is in effect what we have to deal with in the context of the whole perspective. We have to make sure that they are put in a position where they feel that they are treated with value for the effort they put out.

The other thing, Mr. Speaker, that I wanted to get at as we go through this whole process is that for as long as we've had collective agreements in education, the process of discussion about classroom conditions has always centred around the context of negotiation with

the teachers. That's where it starts. I'm just as much in support of the idea that the school boards, the community, the school councils should have a lot of input into what constitutes the appropriate classroom conditions, but in many cases it requires the teachers to raise the issue so that we can in effect begin to discuss it at the local level. We shouldn't be dealing with this from the perspective of trying to make sure that we impose these kinds of conditions at a provincial level, that we make sure that they're excluded at a provincial level, and that's what Bill 12 is doing. It's making sure that the issues of concern to the communities are not brought into a fair discussion through this process. We want to make sure that in effect the communities are part of it and that we have in place through our legislation processes that in effect provide the opportunity to deal with classroom conditions. Elected school boards and school councils, that are available at each school in this province, are the ones who should be making those kinds of decisions about school conditions, not some arbitrary panel appointed by the Premier, who deals with a whole bunch of situations. [interjection]

We've got another comment from the bleachers here that talks about how this is not going to be an arbitrary appointment. We've heard nothing from the Premier yet that talks about how he will in effect be making these appointments to this commission. If we look at how he went through appointing individuals to all of the other study groups that he's had in place in the nine years he's been in power, he hasn't done it in a consultative way with the communities. He's done it as: let's ask for people to be appointed who support his

point of view. Mr. Speaker, that's not the way to deal with this.

We have a process in place to deal with classroom conditions. It's the school boards and it's the school councils, with input from the teachers, with input from the parents, with input from the kind of process they have in place. The member here says: they don't want it. I have yet to talk to anybody on a school board or a school council that doesn't want to deal with the issues of classroom size, support for teachers, and the number of aides for special-needs students.

What they're operating under, Mr. Speaker, is a condition of budget restraint from the government that prevents them from dealing with these issues the way they think they should. We've got to make sure that they have that flexibility to deal with those issues. We've got to make sure that they're in a position where they can bring forward constructive suggestions about how we deal with the process of developing a good education system for our students so that we end up with a true development of process, so that we end up in a position where we have to make sure that the process goes through and that the whole issue of education and learning is discussed.

THE SPEAKER: The Assembly stands adjourned until 8 o'clock this evening.

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

