

Legislative Assembly of Alberta

Title: **Monday, April 8, 2002**

1:30 p.m.

Date: 02/04/08

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Good afternoon and welcome back. I would ask hon. members to remain standing after the prayer and the singing of our national anthem.

Let us pray. Almighty God, from whom comes everything that is upright and true, accept our thanks for the gifts of heart and mind that You bestowed upon Your faithful servant Queen Elizabeth the Queen Mother and for the examples of life she brought forth in her words and deeds. Grant that we may have grace to live our lives in accordance with Your will, to seek the good of others, and to remain faithful servants during our lives' journey.

O Lord, bless our sovereign Lady, Queen Elizabeth II, and all who are in authority under her that they may order all things in wisdom and equity, righteousness and peace, to the honour of Your name and the good of all people. Amen.

I would now invite Mr. Paul Lorieau to lead us in the singing of our national anthem. Please join in in the language of your choice.

HON. MEMBERS:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

Mr. Michael Senych **September 24, 1926, to March 27, 2002**

THE SPEAKER: Hon. members, on Wednesday, March 27, 2002, Michael Senych passed away suddenly. Mr. Senych represented the constituency of Redwater for the Social Credit Party. Mr. Senych was first elected in the election held on June 17, 1963, and served until August 30, 1971.

During his years of service in the Legislature Mr. Senych served on the Select Standing Committees on Private Bills, Public Accounts, and Municipal Law and Law Amendments. He also served on the special committees on Automobile Insurance and the Centralization and Consolidation of Schools.

With our admiration and respect there is gratitude to members of his family who shared the burdens of public office. Members of Mr. Senych's family are with us today in the members' gallery. Our prayers are with them.

In a moment of silent prayer I ask you to remember the hon. member Michael Senych as you may have known him. Rest eternal grant unto him, O Lord, and let light perpetual shine upon him. Amen.

Please be seated.

head: **Introduction of Visitors**

MR. KLEIN: Mr. Speaker, I am pleased to introduce to you and through you to members of the Assembly the hon. Premier of the South African province of Mpumalanga, Mr. Mahlangu. He is accompanied today by his wife, Mrs. Mahlangu, and a 17-member

delegation including several members of the Mpumalanga Legislature: the hon. Speaker, Mr. Lubisi; the hon. Minister of Health, Ms Manana; and the hon. minister of finance and economics, Mr. Mabena.

Mr. Speaker, Alberta and Mpumalanga have had a close friendship since 1996. Mpumalanga is working to establish strong management systems within its government while encouraging growth in its private sector. Alberta has been honoured to share its experience in governance with Mpumalanga during the past five years. I'll be signing a memorandum of understanding with the Premier later this afternoon that renews Alberta's friendship with Mpumalanga. I'm looking forward to our relationship expanding into new areas in the coming years including trade and investment.

I would ask that our honoured guests please rise and receive the traditional warm welcome of this Assembly.

MR. TANNAS: Mr. Speaker, I'm pleased today to introduce to you and through you to all members of the Assembly delegates from the Deutsche Bundestag, or German Parliament, led by President Wolfgang Thierse. The delegates are touring Canada as part of an official week-long visit, and we're honoured to welcome them to Alberta and to this Assembly. I'd like to wish our parliamentary colleagues an enjoyable and productive visit to our province.

Seated in your gallery, Mr. Speaker, is Mr. Wolfgang Thierse, President of the German Parliament; Dr. Ulrich Schoeler, chief of cabinet; Dr. Manfred Guenther, chief of protocol; Mr. Wolfgang Wiemer, director, press division; Mrs. Monika Koch, first secretary, head of the department for economic policy, science, and technology with the German embassy in Ottawa. Accompanying our distinguished visitors are Mr. Friederich Koenig, honorary consul for Germany; and Ms Regina Landeck, translator. I would ask our guests to please rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. It's an honour for me to rise today to introduce to you and through you to members of this Assembly family members of the late Mr. Michael Senych, a colleague of ours. They are Michael's wife, Patricia Senych; niece Joanne and her husband, Albert Fedun, and their two children, Rana and Kayla; niece Gloria Loekie and her husband, Tim; niece Corinne Arsenault; Mrs. Senych's sister, Annie Rudnisky; and family friend Cindy Olchowy. They are seated in the members' gallery, and I would ask them to please rise and receive the traditional warm welcome of this Assembly.

head: **Introduction of Guests**

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

MR. McCLELLAND: Thank you very much, Mr. Speaker. To you and through you to all members of the Assembly it's my great pleasure to welcome and introduce to the Assembly 86 students from St. Teresa Catholic elementary school. They are accompanied today by teachers Lisa D'Agostini, Ronald Boivin, Trish McGuinness, and Charles Stuart. Also accompanying the students are parent helpers Theresa Ness, Marie Reitzel, Patrick Omoe, Mark Day, Cindy Shearer, Patricia Hennig, MaryBeth Doiron, Ross Perri, and Jackie Wright. I would ask all of the students, the staff, and the parent helpers to please rise and accept the warm welcome of the Legislative Assembly.

THE SPEAKER: The hon. Solicitor General.

MRS. FORSYTH: Well, thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the Assembly staff of the Solicitor General's department who are members of the north and south Edmonton community correction young offender probation offices. Because of the numbers of the staff, I cannot introduce them individually by name, but we have here joining us today two managers, four support staff, 10 probation officers, two students of the Grant MacEwan correction service program, and one student of the University of Alberta criminology program. On behalf of the Minister of Justice and Attorney General I would also like to introduce to you and through you nine staff members from Alberta Justice.

Mr. Speaker, these people do a terrific job, and I'd ask them to rise and receive the warm welcome of the Assembly.

1:40

THE SPEAKER: The hon. Minister of Economic Development.

MR. NORRIS: Thank you, Mr. Speaker. Through you and to you today it gives me a great deal of pleasure to introduce a constituent of mine, Andres Lineker. He's in your gallery today. Would you please join me in giving him the warm Legislature welcome he deserves.

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

MR. MAR: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of the Assembly Mr. Bernie Hornung, president of the Wildrose Polio Support Society, and Mrs. Pat Laird, vice-president. Pat is also a member of the board of the Southern Alberta Post Polio Support Society. Today marks the beginning of Polio Survivors Awareness Week in Alberta, dedicated to increasing awareness of post polio syndrome among polio survivors and health care professionals. Mr. Speaker, our guests are located in the galleries, and I would ask that they please rise and receive the traditional warm welcome of this Assembly.

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

MRS. O'NEILL: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of this Assembly seven remarkable women from St. Albert who are members of the IODE Ethel Cuts chapter of St. Albert. They are seated in the members' gallery, and they are Joyce Welsh, Arden Korchinski, Betty Walkingshaw, Margaret Clarke, Lynda Bradshaw, Val Braiden, and Kathleen Musgrove. I would ask them to please rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

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

Community Lottery Boards

DR. NICOL: Thank you, Mr. Speaker. Albertans have told this government time and again that if the government wants to take money out of the communities through VLTs, it must return some of that money to be used in ways that communities see fit. VLT proceeds are going up this year, yet funding for community charities is going down. When the government decided to disband community lottery boards because it had to make some tough decisions, it not only took away money from communities; it took away their power. My questions are to the Premier. Given that gaming

revenues are expected to increase by more than \$77 million this year, why did the government disband community lottery boards and take away \$51 million from our communities?

