

Legislative Assembly of Alberta

Title: **Wednesday, March 13, 2002**

1:30 p.m.

Date: 02/03/13

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon and welcome.

Let us pray. O Lord, we give thanks for the bounty of our province: our land, our resources, and our people. We pledge ourselves to act as good stewards on behalf of all Albertans. Amen. Please be seated.

head: **Introduction of Guests**

MR. KLEIN: Mr. Speaker, it gives me great pleasure to introduce to you and through you to Members of the Legislative Assembly Mr. Tom Williams. Tom was my neighbour when we were growing up in Tuxedo Park in Calgary, and he's now a retired businessman who is a foster parent and devotes between 40 and 50 volunteer hours a week to the St. Francis Centre in Stony Plain. I would ask Tom to rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. DANYLUK: Thank you very much, Mr. Speaker. It is indeed my pleasure to introduce to you and through you to members of the Assembly a group of constituents visiting us today from F. G. Miller junior senior high school. F. G. Miller junior senior high, located in the town of Elk Point, is not only where I attended school but also where my children were educated. F. G. Miller has had the distinction of being nominated two years in a row by the Fraser Institute for the W. Garfield Weston outstanding principals award. Student averages have increased dramatically and consistently over the last five years to the point where they are above provincial average for the standard of excellence in nine out of 11 diploma results. Today we are honoured to have the grade 9 class visit us with teachers Mike O'Neill and Rachel Germain. They are seated in the members' gallery, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

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

MR. JACOBS: Thank you, Mr. Speaker. It's certainly my pleasure today to rise to introduce to you and through you to members of this Assembly the grade 6 class from St. Mary's school in Taber, Alberta. They are accompanied today by their teachers Randy Spenrath, Patrick Pyne, and by parents Mr. Jim Bettcher, Mrs. Jane Bettcher, Mrs. Karen Capner, Mr. Bob Miller, Mrs. Leslie Oudman, Mr. Bernie Sekura, Mrs. Marianne Sekura, Mr. Fred Williams, and Mrs. Angela Haid. These kids and their leaders have traveled a long way under some adversity to be here today. I would ask that they rise in the public gallery and receive the warm greetings of this Assembly.

MR. OUELLETTE: Mr. Speaker, it's an honour to rise before you today and introduce to you and through you to the House two constituents of mine from Innisfail, Alberta, that worked very hard on my campaign. Also, Marg does a lot of work for the arts in Alberta. Would Mr. and Mrs. Marg Hallett please stand.

MS KRYCZKA: Mr. Speaker, I am very pleased today to introduce to you and through you to the members of this House Nola Bietz, who is a constituent of mine in Calgary-West and I know has at one

time worked for the hon. Jim Dinning when he was in government. Nola is the executive director of the Canadian Association of Petroleum Producers in Calgary. She's in the members' gallery, and I'd like to see the members of the Assembly give her our traditional warm welcome.

Thank you.

MR. JACOBS: Mr. Speaker, may I also rise again to introduce to you and through you to the members of this Assembly Mr. Delbert Beazer, councillor for the town of Cardston, who has joined us today in the members' gallery. I would invite Delbert to rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

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

Closure of Acute Care Beds

DR. NICOL: Thank you, Mr. Speaker. The government likes to use closure to limit debate in this Assembly. Now the government is using closure to limit access to hospitals in rural Alberta. My questions are to the Premier. Will you confirm that there will be acute care bed closures in rural Alberta in the coming year?

MR. KLEIN: Mr. Speaker, I can't confirm or deny that happening. I have no knowledge of any closures or potential closures in rural Alberta or anywhere else for that matter.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. How does the Premier justify the closure of badly needed beds at a time when Alberta's population is soaring so badly?

MR. KLEIN: Well, Mr. Speaker, if the hon. Leader of the Official Opposition could be more specific, that would be very much appreciated, because I have no idea of what beds he's talking about. [interjection] I'm being told to be careful?

If the hon. member can indicate to me where these beds allegedly are being closed, I'll have someone look into it, the minister of health in particular, or maybe the Minister of Health and Wellness can shed some light on the situation.

MR. MAR: Mr. Speaker, regional health authorities throughout the province are being given information with respect to budgets, and we're having those discussions now. Of course, the actual budget numbers will come out Tuesday next. Regional health authorities are doing their very best to try and meet the needs of the people that live in their respective areas. There are challenges, of course. There are many acute care facilities that are in rural Alberta, and I can give perhaps a couple of examples.

In the area of Lakeland earlier today myself and members of my department met with people from Lakeland regional health authority. They advised me that they serve about 90,000 people. There are 11 acute care facilities serving 90,000 people in that area. It is, of course, a very wide geographic area. In areas like East Central, Mr. Speaker, there are, again, roughly 90,000 people that are served by that regional health authority. There are 14 acute care facilities that serve that.

Mr. Speaker, the hon. Member for Redwater, of course, is intimately familiar with issues of the needs for long-term care facilities, and he's raised the question, I think legitimately, as to

whether or not the needs of people in certain parts of the province could be better met through better long-term care facilities as opposed to acute care regions.

So the discussion continues, Mr. Speaker, but to suggest that there are any acute care facilities being shut down is a completely premature speculation.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. To the Premier: do you support this kind of cutback in rural health care that the minister is talking about?

MR. KLEIN: Well, Mr. Speaker, the question is indeed perplexing, because as the hon. Minister of Health and Wellness pointed out, it's premature to speculate on the closure of any acute care beds in the rural areas or anywhere else in the province.

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

Leak of Budget Information

DR. NICOL: Thank you, Mr. Speaker. Parliamentary tradition holds that budget information is to remain confidential in order to prevent profiteering by the select few. Last month there was a leak indicating that the upcoming budget would include specific cigarette tax increases. This contradicts parliamentary tradition. My question is to the Premier. Why is this government leaking sensitive and privileged information that enables a select few to profit?

1:40

MR. KLEIN: Well, Mr. Speaker, we haven't leaked special or select information relative to a proposed tax on cigarettes, but relative to the specifics of the budget – and I'm sure the hon. minister can't be that specific – I will have her supplement.

THE SPEAKER: The hon. minister.

MRS. NELSON: Thank you, Mr. Speaker. I have to be careful of what I say because the budget is next week. There has been lots of speculation, and there always tends to be before a budget document comes out. To the specifics of what the hon. Leader of the Opposition was referring to, sometimes news stories tend to be wrong. Sometimes those that write those stories tend to be a little embarrassed when the actual real things do come forward. It's amazing. Until the documents actually come to this House, I would caution people from speculating as to what the numbers might be or not be, because I won't release those numbers ahead of time even though there's been lots of suggestion that I might clarify this or that. I just don't do that. So they won't be coming forward.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you. Again to the Premier. The minister says that it didn't come from her office. Where did this information come from? It's floating around Alberta, and people are going to profit from it.

MR. KLEIN: Well, Mr. Speaker, certainly there has been speculation vis-a-vis an increase in tax on cigarettes, and I would suggest that where the information came from initially is the Mazankowski report. Certainly recommendation 1 in the report alludes to wellness

and alludes very specifically to smoking and suggests, I believe, that there should be an additional cost associated with people who smoke.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Specific numbers were not in that report.

To the Premier: if there are any further budget leaks before the budget comes out, will the Premier assure this House that he'll fire the minister?

MR. KLEIN: No, I won't give any such assurances, Mr. Speaker.

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

Health Care Premiums

DR. TAFT: Thank you, Mr. Speaker. Last week the Minister of Health and Wellness refused to describe health care premiums as a tax on the basis that he is not "a tax lawyer." My question to the Minister of Health and Wellness: will the minister reclassify premiums as a tax when a recognized tax lawyer produces an opinion that premiums are indeed a tax?

MR. MAR: Mr. Speaker, the hon. Member for Edmonton-Riverview well knows that the purpose of question period is not to elicit opinions of individuals. My opinion on this matter is not the subject matter of question period.

DR. TAFT: Mr. Speaker, if you listened carefully, I didn't ask for his opinion.

Will the minister reclassify premiums as a tax when two tax lawyers produce opinions that premiums are indeed a tax?

THE SPEAKER: The hon. member.

DR. TAFT: How many tax lawyers does it take to convince the minister that premiums are a tax?

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

Teachers' Arbitration Process

MR. MASON: Thank you very much, Mr. Speaker. Yesterday the Premier whined about New Democrats using strong language to describe the government's attack on Alberta teachers. In fact, the whole Tory caucus got into the act, leaving us wondering if the PC in PC caucus now stands for politically correct. So today we are leaving aside the strong language and asking the Premier some straight questions in the hope of getting some straight answers. To the Premier: if the original arbitration process contained in the back-to-work order which was quashed by the courts was acceptable before the ATA won in court, why is it not acceptable today?

MR. KLEIN: Well, indeed, parts of it are acceptable today, Mr. Speaker, and I'll have the hon. minister supplement.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. The key component behind the PET is that we were in a situation where there

were some 20,000 teachers that were out on strike. We had to use the PET to put these teachers back in school so that the students could get back into the classroom, where they learn. That's the key component with this. With the PET the rules of arbitration are different than what we put in. When we put in a law, obviously, these are things that are strict, they're things that are controlled, things that are very specific. With the PET process it is outlined in the labour code as to how it must proceed.

THE SPEAKER: The hon. member.

MR. MASON: Thank you very much, Mr. Speaker. Again to the Premier: given that this government withdrew their offer to cover teachers' pension liability because teachers dared to go on strike, why shouldn't Albertans see this biased and one-sided arbitration process now being forced on teachers as simply punishment for daring to beat the government in court?

MR. KLEIN: Mr. Speaker, I take strong exception to the words of the hon. member, that it is biased. An arbitration process is, indeed, not biased at all. As a matter of fact, the ATA is allowed to choose the arbitrator of its choice. The Alberta School Boards Association is allowed to choose an arbitrator, and the government of Alberta is allowed to choose an arbitrator. Nothing could be fairer relative to this process.

MR. MASON: Mr. Speaker, why won't the Premier honestly admit to Albertans that the government's tactics in this dispute are really all about power, about showing the teachers who's the boss?

MR. KLEIN: Mr. Speaker, that was a comment and an opinion, albeit false, on the part of the hon. member. This isn't about power. This is about students and looking after the welfare of students. That's what it's about.

THE SPEAKER: The hon. Member for Edmonton-Calder, followed by the hon. Member for Edmonton-Mill Woods.

Economic Outlook

MR. RATHGEBER: Thank you, Mr. Speaker. Finally some good news: Alberta is booming. Statistics released this week by Census Canada indicate that Alberta's population has grown by more than 10 percent over the last five years. This translates into a net migration of 140,000 people who have come to our fine province. My question is to the Minister of Economic Development. If the population is growing by 10 percent and if the economy is growing by 2.5 percent, which is still admirable, are we going to be able to continue to find jobs for these new Albertans?

MR. NORRIS: Well, at the outset, Mr. Speaker, I'd like to say that not only do I want to answer the question, but I'm honoured to answer the question. As the hon. member pointed out – this isn't good news; this is absolutely great news for Alberta. Because of the decision of our Premier and the class of '93 to signal to the world that we were going to be deficit free and debt free, Alberta has become the business centre of Canada and North America. As a result, the decision that was made in '93 has paid off in spades. Over the last 10 years we've had an average growth of 4.5 percent in our GDP. As the hon. member alluded, we have created over 300,000 new jobs, but they are sustainable long-term jobs, and this has caused a small problem but a problem that we're very, very pleased to have.

As the census shows, in answer to the hon. member's question, a large number of these employees are coming from other provinces. Our minister recognized that we needed to do something about this and last year in his budget freed up space for 2,000 additional skilled workers, Mr. Speaker. Recently he and I along with the federal government signed a protocol, which we refer to as the PNP, the provincial nominee program, which allows the Alberta government to take a far greater role in immigration.

I want to finish answering the hon. member's question by saying that in light of the current economic situation around the world, this is an absolutely phenomenal problem that Alberta is very, very blessed to have, Mr. Speaker.

THE SPEAKER: The hon. member.

MR. RATHGEBER: Thank you, Mr. Speaker. My first supplemental is to the same minister. If the federal Liberal government carries out its incomprehensible plan to ratify the Kyoto accord, does the minister share my concern that the effect on the Alberta economy may be comparable to the same Liberal government's 1980 national energy program?

1:50

MR. NORRIS: Well, that's a very interesting question, Mr. Speaker, and I guess I would probably not couch my language so much. I think this protocol has the ability of devastating the Alberta economy. Personally, as a Rotarian I find that there is zero fairness in this, and I'm appalled at the circumstances that have led us into this situation. We believe that if this protocol goes ahead as it is, it will have a similar effect as the NEP and could quite possibly devastate the increase in the boom we're speaking of.

My hon. colleague the Minister of Environment and my hon. colleague the Minister of Energy have both referred to it, and as Albertans we feel that we want to be part of the process. Alberta companies, as you know, Mr. Speaker, are some of the best in the world at dealing with environmental concerns, and this protocol going ahead the way it is does not address any of that. Our largest trading partner, the United States, as well as China and India are not signatories, and it puts Alberta at an extreme disadvantage. So I share my hon. colleague's concern and would answer him by saying that this protocol has the ability of devastating Alberta not only for this generation but for our kids and their kids, and we'll do everything to stop it.

THE SPEAKER: The hon. member.

MR. RATHGEBER: Thank you, Mr. Speaker. My final supplemental is to the hon. Minister of Finance. As we have 140,000 new Albertans who have come here because of our strong fiscal position and advantageous taxation policy, is the government firmly committed to maintaining the advantageousness of Alberta's taxation policy, notwithstanding opposition calls to defer corporate tax credits?

MRS. NELSON: Mr. Speaker, what's critically important is the Alberta advantage. A number of the components have been alluded to today, some of them being the ability to attract capital, some of them being the ability to have a framework in place in this province that is conducive to business development and economic development. Very important is the taxation framework that we have in the province of Alberta. We have prided ourselves on having the lowest overall tax framework in Canada, both personal and corporate, and we will continue to maintain that framework. What is key, though, is to make sure that we not only have the best framework in Canada

but that we have one that can compete with our neighbours to the south because that's where the competition is. So our corporate and personal taxes have to be competitive with that stateside. We will continue to move in that direction, and we will continue to be the only province in this country without a sales tax.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Shaw.

Fort McMurray Teachers' Negotiations

DR. MASSEY: Thank you, Mr. Speaker. New teachers in Fort McMurray can look forward to boarding with the principal or some other community member. Living costs rule out any consideration of their affording places of their own. My questions are to the Minister of Learning. Given that government employees were given a special living allowance, will teachers now receive the same consideration?

DR. OBERG: Mr. Speaker, I'm pleased to announce in this House today that the Fort McMurray Catholic teachers reached a tentative agreement last evening, and included in that agreement was an increase in their northern living allowance, quite a substantial increase.

DR. MASSEY: My second question is: how will the minister's so-called arbitrators provide any relief without putting school boards in debt?

DR. OBERG: Well, Mr. Speaker, I think we just saw an example of this last night when the board and the local ATA in a community like Fort McMurray got together and reached an agreement. I believe that potential is there for the arbitrators as well to go on an individual, case-by-case basis and get these agreements that are specific to local economic conditions. One of the main reasons we put in the arbitrators' parameters the local economic conditions was to deal with situations such as Fort McMurray.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you. To the same minister: will there then be new money should the arbitrator decide that in Fort McMurray such is needed?

DR. OBERG: Again, as I stated, last night a very good agreement was signed by the Fort McMurray Catholic schoolteachers, which both the local ATA and the local school board agreed to, Mr. Speaker. There were some very significant raises in it. There were very significant increases to the northern allowance, so obviously the money is there for that. It did not put the board into deficit. It did not put the board into debt in achieving that settlement.

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

Equalized Assessment Policy

MRS. ADY: Thank you, Mr. Speaker. I have only one question, and it's for the Minister of Municipal Affairs. Can the minister assure both the city of Calgary officials and Calgaryans that the government does not intend to remove a municipality's right to appeal their equalized assessment?

THE SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you very much. Not only do I want to assure the folks in Calgary but certainly members of this House and all municipalities that we have no intention of removing a municipality's right to appeal their equalized assessment, first and foremost. If I could, though, just for a moment, indicate that I spoke with Mayor Bronconnier yesterday afternoon, and I'm very pleased to read this morning how pleased he was with the manner in which the province is working in partnership with them. As I look around this Assembly, Mr. Speaker, there are over 26 MLAs here today that have served on municipal councils either as aldermen, as councillors, as reeves, and for that matter, even as mayors. In fact, I see a former president of the AUMA here. Not only that, but in the free world we happen to have a Premier who used to be a mayor as well.

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

Public Safety

MS BLAKEMAN: Thank you, Mr. Speaker. The government wants to make prisoners pay for room and board as a way to be tough on crime, yet low-risk parolees will be seeing their supervisors less often, and now we hear that it's being contemplated that sex offenders will also be excused from meeting with their parole officers as frequently. My question is to the Solicitor General. Can the Solicitor General confirm that her department has plans to reduce the reporting requirements of sex offender parolees?

Thank you.

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Yes, Mr. Speaker. I'm pleased to answer this question, and I'm pleased to get the facts out. I met with the community corrections people. Our priority is to make sure that Albertans are safe. No, we are not letting sex offenders out early. They still will be considered a high-risk offender, number one. The probation officers determine what they will do and where they will go. So it's important to understand that the information the hon. member has is wrong.

MS BLAKEMAN: I'm asking about the frequency of reporting. Will there be a change in the frequency of reporting for sexual offender parolees?

MRS. FORSYTH: No.

MS BLAKEMAN: I'm wondering what other cuts in programs the Solicitor General is contemplating that could affect public safety.

MRS. FORSYTH: None.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Gold Bar.