MR. KLEIN: Mr. Speaker, certainly media reports suggest that government is recommending or reconsidering the decision to end the community lottery board grant program, and some municipalities indeed have threatened to hold plebiscites to get rid of VLTs if the program is not reinstated.

First of all, there are no plans to revisit this issue at this time. As I indicated on Thursday before the break, if higher than expected revenues persist, funding for this program could be reconsidered at some time in the future under a different format. The Gaming minister also has pledged to look at the existing lottery-funded grant programs to see if some of the groups affected by the ending of the CLB program can be accommodated.

But I would remind the hon. member that lottery funds, including those lotteries that come from slot machines in casinos, the various lottery pull tickets, 6/49, VLTs, go to fund a lot more than community lottery boards: \$25 million in family and community support services for children; \$15 million to the Sport, Recreation, Parks and Wildlife Foundation; \$122 million to the Supernet project, which benefits all communities, particularly in the educational sector; \$10 million to seniors' lodges; \$3.1 million to achievement scholarships; \$500,000 for hosting the Arctic Winter Games; \$2 million to the First Nations development fund; \$25 million to the community facilities enhancement program, and that's \$25 million a year for each of three years; \$10 million to health service research; \$50 million to health care facilities; \$28 million in unconditional municipal grants; \$15 million to water management infrastructure.

DR. NICOL: Mr. Speaker, let me help the Premier. Was it a tough decision to allocate \$33 million for horse racing instead of maintaining the community lottery boards that fund scouts, victims' services, and kids' playgrounds?

MR. KLEIN: Mr. Speaker, that is another lottery program. I'll have the hon. Minister of Gaming respond to your question relative to the specifics of that program, and how we've come about it is not by taxpayers' dollars.

THE SPEAKER: The hon. minister.

MR. STEVENS: Thank you, Mr. Speaker. The Premier is quite correct. This program has been in place since 1996. The funding for the racing industry is directly connected to racing entertainment centres which are connected with race courses and which have slot machines in them. It is part of the revenue from those slot machines which funds the racing industry, and I would point out that a significant portion of the funding from those slot machines also goes into the Alberta lottery fund to assist in funding many good projects for all Albertans.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again to the Premier: was it a tough decision to increase the commitment from the lottery funds on debt payment by more than 600 percent this year to \$320 million instead of leaving that \$51 million to support our scouts, our community playgrounds, and local community initiatives?

MR. KLEIN: I would remind the hon. leader of the Liberal Party that CFEP funds many of these projects, that the hon. Minister of

Gaming will be looking at ways to fund these programs that fall through the cracks, so to speak; you know, the smaller grant programs. There may have to be some adjustments to the terms of reference to the community facilities enhancement program, Mr. Speaker, but we won't let these small groups be ignored. We will look after them, just as we are looking after the needs of the rest of the community through a number of the programs I have already addressed, including the additional programs: \$36 million to the strategic and research investments program, \$35 million in school facilities – of course, they don't want that – \$10 million in postsecondary facilities; \$5.9 million to the health innovation fund. Yes, there is a substantial amount, about \$300 million, going to debt pay-down because this is what Albertans said they wanted. They said: get rid of the debt.

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

DR. NICOL: Thank you, Mr. Speaker. A follow-up to the Premier: can the Premier tell us who he consulted with across Alberta to get their okay to eliminate the lottery boards and put more money into debt payment? Who did you talk to in the community when you developed this budget?

MR. KLEIN: Mr. Speaker, we sensed the priorities of Albertans. The priorities of Albertans are health, education, sound infrastructure, good fiscal and financial management, no deficits, debt pay-down, safe community, lower taxes. These are the priorities of Albertans, and the priorities of Albertans are also those that we identified in the budget with respect to the programs that are funded out of lottery dollars.

Mr. Speaker, I can tell you how the community lottery board program came about. A number of mayors wanted to meet with me in Bonnyville. I met with them, and they said, "Lookit, if you want our support on VLTs," understanding that there were a lot of plebiscites being contemplated at that time, the result of an initiative, we will put it, on the part of people who were really concerned about gambling, not about where the money was going – they wanted to get rid of VLTs, period. They said: if we had more local control over some of the money, we might not be as strong in our opposition to VLTs. We said: okay, we'll set up a system whereby there would be some local control over some of the funding. The mayors of course wanted the councils to be the keepers of that particular money so that they could perhaps dedicate some of those funds to potholes and other purely municipal services. We said: no; if it's going to be done, it has to be done in the community sense.

Hence, a committee was set up under the MLA for Lacombe-Stettler, who came up with a process to accommodate the wishes of the mayors, and as I understand, it functioned quite well. But when we were assessing our priorities in terms of where tight dollars should go – and this was predicated on the price of oil at the time and projections into the future – we determined that of all the priority areas for lottery money funding the community lottery boards were the least priority. So it was a matter of setting priorities.

Consultation? Tremendous consultation: 74 members of caucus, Treasury Board, cabinet, and now debate in this Legislature, Mr. Speaker. That's consultation.

1:50

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. A moment ago the Premier said that he was going to look after these small programs. He said

that he was going to look after them from this level. Why didn't he leave it at the community, where the community could make those decisions. Is this Ralph's world?

MR. KLEIN: Well, much better Ralph's world, I'll tell you, than Ken's world. I'll tell you that for sure, because Ken's world would be a world of deficits, a world of debt, a world of giving everything to everyone all the time, Mr. Speaker. That is Ken's world. Ask and you will receive. The more you stamp your feet, the more you yell, the more you scream, the more the Liberals will give. They want to be friends to everyone for all time, for all purposes. You name it, they will give it. I would rather be in Ralph's world, where we have to make tough decisions and live by tough decisions, than Ken's world any day.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. In Ken's world they'd look after the communities, and they'd let the communities have a choice as well.

Out of the lottery fund, Mr. Speaker, why is it that only 6 percent of the gaming revenues are going for charities and for not-for-profit community groups, and 26 percent is going for debt payment? If you said that you believe in the communities, why are you not giving them more money than that?

MR. KLEIN: Mr. Speaker, this goes back again to when there was a tremendous amount of controversy over VLTs, in particular, which are a main source, by the way, of lottery revenues. We listened, and we took a lesson from people like Mr. Rohr and Mr. Gray in Calgary. We said: yes, it is a problem. We capped them at 6,000, put more money into antigambling or gambling education programs. But they also said that there was also a feeling in the community – and we felt that quite strongly – that community dollars ought to go to community programs, yes, but that a large percentage of those dollars should also flow to high-priority areas like health and education and infrastructure. We listened to the people who said that to us, and we have done precisely that.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. Albertans have been very loud and clear in their objections to the loss of the community lottery boards, the loss of money coming back into communities from gaming revenue and local decision-making. Overall, this government continues to budget less and less money for Alberta's nonprofit associations, communities, and charities. My questions are to the Premier. Is the government refusing to reinstate the community lottery boards with their full \$53 million budget intact despite the damage done to communities by the cuts?

MR. KLEIN: Mr. Speaker, I don't think that that much damage has been done, and if there's any damage or any organizations that fall through the cracks, we will have a discussion as to how those organizations can be accommodated, those small organizations: pipe and bugle bands and, you know, various sports teams and so on. We will do our best to make sure that they are accommodated.