Drought Assistance

MR. MARZ: Yes. Mr. Speaker, last year Alberta farmers suffered through a devastating drought, and in June of last year the government responded by putting in place the Alberta farm water program. This was designed to help farmers develop long-term water supplies on their farm as something very important to maintain their farming operations. However, the deadline for these projects ends at the end of this month, March 31. Many of the projects farmers wanted to construct have to wait until the spring thaw, and with this deadline

they'll be unable to complete these projects. So my question today is to the Minister of Agriculture, Food and Rural Development. Is the minister going to extend this project deadline?

MRS. McCLELLAN: I have reviewed the program most recently, and I can tell the hon. member and other members that as of March 8 we had approximately 3,570 applications. About 1,600 of those applications have been paid out, and we're receiving an average of about 30 applications a day. We do expect that to increase significantly as this deadline approaches.

Mr. Speaker, we are reviewing the program, as I said, on an ongoing basis and will look at the activity level. It is an excellent program. We have seen innovation from producers, from people in water co-ops, new ways of ensuring that we have long-term solutions to these. Without question, our government feels that it's been a very worthwhile program, and we'll continue to work with producers on the March 31 deadline.

THE SPEAKER: The hon. member.

2:00

MR. MARZ: Thank you, Mr. Speaker. In light of the fact that experts from Environment Canada, Alberta Environment, and your own department of Alberta Agriculture have all indicated that there's going to be another drought in 2002, could the same minister tell me whether there'll be any other programs to help farmers deal with this drought?

MRS. McCLELLAN: Mr. Speaker, we're certainly encouraged with the snowfall that we've experienced over the last two weeks. Whenever you have more moisture, it's indicative of perhaps and we hope more to come and that this cycle might be changing. However, we do know that in Alberta we will always have some drought on a regional basis. It is a fact of life in this province. So we've been working with Alberta Environment, the Prairie Farm Rehabilitation Administration, and of course our department to develop a long-term drought plan for the province. This plan would look at efforts that can be made to mitigate drought on an ongoing basis. We've co-operated with the federal government in putting more money into groundwater mapping and drought monitoring and exploration for water sources. We've made some improvements to our crop insurance program. We've provided a great deal of information to producers through Ropin' the Web, our web site, as to how you can sort of drought-proof your operation. We're aware that another dry year would be very difficult for producers, so we'll continue to work with them.

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. The minister mentioned changes to the crop insurance program. Could she outline what exactly those changes are and how they will help farmers deal with this impending drought?

MRS. McCLELLAN: Mr. Speaker, some of the changes that we have made certainly came as recommendations from producer focus groups that have looked at the crop insurance program. We've made some changes in the protein coverage for durum and red spring wheat. We've separated the coverages for Argentine and Polish canola. We've introduced the provincial lack of moisture native pasture program, which uses actual precipitation as the trigger point. We've expanded the satellite imagery pasture program. We think that these programs are incredibly important, actually, to livestock producers as well as crop producers in this province.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Strathcona.

Disabled Persons' Access to the Legislature Building

MR. MacDONALD: Thank you, Mr. Speaker. This government has forgotten about the homeless, the poor, the teachers, the children, the disabled, and the handicapped. My first question is to the Solicitor General. How are the needs of the disabled being taken into account in accessing this Legislative Assembly?

Thank you.

MRS. FORSYTH: Well, Mr. Speaker, that's a difficult question for me to answer, because I've had no complaints from the disabled to my department. As far as I'm concerned, their needs are being taken care of.

MR. MacDONALD: Again to the Solicitor General: given that perhaps there are no complaints because no one from the disabled community can get access to this building, why is there restricted access at the east wing of the building for the disabled who want to visit their Assembly?

Thank you.

MRS. FORSYTH: Mr. Speaker, as far as I know, there is, at the loading door, and we have provided a security person at that particular door for the disabled. I want to repeat: since we've put security measures into this Legislature, I have not had one complaint from the disabled. I know many of them, and I know they would call me.

I'll refer it to the Community Development minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to supplement as minister responsible for the Premier's Council on the Status of Persons with Disabilities and in general for people who have an unfortunate disability. As all members who were present in the House yesterday know, we had a former colleague who was here introduced, and I don't believe that he had any trouble getting into the building. If he did, then please let us know, and we'll look into it. Otherwise, as you well know, there are ramps. There are elevators. If there are some other suggestions for improvements you have, I'll be very happy to undertake them. We do have a Premier's council that looks after these types of issues and provides us with advice. We'd welcome and be receptive to receiving any positive comments in that regard that you might have. But there are no restrictions to that access.

MR. MacDONALD: Again, Mr. Speaker, to the Solicitor General: how is it that at the only handicapped entrance, at the east wing of this building, handicapped people must justify their disability or their handicap over an almost inaudible intercom and video camera? How is this not discrimination against Albertans?

Thank you.

MRS. FORSYTH: Mr. Speaker, you know, I don't know if this is politically correct, but he's blowing smoke. The Premier's council for the disabled meets here. We have wheelchairs. We have people with dogs. We have motorized wheelchairs. In fact, I ran into a couple of them yesterday, and they never complained.

THE SPEAKER: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Red Deer-North.

Debate on Bill 12

DR. PANNU: Thank you, Mr. Speaker. Before all the amendments could be debated last night in this House, the heavy hand of closure came down on a piece of legislation that clearly takes away the collective bargaining rights of teachers. The use of closure complements the nature of this heavy-handed legislation itself. Both of them take away people's rights. My questions are to the Premier. How can the Premier justify taking away our rights as elected representatives to fully debate and make amendments to important legislation?

MR. KLEIN: Well, first of all, Mr. Speaker, it's important that this bill pass quickly so that the arbitration process can begin. It would serve absolutely no one's interest to delay this bill, particularly the students'. As it has been explained to me, every member of the Legislature will have the opportunity, if they haven't already had the opportunity, to speak to this bill. I'm surprised that the ND opposition would be opposed to the use of time allocation. They want to see this resolved as much as anyone. It's better than closure. It's time allocation, which provides ample time to debate an issue. There's only so much that can be said, and what the opposition tends to do, unfortunately, from time to time is to say the same things over and over and over again. You know, make the point, sit down, and make a meaningful contribution. Surprisingly enough, they will find that it's time to take a vote.

DR. PANNU: Mr. Speaker, I want to repeat the question to the Premier. How can the Premier justify making a travesty . . .

Speaker's Ruling Reflections on a Decision of the Assembly

THE SPEAKER: Sorry, hon. member. Please take your chair.

I must point out to the hon. member the traditions of a parliament. I must quote from *Erskine May*, 22nd edition, page 380.

Objections to any reflection upon a previous vote of the House have been considered to be more significant, unless made for the purpose of justifying a motion that the vote be rescinded. Such reflections have been held to be irregular, because the Member is himself included in, and bound by, a vote agreed to by a majority. Reflections on the action taken by the Speaker, the Chairman of Ways and Means and the House upon a closure motion are not permitted.

The second citation is from the *House of Commons Procedure and Practice*, page 525: "Members may not speak against or reflect upon any decision of the House . . . Such reflections are not in order because the Member is bound by a vote agreed to by a majority."

I only interjected when the member said that he would raise a similar question again. The citations are from the history of parliaments and our parliamentary democracy. We're bound by the rules that we make for ourselves, hon. member. The subject of your question must be altered.

Debate on Bill 12

(continued)

DR. PANNU: Mr. Speaker, my question to the Premier: does the Premier think it's acceptable that four of our seven amendments were not debated in the House last night?

MR. KLEIN: Mr. Speaker, relative to the amendments and the manner in which those amendments were introduced, I think that the hon. Justice minister and Attorney General and Government House Leader will have some interesting comments to make on that matter.

2:10

THE SPEAKER: The hon. minister.

MR. HANCOCK: Thank you, Mr. Speaker. Members of the opposition and both opposition House leaders were fully aware of the schedule for debate yesterday and were fully aware, I believe, about the rules in Committee of the Whole and what Committee of the Whole is about. Committee of the Whole is for a section-by-section analysis of a bill. Often in this House we see that members of the opposition particularly and sometimes members of the government as well use Committee of the Whole for continuing discussion on the principle. Last night, notwithstanding that members of the opposition had amendments to put on the table and knew that we were spending a limited amount of time but a sufficient amount of time to debate the issue in committee, they proceeded to debate on the principle of the bill rather than putting their amendments on the table. I can't be held accountable for the way in which the opposition conducts their business.

THE SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. Why is the Premier complicit in rushing this extremely important bill through the House, a bill which will have far-reaching consequences for the future of the public system in this province?

MR. KLEIN: Mr. Speaker, as I explained before, this government is interested in acting in the interests of the students. Again, if the debate is reasonable and if it's to the point and if it's succinct, because the bill is very clear in its contents, then this debate will be over very, very quickly, without time allocation. Again, it's important to pass this bill quickly so that the arbitration process can begin and we can see a resolution to this particular impasse. That's what it's all about.

THE SPEAKER: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Ellerslie.

Acquired Brain Injuries

MRS. JABLONSKI: Thank you, Mr. Speaker. In 2001 the Alberta Centre for Injury Control & Research published a summary of head injury and spinal cord injury in Alberta. In one year alone, 1997, there were more than 14,500 head injuries in this province, and many of those injured were left with an irreversible brain injury. Since disability due to acquired brain injury is not covered under the definition of persons with developmental disability, this is a special category of Albertans with needs. My question is for the Minister of Community Development. What has government done to serve the needs of Albertans with acquired brain injury?

THE SPEAKER: The hon. minister.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Let me begin by just saying for the record our collective thanks to the Alberta Centre for Injury Control & Research in this important area. They do a lot of very good work to help reduce brain injuries and work on the prevention piece.

Now, in specific response to the member's question, there are a number of things that have been done since this recommendation was put forward by this minister a couple of years ago. To begin with, we conducted a public consultation on this matter. We held a brain injury forum. We did prepare a summary report of recommen-

dations from the brain injury survivor community, their families, and care service providers. A short while ago I also appointed an interim advisory committee to provide additional information and consultation in this regard. We've put in place a provincial training framework, and at the moment we are contracting with some agencies and co-ordinators on a regional basis to address these long-standing needs of acquired brain injury survivors. So we've done quite a lot. I realize there's more to go, but at least we're on the right track.

THE SPEAKER: The hon. member.

MRS. JABLONSKI: Thank you. Mr. Speaker, can the Minister of Community Development tell us how soon services for persons with acquired brain injury will be available?

MR. ZWOZDESKY: Well, Mr. Speaker, we are in fact putting a network of supports together right now. I've contracted now five agencies to work with 12 co-ordinators in various locations in the province, and we'll be starting that program more aggressively in a few weeks' time. We're well aware that there are some gaps, some fragmentations in this area. Alberta Health and Wellness has done a good job filling as much of that as they can, but there is a select group out there, adults in this case, who have an acquired brain injury that stems from an accident or a fall or perhaps a sports injury or a stroke or something of that nature, and they do need supports after they have accessed immediate health care assistance. They need support when they move back into their communities, and that is the part we're working on and will continue to work on very aggressively during this year. We'll also be putting in place a survivor's manual, and we'll be completing an inventory of community resources to assist the brain injury community.

THE SPEAKER: The hon. member.

MRS. JABLONSKI: Thank you. My final question is for the same minister. What is the role of the interim advisory council on brain injury?

MR. ZWOZDESKY: Mr. Speaker, this is a very important advisory council that was put in place by me last year. It's comprised of individuals who have a great deal of knowledge, a lot of expertise in this area, people who've been working in this area of brain injury for several years. Their primary role, of course, is to provide advice to the minister on brain injury initiatives. However, they're also helping guide the strategic implementation of some of those specific recommendations. In short, our plan here, through the advisory council and through our own resources, is to put in place a system that will assist brain injury survivors to live and enjoy our Alberta in their communities to the maximum of their abilities possible.

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

Chinchaga Wildlife Park

MS CARLSON: Thank you, Mr. Speaker. My questions today are to the Minister of Community Development, including parks and protected areas. Now that Grande Alberta Paper is out of the picture, will the minister reopen discussions on protection of the Chinchaga?

MR. ZWOZDESKY: Well, Mr. Speaker, the Chinchaga is a very beautiful area of the province that was looked at as part of the special places program. We did conclude that program very

successfully with the nomination of five final sites. I might tell you that in terms of special protected areas, Alberta now ranks either number one or right near the top. The five spaces that concluded it last year unfortunately did not include all of what the member is asking about, so if she has a specific point to follow up on it, I'd be glad to do that. We do have local advisory committees that provide advice in this regard, and we follow those to the best of our abilities.

THE SPEAKER: The hon. minister to supplement.

MR. SMITH: Mr. Speaker, may I just add that the Chinchaga has been a very prolific gas and oil producing area for the province of Alberta over these last 30 years since wildcat work has been done up there. This particular area has contributed measurably to the well-being of Alberta in the production of oil and gas, and it has been done in an environmentally responsible manner.

MS CARLSON: Mr. Speaker, back to the same minister: how can this minister and that minister claim that this area is protected when there seems to be absolutely no limit to the oil, gas, and forestry development that the government is permitting to take place?

MR. ZWOZDESKY: Well, Mr. Speaker, we can't designate the whole province. We've done an outstanding job, in my view, to take into consideration that balance that is necessary between honouring dispositions, contracts, and lease agreements that were in place and the concerns of local municipalities, local residents, and environmentalists and, of course, economic drivers for this province. So that balance has resulted now in about 12.5 percent – 12.5 percent – of the total landmass of this province being designated for some form of protection. We're very proud of that, and I know that international agencies have contacted us and thanked us for that protection.

MS CARLSON: Not good enough, Mr. Speaker.

As little spots of green separated by gas wells do not constitute a park system, will the minister establish a public process to develop a land use plan for the Chinchaga area of northwest Alberta?

MR. ZWOZDESKY: Not at this time, Mr. Speaker. Thank you.

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

2:20

ATCO Gas Rebates

MR. LUKASZUK: Thank you, Mr. Speaker. [some applause] There's a Morse code of applause. My question is for the hon. Minister of Energy. Many consumers in northern Alberta will soon be receiving payments from ATCO. Although I'm an urban MLA, I must ask the minister: when are the cheques coming for southern Alberta consumers of ATCO?

MR. SMITH: Well, this has been a process that has been in play for a number of years with ATCO. This Viking-Kinsella gas field has a rich, rich history, Mr. Speaker. I believe it goes as far back as 1922 that that particular field was supplying natural gas to Edmonton, the second-largest city in Alberta. As the consumers and the utility companies moved towards full deregulation of natural gas and natural gas sales in Alberta, the sale of this particular field was an important turning point for deregulation to be achieved. In fact, the sale was put through the Energy and Utilities Board, and the commitment for ATCO to have specific cheques available for people

from the city of Red Deer north has been approved by the Alberta Energy and Utilities Board. They are now in the process of being mailed. I understand that the first piece, tranche, will be a credit on the bill with a cheque for the residual forthcoming, and I would direct not only the hon. member and his constituents but also others interested in getting their cheques to contact ATCO, the gas utility.

THE SPEAKER: The hon. member.

MR. LUKASZUK: Thank you, Mr. Speaker. A supplemental to the same minister: how was the sale of the Viking field approved?

THE SPEAKER: The hon. minister.

MR. SMITH: Thanks, Mr. Speaker. It's an important question because it does take into account the role of the Alberta Energy and Utilities Board. This board, that has done a very, very responsible job of developing Alberta's oil and gas interests over the last 50 years, operated both to ensure a supply of natural gas to customers in northern Alberta through the judicious use of this field but then also to evaluate this field.

The first agreement for sale was between ATCO and Burlington Resources, and it was for some \$450 million, Mr. Speaker. That was then tendered to the Energy and Utilities Board to see if that was a number that would offer sufficient benefit to the consumer. In fact, the EUB ruled that that was not a high enough number and directed the parties to return to the negotiating table. That activity resulted in a renegotiated sales price of \$100 million more, to the tune of \$550 million, for the benefit of ATCO consumers north of Red Deer.

THE SPEAKER: The hon. member.

MR. LUKASZUK: Thank you, Mr. Speaker. My last supplemental to the same minister. ATCO gas northern consumers have benefited from much lower gas bill prices in the past. Now, how will this sale affect those bills?

MR. SMITH: Well, that's a good question, Mr. Speaker. For those communities from and including the city of Red Deer and moving northward for the balance of the province, they will purchase gas now in the same way as ATCO sells gas in the south part of the province. In fact, with this, along with a couple of other decisions from the EUB about a cost allocation, soon Albertans will, as they can now in some cases, choose to buy gas from other retailers. So this has set the stage for ATCO, EPCOR, Enmax, and perhaps other companies who wish to enter this marketplace to be able to buy their gas from them. So ATCO north customers will receive a onetime payment, and then they will be on a level playing field with the balance of Alberta for the future purchase of gas.

Prescription Drugs

MS DeLONG: Mr. Speaker, my question is to the Minister of Health and Wellness. One of the most important cost drivers in health care is the increasing bill for prescription drugs. One of the ideas that has been proposed is joint or bulk purchasing of drugs by the provinces. Can the minister inform the House if this idea is being pursued by his department?

MR. MAR: Well, Mr. Speaker, I can say that this is a subject matter of some discussion among ministers of health when we gather from across the country, and the concept of joint purchasing among and between other provinces has been looked at and has been rejected by

provinces. What a study of the situation demonstrates is that there would be no further effective savings achieved by bulk purchasing because most provinces, if not all of them, already participate in some form of a bulk purchasing arrangement. Expanding that type of arrangement across a number of provinces would not yield any further cost savings.

MS DeLONG: Mr. Speaker, to the same minister: what efforts are being made to deal with the rising costs of prescription drugs?

MR. MAR: Mr. Speaker, there are really two strategies that we're looking at. The first one is to reduce drug costs by reducing drug waste. The second strategy is to always employ the least cost alternative that is effective for an individual. Both within the province and among and between provinces we are working on these particular strategies for reducing overall drug costs.