Relative to community programs, Mr. Speaker, I would remind the hon. member that \$25 million, including a considerable sum to the hon. member's constituency, goes to community programs through CFEP. Significant dollars, about \$15 million annually, goes to the Sport, Recreation, Parks and Wildlife Foundation. That's a

community program. Three point one million dollars goes to achievement scholarships. I don't know how much goes to the Wild Rose Foundation; that's another one. [interjection] About \$6 million to the Wild Rose Foundation. So there are numerous community programs that are supported by lottery funds; the community lottery board was one of those programs.

Relative to all the programs that are funded, I will have the hon. Minister of Gaming, the hon. Minister of Community Development, the hon. Provincial Treasurer supplement my answer. I'm sure that they can provide . . .

THE SPEAKER: Well, actually, there is a process under the Legislative Assembly for review of the estimates, including a review of the lottery fund estimates.

The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Speaker. To the Premier: given that the existing lottery programs are already oversubscribed, I'm wondering where in the budget this new program is that would have a local decision-making component to it in which these groups would be looked after. Where is it in the budget?

MR. KLEIN: Mr. Speaker, it's not in the budget because the CLB program has been canceled, but we're saying that we will revisit the CFEP program. We will look at how these organizations can possibly be accommodated, maybe by the movement of funds within the lottery program, but we will find a way. We aren't going to let these organizations down. Yes, some will be refused. Some were refused under the CLB program. Some were refused under the CFEP program. Unfortunately, they don't qualify, and those are decisions that had to be made by the community lottery boards. Those are decisions that have to be made by MLAs, including opposition MLAs, who all share in the community facilities enhancement program. So, yes, tough decisions will still have to be made, but we will try to accommodate as best as we possibly can those communities, associations, and endeavours that are indeed deserving.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you, Mr. Speaker. Again to the Premier: if the Premier is anticipating putting more money into CFEP or AFA or Sports, Recreation, Parks and Wildlife or any of the other programs he's just rolled off, why doesn't he just put the money back into the community lottery boards, reinstate it?

MR. KLEIN: Mr. Speaker, it's a priority. I'll answer the hon. member's question with a question. Do you want to take \$35 million out of grants for school facilities and \$10 million out of grants for postsecondary facilities? Do you want to take \$122 million out of the Supernet project? Yes, that's what they want to do. Well, let's say 122 less 50. Do you want to take that out of the Supernet – that's 72 – to leave it with only \$72 million? Well, you couldn't even start it for that. Does she want to take \$25 million a year over the next three years out of the community facilities enhancement program? Do you want to take \$36 million out of the strategic and research investments program? They've been crowing and talking about, you know, the lack of funding for family and community support services for children, yet in the same breath they're saying: well, just take \$25 million out of family and community support services for children.

2:00

Mr. Speaker, they stand up there and they say one thing, you know, criticize us for one thing, and then when we do it, they have

to find something else. They can't be pleasant about this at all. They've always got to find something to complain about. If you do it right over here and affect a program over there, then it's a problem. Their greatest resource is the columnists who say: oh, my gosh, this government is beating up on the poor little pipe and bugle bands and so on. Well, we aren't. We will accommodate these programs.

AN HON. MEMBER: How?

MR. KLEIN: She says, "How?"

THE SPEAKER: Please. Please. Hon. members. Thank you very much. We've had about 22 minutes now discussing something that has been designated for future discussion in the Legislative Assembly, and if all members would look on page 17 of the Order Paper, you'll see that the Department of Gaming has been designated.

The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. When it comes to transportation grants, the government flip-flopped. When it came to course options for grade 10s, the government flip-flopped, but when it comes to community lottery grants, which fund vitally needed programs in almost every Alberta community, the government stands firm. To the Premier: why has the Premier and the entire Tory caucus turned its back on community programs throughout Alberta?

MR. KLEIN: Mr. Speaker, that goes to "how." As I said before, there is the opportunity to move dollars within the lottery programs and to amend the terms of reference of CFEP to accommodate some of these programs. As I've always said, there's more than one way to skin a cat other than the Liberal or the ND way, and that is to simply throw money at it, and when you can't throw money, I'm sure that they would love to buy a printing press and just print it, because that is the way they deal with virtually all situations.

Mr. Speaker, is this hon. member saying that we ought not to fund the municipal transportation programs? If he is, say it to the media. Stand up and say it to the media, that we take \$50 million out of that program and put it into the community lottery board program. That's what he's saying. Well, maybe he would like to say it to the media after this session.

MR. MASON: Mr. Speaker, to the Premier: how can the Premier tell organizations such as the Forestburg Learn & Playschool Society, the Hardisty Healthy Communities, the Killam public school, the Killam and District Playground Committee, the Wainwright Association for Community Living, and the Wainwright Children's Centre that their programs are no longer worthy of government funding?

MR. KLEIN: Mr. Speaker, first of all, if the hon. member will provide me with that list, I'm going to find out if they received any CFEP program funding, but I'm going to ask him a question. If he's honest, he will say whether they received CFEP program funding. Right? Now, if he's not being honest, then he'll refuse to answer. He'll invoke the privilege of the House.

Secondly, have they written the Minister of Gaming, in light of the current situation, to find out if there is any possible way or if there are other programs? Has the person talked to the local MLA, who will be a Conservative? You know, those who are complaining have obviously talked to the hon. Member for Edmonton-Highlands, who hardly knows where Forestburg or Wainwright is. He only goes

out there when it's politically expedient, Mr. Speaker, but I'm sure this is a discussion we will have with the local Tory MLA once he's elected after 8 o'clock this evening.

MR. MASON: Mr. Speaker, I'll be pleased to table this document, which the Premier should have read because it's a government document. Has the government read this document which is called the community lottery board grant program, which has a list of 2,984 programs that are no longer funded by his government? Has he read it? Here it is.

MR. KLEIN: Mr. Speaker, this government has been in existence now for almost 100 years. It's not surprising that something like 2,000 some odd programs have come and gone. Times change. This government changes to meet the changing tides of time. The NDs don't, haven't ever, and never will.

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

Teachers' Withdrawal of Voluntary Services

REV. ABBOTT: Thank you. Mr. Speaker, I have received several phone calls from my constituents regarding the decision by teachers to cancel extracurricular activities for the remainder of this year. Now, this includes all after school sports and drama activities, and in some cases it is even stopping parent councils from meeting as they have no staff reps available. This action is nothing less than a punishment to students, and the teachers' union is hurting kids by suggesting such draconian measures. My questions are to the Minister of Learning. Is this something that is outlined within teachers' contracts?

THE SPEAKER: The hon. the minister.

DR. OBERG: Well, thank you very much, Mr. Speaker. Just in starting my answer to that, I would completely agree with the hon. member that students are being hurt by the decisions that are being made. When it comes to the school council, under the School Act a teacher is mandated to be on the school council, and they do have to be there. So whether or not they have volunteered, whether or not they are actively on there, the school board has a responsibility to place a teacher on the school council. So in direct answer to the hon. member's question, yes, they will continue and, yes, there is a teacher that has to be on there.

The withdrawal of teachers' services is a very unfortunate event, but it is something that is being looked at. We are attempting to find a solution to this problem. But the bottom line, Mr. Speaker, was when I read on Saturday about the child with cerebral palsy who was not being dressed. Quite frankly it sickens me, and we are going to find solutions to this.