We're working with other provinces and the federal government to establish common drug assessment processes and look for ways to get faster approval of generic drugs to be purchased. These measures will help us have better information on the effectiveness of drugs to ensure that people only get drugs that will in fact work for them and will also support efforts to employ the least cost alternative. In Alberta we already have a least cost alternative pricing policy for generic drugs.

Finally, Mr. Speaker, in this province we have a prescription checkpoint program, which allows individuals to be prescribed a small trial size of a prescription. If at the end of the trial period they find that the drug is either conflicting with some other medication or is not effective for them, that will help us not buy drugs that actually don't work for an individual. They cannot continue to get the larger size and can just simply discontinue the trial size.

THE SPEAKER: The hon. member.

MS DeLONG: Thank you, Mr. Speaker. The minister has answered my final question.

head: Recognitions

THE SPEAKER: The hon. Member for Highwood.

Hon. Tommy Douglas

MR. TANNAS: Thank you, Mr. Speaker. Today I wish to recognize the founder of medicare in Canada, the Hon. Tommy Douglas, by quoting from his concluding speech on medicare in the Saskatchewan Legislature in October of 1961.

I want to say that I think there is a value in having every family and every individual make some individual contribution. I think it has psychological value. I think it keeps the public aware of the cost and gives the people a sense of personal responsibility. I would say to the members of this House that even if we could finance the plan without a per capita tax, I personally would strongly advise against it. I would like to see the per capita tax so low that it is merely a nominal tax, but I think there is a psychological value in people paying something for their cards. It is something which they have bought; it entitles them to certain services. We should have the constant realization that if those services are abused and costs get out of hand, then of course the cost of the medical care is bound to go up.

I believe, Mr. Speaker, that if this medical care insurance program is successful, and I think it will be, it will prove to be the forerunner of a national medical care insurance plan.

THE SPEAKER: The hon. Member for Grande Prairie-Smoky.

Joanne Myrol

MR. KNIGHT: Thank you, Mr. Speaker. It's an honour to rise today to give recognition to a young lady from Sunset House in northwestern Alberta. Joanne Myrol is the recent recipient of a best new recording artist award, and she recently wrote home and indicated that she was on the beginning of a world tour with respect to her musical talents and abilities. I give her credit. The export products from Alberta are certainly more than meets the eye.

In Norway Joanne is working with Star-Music International. She has a gig on a cruise ship there and subsequently an opportunity with Universal Records. She indicates to us that they like the music and they've booked her for a summer in Norway. She is then off to Australia for quite a time, three months I believe. She writes back to her constituency and her friends and family in the Valleyview area:

I pray that this letter finds you and your loved ones in good health and good spirits. I miss you and think about you. Take care . . . and God Bless.

Love Joanne.

Thank you.

Mill Woods Cultural and Recreational Facility Authority

MS CARLSON: I rise today to recognize the Mill Woods Cultural and Recreational Facility Authority, better known in the community as MCARFA. MCARFA is celebrating 25 years of service to the community this year. This is another good-news story for Mill Woods. The MCARFA board are tireless volunteers and have an amazing list of accomplishments to their credit. Their projects have included the arenas at the Mill Woods Recreation Centre, construction and operation of the Mill Woods Golf Course, development of the outdoor track behind Holy Trinity and J. Percy Page high schools, and the Jackie Parker Park Pavilion. They have managed and raised funds for these projects in triparty agreements with the province and the city. On behalf of all of us who have benefited from their outstanding facilities and organizational abilities, we thank them for their commitment to our community and to our province.

2:30

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

Catholic Conference 2002

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to give recognition to the organizers, presenters, and delegates that attended the Catholic Conference held March 8 to 10, 2002, at the Edmonton Shaw Conference Centre, sponsored by the Alberta Catholic School Trustees' Association and Alberta Conference of Catholic Bishops. The theme was Witnesses to Love. The conference was opened by Archbishop Thomas Collins, Edmonton archdiocese, and concluded by Bishop Frederick Henry, Calgary archdiocese. John 13:34 exhorts us: love one another as I have loved you. Thus the community gathered in witness to our love of God, our love of each other, and to present Christ to the young as He really is.

Some 749 adult and 620 youth delegates heard a wide variety of speakers expound on love, life, and family and joined in the sacramental celebrations as they gathered around the table of the Lord to share in the Eucharistic meal.

Sincere thanks to the Reverend Fathers, sponsors, and organizers of a memorable conference.

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

Paralympic Games

MR. LOUGHEED: Thank you, Mr. Speaker. As chair of the Premier's Council on the Status of Persons with Disabilities I'm pleased to rise today to recognize some of Canada's finest and most dedicated athletes who are competing in the 2002 Paralympic Games in Salt Lake City. The 2002 Winter Olympics are a tough act to follow, but for these Canadians the Paralympic Games are their chance to make their athletic dreams come true.

Most importantly, the games promote understanding and respect for people with disabilities. These are strong athletes who have worked very hard to earn a spot on Canada's Paralympic team. They are proud to represent their country, and they look forward to wearing a gold medal around their neck.

I am proud to say that there are seven Albertans competing this year. Two of them are already coming home with medals. Brian McKeever of Canmore won a gold in cross-country skiing, and Karolina Wisniewska of Calgary won a bronze in standing downhill skiing. These Canadian athletes have chosen to lead by example and not let their disabilities stand in the way of their dreams. They are focusing on their abilities, not their disabilities.

I'd ask all members of this Assembly to join me and our Minister of Community Development in wishing the very best to these Alberta athletes and to all of our country's athletes competing in the 2002 Paralympic Games.

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

Mike Hudema and Anand Sharma

DR. PANNU: Thank you, Mr. Speaker. I rise today to recognize two fine young students from the University of Alberta that I'm privileged to know, Mr. Mike Hudema and Mr. Anand Sharma. Mr. Hudema recently won the support of his peers and was elected to the position of president of the students' union council at the University of Alberta. Mr. Sharma, who worked with our caucus this past summer, won the position of vice-president external. Both of these young men campaigned on a policy of tuition rollbacks and a stronger political stance by Alberta students. The University of Alberta Students' Union will indeed benefit from the skills, passion, and dedication that Mr. Hudema and Mr. Sharma will bring to the executive. I applaud their commitment to serve their fellow peers and congratulate them on their success.

Thank you.

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

Tony Yusak

MR. MASZYK: Thank you, Mr. Speaker. It's with great pleasure that I rise in the House today to recognize a great man and a longtime resident of the constituency of Edmonton-Norwood. Mr. Tony Yusak recently celebrated his 83rd birthday, on March 3, and he carries with him a long and distinguished record of community involvement and volunteer service.

Mr. Yusak has been a volunteer with the Balwin community hall for over 40 years, where he's a lifetime member. He spent the last nine years at the Balwin community centre running the crib social. I have not heard any comments concerning Mr. Yusak's retirement, and I must say that I do admire a man who displays this kind of dedication and longevity. Mr. Yusak is a lifelong member of the Edmonton-Norwood community league as well as a lifetime member of the Spartans men's club, which further displays his commitment to the community.

I would ask the members of this Assembly to join me in thanking this outstanding member of Edmonton's community and citizen of our province in celebration of his 83rd birthday. We can all take inspiration from your dedication, Mr. Yusak. I wish you many more happy years.

Thank you very much, Mr. Speaker.

head: **Tabling Returns and Reports**

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table five different documents. These tablings include appropriate copies of the New Democrat opposition amendments to Bill 12 that were denied debate in the Assembly due to the antidemocratic actions taken by this government; in other words, the use of closure.

The first tabling is an amendment which would amend section 4 by not allowing the Minister of Human Resources and Employment to revoke the appointment of a tribunal member. The second tabling is an amendment to amend section 8 ensuring that an award of a majority of the tribunal was an award of the tribunal. The third tabling is an amendment to section 18 requiring the Crown in right of Alberta to pay the remuneration of all members of the tribunal. The fourth tabling, Mr. Speaker, would have amended section 19 by not allowing the Executive Council and others to refuse a provision of information to the tribunal. The last one would have amended section 28 by removing the punitive clause against the Alberta Teachers' Association.

Thank you, Mr. Speaker.

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

MR. MASON: Thank you very much, Mr. Speaker. I have three tablings today. My first tabling is a letter from Dan Huot addressed to the "Dictatorial Government of Czar Ralph" indicating that Bill 12 is a "mockery of democracy" and that it was shameful for the Conservative government "to stoop so far down."

The second tabling is a letter from Gerald Dumontier to his Calgary-Montrose MLA calling Bill 12 a farce.

The third tabling is a letter from Carolynne Bouey-Shank suggesting that the government agenda is simply to destroy the public education system.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first one is a statistical analysis provided by Alberta Education, Alberta Learning, and Statistics Canada regarding the basic instructional grant and the comparison with the Alberta consumer price index between the years 1994-95 and 2001-2002.

The second tabling I have this afternoon, Mr. Speaker, is a letter dated March 4 that I received from the office of the Information and Privacy Commissioner in regards to Bill 11, the Energy Information Statutes Amendment Act, 2002.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I would like to table the required number of copies of a petition from approximately 420 teachers in Fort McMurray who are calling on the government to remedy the problems caused by the high cost of living in that city.

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

MS CARLSON: Thank you, Mr. Speaker. Today I have four tablings. They're all with regard to the teaching conditions in this province right now. The first is from Karen Marciniuk, who has some concerns she shares with us.

The second is from L. Clarke-Lesiuk, who is very concerned about how teachers have been treated in this province.

The third is from Craig Mathieson, who is a teacher south of Calgary in a rural school district who is very frustrated and worried about the disrespect that our current government has shown towards teachers and education.

The fourth is from Gail Fournier, who is very concerned about inadequate support for Alberta's most precious natural resource, which is its children.

Thank you, Mr. Speaker.

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

DR. NICOL: Thank you, Mr. Speaker. It's my pleasure today to stand on behalf of 300 individuals from southern Alberta and table what is, effectively, a letter that they've written to the government asking for more support for persons with developmental disabilities, especially adults with these kinds of disabilities. They feel that the cuts that have been imposed in the last six or eight months have really hindered their ability to deal both with their own disability or with disabilities in their families.

Thank you, Mr. Speaker.

2:40

head: **Orders of the Day**

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

Bill 12 **Education Services Settlement Act**

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. It's certainly a pleasure to be able to rise today, after a very long debate last night, for third reading on Bill 12, the Education Services Settlement Act. As I indicated yesterday I believe in second reading, my preference would be not to be here with this act as I do feel that it represents a failure in the collective bargaining process.

However, that being said, I think that this act does some very important things. Namely, it will ensure that our children are back in the classroom, and it will ensure that our education system will go through a period of stability now. Indeed, the Alberta School Boards Association today put out a press release praising the government for putting a period of stability into the education system. We're going through a tremendous number of changes in education right now, Mr. Speaker, and to add the trauma of collective bargaining, to add the trauma of potential strikes, having that looming on the horizon is certainly not something that is positive for our students.

So, Mr. Speaker, what this bill does, as I'm sure you know and as I'm sure everyone here is well aware, is put in place a binding arbitration process. It will lead to a contract. It also talks about a very important issue, which is the whole issue of a review of the learning system, the education system, where we can sit down and honestly and objectively take a look at what is happening in the education system, and perhaps we can get a better system out of it.

I think it's time we looked to the future. I think it's time we looked towards where we're going, recognizing that we want and do

have and will continue to have and will always have the best public education system in the world, which is extremely important. The education system is only the best in the world because of several very important components, and it's when those components work very well together as a very finely tuned machine that we get the best system in the world. Mr. Speaker, obviously I'm talking about the teachers, obviously I'm talking about the students, and obviously I'm talking about my department through curriculum development. Those are three critical areas. There are a lot of other players involved in the education system, but those are three extremely critical areas, and I hope that this binding arbitration, that has been asked for by the parties involved, will lead to once again having a working relationship where we can sit down and objectively talk about the issues that are facing education with the view that we will be moving towards an even better education system than we already have.

There are a lot of things in here. There are a lot of things that have been said. There are a lot of misperceptions out there; there's a lot of negativity out there right now. I guess one of the reasons that I'm standing here today is to appeal to the sense of moving on together. We are going to have a contract. It is going to be a contract that is brought down by a binding arbitration method that will involve three arbitrators: one picked by the ATA, one picked by the ASBA, and one picked by the government of Alberta. These three arbitrators will attempt to come up with as fair an agreement as possible for the teachers. We will have a larger discussion about such incredibly important things as class size, PTRs, hours of instruction, as well as numerous other things such as special education: inclusion or not. All of these things will be discussed, Mr. Speaker, and hopefully we will have a report out by the time the next contract rolls around so that we can do what is right for education.

Mr. Speaker, we all like to put down reasons and rationale as to where we are. I can truly say that without education I would not be in this Assembly; I would not be in the position that I'm in today. I believe very strongly in the public education system. I feel very strongly that education is going to be the way of the future. When and if our natural resources run out, education will always be there, and it's something that this government feels extremely strongly about.

Mr. Speaker, that is what is going to happen. We're going to have a full review of the education system. Through that review, because of this bill, we will have relative labour peace. We will be able to talk objectively, as it said on the ATA web site, about some of the very difficult issues that are in the education system, and we will be able to come up with solutions for this through, I'm sure, the learned minds around the province.

So with that, Mr. Speaker, I think we've had a good debate on this bill. Everyone here, everyone in this Assembly, knows the rationale behind putting this bill in. I truly, truly look forward to working together again with all of our educational partners for better education, for a better system in the future for our students.

Mr. Speaker, with that, it does give me great pleasure today to move third reading of Bill 12, the Education Services Settlement Act.

Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I think the remarks we just heard from the minister are so very, very telling and really, really make it abundantly clear why the school system has reached the kind of dispute it did, which resulted in strikes. There is such a serious disconnect between what the minister says and what the minister

does. I can't quite believe that the minister believes that this is going to bring stability to the school system. Anything but. All the minister has to do is to read his own e-mails, and he would know that that's not the case. How do you ram through a bill, a bill that does everything but strip a professional organization of their basic rights and does that for a two-year period, and expect that those people are going to turn around and provide you with the kind of stable service that you want? It's just incredible that that's the expectation.

The minister talked about components working well together. This is a minister that didn't even pick up the phone and talk to the association's president when things got to an impasse and there were strikes across the province. Where was the co-operation then? Where has the co-operation been since last April, when the government started the whole dispute by putting 4 and 2 as line items in the budget?

So to stand up today, after having engineered Bill 12, and to say that we're in this together and that co-operation is the word of the day I think is, as I said previously, quite incredible and I think speaks to why we're having the present difficulties and are going to continue to have difficulties in the school system. To appeal to people to now set this aside, forget about it – "We did what we did to you, we're going to now pick up, we're going to go on very peacefully now, and everything is going to be all right because I'm appealing for you to move on together" – is incredible, Mr. Speaker. As I said, it really points to why we are in the difficulties we are today.

The minister may have won the day with the bill, but he's lost the day in the schools of this province. The unfortunate part about it is that the very people that he keeps indicating he's working for, the children of this province, are going to be the ones that ultimately pay the price for his inept handling of the situation and this legislation.

2:50

At third reading of the bill, Mr. Speaker, we're supposed to look at some of the principles, at some of the assumptions, at some of the values, whose interests are served by the bill, and what are the kinds of gains and losses, to try to total that up and to bring things together. It seems that one of the very faulty assumptions under the bill – and we heard it again from the minister – is that arriving at contracts by any means is going to bring stability to the system. I think that assumption is blatantly unsupportable.

The process in Bill 12 that has been put in place is unfair. The process is biased. We've heard from arbitrators who are saying: lookit; you're going to be lucky to find arbitrators who will take on the task given the kinds of constraints that are being put on them by Bill 12. Any arbitrator going into a situation expects some flexibility, and this bill takes away any kind of flexibility by dictating the kinds of conditions by which the rulings, the judgments will be arrived at and the kinds of judgments themselves. You don't have to be a rocket scientist to know what the awards are going to be given the constraints under Bill 12. So that whole assumption that arriving at contracts through Bill 12 is somehow or other going to bring stability to the system is anything but true.

I think one of the other assumptions that is built into this – and I'm surprised at the School Boards Association's applause for Bill 12, if that's what it was – is that local bargaining is ineffective, that boards are not capable of arriving at contracts with the teaching force, and that because they are ineffectual and incompetent, the government has to step in with a piece of legislation like Bill 12 and put in tribunals and take over, virtually, the bargaining process from school boards. Having once been a trustee, Mr. Speaker, I would have been more than incensed if this kind of legislation had been

introduced at that time, and I think it's a sad day for local bargaining and it's a sad day for local control when Bill 12 becomes the law of the province. It says that school boards can't be trusted: they can't be trusted to come to agreements with their teachers; they can't be trusted to use their resources in a way that will arrive at agreements. I think that's blatantly untrue, and they're assumptions that just don't wash.

I think one of the assumptions is that you have to bias the outcomes of the arbitration panels in the government's favour, that you've got to build that kind of bias into it, and again you could ask why. Why is the government so fearful of the process, of the negotiating process in the first place and then the arbitration process in the second place? Why did they back away from an arbitration panel that did have support from teachers to a highly constricted process that barely deserves the name of arbitration?

I guess one of the other assumptions that the government has built into this bill is that somehow or other teachers have become the enemy and that they have to be punished and that their concerns about class size and their concerns about special-needs children and their concerns about classrooms can be washed away, that they aren't legitimate, that they're only really interested in money, that they have to be put in their place, and that they're working against the interests of children and the people of the province. I think that assumption has been behind a lot of the government's actions, and it's blatantly unfair, and I think it's blatantly untrue.

There are a number of other assumptions under the bill, Mr. Speaker, but I think some of those are the ones that are most troubling.

What are some of the values that the bill seems to support? Well, certainly expediency: let's get this through, let's get it done, let's not be concerned about what happens to the individuals involved, let's not be concerned about teachers, let's not be concerned about school boards, let's not be concerned by the huge number of parents who are concerned with what's happened, but let's get on, let's get this through, let's use every kind of legislative mechanism that we can to make sure that there's no time for the public to react to the bill, let's get it through fast, and let's make sure that it doesn't result in the same kind of protests around this building that were evident when we considered Bill 11, an equally poor piece of legislation. So expediency seems to have been a value that is imbedded in this kind of bill.

We heard the minister yesterday claim that one of the values that the bill supported was fairness. There's still no evidence. We've been through committee, and there's still been no evidence by the government or anyone that has talked to the bill that this can claim to be a fair bill. That is a shallow claim, if it is made, and it's certainly without substance. There's nothing fair about what has happened. The negotiating process has been interrupted, the rights of board members and teachers have been trampled on, and the result is what we have before us today. Fairness: is that a value built into the bill? No. And I think that there are going to be a huge number of Albertans who are going to be outraged at the unfairness of the provisions in Bill 12.

One of the questions at third reading is to look back and consider whose interests are served by the bill, and you can ask just exactly whose interests are being served. Is it the government's interest? Evidently it is because of the way they've pushed it through. They seem to assume that this has somehow or other solved the problem, that alienating the teachers is something that they can deal with, and that, in being able to do what they have done, their interests as a government are better served. I think that that's a question that maybe they will have to come back to in the future and reconsider.

Are teachers' interests served by this policy? Well, certainly not.

Anything but. The kind of outrage they feel, the kind of betrayal they feel, the kind of hurt they feel, and the lack of trust they feel in this government – the depths of that are quite amazing, Mr. Speaker, if the phone calls and the e-mails and the letters that our office is getting are to be believed. Even in Bill 11 there was never the kind of outrage that this bill has generated. At least it was never expressed to our office.

Parents. Are their interests served? Well, in youngsters being back in schools, I guess in some ways, yes, their short-term interests might be served. But are their interests served in the long run? I think not, Mr. Speaker. The kind of poisoned atmosphere that this has created and will continue to create in schools is not one that is going to be parent-friendly. The kind of hard work that parents and teachers and principals have done to create strong parent councils, to create school climates where the consideration of children and their interests is paramount has been destroyed by this bill, and I think you only had to hear the chairman of the public school board and the kinds of concerns that he expressed with the introduction of Bill 12 and his concern about what that was going to do to school climate and particularly what this bill is going to do between board and teachers and the kinds of relations that have developed there.

3:00

Are children's interests served? Again, certainly not. Of the kinds of things that this dispute was all about – class size, the number of resources available in the classroom, the kinds of personnel and resources that are available to work with children with special needs and children of varying abilities – are any of those things resolved? Not by this bill. I think the putting in of a commission as part of a preamble, not even part of the bill, shows the kind of weight that the government places on that kind of an investigation, and the narrowness of the commission, as far as it can be determined from the preamble of the bill, just points to the fact that the underlying issues of the dispute are still out there. Not only are they still out there, but they are now accentuated, and if they weren't clear in the public's mind before Bill 12, they're certainly there now. I do think that if you're looking at whose interests are served by this, then it's certainly not the interests of children and students.

Are school boards' interests served? Well, I know that there were colleagues of mine when I was on the board that would've been very happy with this kind of legislation, colleagues that did not believe in negotiating, that were much more comfortable with someone else taking the problem and solving it for them. But I think, Mr. Speaker, that those are rare among school board members, and most of them, a very, very overwhelming majority, are more than willing to take on the task of marshaling resources and putting in place programs and working with teachers to make schools the good places that they must be for children. So have the school boards' interests been served? I think not, and certainly in the long run it's going to be very interesting for the government to try to convert to local negotiations after all of Bill 12 has run its course. It's going to be a rather interesting exercise when they try to do that, because what this has done is destroy local bargaining.

As you look through at third reading – and we're looking at the principles and the impact of the bill and the gains and the losses and who benefits and for whom the bill works – I think that the balance column is pretty clear. For the government certainly there's the momentary gain. They've had their day in the Legislature, and they've done what they wanted to teachers. Some of them may consider that a gain, and that is, I think, very, very unfortunate.

For their losses, I think the losses that the government has suffered through this exercise are immeasurable, the loss of goodwill. You contrast the words in the throne speech, the empty rhetoric about

goodwill on all sides, and the loss of that goodwill is going to be felt in many ways, tangible and intangible. It's going to be felt, I think, immediately in the operations of the department itself, and it's going to be felt in the kinds of activities that the department tries to promote. It's going to be felt in schools, and it's going to be felt by parents, who have been very vocal about the inappropriateness of the kinds of things that this bill contains.

The benefits for the government. Well, I guess it gets teachers back in the classroom, and they have put the problem aside. It gets them out of a situation that they obviously couldn't handle. So I suspect that they'll consider that a benefit.

The big losers, of course, are teachers. The very kinds of things that they worked so hard for and over a 10-year period of underfunding have tried to cope with and that they brought to public attention through their strikes and through considerable financial loss through those strikes, those issues – they walk back into classrooms, and nothing has changed. Not a thing will have changed. There won't be fewer children in their classes. There won't be more help for special-needs children. There won't be more help for children of varying abilities. There won't be more computers. There won't be those textbooks that they need. Nothing will have changed since the day this dispute started, and that makes the teachers the big losers, along with children, Mr. Speaker.

In terms of the boards, again, some of them, as I indicated, may think that getting a contract this way is a gain, but the big loss is the loss of local control. It's a further erosion of the authority of boards to deal with local situations and to carry out the kind of mandate that historically has been the mandate of school boards in our province.

Again, for children the gains are minimal and the losses are many. Having their teachers unhappy, having teachers looking at every activity with respect to how much it is valued by this government is not going to be in the best interests of children and students, so they do lose.

With those comments, Mr. Speaker, I'd conclude. Thank you.

THE SPEAKER: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Speaker. As I've said before often in this Assembly – I'd like to say it again – I don't believe that the sky is falling, and in particular I don't believe that the sky is falling on our school system. I believe that good things are happening in our schools. I know that good things are happening in our schools.

With reference to third reading of Bill 12, I'd like to recall for a moment for everyone here some of the dialogue that I'm sure they have had with their constituents over the past several weeks, the past several months. I've had the good fortune to be in communication with a number of my constituents on this particular topic. I've also had the good fortune, Mr. Speaker, in my past life to have been a teacher. It's an occupation, a vocation that I truly enjoyed. There is nothing more exciting than knowing that you can contribute to a child's, a student's, a young adult's opportunity to seize life and to enjoy it with all their strengths and their imagination and their mental capability.

I've also had the opportunity to be a school trustee. This was an opportunity for me to be involved with the other members on my board in the governance of a particular school district that used to be called St. Albert school district No. 3. It has now expanded and includes Thibault school district from Morinville and is now called Greater St. Albert school division No. 29.

So, if you will, I would point out that I have been on both sides of the negotiating table. I have sat there and worked on behalf of negotiations for salaries, working conditions, and benefits for teachers. I have also been there on behalf of the board in working

for the betterment of the delivery of education in our school division. Both of these opportunities gave me the ability to assess a situation from two perspectives. Each time I was engaged in the process, I realized that good things are happening in our school districts, in particular in the school districts in which I worked and was a school trustee.

However, what I would like to say is that since the days when I was in the classroom and since the days when I was at the board table, much has changed in education. Much has changed in the way in which school boards deal with their budgets. The fact that they can no longer have local requisition and levy tax dollars for the betterment of their school district, of course, is a change. But I can also say that I was with those who advocated and worked very long and hard for an equity formula in funding for children around the province.

3:10

What I wanted to say is that the classroom is different today, the governing of school districts is different today, but that's not to say that the school boards and the teachers' unions have not worked hard to evolve us into a situation where we have in this province the outcomes of incredible student performance: international, sterling, high-quality student performance around this globe. However, over the past weeks we have also had the intensity of discussions that speak to the need for our schools, for our classrooms to have a further look at how we deliver education. How do we fund education? How do we look at education? How do we deliver individual programs to students with special needs? How do we tailor the curriculum to individuals' needs? How do we provide teachers with the opportunity to cover the curriculum that is beneficial for all, themselves and for the students?

So that has prompted what I believe is probably one of the key factors that my constituents, certainly the teachers in my community have told me that they want to see, and that is contained in the first line of the preamble: "Whereas the Government has made a commitment to examine the learning system in Alberta." The second paragraph speaks as to what that examination will include, but it is not limited by what is identified here in the preamble. That's an examination, a study, a project, a task force, a summit, whatever the modality is in which we will discuss education as we want it to be collectively in the future in this province, and is something that I look forward to. It's also something that all of the teachers who have spoken to me recently and indeed all of the parents and others who are nonparents but interested citizens watching their tax dollars being used very effectively and judiciously want to see: that the system is even further maximized with its potential.

So that, I feel, is the key part indeed to this bill, but there are a couple of other parts to the bill that I would like to just point out. Bill 12 seeks to find a path through an impasse. It is not something that is a bill that will be forever on the books. It is not a piece of legislation that looks to long-term legislation in order to tell school boards and teachers how to negotiate forever and anon. What it is: it's intended to establish the means by which we can create that path through the impasse that we have all identified as existing right now. Bill 12 does establish an arbitration panel, and it gives it terms of reference. This obviously is the way in which one approaches a difficult situation, an uneasy situation, a situation that has to be resolved. You attempt to find a way in which you can arbitrate, a way in which you can have parties agree to the outcome of the arbitration, and a way in which you can work through the circumstances that have been identified as what constitutes the impasse in order to look to the future to resolve it.

I'd like to point out that there is a window of operation, as I call

it, identified in this bill. It speaks about the time frame between August 31 of 2001 and August 31 of 2003. We are talking about a two-year period – many of our teachers are working right now without a contract; they are in negotiations – that when the arbitrated resolution comes, it will reach back to September 1 of 2001. But it does give us a framework or a window of operation where we can encourage both school boards and the local ATA bargaining unit to work with the arbitrator in order to resolve the situation in a way which is best for the students and, I would also say, which is best for the teachers, not all in the manner in which they would like to see it resolved immediately but a way in which they can have their salary negotiations dealt with and they can indeed play a part in.

The intent of Bill 12 is to, as I see it, bring clarity to a situation and also a uniform process for resolving the differences on the matter in each school division's salary negotiations. There are 47 school districts, divisions, school boards that are mentioned as part of the schedule attached to Bill 12. These are the school districts that we are speaking about. The other school districts, two of which in fact I have in my constituency, have been able to come together through the hard work of both the teachers' bargaining unit and the school boards' efforts, and they have resolved it by forming a memorandum of agreement that was ratified not once, not twice, but three times by both parties in my constituency. That is the solution to the circumstances as we find ourselves. I wish to applaud both the ATA local of St. Albert Protestant schools and St. Albert Protestant school board of trustees, who negotiated that agreement.

However, Bill 12 does not speak to that specific school division. It speaks to the other 47 to find a resolution as to how we can best serve the students, who have the right to be educated, and the teachers, who want the opportunity to teach in the classrooms, and I have no doubt of what they told me. They are interested in being in the classroom, in teaching and delivering the curriculum and all that that includes to the children who are entrusted to them. It also provides an opportunity for those who are on the school boards to work with an arbitrator to inform them of what that respective board's financial capacity is and to deal with the situation accordingly so that there is not a disadvantage in the future for their governance decisions.

I do not feel that this bill is in any way stripping away basic rights of teachers. It speaks to a circumstance that we all know is there. When parties have agreed to and signed off on a collective agreement, then there is not the occasion for strike action. So while the details here in this bill identify that those are the circumstances surrounding the agreements that will be binding by the arbitrated panel's decision, it does not in any way remove the teachers' right to strike. I would like to repeat that as often as I can because the members of the opposition and those opposed to this bill continually inject that comment into their discussions. It is not true. We have not removed the teachers' right to strike. What we have done is identified the circumstances under which Bill 12 will be operative.

I would also like to say that I feel in respect to the bill that its value is in the immediate resolution capability of the bill. It will bring a solution to an immediate concern that the teachers and others in my constituency have identified for me, but it will also bring a vision and the possibility that we will examine education and the delivery of education around this province in a very, very effective way. This is what the teachers have been telling me: we need to look at what the requirements are in the classroom these days; we need to look at why we spend so much time filling out forms; we need to look at how I can find the time and the opportunity and have the teaching environment to assist me in delivering the special-needs and the individual programs for children.

So I would say that I'm concerned that those who are opposing

this bill are creating a very negative climate, that could be carried into the classroom by those who are calling it all manner of names without really realizing what is the proper way in which one can resolve a situation as best one can.

3:20

In conclusion, I'd like to say that having spoken with a number of the teachers in my community, spoken with a number of the ratepayers in my community, I have heard suggestions and have been told that I should follow paths that each one of them feel would be the best way to resolve this problem. I have listened to them. I have come away from those discussions with a deeper understanding of the differences of the classroom of today and the classroom of the days when I was a teacher. I have an appreciation of the challenges that are before teachers right now, but I also can appreciate the fact that school boards and the local ATA negotiators need to find a way to resolve the situation so that we can get on with the business of looking at a future examination of how we fund, how we deliver, what we deliver, and who delivers education in our communities. I look forward to that, and when we do pass this bill, I'm hoping then that we will be able to deal with the circumstances that are present. The arbitration panel will look at the specifics of each individual board or division and the requests and the contract that is before the ATA local at that time.

Thank you.

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

DR. TAFT: Thank you, Mr. Speaker. I rise on third reading of Bill 12. The very first point I must make is to react with at least confusion to some of the comments of the hon. Member for St. Albert, who I think indicated that Bill 12 does not remove the right to strike from teachers. Is that right? I guess she's not listening. You said that it does not remove the right to strike. Okay.

[The Deputy Speaker in the chair]

Well, perhaps something was changed in debate last night. I'm reading right here part 25(7): "The ATA must not cause a strike and no person acting on behalf of employees or the ATA may cause a strike," among other things. So I guess I am reading the bill in a different manner, and my sense is very much that it looks to me like a bill in practice that removes the right to strike for teachers, at least until the end of the time frame covered by the bill. I think that's, of course, one of the most contentious and heavy-handed aspects of this bill.

This bill is still only in third reading and we can already begin to anticipate what the effects of it might be from some of the reactions that certainly we're getting and I imagine many members here are getting, a reaction that comes from constituents. Our e-mail system and phone lines have been extremely busy with calls. Undoubtedly many are from teachers themselves, some from parents, some from citizens in general who are opposed to what Bill 12 will be doing. They are supporting the teachers, and they are supporting their view of the public education system.

Indeed, this continues a pattern that's been evident in my office and I think perhaps in many MLAs' offices, a pattern of reaction that began from the very beginning of this dispute many weeks ago in which the calls supporting the teachers' interests have far outnumbered the calls opposing them and that, in fact, public opinion to a remarkable extent has stayed with the teachers. So that's one of the reactions I'm certainly getting in my constituency office.

I also think it's worth reflecting on what Bill 12 is likely to affect

when we look at the reaction in the media in the last day or so to Bill 12. I think it's well worth spending a moment on some of that reaction. An article from the *Calgary Herald* says: anger simmers over arbitration. It begins: anger continues to swirl around binding arbitration designed to settle the most disruptive teachers' strike in Alberta's history as provincial lawmakers debated legislation that has infuriated educators.

Another article from yesterday's *Calgary Herald*: bleak classroom life seen with frustrated teachers. This one actually quotes Alberta Learning and officials at the university, education professors, saying among other things that so many of the things that create and sustain the quality of the school system come by teachers working outside the narrow definitions of their jobs, and if they are upset and stick strictly to the wording of the law, the quality of the whole experience for kids will go down. I think that's going to be one of the effects of this bill.

Another headline in the *Edmonton Journal*, "It's your own fault, gov't tells teachers," as if nobody else had any responsibility for what has happened here, as if it were entirely the fault of the teachers. Again the *Edmonton Journal* yesterday: "Angry teachers feel 'bullied, betrayed' by province." Then we even move into a broader range of opinion here: "Arbitration breeds mistrust, experts say." I think it's important to quote this particular labour relations specialist here:

The government is saying, "Not only will we not tolerate the withdrawal of services by certain employees, we'll determine and set the terms of the contract." It really reduces bargaining to a fairly hollow exercise.

I could go on and on with reactions from the media, which coincide very much with the reactions I've been hearing from constituents. They are not sympathetic to the provincial government's position, and indeed perhaps the most dramatic case of that is a column written by somebody who's normally very sympathetic, Lorne Gunter. He, in fact, condemns the government's moves and says among other things: "I can't escape the thought that the government is making up its labour relations on the fly."

Then, of course, Mr. Speaker, we need to consider the reaction of the teachers. All of us know that certainly a very large majority of teachers are angry and outraged at Bill 12, not only the content of the bill but the manner in which the bill is being pushed through this Legislature, a manner which doesn't even allow us as opposition an hour's time to consider amendments or not even overnight to consult with interested parties, a process which has forced this bill into law within two days and a process, regardless of what legislation was in question, that is disrespectful of the democratic values that most of us are expected to cherish. But beyond that, of course, the teachers are angry at the contents of Bill 12. We've all gone through those at some length.

I guess one of the manifestations or one of the things that this bill represents is that this government is still prepared to pick winners and losers. It's a government that has said it was going to get out of that, yet it has waded into an area that involved teachers and schools and school boards and has interfered in the normal collective bargaining process to pick winners and to condemn certain parties to be losers. Clearly, the losers in this process immediately are the teachers, but I'm concerned that the losers will also be the students. Ultimately the losers could be all of us, because I think we are at a point here, a turning point in the history of Alberta's public education system. We may well end up with an education system that is permanently weakened by the events of the last few weeks and undoubtedly the events of the next several months. So one of the losers here, I think, ultimately may be society itself in Alberta.