THE SPEAKER: The hon. member.

REV. ABBOTT: Thank you, Mr. Speaker. Again to the Minister of Learning: is this an issue that can be resolved through the Education Services Settlement Act?

DR. OBERG: Mr. Speaker, it is not an issue that can be directly solved through the Education Services Settlement Act. We will have a place under Bill 12, under the Education Services Settlement Act, that will put in place an arbitration process that will solve the salary issues. When the contracts are settled under the arbitration, it

hopefully will lead the teachers and the Alberta Teachers' Association to stop this nonsense that is going on with the teachers' services on the extracurricular side.

REV. ABBOTT: My last supplemental to the same minister: what alternatives are available to students to try and keep these activities going? For example, does it mean that graduation ceremonies will be canceled?

DR. OBERG: Mr. Speaker, over the last week there was a newspaper story or a television story that said that volunteers – that's parents – could not be involved. That is not true. The liability of the school boards does cover parent volunteers, volunteers who want to coach, volunteers who want to help, and from what I understand in talking to a lot of schools around the province, a lot of parents are digging in. They're helping their kids because their kids are important to them, and they're helping in such situations as graduations. So in direct answer to the hon. member, that is what is happening around the province today, and I would encourage that to continue until we can put this very unfortunate thing to rest.

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

Teachers' Arbitration Process

DR. MASSEY: Thank you, Mr. Speaker. The atmosphere in schools across the province has been poisoned by Bill 12. Even with very wise leadership and the best goodwill we can muster, returning our schools to normal is going to be a huge task. My questions are to the Premier. Will the Premier begin the task by removing the financial constraints imposed on school contract arbitrators?

2:10

MR. KLEIN: Mr. Speaker, I'll have the hon. Minister of Learning supplement, but the financial constraints are reasonable. They're reasonable to everyone but the Liberals. The Liberals believe in deficits. They obviously believe in deficits. Make no bones about it. Because by removing the financial constraints, we are saying that school boards can go into a deficit position. This is a law that we've even imposed on ourselves, that we can no longer have deficits. Why would school boards have deficits? The only ones, the only people and the only organization, that want a deficit are the Liberals. Let's make that quite clear, and that's the only financial constraint.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Under section 6(2) of Bill 12 it states that the school boards will not incur a deficit or where there is a deficit, they will not incur a further deficit. It is our understanding through our legal counsel that that quite simply means that at the end of the day they cannot have a negative sign on their bottom line. How they arrive at that – the arbitrator has a lot of room to determine how that arbitration settlement will be performed. We are convinced through our legal counsel and I understand that the Alberta Teachers' Association is convinced through their legal counsel that that is what the implications of section 6(2) mean. Quite simply, at the end of the day the school boards cannot have a negative sign on their balance sheet.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. Given that someone has to start if goodwill is going to prevail, will the Premier help the

situation by restoring the working conditions that were wiped out of contracts by Bill 12?

MR. KLEIN: Mr. Speaker, we have committed – and I think it's a major commitment – to undertake a review through a commission or a blue-ribbon panel project to look at all these issues but to take our time and to look at these issues in a realistic sense, not the one-size-fits-all approach that the Liberals seem to think is going to work; in other words, arbitrarily. It's 17 children per classroom; that is the ratio. That is cut and dried for the Liberals. What happens to the 18th person? I think the hon. minister of education has asked that. What happens to the 18th person? Is that person bused off?

There is no consideration amongst the Liberals for the socioeconomics, the demographics of a particular area. We've got to look at that. We've got to look at the issues of sparsity and distance, the whole issue of transportation, the issue of English as a Second Language, the issue of special-needs kids, those who are physically and mentally disabled. We have got to look at a host of issues, a multitude of issues, but we've got to do it in a reasonable, thoughtful way, not in the knee-jerk Liberal kind of way but in a thoughtful way, Mr. Speaker.

The issue that we can resolve – and we can resolve it quite easily through arbitration – is the salary issue. Once that issue is off the table, Mr. Speaker, then we can really set our minds, including good-thinking Albertans, to the blue-ribbon panel or the commission to address some of these long-term issues that speak to the fundamental problem of sustainability.

DR. MASSEY: Thank you. Again to the Premier: will the Premier foster goodwill by ensuring that the arbitrator appointed by the government will be truly impartial?

MR. KLEIN: No doubt about it, Mr. Speaker. Our arbitrator will be impartial. We have asked the Alberta Teachers' Association to appoint an arbitrator of their choice. We have asked the Alberta School Boards Association to appoint an arbitrator of their choice. I can think of no more an impartial process than the one that we have put in place relative to the selection of the arbitrators.

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

Chronic Wasting Disease

MR. JOHNSON: Thank you, Mr. Speaker. Chronic wasting disease is an animal disease that affects deer and elk, both wild animals and those raised on game farms. Up until recently the disease had not been detected in Alberta. However, the Canadian Food Inspection Agency has determined that an elk raised on a game farm in northern Alberta was infected with the disease. I believe both Alberta Agriculture, Food and Rural Development and Alberta Sustainable Resource Development are involved in dealing with this issue, along with the federal government. My first question is to the minister of agriculture. What does the discovery of chronic wasting disease in our province mean to Alberta's game farm industry?

MRS. McCLELLAN: Mr. Speaker, it is a fact that for the first time a positive case of chronic wasting disease has been found on a farm site in our province, and this is indeed very, very unfortunate. However, the important thing is that we have a system in place that will deal with this issue in the best way possible. First and foremost, the member is right: the Canadian Food Inspection Agency as an arm of the federal government under the health of animals branch will take the lead in this. They do have a process: one, immediate quarantine of the site; secondly, they will be sharing the information,

of course, with affected persons. They will be following and monitoring with us the movement of any animals, a surveillance of all herds, and of course the disposing of animals in the infected herd. These are very concrete steps that are designed to stop further cases from happening, and we think this is very important.

The other thing that's very important in this province is that we have had an import ban on cervids since 1988, and we've had a voluntary surveillance program in this province since 1996. We've tested more than 4,000 animals in this province. Of those, more than 4,000 animals have tested negative, and in that testing we have now found one positive. So we're going to continue to work with the industry to ensure that we can prohibit the movement of this disease.

MR. JOHNSON: My second question is to the Minister of Sustainable Resource Development. Since the discovery of chronic wasting disease in a game farm animal may also have consequences for Alberta's wild deer and elk, what steps are being taken to test for the presence of the disease and prevent its spread?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. That's a good question. The chronic wasting disease has not been found in the wild in Alberta. My department has a strong surveillance program for wild deer and elk, and more than 12,000 animals, in fact, have been tested since 1996 and were all found negative so far. Our surveillance program was even expanded in the year 2001, and the fish and wildlife staff harvested over 200 deer along the Saskatchewan/Alberta border. Again there was no trace of the chronic wasting disease. The 200 deer were also negative.

Mr. Speaker, we continue to work with hunters also, who have been of great assistance since 1998. They have been voluntarily submitting deer and elk for sampling and testing. My department is now working with the Canadian Food Inspection Agency to get a better understanding of this particular case and what the concerns might be regarding the wild deer and also the elk in the area.

THE SPEAKER: The hon. member.

MR. JOHNSON: Thank you, Mr. Speaker. My final question is to the Minister of Sustainable Resource Development. Will the discovery of chronic wasting disease have any influence on the government's current review of a proposal for establishing cervid harvest preserves?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much again, Mr. Speaker. That's a very, very important and timely question. Jointly with Agriculture, Food and Rural Development we are indeed preparing a review of both the pros and the cons of cervid harvest preserves in Alberta. The Alberta government is definitely paying attention to the presence of the chronic wasting disease that was recently discovered. It will take, of course, the CWD into account as it considers the proposals for hunt farms in Alberta. Our government will certainly be weighing the pros and the cons in the process.

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

2:20

Labour Relations Board

MR. MacDONALD: Thank you, Mr. Speaker. The Labour Rela-

tions Board, according to the minister's latest annual report, is an independent and impartial tribunal. All parties, if we are to have stable, balanced labour relations in this province, should have confidence in the members of that board to ensure its independence and impartiality. My first question is to the Minister of Human Resources and Employment. What is the minister doing to ensure the independence and impartiality of the Labour Relations Board when a current appointed member of the board advocates changing the labour law on behalf of his own special interest?

Thank you.

MR. DUNFORD: Mr. Speaker, one of the things that we try to provide in this province, of course, is openness and accountability, but also we want to provide the opportunity for people to express their particular views. What we have here in this particular situation, if I can read somewhat between the lines of the question, is that for the Labour Relations Board we do appoint people that have an interest from the employer's side and we appoint people that have an interest from an employee's side. To my knowledge, I've never denied a party from either interest group the fact that they could come and see the minister, they could make representations on any topic, whether or not they also happened to be a member of the Labour Relations Board.

MR. MacDONALD: Again, Mr. Speaker, to the same minister. Just this past January Mr. Stephen Kushner, a board member since 1999, stated, and I quote: we've seen a tremendous number of injustices in terms of the operation of the current labour code, end of quote. In light of these inflammatory comments, what steps will the minister take to ensure that the board remains independent and impartial?

Thank you.

MR. DUNFORD: Well, again by the very definition of how we bring people to the board – and I've actually tried to work with various stakeholders and interest groups around the province, whether it be the Labour Relations Board, whether it be the Appeals Commission, whether it be the Workers' Compensation Board, to perhaps not be so focused all the time, always having to get so wound up by the fact that we must have an employer interest represented or we must have an employee interest represented. I get very little help from the hon. member on this issue, as a matter of fact. So what does he expect, then, in turn? These are people that represent particular interests. Some of that's going to flow over into what they say in the public. The important thing is that when that member of the Labour Relations Board is acting at a hearing there be impartiality, and I believe there will be.

MR. MacDONALD: Again, Mr. Speaker, to the same minister: will the minister terminate Mr. Stephen Kushner from the board to ensure that it remains independent and impartial?

Thank you.

MR. DUNFORD: Well, certainly not on the basis of a question from the hon. member during question period when he has the benefit of saying whatever he wants here on the floor of the House. But if any member, whether it be somebody that's of an employer interest or somebody of an employee interest, is shown to be not using their impartiality requirements and responsibilities at a hearing, then of course we will deal with that as it comes up. So to answer the specific question: no, I will not.

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

Bighorn Wildlife Recreation Area

MR. CENAIKO: Thank you, Mr. Speaker. The Bighorn area is a large and intact wilderness. It contains irreplaceable wildlife habitat, watersheds, and recreational areas. The Bighorn wildlife recreation area was designated in 1986 by the government of Alberta. Most of the area is designated as a prime protection zone under the eastern slopes policy of 1977 to 1984 and the integrated resource plan of 1986. This prime protection zone was created to protect watershed and aesthetic resources from industry and motorized use and to provide nonmotorized recreational opportunities to Albertans. My question is to the Minister of Sustainable Resource Development. Allowing motorized recreation into the prime protection zone will downgrade the protection that the eastern slopes policy is supposed to provide. What is the basis for downgrading the prime protection zone?

MR. CARDINAL: Well, Mr. Speaker, I just want to indicate to the member that, yes, the Bighorn area continues to be a very important part of Alberta's landscape. It covers approximately 4,000 square kilometres, in fact. It has a wide range of different uses and interests from environmental and recreation to industrial. As the member stated, most of the area is under the prime protection zone of the eastern slopes policy which was developed in the '90s. What is important to mention, though, is that in this area there are competing demands, and that seems to be the big concern. That is why the government took positive steps lately and developed the 15-member public committee in addition to six government department officials. Basically what this committee will do is find a balance between the interests of users for the region. I have faith in this working committee that they'll have the appropriate number of public meetings and appropriate number of consultative processes in order to arrive at a good plan so we can have a balanced approach toward these uses.

THE SPEAKER: The hon. member.

MR. CENAIKO: Thank you, Mr. Speaker. My first supplemental question is also to the Minister of Sustainable Resource Development. The government is conducting an access management planning process for the area. His department has allowed five advisory group meetings and only one public meeting for making decisions that may overturn the eastern slopes policy, that was based on very extensive public consultations. Is this government willing to extend the planning process so that the advisory group can make sound recommendations?

MR. CARDINAL: Yes, again I'm very confident that the time will be allowed for this advisory committee to make the appropriate recommendations that are necessary so there can be a balance between environment, industrial, and recreation uses. We will allow the time that is necessary. After all, the process of land use in that particular region has been studied for a long, long period of time. It's not only last year. It's been going on for years, Mr. Speaker, and we have the capability, I know, to develop a good access management plan in that area.

THE SPEAKER: The hon. member.

MR. CENAIKO: Thank you, Mr. Speaker. My final question is to Minister of Economic Development. What work is your ministry undertaking for recreational use in this potentially unprotected area?

THE SPEAKER: The hon. minister.

MR. NORRIS: Well, thank you very much, Mr. Speaker. At the outset we recognized in the department what a glorious opportunity for tourism and recreation this offers Alberta. As a result, we're working with the local advisory board. We're also recognizing the need to establish with other departments how the land is going to be used. So we're in a joint ministerial meeting to discuss how that land is going to be used, and to that end we're looking at also establishing a possible snowmobile committee to review that in light of the amount of excellent trails there are in the area. We'll be looking to set that committee up in the next couple of months.

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

Hospital Closures

DR. TAFT: Thank you, Mr. Speaker. Does the Minister of Health and Wellness have any knowledge of planned announcements by rural regional health authorities to close health care beds?

MR. MAR: Mr. Speaker, let me say, first of all, that health care is this government's top priority, and the 7 percent increase in health spending reflects that. It is a little premature to be talking about whether there will be bed closures or conversions in regional health authorities anywhere in the province. We know that regional health authorities are currently working on developing business plans that will show how they will best use the dollars that they have allocated to them to meet the needs of their particular constituents. Every regional health authority in this province, every one of them, got an increase this year in the current budget. All of them got an increase to reflect their growth, 1 percent as a minimum, and some got more.

2:30

Now, Mr. Speaker, about half of the increase to the Department of Health and Wellness budget, \$247 million, will be going to regional health authorities. We will be reviewing the business plans that RHAs put together. We'll be looking at available facilities that are currently in place to make sure that they're being properly utilized and meeting the needs of the community.

So, Mr. Speaker, as we've often said, it is not just a question about how much we spend but, more importantly, how we spend it.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Given the choice of the word "premature," will the minister reassure this Assembly that no requests have gone from the government to any regional health authorities to delay announcements of closures or cuts until after today's by-election?