3:30

But this is a government that hasn't lost its enthusiasm for picking winners, and I think the winners it chooses are indicative of the values that this government is slipping into. I think, for example, of a recent announcement that a half million dollars in taxpayer money is going to go to research coal as a fuel for power companies while at the same time these are hugely profitable power companies. Why are we subsidizing those hugely profitable corporations when we cannot settle with teachers? Why are we subsidizing the horse racing industry? Why are we picking that as a winner when we cannot settle with teachers? Why are we bringing forward very massive corporate tax cuts when we are not settling with teachers? Who are the winners here? Who are the losers? I think the values of this government are coming through loud and clear.

I think the values of this government are even more exposed by the intransigence of the position that they have taken from the very beginning, from almost a year ago: the 4 and 2, the line item in the budget, and the fact that there hasn't been any flexibility in that position. So, as a result, we have an eruption of anger, an eruption of hard feelings in the education system, and Bill 12 is simply going to enact those into law and guarantee that they continue simmering and indeed boiling over.

I have two children myself in public schools in Alberta, and one of them came home from school yesterday and said: Dad, boy, the teachers were angry at school. Then he said: "They weren't angry at me," as if he thought I might believe that he had done something wrong; "they're angry at the system." I think it's a shame that schoolchildren are going to their schools by the thousands in this province today and as a result of Bill 12 they are feeling and sensing the sense of anger that teachers are expressing. The teachers aren't going to take it out directly on the class. The teachers know full well that this is not the students' fault. But I think we can expect this special atmosphere, the sense of caring and community, and the commitment to going the extra mile, the going above and beyond the call of duty that has made Alberta's schools so special — we're going to see that diminished. It's a result, I guess, of the insult that Bill 12 represents to the teachers of this province and the people who believe in a fair arbitration process in a reasonable labour relations system. You can only insult people for so long before they will react, and we are going to see a reaction because of Bill 12.

If we look down the road 18 months from now, what are we going to see when this bill expires? Well, we'll see, I hope, a report from the commission that the bill establishes. Let's hope it's a constructive and well-thought-out and well-presented report. But beyond that, that report is going to be brought into a system in which the memories of teachers of Bill 12, of the days in which we're standing this week in the Legislature, will go back to these moments, and they will say: "We've been betrayed. We have lost trust; we have lost confidence. We don't want to co-operate. We don't feel we can co-operate with any sense of integrity with a government that is so off-kilter, so heavy-handed, so intransigent, so inflexible as this one." So what we're doing through Bill 12 is extending the confrontation, extending the anger, and ensuring that rather than calming it down and returning the schools to a healthy sense of community, they will continue to be hotbeds of discontent for months and years to come.

The central focus of schools must be children and their learning. We need to organize our schools so that teachers can concentrate on children's learning. We don't want teachers distracted by their concerns over labour relations processes, their concerns over whether they are treated fairly, whether they are respected. We need them to focus on children's learning.

I think we need to turn away from the view that seems so prevalent in our society today that schools are simply instruments or

tools for churning out economically productive units. I think we need to cherish the sense that schools teach people not simply skills but attitudes, abilities, capabilities to fulfill their lives and to act as democratic citizens as effectively as possible. I think we're losing that sort of spirit in the schools and that we will see as a result of Bill 12 a retracting by teachers into a teaching mode that simply cranks out children as if they were widgets in a system rather than treating them as cherished members of an educational community. We will all be poorer because of that. The next generation of citizens of our province and of our country may not have the same wealth of experience or the same depth of principles on which to draw as a result of Bill 12.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: I believe that there were one or more people who indicated a willingness to make comments or questions.

MR. MASON: Well, as the hon. member has indicated that he does not wish to take questions as a result of the changes to the Standing Orders, Mr. Speaker, I'll just make a comment and say that I appreciate the thoughtful remarks of the hon. member and agree with him. I also have been asked by my son about the teachers being upset at the government and am trying to sort out with him the difference between the government, the Legislative Assembly, and the opposition, that they're not all the same thing. But it is clear that already some programs have suffered as a result of this dispute, some of the intramural programs and so on, and the lion's share of the responsibility goes to the government.

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

MR. McCLELLAND: Thank you, Mr. Speaker. Since the member doesn't want to respond to questions, it does give members an opportunity to voice an opinion and make a comment, and the comment is that we've got to put the money issues aside and behind us to get at the real issues that underlie the problems that we've had that have been brewing for years. These problems are going to be addressed in the education review. You can't have both of them on the table at the same time because they get intermixed. So this is a very constructive, positive way to put this behind us.

It's almost as if we were to say, "All right; you and you get into that room and sort out that problem," and that problem is the money issue. It's not limited to 6 percent. The 6 percent is the floor. "You, you, and you get into that room, and you start sorting out the other issues that are behind the strike, the real issues in education that have been brewing for many years." Get both of them on the table, finish off the money issue, and then we'll solve the big problem.

3:40

DR. TAFT: I will respond because the Member for Edmonton-Rutherford, I understand, was the one who encouraged the introduction of 29(2).

I'd like to make an observation and encouragement that the kind of debate that occurs now could occur at any time in committee, yet last night the moment we broke into committee, it was like a party in here. There was no attention paid to debate at all. I wish we could have done it then.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands now wishes to make a comment?

MR. MASON: A further comment? Yes, if there's still time, Mr. Speaker, I do.

I want to indicate that I agree to a point with the hon. member that in fact there is a great opportunity for debate. I happen to enjoy the question and comment session. At the time, we denounced it as a nefarious government plot, but, Mr. Speaker, I have to say that as nefarious government plots go, it's one of the most fun.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Rutherford unless Edmonton-Riverview wants to respond.

MR. McCLELLAND: Thank you, Mr. Speaker. Questions and comments does give us an opportunity to engage in debate that otherwise may or may not be engaged in, and we can use it positively or negatively. Now, positively, we all have a responsibility—that's the royal "we"—to education and to educators in our province. We've got to somehow clear the air so as to be able to work together positively with educators, with the Alberta Teachers' Association, with their representatives, and this is the best method.

MR. LOUGHEED: I'd like to make a comment. It appears perhaps the public skepticism of the Member for Edmonton-Highlands has in fact been shredded.

THE DEPUTY SPEAKER: Now being out of time, we move right to the next speaker, the next speaker being the hon. Minister for Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker, for the opportunity this afternoon to rise and speak to Bill 12, the Education Services Settlement Act. Like all members in this House, I too have received a number of calls from teachers, from parents, a few from students and other members of the community. I should say that in almost every one of those calls there was something very helpful, as well as critical on occasion, but helpful by way of suggestions to address some of the difficulties that are before us, and I will get into some of those shortly.

However, I want to say at the very outset that I have great respect for teachers and for the teaching profession. [applause] Thank you for that applause, hon. members. It is a profession that I was a member of for many years. It's one that I enjoyed enormously and one I poured my heart into. Having said that, I also want to say that colleagues in government also have a very high regard, a high respect, and a very high value that we all place on teachers. We understand the importance of teaching, we understand the importance of our educators, and we're delighted by some of the results, in fact almost all of the results that we are getting.

Students are a number one priority. They are our future, and I have said in this House on many occasions that the children of this province are indeed our number one and most precious resource. Education goes hand and hand with that.

However, I also recognize that teaching today is infinitely different, Mr. Speaker, than when I or when you were in the classroom I'm sure. Having met with many teachers over the several years that I've had the privilege of serving in this Assembly, as well as with principals and others, I know that the stresses on teachers today, the expectations on teachers today, the conditions that teachers face today are infinitely different from a societal point of view as well as from a classroom point of view. We do not have the same, shall I use the word, homogenous types of classes that we once had because we are trying very hard to work with blended classrooms, to use integrated models that would have all individuals be seen and treated as equals with other classmates. That has

resulted in some interesting challenges, but I think we are overcoming them.

As we look at Bill 12, I think it's important, Mr. Speaker, to separate, therefore, what I will generically call classroom conditions from specifically wage issues in relation to our educators. Bill 12 in fact specifically outlines a process that will help school boards and their local ATAs reach these much-needed settlements so that we can all get on with the important part of the education system, from the point of view of students.

In bringing in Bill 12 and in establishing an arbitration tribunal, I think we'll do a couple of very important things in an umbrella fashion. First of all, we will do the separation of the two issues I just mentioned. The arbitration tribunal will specifically, on a case by case basis, have the ability to look at matters that relate to salaries and benefits, to look at local economic conditions within the particular area in question, and also to look at the school board's financial situation and ensure that no deficits result from the decisions of that tribunal. There are many other factors that likely will impact this area, and in the end I sincerely hope that the arbitration tribunal will come up with what will be fair and acceptable to all parties.

We have to remember that as important as teachers are, they are not the only part of the situation. We have also the concerns of local school boards, who want to maintain some flexibility with respect to local jurisdiction and decision-making. We of course have government as an important part of this as well. That three-person tribunal I know will do their best to come up with something that is amicable and acceptable to all. In the end, I hope that we can continue to boast that Alberta teachers, with whatever the settlements come out to be, will continue to be the highest paid instructors on average right across the country.

I think that speaks well to two issues that people have called me about. One is with respect to retention, and the other is with respect to recruitment. It's very, very important that we set a very positive atmosphere to encourage new people to come into this wonderful profession of teaching, and it's very important that we send the proper message to teachers who are there today that we want them to stay for as long as they are able.

The other part of Bill 12, which is alluded to very graphically in the preamble, talks about:

Whereas the Government has made a commitment to examine the learning system in Alberta; and

Whereas that examination will include, but not be limited to, a study of the number of students in a class, pupil-to-teacher ratios and the maximum time a teacher may be required to instruct students enrolled in Kindergarten to Grade 12, and therefore these items should not be the subject of further negotiation or included in a collective agreement between the employers subject to this Act and The Alberta Teachers' Association.

Whereas we have those two clauses in there, we have the ability to address some issues that have been bubbling for quite some time, Mr. Speaker, and it is high time we got on with addressing those issues in a very formal, a very effective, a very all-encompassing, and visionary way. Once we can get the wages part settled over here, we can get on with a blue-ribbon panel, or whatever it's going to be, to address that commitment that Bill 12 specifically enunciates.

We know that in different parts of this province we have some class sizes that are larger than one would like to have. We know that we have pupil/teacher ratios that are different in different parts of the province. It's time that we got all of those kinds of issues, as well as what are the essentials or the so-called basics of education, more clearly and more sharply defined. I think it's time we address squarely what it is that parent groups and local school councils can and cannot fund-raise for, and the list goes on and on.

3:50

My point in referencing those in relation to Bill 12, Mr. Speaker, is to simply state that those are not easily solved issues. They will take some time, but I am very confident that we as a government through our minister and with all of us contributing, including comments, helpful ones, that have been made from opposition members, will address those, but they will take some time. In the meantime we have to get on with settling what it is that will keep our teachers in the classroom, and that's what Bill 12 is all about.

I should say that over the past while, Mr. Speaker, I'm very pleased that we were able to increase the education budgets and to maintain flexibility with those budgets at the local level. This year the province will invest about \$3.7 billion on the K to 12 system. I know that support for public and separate schools grew by about \$245 million this year over last year. I know that we've provided a basic grant increase to the local school boards of about 3.5 percent, which translates into about \$115 million. And I know that in general our budget for education in the current year, which will end in a couple of weeks, has been in the neighbourhood of about 8.4 percent. Last year I think it was over 9 percent. We recognize that there are gross pressures, and we recognize that more investment is needed. By the way, Mr. Speaker, that doesn't include over \$1 billion that came out of the Infrastructure budget that was committed to the building of new schools. So we have addressed, within the fiscal capabilities possible, many of those issues, and I know there will be more.

I also want to comment very briefly on the importance of having separated the two issues and the ability for us to take the proper time needed to address the other so-called classroom issues. Some of those, obviously, will include looking at what other jurisdictions are doing. I'll just very quickly put a couple of things on the record for the preamble part of Bill 12.

I had a teacher who's a constituent of mine phone me and talk to me about his experiences as a teacher in Germany, where they actually have two different categories, if you will, of teachers. One group has a certain type of agreement where they're allowed to go on strike, and another category is not allowed to go on strike. Now, those are his explanations. There's more to it, but in simple terms there are different incentives for whichever category you might wish to go into. Another important point he mentioned to me was that apparently, according to the German model, a portion of a teacher's home is able to be written off as a tax expense because, as we all know, some marking, preparation, and so on takes place in the home. Certainly when I was a teacher, Mr. Speaker, I did probably more work at home than I did in the six hours of classroom time, and I don't think any teacher here would argue differently.

One other point that he mentioned with respect to the German model was with respect to personal purchases that teachers make. I know that when I taught English, French, Ukrainian, music, drama, and so on, it was frequently the case that I bought stuff out of my own pocket, not because I had to but because it suited my teaching style or it was something that I felt my class needed or because I had a special-needs student or whatever the case was. I didn't keep track of that. I never submitted any expenses. It was just something that I did, and I know teachers are doing that today in some cases. But in Germany they're allowed to claim that as a tax deduction. Now, that's an interesting concept. I'm not saying that we have to rush to either of those couple of doors as we do what the preamble of Bill 12 suggests, but it shows you that there are other models, that there are other issues out there in other jurisdictions that do require at least looking at.

I visit schools very regularly still. I hope to continue doing that. I'm well aware that teacher time does not start at 8:30 in the morning

and shut off at 3:30. I know teachers spend a great deal of time doing lesson plans to stay current. I know they spend a lot of time tutoring after hours. I know they spend a lot of time coaching and helping out with the year plays and otherwise assisting students with their learning. I would say that it's high time that we as a society took a longer range view of this and perhaps dispelled some of the myths that exist among certain members of society where they perhaps don't understand the teaching profession as well as some of us who were privileged enough to have served in it. I know that my day never started at 8:30 and it never ended at 3:30, and it wasn't exclusive to Monday through Friday.

So I'm pleased that once Bill 12 is all said and done with, we will see those issues addressed in a very long-range way. Nobody likes to see students out of the classroom when they're supposed to be in it. Nobody likes to see teachers striking. Nobody likes to see interruptions to the most important part of a young person's future. We need and we want good and excellent teachers in this province. We need to have encouragement for them. I just hope that they will have some faith in this process that separates the two issues, along with the guarantee, which is now going to be carved in stone, that the commitment we are giving as a government to look at all the other issues will also be addressed, and we will get that done.

Mr. Speaker, the collective bargaining process is a very important process. I was there; I was part of it for a number of years. I didn't like having even the thought of going on strike, and I perhaps today dislike it more than I did even then. Nonetheless, we don't want to interfere with local boards' autonomy and flexibility with respect to how they address their local budget needs.

There are some school boards in this province who, as we know, will run surpluses, perhaps year after year. There are others who are running deficits. There are some who are very comfortable with the size of their classes and so are their teachers, but there are others that are not. We cannot for example legislate a maximum classroom size, such as they have done in other jurisdictions and have said, for example, that the maximum number of students in grade 1, let's say, should be 18. What do you do with the 19th and the 20th and the 21st student? Well, I'll tell you what's happened in some cases, Mr. Speaker. They have not had the flexibility because of a legislated cap on class size. They have not had the flexibility they would like. So some of those students, unfortunately, could not attend that school and had to go to schools down the road, and that is true.

I do hope that we will sort this out, because I have great respect for teachers in this province. I want them fairly compensated, and I want the students fairly looked after as well.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands. Pardon me? You're asking a question, I take it.

MR. MASON: I am indeed. Thank you very much, Mr. Speaker. The hon. minister has said that it's important to set a positive atmosphere for teachers in order to retain and recruit teachers to the profession. I would like to ask: how does the present schemozzle do that – and I include more than the bill; I include the whole process we've gone through in the last few months – and how do you think the government has contributed to that?

MR. ZWOZDESKY: Well, Mr. Speaker, I think by guaranteeing a minimum – a minimum – of 6 percent plus giving school boards greater flexibility at the local level to augment that minimum 6 percent is a very positive thing. It took away a lot of the guesswork when that decision was taken, and at the same time it still allowed for an approach at the local level to come to an agreement. What is

unfortunate, however, is when you get a situation such as we read about in Medicine Hat and for a time in St. Albert, where unfortunately the teachers and the board made a decision and the people upstairs in the ATA couldn't bless it. That is unfortunate.

THE DEPUTY SPEAKER: The dictates of time.

The hon. Member for Edmonton-Rutherford.

MR. McCLELLAND: Thank you, Mr. Speaker. I think the minister opposite encompassed what Bill 12 is really all about in saying that the future of education is in the preamble and the past is in Bill 12, getting the issue of salaries out of the way so that we can get on to the future. As the minister responsible for persons with developmental disabilities in Alberta, the minister has an integral role to play in the forthcoming review. Could the minister advise us what his intentions are in that regard?

4:00

THE DEPUTY SPEAKER: The fine details of this kind of questioning have yet to be pushed at the corners of the envelope, and one wonders whether or not you can ask the minister a question that normally would be asked at question period. But anyway, hon. minister, if you'd care to answer that.

MR. ZWOZDESKY: Well, it's a very good question because it talks about the blended classrooms and the attempt at full integration that we've experienced over the last several years, which in theory and in concept is a very good thing. But there needs to be some additional emphasis put on teacher aides, for example, and funding that would go with that, because a lot of the students in the category of the disabled require one-on-one attention. So I'm glad that we were able to increase funding to that special-needs area over the last year or two.

THE DEPUTY SPEAKER: Thank you.

Further questions or comments? The hon. Member for Calgary-West.

MS KRYCZKA: Thank you, Mr. Speaker. I appreciated the hon. minister's comments also and have been listening with interest. With reference to class size, I would just wonder what his thoughts are on individual teaching skills and consideration of class size. Different teachers can manage better different numbers of students in their classes is what I'm saying. I know the universities have dealt with that challenge.

THE DEPUTY SPEAKER: Again the hon minister.

MR. ZWOZDESKY: Thank you. Well, I think the hon. member has indeed hit a very important point, and I think it talks a little bit about the homogeneity of classrooms, which were so different back when I was a teacher as compared with today. But it's true that some teachers feel more comfortable in a smaller atmosphere than do others. By the time you get to university, you could be lecturing 400 people. My concern in that regard would be directed more so at the primary grade levels, where I think it's important that we look at some kind of an acceptable average.