MR. MAR: Mr. Speaker, I gave regional health authorities a certain amount of time to prepare their business plans. They've asked for more time to prepare. The government has not asked them to delay those business plans. We've asked them to bring them forward as soon as they are available. So we have not given a direction for them to delay the preparation of their plans.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. Will the minister repeat to this Assembly his public commitment of just three months ago that, and I quote, Alberta's public hospitals are not for sale to private interests?

MR. MAR: Mr. Speaker, I have answered this question. This hon. member has a terribly short memory, I'm afraid. I would refer him to *Hansard* when he did ask this very same question earlier in this session. My response at that time was that there have been public hospitals that have already been sold to private interests, but they will not be operated as private hospitals, just to make that perfectly clear. He would be well aware of facilities like the Grace hospital in Calgary, the Holy Cross hospital in Calgary, as two examples, and previously the Camsell hospital here in the city of Edmonton. They have been sold to private interests. So I will not give him an assurance that that will not happen again, but I can assure him that in accordance with our legislation those privately owned facilities will not be used as private hospitals.

head: Recognitions

THE SPEAKER: The hon. Member for West Yellowhead.

Ken Lamouche

MR. STRANG: Thank you very much, Mr. Speaker. It gives me great pleasure today to rise and recognize one of West Yellowhead's constituents, Mr. Ken Lamouche. Mr. Lamouche served our country as a member of the 2nd Commando Airborne regiment for more than five years. His unit was part of the United Nations peacekeeping mission in Cyprus.

On March 21 of this year Ken was honoured with a Canadian peacekeeper's service medal and a Nobel peace certificate. This award came into being in 1997 and is awarded to all Canadian military, RCMP, and foreign affairs personnel who have served on peacekeeping, peace enforcement, and/or observer missions. He was also presented with an eagle feather, a powerful symbol of respect in the aboriginal community.

I would ask all members to join me in recognizing Ken's contribution to Canadian peacekeeping missions and wish him continuous good health and happiness.

Thank you.

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

Ann Keane

DR. TAFT: Thank you, Mr. Speaker. Yesterday I met a woman who has a remarkable dream. Her name is Ann Keane, and her dream is to run from St. John's, Newfoundland, to Vancouver Island. She is a mother of two and a registered nurse with many years' experience. She is also an accomplished runner and hopes to average 50 miles a day on her cross-Canada run.

Ann's hope is that her run will encourage people to raise their eyes and open their hearts to the opportunities we all have to reach out and make this a better world. She will be raising money for the Canadian Association of Community Care and for the Hope Foundation. Ann's support is already building. An RV is being donated for the entire trip, she has a volunteer driver, the Royal Bank has arranged for donations to be made through a web site link, and a major shoe store is supplying shoes for her entire trip.

Ann leaves for St. John's this weekend and will start running next week. I'm sure that the entire Legislative Assembly of Alberta joins me in wishing this vivacious and determined woman the very best.

Thank you.

THE SPEAKER: The hon. Member for Redwater.

Michael Senych

MR. BRODA: Thank you, Mr. Speaker. Once again it's an honour

to rise today and recognize a very special individual, the late Michael Senych, who passed away March 27, 2002, in a tragic automobile accident. Michael was a former MLA, teacher, principal, and most recently mayor of the village of Thorhild. He was very active in the community: involved in upgrading the rodeo grounds, renovating the community centre, making Thorhild the sunflower village. He has left a legacy, most recently the addition of 14 assisted living beds to be constructed at the Newthorad Lodge. He was a member of the Long-term Care Review Policy Advisory Committee, which I had the pleasure of chairing.

Michael was a positive thinker, a leader, a good friend. He will be missed not only by the community but all those who knew him. Thank you, Michael.

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

Spring into Spring Extravaganza

MS KRYCZKA: Thank you. Mr. Speaker, I'm very proud to recognize in this Assembly today the recent hugely successful eighth annual Spring into Spring Extravaganza, a performance held at the prestigious Jack Singer Concert Hall in Calgary. Who created this success? Well, nearly 500 senior and junior high school musicians or students performed in the program, students from schools in my constituency of Calgary-West: Ernest Manning high school, A.E. Cross junior high, and Vincent Massey junior high.

Ernest Manning high school is very well known in the Calgary school system for its successful music program, and the accomplishments are achieved through talent, hard work, and teamwork by many people: music directors, administration and staff, students, and the music parents' associations.

The eighth annual Spring into Spring Extravaganza was a truly unique collaborative event, an evening of exceptional entertainment by many talented musicians from the community and from three schools in that community performing in an incredible venue. My sincere congratulations for a performance superbly well done.

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

Success by Six

MR. McCLELLAND: Thank you, Mr. Speaker. I'm very pleased to recommend to you and to other members and to recognize a marvelous production by Success by Six. The best recognition I can give to this booklet which has to do with measuring the economic and social status of children in this area is to read from the introduction to Edmonton's Children: Let's Start at the Very Beginning, a very good place to start. Our city's future depends upon the community's ability to nurture healthy and well-educated children who will grow up to be well-adjusted adults, productive workers, and responsible citizens. Success by Six champions the cause for all children in Edmonton, urging this community to do everything in its power to give all of our children the best possible start in life.

I would commend Carol Gilfillan and all of the community leaders of the Edmonton area for putting this wonderful booklet together, and I commend it to all members of the Legislature.

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

Mill Woods Cultural Society of Retired & Semi-retired

DR. MASSEY: Thank you, Mr. Speaker. The Mill Woods Cultural Society of Retired & Semi-retired does an outstanding job of serving

the social needs of senior immigrants in southeast Edmonton. The 19th anniversary of the society's founding is being celebrated this year.

Since inception the society has been blessed with outstanding leadership, and there has been great support from the community. The centre thrives on the work of volunteers. Some of those volunteers were honoured at founding day celebrations this past weekend. From caretaking services to help with filling out forms, volunteers have made the centre work. A visit to the centre finds new Canadians going about activities in dress that somehow seems symbolic of their new lives: turbans and tennis shoes. Seminars, self-help programs, and peer assistance keep a growing number of seniors busy.

The centre has been so successful that current and proposed programming can no longer be accommodated. A three-acre site has been secured for a new building. The original modest investment of lottery funds in the centre has paid off a thousandfold in enriched lives for seniors. The society exemplifies the best in people helping people.

We wish the president, Gurmail Singh Deol, and the society every success as they work to make their slogan Aging Gracefully with Dignity and Fun a reality.

2:40

head: Presenting Reports by Standing and Special Committees

THE SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. As chair of the Select Special Auditor General and Information and Privacy Commissioner Search Committee I would like to table five copies of part 1 of the committee's report, recommending the appointment of Mr. Frederick James Dunn as the Auditor General for the province of Alberta effective June 1, 2002.

Thank you.

head: Tabling Returns and Reports

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

MS CARLSON: Thank you, Mr. Speaker. I have a series of tablings today. The first is five copies of a letter from Anne Farris of Calgary, who wants the government to designate the Bighorn wildland recreation area as a wildland park using the 1986 boundaries.

The second is the appropriate number of letters from Bob Bartlett of Calgary and Ms Christyann Olson, who want the government to take appropriate actions to protect the Bighorn.

The following letters, two of them, from Christina Chase-Warrier and R. Goth, are both very concerned about how education is now being funded by this government.

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

DR. MASSEY: Thank you, Mr. Speaker. I have three tablings. The first is the required number of copies of a letter from Wynn Kline addressed to the Member for Calgary-Bow. Mr. Kline worked on this member's election campaign and expresses dissatisfaction with the way the government has handled the teachers' dispute.

The second is a petition signed by 59 Albertans concerned with the arbitration process that has been put in place and wanting immediate action to address classroom conditions to be undertaken and the funding of education to be improved.

The last one is a similar petition asking for the government to address the problems of underfunding of education in the province.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I have three tablings this afternoon. The first one is a letter that I received from Mr. Hardy, the general manager of Brandt Tractor Ltd. in Calgary. This company is expressing their concern about the reduction in provincial government funding for highway work, which will undoubtedly put a substantial strain on their business and also on their employees.

The second tabling I have is an open letter to the hon. Minister of Human Resources and Employment and myself from a gentleman named Mr. Paul Bokowski, and Mr. Bokowski states that "the marketplace effectively controls the unionized sector just like the non-union sector."

The third tabling that I have this afternoon, Mr. Speaker, is a petition supporting public and separate school teachers, and it states to all hon. members of this Assembly and the Premier and the Prime Minister that public education is very important. This petition is organized by Mr. Darby Mahon of Edmonton-Gold Bar.

Thank you, Mr. Speaker.

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

MS BLAKEMAN: Thanks, Mr. Speaker. I have a series of tablings today. The first is from Karen Pirie from the Women's Centre in Calgary noting that the "community lottery board grants have paid for much needed equipment, printing a book, a communications audit and materials," and other critical programs and asks for restoration of the community lottery board program.

My second tabling is from Wendy Passmore, the artistic director of the W.P. Puppet Theatre Society, also in Calgary. With her concerns she's looking for the government to make "financial decisions that benefit all Albertans" and to restore the community lottery board program.

My third tabling is from Melody Jacobson. She works in one of the arts organizations in Calgary and is asking the government to rethink the decision to close the community lottery boards.

Finally, an e-mail from Dave Robinson, an aspiring Calgary filmmaker who is expressing his dismay at the actions of the government in taking away the community lottery boards.

Thank you.

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

DR. TAFT: Thank you, Mr. Speaker. I rise to table the appropriate number of copies of a report from the Students' Union of the University of Alberta called Students' Union Undergraduate Survey 2001. It's a very impressive document, and among other things the results of the survey indicate students' satisfaction with the students' union and widespread concern that tuition is unaffordable for many students and that the cost of education is a significant problem for a large portion of university students.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table a letter from a school principal. Her name is Charlotte Corothers, and she has addressed this letter to her Edmonton-Whitemud MLA, declining her MLA's invitation to attend a meeting of principals of schools located in the Whitemud constituency. This principal feels dismayed and betrayed at the failure of her MLA and his government colleagues to take a stand on the issues confronting education, the democratic

process in resolving labour disputes, and the misuse of power in the form of Bill 12.

Thank you, Mr. Speaker.

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

MR. MASON: Thanks very much, Mr. Speaker. I have two tablings today. The first is a letter addressed to the Premier from Jim Wiesner, a senior in Edmonton. Mr. Wiesner is very concerned with the adverse impact that the 30 percent health care premium increase and the elimination of eyeglasses and dental programs will have on many seniors.

The second tabling, Mr. Speaker, is for the Premier's benefit. It is a list of the 2,984 organizations whose grants have been cut under the community lottery boards grant program.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. STRANG: Thank you very much, Mr. Speaker. I'm tabling the required number of copies today of a petition from West Yellowhead teachers requesting funding from the government for their employers, the school boards.

Thank you.

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

MS KRYCZKA: Thank you, Mr. Speaker. With your permission, I would like to table a petition signed by Patricia Lemire, a constituent, for the Operation Drivesafe program to reinstate access to the provincial motor vehicle operators' list.

Thank you.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 21, it's my pleasure to move today that written questions appearing on the Order Paper today do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 21, I would now move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Public Bills and Orders Other than
Government Bills and Orders
Third Reading**

Bill 202

**Environmental Protection and Enhancement
(Clean-up Instructions) Amendment Act, 2002**

THE SPEAKER: The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Speaker. Thank you for allowing me to begin third reading debate on Bill 202.

The support that Bill 202 has received from all sides of the Assembly has been exceptional. In fact, it has shown me several positive things about the environmental views held in this Assembly and where we need to go with regards to environmental law in this province. By this stage, Mr. Speaker, the bill itself is fairly well known to all members. The bill states that if directors in the Department of Environment issue instructions to polluters and if those instructions are not followed, the department must issue an environmental protection order to the polluter.

2:50

The amendments introduced in Committee of the Whole provide both clarity and flexibility to Bill 202. They make the bill less imposing to the Department of Environment but also keep the bill an integral tool for property owners to fight pollution on their property. By passing this bill, we will be saying to property owners that this government takes their property rights seriously and will act to ensure that their grievances are settled fairly. Mr. Speaker, I believe that this bill represents a step in the right direction for environmental law and perhaps opens a door towards a new way of thinking about how we should legislate environmental law.

Mr. Speaker, the scope of environmental problems often causes people to throw up their hands in wonder. When we realize that an action taken in Edmonton has the ability to affect ecosystems halfway around the world, we start to see that environmental pollution is a global problem with untold implications. It is said that when a butterfly flaps its wings in Tokyo, people in New York are affected.

It's fairly common for a lot of people to turn away from problems that seem too big, especially when those problems do not affect them. However, the problems still remain. It's usually when the problem affects us that we sit up and take notice and say, "Wait a minute; that's not right." As I said in the Committee of the Whole, that's just human nature. It isn't the job of a legislature to change human nature, Mr. Speaker, but it is our job to understand it and to make laws that benefit all of us regardless of human nature.

Mr. Speaker, it is time to look at environmental laws that protect private property rights. One of the best ways to protect all of our environment is to give people the tools to protect their own property. This means having mechanisms like those called for in Bill 202, but it also ought to mean more. I encourage all like-minded members of the Assembly to look into this area to see where we can take it not only to protect property rights but also to protect the environment.

Now, I'm not the type of person who believes that government can or should be all things to all people, but I do believe this: it is the government's job to protect the property of its people whether they own a small plot of land or thousands of acres, whether they make a lot of money or very little. Saying that Albertans can ask their government to look into environmental concerns and saying that this government will act on their behalf in situations of concern is simply doing our job. We will be saying that our government believes strongly in the right of citizens to expect compensation or redress if their property is unduly harmed by other citizens. When the property of any Albertan is harmed, especially through careless or negligent practices, our government must provide the tools for resolution. This is an important step, Mr. Speaker, and one that we as an Assembly should be proud to take.

Mr. Speaker, the condition of the environment will be a source of major debate throughout the next century and beyond. The statistics are exceedingly clear. The world's population is growing at an exponential rate, and as such we cannot help but use more of our

natural resources and more chemicals to increase food production and to meet our daily needs. This in itself is not a bad thing. The history of man is one of using the Earth's resources for our needs to make our standard and quality of living better.