THE DEPUTY SPEAKER: Thank you.

We do have time, I think. The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you, Mr. Speaker. My question is directed to the hon. minister. My question would be this. About a

year and a half ago the minister of human resource development recognized the tremendous costs that are being faced in the unprecedented growth area of Fort McMurray, my constituency, where \$50 billion is being spent. It's the GDP of a small country. Relative to that, provincial employees in Fort McMurray get an extra \$400, and the question is: for teachers, doctors, and nurses, you know, what consideration can be given to that kind of pressure?

THE DEPUTY SPEAKER: The question has managed to squeak in in the total amount of time, which means we don't have any time for the answer.

We will now recognize the hon. Leader of Her Majesty's Loyal Opposition.

DR. NICOL: Thank you, Mr. Speaker. I rise this afternoon just to make comments at third reading on Bill 12. I think that as we look back on the process of what happened, as we deal with the final vote on this bill today, we have to kind of question whether or not the best interests of education, the best interests of children, the best interests of the province have really been served by the whole process. You know, we've spent a lot of time talking about the signals that have been sent and the commitments that have been made. I think it would be more appropriate to look at, in effect, what is going to happen now with the results of Bill 12 and what kind of a future we can look forward to in the context of dealing with education, dealing with learning, dealing with any kind of public service.

We had in place a process where local school boards had an opportunity to deal with their needs in the context of learning. They had a chance to negotiate with their teachers for a fair pay package to serve the model that the local school board had in place to deal with the delivery of learning, and then what we ended up with because of the funding model that was in place for that was a lot of discrepancies around the province. In the period of '93 to '95 the government intervened to try and provide some standardization or some equalization of that through the way they changed the funding of education, creating the education endowment fund and the per pupil grant for the school boards to deal with.

What in effect happened was that we pre-empted a lot of the freedom that school boards had to deal with their delivery models, to deal with the kinds of conditions that we hear talked about constantly as being part of what will be the end result of this commission that gets put in place. So what we had was kind of a process that started in '93, '94, '95, when we went to that equalized funding, that wasn't fully reflective of the geographic needs and the community needs of learning across this province. We want to make sure that the local communities, the school boards, the local ATA, and the parents through what used to be their parent/teacher councils and what are now the school councils effectively have a choice and have the freedom to develop a quality education system for the students in their community.

Well, as we went through this process, then, problems began to arise with the funding models. Problems began to arise because the integrity of that local process was being affected by a provincewide decision-making process of, you know, one per pupil grant to each of the schools. Granted, there were some different dollars out there for transportation or sparsity, but they were not adequate in the context of a funding formula. What we should have been doing as we moved from that '95 period up to today was looking at how adequately those formulas were working, making changes in how those formulas worked so that the dollars in the community were truly the number of dollars that were necessary to deliver quality education based on that community's input, so that we can in fact

then have an operational system that doesn't have the sense of a top-down dictatorial process.

As we look at that, we ended up last year with a situation where other public service bodies were asking for changes in their pay packages, changes in their work conditions, and because of circumstance and timeliness some of them were looking for their contracts at a time when the government had lots of money. Others such as the teachers are now looking to have their worth recognized, and the government says that there is no more money. Mr. Speaker, I think the thing we have to look at is that this, in effect, is compounding the problems that we started to develop in the process after the equalized funding program, because even though it did create more equity in the education system, it also created a lot of problems. Those problems were associated with the inability of the local community to deal with their own issues as they needed to.

So the government in its, I guess, blinded wisdom introduced into the budget last spring what in effect was a 4 and 2 wage settlement for teachers. They keep telling everybody that this was a minimum. But if they'd look at the fact that when they deal with the other 3 or 3 and a half percent that went out to the school boards over and above that, those dollars were committed to the other expenses of the school boards, and very few of those dollars could be put into a teacher salary settlement unless they had to make adjustments further in the delivery model.

Mr. Speaker, if there's anything I've been hearing as I've traveled the province in the last year, it is that we have to do something about class size, we have to do something about support systems for children with special needs as they enter the classroom, and we have to do something about the process of making sure that there is a local ability to determine how this learning model is developed. So what happened, then, was effectively the teachers were in a position where they couldn't truly negotiate the way they should have been able to.

4:10

What we then heard was: discussions went on, negotiations went on, offers were made, offers were rejected, and in the end we had a series of strikes across the province, co-ordinated at the provincial level by the ATA. In the end the government again stepped in. They've now stepped in with Bill 12, which, in effect, further confronts the impossible situation of how we deal with local control, local decision-making and provide the local school boards and the local of the ATA with the accountability that they need to the children and the parents in their community.

We keep hearing comments about this blue-ribbon study or this commission that's going to be put in place to deal with the future of our education system. Mr. Speaker, we have that. It's the school boards. It's the parents in the community. It's the school councils. It's input from the teachers. It's input from the students. That can be developed at the community level. All we have to do is to have the flexibility at this level. When they come up with a model that fits their needs, fits a provincial objective in the context of the importance and the relevance of learning, then we need to make sure that there is a process in place to fund that. If that means changing the funding formulas so that we can make sure that the geographic differences, the delivery differences, the demographic differences, all of the other differences that are associated with these communities get reflected at that local level, that's what we should be doing.

We shouldn't be forcing a public discussion on education at the provincial level, because we already have in place at the local level the means to deal with that kind of discussion. After all, we've given those school boards the authority and the mandate to be the decision-makers for their communities on what is appropriate education delivery, what are the resources that are necessary, what

is the community involvement. These are the kinds of things that we give to them through the School Act, and we have to make sure that they have a chance to truly exercise that authority that we've given them. We're going to be taking that away from them when we start now imposing on them some kind of a provincial study that's going to look at how they deal with the concepts of class size or how they deal with the concepts of delivering education. That should be done at the local level, Mr. Speaker.

We've got to make sure that what we have is a thorough commitment to that process, and by passing Bill 12, what we're basically saying is that no pay package can be negotiated at a local level that doesn't meet the provincial objects, doesn't meet provincial approval. By instituting some kind of blue-ribbon panel or commission, what we're saying is that the local communities don't understand their own education system, aren't capable of dealing with the issues that are important to their education system, and we're going to pre-empt the authority we give them. I don't think that's the kind of thing that we really want to have happen, because all we end up with is dealing with it.

Mr. Speaker, on a number of occasions we've asked for a provincial review of education funding, some kind of a commission at the provincial level that looks at: how do we deal with funding of education, how do we deal with the decision-making in education? That's a whole different thing than what we're talking about and what we're hearing the government talking about here. That, in effect, provides for a much better discussion about some of the issues that I've been raising, you know. Do we need to change the power of local school boards? Should they be given revenue-raising authority? Should they be given some kind of option to go beyond the per pupil grant? That's the kind of thing that we need to talk about, not whether or not we should at a provincial level impose standards that we have delegated to those local school boards.

This is the kind of environment that we're creating if we vote in favour of Bill 12. I don't think it's the kind of thing that we want to see, because what it does is it puts in place a precedent for every other kind of public service negotiation. Does this mean that the next time any other public servant group comes up and says, "We want to enter our negotiations," we're going to separate working conditions from the pay package in their negotiations? That's what this bill does. It basically says that teachers and school boards cannot talk about working conditions and the pay package in one and the same negotiation because the arbitrator can't deal with working conditions.

Does that mean that next year, the year after, when the nurses come up, when the public servants come up, nothing can be dealt with in the context of working conditions? Is that what we're going to be saying? We're setting a precedent here, Mr. Speaker, that to me is really critical in the context of how we look at the relationship between employees and the public. We have to be careful that we don't undertake in this process now approving something that in effect will become a fallback position any time a government decides that it wants to deal heavy-handedly with individuals in a particular work group.

We're doing it now in the context of teachers in this province. Mr. Speaker, it's not right. We shouldn't support this bill. What we should have done was supported a much more inclusive discussion at the local level in the context of how we finance properly the local school boards, how we encourage teachers to do the job they've done so well for our students in the province, how we encourage the communities to be active in participating in seeking solutions and dealing with developing the kind of education system that's important.

Mr. Speaker, I see this bill already causing ripples in our province

that I don't want to see happen. The e-mails that have been coming into my office, the phone calls that I've been getting are really very concerned about what's going to happen with this bill, what's going to be the aftermath of this bill. I'm getting calls from teachers saying: gee, I don't know if I want to be a teacher any longer. I had a communication with a student at university this morning basically saying that if this bill passed, in the next semester they had left before graduation they in effect were going to make sure that they were going to take courses that would give them the flexibility to seek employment outside the profession rather than become teachers in this province. That's the kind of thing that really bothers me in the sense that we're sending the wrong signals to the people of our province.

AN HON. MEMBER: Too bad they're fear mongering.

DR. NICOL: I hear the member across there saying that I'm fear mongering. But I'm not doing it; it's the messages that are coming from Albertans. If we in this Legislature don't have the right to stand up and communicate on behalf of our constituents, then I think we've really got a problem in this Legislature. I truly stand behind the fact that any member of this Legislature should be able to get up and say on behalf of their constituents whatever that constituent wants put into the record. I don't consider that fear mongering. I consider that being a true representative of my community, expressing the concerns that I've heard. In this Legislature I express the view of my constituency and I vote the way my constituency wants me to. Mr. Speaker, there is no question that the input from my community says: vote no on this bill. That's the message that I'm trying to put on the floor here today. I don't consider it fear mongering; I consider it doing what I was elected to do.

4:20

You know, Mr. Speaker, I hope that individual that made the comment a few minutes ago gives me a chance in the last five minutes of my speech, when you can stand and ask a question and we can deal with that kind of an issue. It is important that we basically do have the ability to raise the concerns, provide the observations that are being provided to us from our constituents, and deal with this in the context of what's best for Alberta.

Mr. Speaker, I was just about finished when that comment was made. I had another breath of air. What in effect I want to say is that this bill is setting a precedent in Alberta that I think is wrong. This bill is setting a precedent in Alberta that I think is going to lead us down a totalitarian, a heavy-handed type of government road. I don't think that's where we should be going. I think we should be promoting open discussion, open negotiation, and flexible solutions at the local level when we deal with all of the public servants. This bill, that's affecting our teachers in this province, is setting a precedent I think everybody should vote against.

Thank you.

THE DEPUTY SPEAKER: We have a number of people who indicated that they wish to speak. The first one is the hon. Member for Edmonton-Rutherford, then the hon. Member for Edmonton-Strathcona and the hon. Member for Lac La Biche-St. Paul, and, if there's time, the hon. Member for Drayton Valley-Calmar.

MR. McCLELLAND: Thank you, Mr. Speaker. Would the hon. Leader of the Opposition agree that the climate to settle the issues underlying the dispute would be better addressed with the money issues off the table?

DR. NICOL: No. This has to be done as a package. We can't deal with only one facet of what constitutes proper teaching conditions, proper learning conditions, and the relationship between a classroom and a teacher, between that classroom and the school, and between that school and the community. It has to be dealt with as a package, Mr. Speaker. We can't separate them out, because we have to create good working environments.

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

DR. PANNU: Thank you, Mr. Speaker. My question to the hon. member and the Leader of the Official Opposition is this. In his closing remarks he characterized this bill as totalitarian, in essence. I wonder if he would like to say why.

DR. NICOL: Mr. Speaker, I see it as being basically heavy-handed and top-down decision-making, forcing a process that nobody wanted. Nobody wanted arbitration that didn't include all of the aspects of how we provide our education, our learning in the school environment. Effectively what's happened is that the government has gone out, talked on a broad base, narrowed the base, and tried to create a solution. That to me is not open government. That's not good government. It in effect doesn't create good working relationships with the teachers in this province, and it sends signals through all of this province that we are not willing to work with individuals, that we're willing to impose on them, that we're dedicated to imposing on them, that we're not going to allow them to basically deal with any kind of a solution that is jointly put together, and that's what we have to have.

I think I went a little over my 30 seconds.

THE DEPUTY SPEAKER: Considerably. However, we were having a timing difficulty.

MR. DANYLUK: I believe that teaching is a very credible, honourable, and prestigious profession. I have a lot of teachers in my family, and I really take offence at how, in my view, the hon. Leader of the Opposition makes the profession sound like a terrible profession. Students who have the passion for teaching should be encouraged, not discouraged and discriminated against as you do.

DR. NICOL: Mr. Speaker, what can you say to that? It's so wrong. It's so off topic to what I talked about. It's almost impossible to get that kind of question out of the comments that I put on the record today. I'm sorry; I don't even see where it came from.

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

REV. ABBOTT: Thank you. Mr. Speaker, the Leader of the Official Opposition mentioned the worth of teachers in his speech. My question: when the teachers of Alberta become the highest paid on average in Canada, which they will when this bill is passed, when this happens by August 31, 2002, will the leader of the Liberals and his party finally admit that this government recognizes the worth of teachers?

DR. NICOL: No, Mr. Speaker. What I will recognize is that they have basically corrupted everything that you teach in a course on labour relations that deals with how you set fair remuneration for an individual. There's more than dollars in the context of recognition of worth, and when we're dealing with it in this context, we have to

deal with the classroom conditions and the teaching conditions. The true pay of a teacher determines whether or not they're willing to stay in the profession and whether they're willing to enter the profession, not any kind of a measure compared to someplace else in this country.

MS KRYCZKA: I heard the member talking about consideration of financing and concerns with local school boards. When salaries are about up to 80 percent of an operational budget, would you agree with supporting a discussion on an HR philosophy of hiring a mix of levels of teachers, which is certainly more economical and can save a substantial amount of money than hiring the most senior teachers and no other variance?

DR. NICOL: Mr. Speaker, that's up to the school board. That's why we give them the authority to deal with it, and that's the kind of process that we have to put in place so that we have equitable solutions in this whole debate.

THE DEPUTY SPEAKER: Okay. Thank you.

Several people have indicated that they wish to speak. The hon. Member for Calgary-Shaw has been missed a couple times, and following her the hon. Member for Edmonton-Strathcona, then the hon. Member for Wetaskiwin-Camrose.

MRS. ADY: Thank you, Mr. Speaker. I wouldn't want to be missed. I felt very strongly that I needed to rise and speak today on this particular issue. I've only been an MLA for just a year and, I think, one day. I'm no longer a rookie.

AN HON. MEMBER: You're a pro now.

MRS. ADY: I'm a pro.

I felt that this was one issue that I did want to stand and speak about, because it's one that comes very close to the heart for me. I am the mother of four boys who are in the public education system in this province and have spent many years observing their schooling and aiding and assisting and watching them as they developed through that system. I'd like to begin today by praising those teachers that have spent time with my boys, because I know as a mother how difficult they have been at times. I've seen great patience, great dedication, people that sincerely cared and were there for my boys at times when I didn't want to be there for them. So I want to start there, saying that I do admire teachers and the job that they have done, in particular with my own family.

One of the things that's been disturbing to me is that much of the media focus and discussion around the teachers' dispute and Bill 12 has been around and centered on the disagreement and the challenges that are faced by the parties involved. I believe that like all things in life there are challenges to meet, but our learning system is still a very good one. I'm confident that we can work towards resolving these challenges. We do have a system that is collaborative, and if we start to work together, we can continue to create even greater learning opportunities for the kids that attend our systems.

That said, the current teachers' negotiations were clearly at an impasse, and we needed to find a solution so that we could move on to face these challenges. Bill 12, the Education Services Settlement Act, is an important piece of legislation that hopefully will allow us to do that. As you know, all parties agree that binding arbitration is needed to bring about a resolution, and I think this arbitration process is a sensible one. It allows all parties to present their cases and allow for fair compensation to teachers while maintaining accountability and flexibility of school board management.

We must also remember that the reason we have teachers and school boards is to deliver education to Alberta's students. Our first priority and our goal here must be that we ensure that students' education is not further compromised by contract disputes. Our government is committed to helping to resolve these disputes. Bill 12 ensures that teachers will remain in the classroom, and I think that's an important element.

4:30

This legislation will provide stability for students so that they can focus on their studies and successfully complete their school year. I know that Albertans value education and do not want further interruptions of this current school year. I heard from grade 12 constituents as they called me during the strike, as they talked about their frustration, their worry, and their anxiety over having their education interrupted. I've heard comments about heavy-handedness and how somebody didn't want this, but I'm here to tell you that students didn't want their education interrupted.

It reminds me of when I was in university. I was attending Brigham Young University at the time, and they were coming up with a new accreditation process for the university so that it would have a stronger accreditation across the nation. They brought in an independent board that wrote all final exams for all courses that we were taking that year. Now, this independent board didn't teach the course, didn't really know the course, but wrote a final exam. I took one of those exams and flunked it, and I remember at the time . . .

AN HON. MEMBER: Oh, not you.

MRS. ADY: Yes.

. . . just being dismayed that in a class that I was getting an A in, all of a sudden I flunked a final exam. So I went back to the teacher and I said: "What? I didn't even recognize the exam. It didn't seem to relate to the course. It didn't seem to be anything that we had studied that semester." He commiserated with me. The next week that question was asked of the president of the university, and he said to us at that time that the new accreditation process was like when the pioneers came across the plains: a few had to be sacrificed for the good of all. Now, I remember thinking: well, great; the university rises in its accreditation, but I just got sacrificed. My grades, my future, my GPA just got sacrificed for that. I did not understand that at that time. In fact, I kind of chewed on that one for a long time because it was very personal to me. Yes, it did improve the accreditation of that university, but I felt like a victim in the piece.

I'd like to tell you that kids whose education has been interrupted feel that way also. They do want us to make sense of this, they do want us to move on, and they don't want their year interrupted. So when people say that it's a minimal thing or a short-term solution, I'm telling you that getting those kids back into the classroom was I think an important thing, important to them and their future. So I'm glad that we were able to come up with a process.

As you know, there are other aspects to education delivery that are not addressed by the Education Services Settlement Act, and I believe this is also completely appropriate. I do believe they need to be separated and that you cannot handle in an arbitration process things that are bigger than an arbitration process. Any decisions such as classroom conditions that have long-term implications need to be examined thoroughly and cautiously. It is important that policy decisions bring us closer to our goals of educational delivery.

I think of the California model which I alluded to last night, where it was legislated that a class would be a certain size. Overnight they were scrambling to try and find enough relocatables to put on

schools because suddenly they didn't have enough classrooms. They didn't have enough teachers in order to handle this particular piece of legislation. They were hiring first-year university students to come and teach in those classrooms. So sometimes when you launch something that you might want to call a working condition and create legislation, you create ramifications that you can't see forward on yet. It needs cautious, reasoned approach. I think this bill allows that, and that's why I support it.

The government's commitment to review is included in the preamble of Bill 12. It allows for an exploration of the challenges that we face and provides opportunity to find real, effective solutions together. Now, I've been hearing some of the hon. members on the opposite side say that the preamble isn't that important and that it should be in the bill or that it's lesser. I'd like to read it just one more time.

Whereas the Government has made a commitment . . .
And that's a word that I honour, commitment.

. . . to examine the learning system in Alberta; and

Whereas that examination will include, but not be limited to, a study of the number of students in a class, pupil-to-teacher ratios and the maximum time a teacher may be required to instruct students enrolled in Kindergarten to Grade 12.

It says here that it "will include" but "not be limited to." I'm happy to hear that, Mr. Speaker. A broad-style review proposed by Bill 12 will give our learning stakeholders and Albertans ample opportunity to provide input into how they would like to see our learning system improved.

As I said earlier, I have four boys. Two of those boys were able to successfully navigate through the public system with no difficulty, but two of my sons have learning disabilities. They are coded mild to moderate learning-disabled students, and there have been at times difficulties for them in the classroom. We've tried very hard, with the help of teachers, to be flexible and to meet those needs, but sometimes I felt like inclusion was the thing that was the most difficult barrier for me to overcome in trying to get them the help they needed. So I am happy to see this review, and I am happy to see us have at least some flexibility as we look at these educational issues. I do think it is of the utmost importance.

Our students will consistently achieve high results compared to other jurisdictions and worldwide. One of the keys to our success is that the Alberta learning system is both collaborative and flexible. The review included in Bill 12 further demonstrates this goal of working together for the benefit of students. I wholeheartedly support the passing of this if it will bring us to the next point and help us get on so that Albertans recognize the value of this legislation and embrace it as an important step in moving forward. Our learning system has an even brighter future ahead, but we cannot do this quickly. It must be done thoughtfully and in a considered way that will be better for the students of Alberta.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Any questions or comments to be offered in this respect? No?

The hon. leader of the ND opposition.

DR. PANNU: Thank you, Mr. Speaker. I take this opportunity to speak on Bill 12, Education Services Settlement Act, 2002. This number reminds me of another bill that became very controversial in this province and continues to cause a huge amount of concern to lots of Albertans. I mean Bill 11. So I wonder if there is some relationship between the numbering of the bill that was and the bill that's before us today, which will become law, if this government has its way, in the next couple of hours if not sooner.

I'm going to speak against this bill, Mr. Speaker, and it will

become clear in my speech as to the reasons why. This bill is one of the most coercive pieces of legislation that I've seen around. Coercion is a form of violence. What this bill does is institutionalize and legalize violence against teachers, who the members opposite can't stop praising for some reason, on the one hand, and then are ready to hit with a two-by-four on the head, all of them, in the same breath.

Bill 12 in section after section systematically strips away collective bargaining rights from teachers, rights that have been responsibly exercised by teachers for generations. It is also so unnecessary, Mr. Speaker. As recently as one week ago Alberta was on the verge of avoiding the kinds of bitter and prolonged disputes that have poisoned labour relations in provinces like Ontario and British Columbia. In B.C., for example, teachers have been on a prolonged work-to-rule campaign which has seen students in that province denied the opportunity to participate in extracurricular activities such as school sports, field trips, and so on. Unfortunately, as a result of Bill 12 this Conservative government is taking Alberta's public education system down the same sorry and unnecessary road.

Allow me, Mr. Speaker, to briefly review the events of the past week that have brought us to this very sorry day. On February 22 the cabinet passed an order which declared a public emergency and ordered teachers in 22 school jurisdictions back to work. The ATA immediately instructed its members to comply with the back-to-work order. Teachers were in fact back in their classrooms the following day, and so were the students. Instead, the ATA chose to test the legality of the cabinet order in the Court of Queen's Bench. On March 1, Chief Justice Allan Wachowich threw out the government's back-to-work order.

4:40

I wish to read into the record a brief excerpt from Justice Wachowich's judgment. In paragraph 40 of his judgment Justice Wachowich says:

I accept the ATA's submission that the Order in Council's repercussions go to the very heart of the teachers' livelihood and negate the teachers' ability to utilize one of the only economic levers they have in labour disputes in Alberta. In that context it is appropriate, in my view, to require the government to strictly adhere to the statutory requirements in the exercise of its authority through the Lieutenant Governor in Council.

I believe that members of this Assembly should reflect very carefully on Justice Wachowich's words. The hon. justice, both in the above paragraph and in other paragraphs of his judgment, is saying that withholding one's labour is one of the only economic levers that teachers or other workers have. Withholding one's labour in a legal strike is not something that should be taken away lightly.

However, taking away this fundamental right of teachers, which teachers have in the past used sparingly and responsibly, is exactly what Bill 12 is all about. It's shameful, Mr. Speaker, and I wonder how members on the government side can say that this bill provides a reasonable process for settling those disputes between teachers and the school boards.

Earlier today the Premier had the audacity to claim that Bill 12 was about students. All I can say in response to this, Mr. Speaker, is that that's a crock. What an absolute crock. Teachers are professionals. As professionals their relationship with their students is a relationship of trust. It's a fiduciary relationship. They must take responsibility for speaking out on conditions that in their judgment will do harm to students if not attended to. That's what the teachers have been doing both individually and collectively in this province, and that's why they're being punished. That's why they're the object of the vindictive legislative action that the government has taken against them.

If the government were truly interested in the well-being of

students, they would have accepted the olive branch extended to them by teachers last week. All that teachers asked was for a fair and impartial arbitration process. The ATA has simply asked the government to cut the terms of reference out of the back-to-work order and paste them into the legislative bill. They voluntarily agree to be bound by the decisions of an independent arbitrator. They even said that the choice of the arbitrator in the back-to-work order would be acceptable to them. Yet all of this goodwill was spurned by this government. Instead of choosing reconciliation, the government, through Bill 12, has chosen confrontation. Should Bill 12 be rammed through this Legislature, as it will be, it's clear to me now that students will be hurt. It's students' interests that will be jeopardized. They are being risked by this bill, by the decision of this government.

Another point, Mr. Speaker: one cannot make specious distinctions between the interests of teachers and the interests of students as if they are opposite to each other. The ability of teachers, the quality of teachers, the commitment of teachers is fundamental to protecting the interests of students, and it is those very abilities, those very rights of teachers that are jeopardized and attacked and being taken away by this bill. So as the rights of teachers are being taken away, it's not only the interests of teachers that are under attack; it's the interests of their students that are in fact under attack.

Let's just look at a single example of how Bill 12 will hurt this province's students. The ATA has said publicly that should Bill 12 be imposed on them, they will withdraw from all co-operative relations with the Minister of Learning. This includes the grading of diploma exams and other exams for students in grades 3, 6, 9, and 12. The ATA has the legal right to stop grading diploma exams for the Ministry of Learning. They are not in a contractual relationship with this ministry. How is this in the best interests of students or in the best interests of education in this province?

There's so much that's offensive and reprehensible about Bill 12 that it really is difficult to know where to begin. Let's look at the biased arbitration side of the bill. Bill 12 by its very nature makes a total travesty of anything that can reasonably be called fair and impartial arbitration. Normally in arbitration the two parties each appoint an arbitrator and then jointly appoint a third member, who often serves as chair. Occasionally, if the two parties to the dispute cannot agree on the choice of the third member, that appointment is made by an organization that is not a party to the dispute. Is this arbitration process followed in Bill 12? Absolutely not. Under Bill 12 the party that has the most at stake in the outcome of binding arbitration, namely the provincial government, gets to pick the chair of the arbitration tribunal. What a travesty.

Finally, section 4 of the bill allows the Minister of Human Resources and Employment to revoke the appointment of a member of the arbitration tribunal if the minister believes that the proceedings are being unduly or unnecessarily delayed. The minister can then appoint another person in that member's place. The result: an arbitration process, already stacked 2 to 1 against teachers, could become an arbitration process stacked 3 to 0 against teachers.

Let's look at the part of the bill that restricts the tribunal to salaries. Section 23 of Bill 12 says that any collective bargaining agreement in the 48 affected school jurisdictions cannot contain provision that establishes or in any way or manner deals with class size, student/teacher ratios, and hours of instruction. Yesterday the Premier admitted during his daily media availability that section 23 indeed strips out the collective agreements in at least three major school jurisdictions, including the two largest jurisdictions in the province; that is, Calgary public and Edmonton public. In some cases provisions covering such matters as student/teacher ratios have been in those contracts for close to 30 years. In one fell swoop of a

government bill, that will likely be passed into law today, provisions previously bargained for and entrenched in collective agreements are being erased, and the Premier dares to claim that Bill 12 isn't punitive or vindictive. This is reprehensible, and this is wrong, Mr. Speaker.

Bill 12 also requires:

The arbitration tribunal must be satisfied that an award can be implemented without an employer incurring a deficit, or if the employer already has a deficit, without incurring any greater deficit.

This section of the bill is wrong for several reasons, Mr. Speaker. It's the continuation of the government's imposition of wage controls on teachers, in particular the writing in of a salary item specifying a 6 percent raise for teachers over two years. This is a rather transparent attempt to implement a 4 plus 2 wage control solution through what's supposed to pass for an arbitration process. This section conveniently ignores the fact that the financial positions of school boards are a direct result of government funding or underfunding, more appropriately. In other words, teachers' salary settlements are being made subject to something over which they have absolutely no control and the school boards have absolutely no control. Talk about catch-22.

Finally, this section will inevitably lead to a patchwork quilt of arbitrated settlements across the province, depending upon the financial position of a particular school board in question. Teachers working for boards like Edmonton public, which has no surplus, or Calgary public, which has a \$20 million deficit, may be awarded significantly less than teachers in the Battle River school division, which has a \$5 million-plus surplus. Instead of a single, province-wide pay scale for teachers with increments based on experience and years in the profession and local conditions, we could end up with up to 48 pay scales across the province. How ludicrous and how arbitrary, Mr. Speaker.

Let me turn to the executive privilege section of the bill now. Section 19 of the act shows that Tricky Dick Nixon and his Watergate co-conspirators had nothing on the Alberta Tory government when it comes to invoking executive privilege. Section 19 says that not only are cabinet ministers able to claim executive privilege and not turn over the documents that might undermine the government's case, but deputy ministers or other officers are similarly entitled to refuse to produce documents on the grounds that they are privileged. The question must be asked: what exactly does the government have to hide that would require such a vast expansion of what's considered privileged information? In other words, the government is not required to provide evidence that could support the ATA's positions; for example, copies of memos, financial analyses, et cetera, that might tend to show that Alberta teachers are not the highest paid in Canada. These documents will be kept in a government safe somewhere, someplace, far from the prying eyes of an arbitration tribunal. Meanwhile, the ATA is not provided with similar protection if they have information that supports the government's or the school board's case. How typically stacked and one-sided, Mr. Speaker.

Punitive sections against the ATA are another prime feature of this bill. In addition to general offences and penalties set out in section 33 of the act with its \$1,000 fines on the ATA and \$10,000 fines for its officers, there's another section in the act which singles out the ATA and officers for punishment. Section 28(2) says:

Neither the ATA nor an officer of the ATA . . . or any other person acting on the ATA's behalf is to discipline, threaten to discipline or attempt to discipline an employee, directly or indirectly, because the employee is or was complying with or attempting to comply with obligations under this Act.

Isn't it interesting that this subsection only applies to the ATA and not to other parties, including the Alberta School Boards Association?

4:50

Mr. Speaker, turning to the education commission, so-called, the preamble to Bill 12 commits the government to an examination of the learning system in Alberta. From public statements made by the government, this examination is supposed to be completed by August 2003. I think a few things are mentioned there in that preamble. It seemed like a good excuse, then, to impose on teachers those conditions that are in section 23. In my view, this doesn't give me any assurance that the government is really seriously concerned about the concerns of Albertans widely to ask them what they think needs to be done in order to improve the education system.

I want to conclude, Mr. Speaker, by quoting briefly from an editorial by Licia Corbella that appeared in today's *Calgary Sun*. I want to emphasize that these are not my words but hers:

The provincial government can call an imposed settlement on teachers arbitration all they want. But naming it so does not make it so . . . Rammed through dictatorial legislation and an imposed settlement on Alberta teachers is still dictatorial legislation and an imposed settlement regardless of what Learning Minister Lyle Oberg and Premier Ralph Klein call it . . . Arbitration? Settlement? Negotiation? Resolution? In Klein's Alberta, that's doublespeak for To Hell With You.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Questions? We have the hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Speaker. The leader of the third party has spoken against this bill. I'm just wondering: how would you answer the many constituents of mine who have written, e-mailed, and called in support of our actions on Bill 12? Are the NDs saying that the voters are ignorant or that they don't count?

THE DEPUTY SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. I'm willing to answer the question from the 74th member of the first party here. Will he have the integrity to table those letters so that I could see them before I can respond to them?

THE DEPUTY SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. I'd like to ask the leader of the third party a very simple question. Can he name a number of professional groups who get to pick the terms and conditions of their own contracts and their own workplace? I'd like him to name a couple of professional groups that do that.

DR. PANNU: Mr. Speaker, collective bargaining is a way by which those terms and conditions are determined, negotiated, and arrived at between parties in negotiation at the negotiating table. I ask the hon. member to give me one example of where this kind of totalitarian arbitration method has been used to settle disputes.

THE DEPUTY SPEAKER: Hon. Member for Edmonton-Ellerslie, are you asking a question, or are you wishing to speak?

MS CARLSON: I'm asking a question, Mr. Speaker.

THE DEPUTY SPEAKER: Go ahead.

MS CARLSON: I would like to thank the member for his comments

and ask him to comment on what we've heard some people in the communities say, that the education commission has been dismissed as an absolute farce. Could he comment on his opinion of that?

THE DEPUTY SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. When you look at the preamble and the language in it, the first three sentences in that preamble draw attention to a few of the matters that will be examined by the task force, but then quickly those very three sentences are used to justify why all matters except salary are to be taken away from the table in the arbitration process. That clearly indicates the intent behind the preamble.

Thank you.

THE DEPUTY SPEAKER: Hon. Government House Leader, a question?

MR. HANCOCK: Yes, Mr. Speaker. I'm wondering if the hon. member could tell us, notwithstanding that he dislikes the bill and the legislated arbitration process for settling wage disputes, if he does not think it would be more progressive and positive and moving forward to be positive about a commission on education reviewing all of the outstanding issues than to dismiss it as a farce.

DR. PANNU: The need for an education commission is obvious. There's no disputing that fact. But the preamble has very little to do with the recognition of that need and to establish the terms of reference for that commission, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands on a question.

MR. MASON: Yes, please. I would like to commend the hon. Member for Edmonton-Strathcona, the leader of the third party, for his excellent speech, Mr. Speaker, and I wonder if he could expand upon his comments about the importance of education in our society.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. leader on that tough question.

DR. PANNU: Mr. Speaker, I'm pleased to oblige my hon. colleague. Although I would much rather sit down and listen to some other speakers, I'm certainly happy to do this.

Mr. Speaker, education in a democratic society must have as a basic principle democratic experience for its students. This standard imposition of a totalitarian, dictatorial settlement on teachers sends a very wrong message to our students about the importance of democracy and their own obligations or rights as democratic citizens.

THE DEPUTY SPEAKER: Do we have time for more? The hon. Member for Edmonton-Ellerslie has tried several times unsuccessfully to get up.

MS CARLSON: Thank you, Mr. Speaker. I would ask the Member for Edmonton-Strathcona if he would give his opinion on how this piece of legislation works in with the concept of free collective bargaining?

DR. PANNU: Mr. Speaker, to mention this bill and free collective bargaining in the same breath causes me some concern. This bill has absolutely nothing to do with free and fair collective bargaining. It has everything to do with the destruction of the principles of collective bargaining in a free and open society.

THE DEPUTY SPEAKER: I think the time for the questions and comments and answers has concluded.

The next speaker on the list is the hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Speaker, for the opportunity to speak to Bill 12, the Education Services Settlement Act. This bill responds to a unique collective bargaining problem that involves three entities: the Alberta Teachers' Association, the Alberta School Boards Association, and the government of Alberta. The government is the source of dollars, of course, for the operation of the education system, and therefore it's involved in that way. It has generally been agreed upon by the partners that it is time to use the arbitration process to settle the dispute as it relates to salaries, and that is what Bill 12 proposes to do.

I am satisfied that it was necessary under the circumstances to go the route of arbitration as it relates to salaries. While the issue of teachers' salaries is very important, the preamble of the bill deals with what I conclude to be much more important. These issues – classroom size, student/teacher ratios, instruction time, and other issues of great importance that I might add such as integration of special-needs students into the regular classroom, the changing role of the school board, and the funding formula for education – must be addressed, as the ATA, school boards, parents, and teachers have been telling us. These issues must be given much more time than what an arbitration tribunal would be able to adequately consider in just a short period of time. Therefore, it makes sense to me that issues other than those dealing with dollars should be handled in this way. Mr. Speaker, this is what was proposed or suggested through the Future Summit just a short few weeks ago, and I know that the ATA was involved in that recommendation as well.

5:00

The government in this bill is making a commitment to examine the learning system of Alberta. Mr. Speaker, I think that is good news. I hope that that opens the door for input from all stakeholders: the ATA, the Alberta School Boards Association, parents, students, business, MLAs, whoever. We will be building from a position of strength. Our record in education is very, very strong.

Speaker's Ruling Decorum

THE DEPUTY SPEAKER: Sorry to interrupt the hon. member. It's becoming somewhat difficult to hear the hon. member because there appear to be other communications going on at the same time, which must drive *Hansard* a little bit to distraction. I wonder if we could carry on those conversations outside.

The hon. Government House Leader.

Point of Order Member's Apology

MR. HANCOCK: Thank you, Mr. Speaker. On a point of order under section 23(h), (i), and (j). I'd like to apologize to the Speaker and the House for my interruption. I unfortunately had the need to respond to the Opposition House Leader, who was making comments about time allocation and bringing it in on our own members instead of just theirs. I was just advising her that time allocation applies to all members in the House and that last night she was lecturing members of this side of the House for not speaking and that her comments were entirely inappropriate. I do apologize for making that interruption.

THE DEPUTY SPEAKER: While the chair didn't direct the comments to the individuals involved, I'll accept your apology.

MS CARLSON: Mr. Speaker, if he had a chance to speak, then I get to respond.

THE DEPUTY SPEAKER: Well, in that in his apology he did refer to a conversation that he was having with you, do you wish, then, also to apologize for having this conversation?

MS CARLSON: Absolutely. Mr. Speaker, in responding to the Government House Leader's point of order, I certainly feel that it's important that I also respond, seeing as he named me in the point of order. Of course I will apologize for carrying on a side conversation while another member was legitimately participating in the debate.

It is very important to, I think, have an opportunity to clarify that point of order, as the Government House Leader did. It is very interesting to see that today we do have government members and supporters of the government position speak out on this bill, but it's interesting to also . . .

THE DEPUTY SPEAKER: Hon. member, that's really not to the point of order. That's continuing a debate. I think we'll now take Wetaskiwin-Camrose. Thank you, hon. member.

Debate Continued

MR. JOHNSON: Mr. Speaker, my last point was that the commission that is referred to in the preamble of this bill will be working from a position of strength. We have a very strong education system in this province. Public education is strong, but of course it can be made better. Considering the government's commitment to examine the learning system of Alberta, which I consider to be the most important part of this bill along with the content of Bill 12 to settle teachers' salaries, this course of action is reasonable in settling the immediate dispute and visionary in charting a bright future for what is already a very good system of education with outstanding teachers and outstanding leaders.

Thank you, Mr. Speaker.

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

MR. MASON: Yes. A question for the hon. member. If this indeed is outstanding leadership, how can the hon. member explain the very, very high level of voting for strike action and the very high level of discontent of Alberta teachers in light of this legislation?

MR. JOHNSON: Mr. Speaker, I was referring to the leadership in terms of our teachers. I was not referring to the Alberta Teachers' Association. I was referring to the leadership of this government, and I stand behind my words in terms of strong leadership.

Mr. Speaker, I had the opportunity a couple of years ago to spend some time in some European countries examining the education systems over there. When I came back home, I was very, very proud to say that I was very, very proud of our education system, and I've remained that way.

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

MS CARLSON: Thank you, Mr. Speaker. I will put the same question to this member that I did to the Member for Edmonton-Strathcona. How does he think that this piece of legislation fits in with the whole concept of free collective bargaining?

MR. JOHNSON: Occasionally in the free collective bargaining process impasses are reached, and I guess the solution when this

occurs is either mediation or arbitration. That just is a fact of life, and that is what has happened in this particular case. I think the action that is taken is the right action.

THE DEPUTY SPEAKER: Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. An additional question: how would this member respond to comments that we have been hearing from the public that, with regard to this bill, the education commission has been dismissed as an absolute farce?

MR. JOHNSON: Well, the education commission has not been formed. It has not been announced in terms of who might be serving on this commission and what might be involved, so to say that it's a farce is totally premature, I think.

THE DEPUTY SPEAKER: The hon. Member for Drayton Valley-Calmar to ask a question to the hon. Member for Wetaskiwin-Camrose.

REV. ABBOTT: Yes. Actually, Mr. Speaker, I have heard exactly the opposite from my public. What they're saying is that this commission could be the most important thing that this government does during this session. So I guess I would like the hon. member to expand on what he feels should be included in the commission.

MR. JOHNSON: Mr. Speaker, the last commission, as I recall, was the Worth commission of 1972, and that dealt with a lot of issues, including philosophical issues as well. I suppose that that could be the case here, that we could deal with philosophical issues, but I think more important are the issues that I just mentioned in my speech, including classroom size. I think the whole issue of integration of our special-needs students into the classroom is a huge issue, and I'd sort of like to see that issue dealt with. The role of school boards is another very important issue, and I could go on and on.

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

MS CARLSON: Thank you, Mr. Speaker. Earlier this member referred to the commission as being unformed and undecided in its nature. Then my question to him is: if there haven't been any parameters set for the commission, how can he feel comfortable voting for it in this particular bill?

MR. JOHNSON: I can feel comfortable because I feel there's a need for it.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands on a question.

MR. MASON: Yes, please. Mr. Speaker, I would like to ask the hon. member why he feels the government did not address the issue of education and the problems that exist through the creation of a commission some years ago when these problems were already being brought to light by teachers, parents, and the opposition.

MR. JOHNSON: Well, I guess what I would say in that respect is that everything that is done has its time, and it happens to be the time that that ought to be done. I think with all of the problems that have come forward at this time, it makes sense that there be a commission.

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

MR. LOUGHEED: Thank you, Mr. Speaker. I'm pleased to speak to Bill 12 at this time and address some comments about how important I believe it is that the students are back in class. I'd also like to address a few different issues, a few roles of different components of the education system. As an instructor in physics 30 I certainly recognized the comments coming forward from many constituents that are currently in grade 12 and some grade 11s, in fact, taking 30-level courses, and they were concerned about being able to complete the program, being adequately prepared for their postsecondary programs. For those students I thought it was really important that they be back in class. The three weeks that the students in my constituency were out were pretty well the limit, as far as I was concerned, for many of those diploma courses. Some perhaps could have been extended a little bit longer but not many of them. It was expected by the public that the students be back in class and that they stay in class for the rest of this semester as well.

5:10

Now, all the goals aren't going to be achieved that may be issues in education with the bringing forward of the arbitrator's report, whenever that happens, but this bill does lead towards some other solutions and towards the commission that's been talked about several times this afternoon.

I'd like to look at the current situation from a few different perspectives. One of the things that's been talked about a great deal is funding. A few of the constituents who phoned and talked to me about the situation over the past month volunteered their concerns about funding and talked about being willing to increase their property tax, perhaps, or income tax if that was the mechanism. They felt that there would be some increase that they would be willing to support. Generally speaking, people are not in favour of tax increases, and that was the majority of the kind of input I received.

When talking about property tax, if that was the mechanism to increase, we talked in terms of property taxes being about a third of the support for public education, and if they thought a 10 percent increase was appropriate for an increase in education funding, that would result in about a 30 percent property tax increase. When they evaluated, in some cases, what they were asking for in terms of funding increases and what it would cost in terms of property tax increases, if that was the mechanism, many people replied that perhaps the funding was adequate, and they didn't think that they were willing to increase their taxes at all.

It's interesting, in the kinds of numbers for expenditures, that in the public system there are about \$3.6 billion expended and around 600,000 students, and that works out roughly to about \$6,000 for every student. When I go and talk to students, I often use the example of the costs for the funding of government. With about 3 million people in the province and about a \$21 billion budget, the \$6,000 per person really strikes home to these kids and the adults that you sometimes have in the classroom. That's a huge cost for program expenditure per person – man, woman, and child – in our province.

Of course, the same works for the other numbers: with health care, where we're spending around \$6 billion with 3 million people, a couple of thousand dollars each for health care expenditures every year. Sometimes we're criticized that we're spending too much or too little, but I noted with interest the Member for Edmonton-Ellerslie yesterday talking about the \$21 billion being about an appropriate amount of expenditure and that she wouldn't see more being expended.

Some constituents would like to see some rearrangement of the

dollars. Those are certainly points for discussion. I note with interest over the past few months in reading the ATA newspaper that they focused 18 months ago exclusively on health care issues, and perhaps it's no wonder that health care received as much attention in budgeting over the past while. We found criticism at that time about legislation that was being brought forward, legislation and policies that are currently being adopted throughout Canada, and the discussion topics for all sorts of commissions like the Romanow commission.

I'm certainly looking forward to a study also to ascertain the legitimacy of a lot of different claims. For example, about three or four years ago it was commented that fund-raising per student on average in Elk Island public schools was about \$400, and the minister of education at that time refuted that claim and gave the example that those were dollars spent in the cafeteria and on grad fees and all sorts of other things. In fact, just the other day I received a letter from a constituent saying that in Elk Island public schools the fund-raising was something like \$285 per student. The same kind of rumours still persist. They're false, they're flawed, and they're completely misleading.

Another one would be the funding that exists, something like Alberta is 58th in I don't know how many jurisdictions in North America, 60 or something like that. I'm not sure what the extent was of the numbers, whether it included the Territories and things like that. But talking about converting Canadian dollars into American dollars, right away our expenditure per student would be less. The issue of capital debenture interest not being included in our education funding: it's misleading to talk in those terms, and the public doesn't appreciate it. That was obvious in their rejection of those kinds of claims in both the '97 and the 2001 elections. With respect to STR and PTR, sometimes it's not even appropriate to mention that. What's more important is the classroom experience that exists.

I was a little skeptical at one time, I will admit, that these settlements that could occur in Alberta would give us the highest salary in Canada for our teachers. So I got a whole bunch of contracts from Ontario and looked through them. In fact, when I look at the settlement for Medicine Hat, where the top salary for a classroom teacher would be \$71,000 plus, that's almost exactly the same, a little bit more in most cases, as most of the Ontario contracts that I was able to look at for this current school year. So although I was thinking that maybe that statement on the government's part wasn't correct, upon investigation it was found to be so. So those are the kinds of things we need to find out and resolve that skepticism.

Another area is the role of classroom composition. One letter from a person just recently complained that the government put special-needs students into classes to save dollars, and I don't think that's a correct recollection of how this happened. Inclusion trends certainly exist, and we're not likely to reverse inclusion unless there are better alternatives for those students. Those things have to be discussed and investigated.

I think, too, that we have to look at the role of the teacher. I think that teachers have assumed far too much responsibility, and it has been placed upon them by the public. An example of a letter to the editor in my local paper said something like: the teachers are the guardians of my children's future. I don't believe that to be the case; I thought it was the parents' responsibility first. The teachers certainly are part of the picture, but they aren't solely responsible.

Another person wrote a letter saying that your success or anybody's success as a businessperson or a pipe fitter or even a politician was a result of teachers. I think that's taking too much responsibility, because it also would speak to their responsibility in the event of failures of individuals in our society. The idea about a whole village raising a child certainly comes to mind here.

I've received calls also about graduation or commencement exercises, depending what they're called in the different places. I wonder how much of the school's resources should go to planning and programming and getting ready for this. I am certainly aware that in one school the time spent by the planner for this was taken out of the classroom time, and students were unable to get help because of all the time that was wrapped up in the graduation planning. Perhaps an event co-ordinator would be a more appropriate person to be taking on that role rather than a highly paid professional who is taken out of the classroom and given release time to do that kind of job. Some activities are complementary to classroom activities, and some are outside of the needs of the classroom.

Another concern I have is this competition that exists for students. It seems to me that it is valuable to raise the school's profile and prestige and the self-image, and that may have some value. But in doing this competition, we have a vast smorgasbord of courses. They're far too broad, and that results in great size discrepancies. Your academic classes can have 35, but then some of these options that are there to attract a few students and raise the profile of your school may only have a handful of students in them. That's inefficient, and it takes a huge amount of time to set this up and go through the process.

5:20

One thing that has to be realized: there are no more students. In spite of all the competition there are only so many students, and in fact there's no profit attached to having more students. If you bring more students into your school, you have equivalent costs, and the only thing that happens is extra time spent in trying to promote those different programs. In fact, when I was programming in '97 before the election, I had about as many different kinds of courses as I had students because of all the different modules that existed for the CTS courses. There were something in the order of 500 or 600 different courses that were offered. It was unmanageable in many ways.

I think, too, that we have to look at the role of the community. I think that the attitude towards schooling that society has is critical. I'll give you some examples of things that have concerned me in the past and, I think, things that continue to concern teachers. Attitudes like: it doesn't really hurt to miss a day or two of classes. That nothing much happens in there anyway seems to be the attitude. So if they miss and get behind, no big deal; they'll just catch up. That isn't the experience of the teacher that's trying to move students through at a uniform kind of pace.

Another attitude about options: they're not important, things that can be learned by students like woodworking and so on. Those are important. If they're offered, they should be considered important, or we should do away with them and reduce the exposure of the students to the school time. In fact, we could reduce the number of teachers at the same time if those aren't important. Either we have to make them so or eliminate them.

Other societal attitudes. "Girls don't do science": it's very discouraging that there'd be a low expectation for girls in the science classes. Or "You shouldn't get into the trades," not recognizing that those are the great entrepreneurial activities that exist. It's miseducation in many ways.

We did a survey, and 70 percent of the students in grade 10 thought they were going to go to university. So they took all these courses leading to university, but in the end only 30 percent of them went to university, and they ended up having in their course repertoire courses that weren't really valuable for the things they ended up doing.

Something along the line of "I was unable to do math, therefore

I don't expect my child to be able to accomplish those kinds of things" is an issue that has to be considered when the commission starts to examine it.

But, most important, I think we have to consider the role of the students themselves. There are many, many factors that determine academic success. I think the primary factor is the student. I think the teacher is really important. There are also all sorts of environmental factors that exist, whether it's the kind of atmosphere the student is growing up in, the kinds of expectations of parents, all of those kinds of things.

For me the naming of our department, the Ministry of Learning, is an important way to designate it. To me learning is an active process. It's not something that the teacher is responsible to shovel into a student, but rather it's the student's own responsibility to learn. It's the student and the family that are paramount in the process of education. Learning is what we want to achieve or the student is going to have to work towards. I do believe that that attitude is most critical. I think it's something that we can try to modify and work towards, and I look forward to this commission.

THE DEPUTY SPEAKER: I take it we have questions. The hon. Member for Edmonton-Ellerslie, followed by Drayton Valley-Calmar.

MS CARLSON: Thank you, Mr. Speaker. My first question for the Member for Clover Bar-Fort Saskatchewan is on his comments on a statement made by the Minister of Learning with regard to this particular bill, where the Minister of Learning is quoted as saying that the teachers got what they asked for.

MR. LOUGHEED: I didn't understand. Did you say that I commented that way or that the minister did?

MS CARLSON: The Minister of Learning did, and your feedback on that with regard to this bill.

MR. LOUGHEED: On the comments attributed to the minister, I guess in question period tomorrow you could ask him what he suggested. The teachers will go through the process and negotiations, and I expect that we'll have a satisfactory result in the end here.

THE DEPUTY SPEAKER: The hon. Member for Drayton Valley-Calmar, followed by Edmonton-Highlands.

REV. ABBOTT: Thank you, Mr. Speaker. I'd like to thank the hon. member for his excellent speech and just was very glad to see how he outlined the value and the worth of teachers in his speech as well as just some of the solutions that we're going to work towards as we proceed. My question is this. The member talked about his research on the Medicine Hat contract, I believe it was, and how they will now be the highest paid in Canada. I'm just wondering if he feels that that's at least one way that this government is recognizing the worth of teachers.

MR. LOUGHEED: I used the Medicine Hat collective agreement that was settled just as one of many. The Red Deer agreement and the St. Albert agreement I think will all fall in that \$71,000 range. But certainly there are many ways to recognize the teachers' accomplishments. Monetary is one of them. There are many other things that go towards that. All of society's attitude towards the respect that should accrue to teachers is important.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands, followed by Spruce Grove-Sturgeon-St. Albert.

MR. MASON: Thanks very much, Mr. Speaker. I would like to ask the hon. member if he would stand in his place and assure the House that the teachers in his constituency support what the government is doing.

MR. LOUGHEED: I've received at this point, since Bill 12 was introduced, perhaps something in the order of 10, maybe 12 notes from teachers that would be resident in the constituency of Clover Bar-Fort Saskatchewan. Most of them were opposed, but by the same token I've received at least as many, or probably more, from other constituents who are really in favour of this bill.

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

MR. HORNER: Thank you, Mr. Speaker. I thought it was an excellent speech by the hon. Member for Clover Bar-Fort Saskatchewan. I would like to ask, based on his experiences in his past life as an educator, his views on the review of integration and special needs that we need to undertake and where in that context the review might go.

MR. LOUGHEED: I wanted to in my comments point out that this is an area that really has to be considered. It seems to be the focal point for much of the concern of teachers about the progress and, I

should comment, the concern of parents of other than special-needs students, the concern about the progress of the whole class and those students within the class. I think we have to look at inclusion and we have to look at some other models as well, things like segregation within a school and then inclusion in other activities.

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

MS CARLSON: Thank you, Mr. Speaker. In his comments this member indicated that an events co-ordinator is not a professional. Could he tell us how much he thinks such a person should be paid and how he would classify them?

MR. LOUGHEED: Well, in fact, one individual that I know spent a lot of time planning grads. When she retired, she became an events co-ordinator, a grad planner among other things. Because commencement exercises are something that are usually fully supported by the students through their grad fees, I think it would be appropriate that rather than taking funding for such things out of the school budget, that person could be paid out of the grad fees that are assigned to students that take part in the exercises.

THE DEPUTY SPEAKER: It being 5:30, Standing Order 4(3) indicates that the Speaker leave the chair until 8 p.m.

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