Scientists have noted that perhaps we ought to exercise more restraint to conserve our resources over the long term so our impact on the environment is minimal and our resources are here for our children and grandchildren. Perhaps they are right, but these are philosophical battles that won't be solved by the passing of a small piece of legislation like Bill 202. Rather, they will rage on and on as an important debate over the next decade. But what we can do by passing 202 is ensure that this government and property owners can work together to protect the environment and to clean it up.

In closing, Mr. Speaker, I'd like to thank all members for their support of 202. Bill 202 requires immediate containment of a spill and then timely cleanup. This is a small step in legislation but a giant step for those who are affected. This cleanup legislation will help to protect private property and give private property owners a tool to help force the cleanup of their property and neighbouring properties. Alberta will once again lead the way in environmental protection and in supporting private property owners. I encourage all members to vote in favour of Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002.

Thank you.

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

MS CARLSON: Thank you, Mr. Speaker. We are generally in favour of this particular bill. We were a little more in favour of it when it didn't have quite so much flexibility built into it in terms of the process where companies now "may" conform rather than "must" conform to some of the new rules. But it's certainly a step in the right direction, and we applaud that.

I listened with great interest to the comments from the Member for Red Deer-North when she talked about a new awareness of environmental views within the Legislature and some of the perspectives she put forward. She talked about the government's job to be protecting property. I am sure that when she talks about property, her views extend to air quality and water quality, so I look very much forward in the near future to this member's comments on our water bill, which certainly will talk about preserving water quality in this province, and I will be very interested in hearing what the member has to say in terms of the Kyoto protocol and what steps this government should take from a leadership position to ensure that CO₂ emissions globally are reduced to the best extent possible. So I look forward to many environmental debates in the future, some of which I'm sure we'll share some common concerns on.

With that, I will conclude my remarks on this bill, and we will be supporting it.

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

MRS. ADY: Thank you, Mr. Speaker. I'm very pleased to have the opportunity to rise again to add my voice to support Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act. As Bill 202 has wound its way through the process from first reading to today, third reading debate, I have grown increasingly enthusiastic about this bill. Let me take a moment to explain why I believe in this bill. This may seem a bit elementary, but sometimes the best way to go is back to basics. All bills are aimed at accomplishing something whether we like the purposes or not. Sometimes we like the bill; sometimes we don't.

Sometimes we like the idea but not its application or the manner in which the bill seeks to accomplish its intended purpose. Sometimes we don't like the bill although we like its purpose. We might, for instance, agree that the bill highlights something that we feel is a very real problem, but in spite of that we do not feel that it's the government's role, right, or duty to enact legislation that would affect the matter.

However, Mr. Speaker, Bill 202 is a bill I genuinely like. Not only that; I believe in its purpose, I believe in its mechanisms, and I believe that it is our duty as elected representatives of all Albertans to enact legislation that will serve all Albertans today and tomorrow. Bill 202 will do that. It will enshrine in the body of law the very important principle that if you make a mess, you clean it up. If you pollute the environment, you take steps to undo the damage before it leaves permanent scars affecting all of us. At the same time, Bill 202 will not become such a cumbersome piece of legislation that it will cave in under its own weight.

The amendment to the bill that changes the word "must" to "may" is a small change involving two short words, but the effects of this change will go a long way towards accomplishing the goals of the bill without stifling progress in other areas, including the very area in which the bill will have the greatest impact. Mr. Speaker, it's very satisfying to me to know that we are all together on this one and that we all share a concern about the health of the environment and that we must make sure we remain vigilant when it comes to establishing means of environmental protection. Where we differ is in the method of enforcement.

Accordingly, we have discussed the implication of using either "must" or "may" in the bill. Those who favoured retaining the word "must" speak of loopholes that will be sealed by the use of the word "must." No more Mack trucks going through those holes; that's for sure. On the other hand, those who supported amending the bill by substituting the word "may" for "must" pointed out that too strict a wording might lead polluters to actively circumvent the law.

The consequences of too strict wording may be that people who cause spills might, quite frankly, be encouraged not to report them. As well, we've heard the argument that if every spill must trigger a departmental action, well, we won't be talking about just the obvious toxic substances but also everything from body parts to finger paint. Not only would this fail to consider Albertans' common sense, but it would also generate a bureaucracy and a paper trail that would be so costly that there may not be sufficient resources, whether in terms of funding or personnel, should a spill of real consequence ever become reality.

3:00

Let me say this right now. There is no question that when a spill occurs, it must be cleaned up. There also is no question that if someone spills a toxic substance and then fails to clean it up, he or she must be held accountable. But let me conclude my remarks by stressing that it is never a good thing to try and cover up toxic spills. In the court of public opinion – and lest we forget; the public is increasingly concerned about preserving the environment – shirking one's responsibility is a public relations disaster waiting to happen. I can think of few areas where the public's outrage and fury would exceed that which would be sparked by a polluter's effort to conceal his or her own misdeeds. Therefore, I believe that Bill 202 in its amended version is the right way to go for Alberta. It is the proper means by which to strengthen Alberta's environmental legislation and is the kind of legislation that will cause any would-be polluters to think twice before he or she decides to walk away from a spill that must be cleaned up or else.

Again, Mr. Speaker, I wish to congratulate and thank the hon. Member for Red Deer-North for her vision in introducing this bill,

and I urge all of my colleagues in joining me to support her. Thank you.

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

MRS. FRITZ: Thank you, Mr. Speaker. I, too, am honoured to join the debate in third reading in support of Bill 202, the Environmental Protection and Enhancement Amendment Act, 2002. I also, like the former speaker, would like to thank the hon. Member for Red Deer-North for her work and perseverance in putting this bill forward, because ultimately it truly does protect the environment. That is just a wonderful goal, and that's what this bill will be doing.

The objective of this bill is to strengthen existing legislation protecting our land, water, and air from hazardous spills. Bill 202 will reinforce the authority and the mandate of the Environmental Protection and Enhancement Act by making those who pollute be responsible for cleanup not at some arbitrarily determined date but according to a time line that's established by the department.

Mr. Speaker, the amendment to Bill 202, which was passed in Committee of the Whole, will help prevent the corresponding dangers associated with doing things too swiftly and too restrictively. I strongly supported the amendment which changed the word "must" to "may" when I spoke to it in Committee of the Whole. The word "must" obligates people working in the department to issue an order even if one isn't necessary. But I'd also like to remind members in the Assembly of the comments that were made by our Minister of Environment during second reading when he explained that by the time people from the department check out a spill and assess the damage, the cleanup may have already been completed. Without the amendment to Bill 202 our staff would have to go back, issue an order, and outline cleaning instructions even if the work had already been done, and that just simply does not make sense. I'm certain that most companies look after environmental mistakes whether they are hazardous or not, and most companies have trained staff and safety plans in place to deal with situations, but I'm also sure that they hope that they never have to use those.

Mr. Speaker, businesses have developed innovative technology and pollution prevention techniques that help protect our environment. However, accidents do happen, and more work can be done by the government to help preserve our environment and maintain its natural value. The passing of this bill with the amendments prevents a bureaucratic logjam by preventing an additional administrative workload that would be placed on a department that already covers a wide range of issues and industries involving our environment. I agree with members in the Assembly who have spoken to this, those that believe we should not decide what constitutes a nonhazardous spill nor the time line for cleaning up a spill. The decision should rest on the wisdom and experiences of the hardworking employees in the Department of Environment.

Those same experts, Mr. Speaker, specifically the director, will be responsible for carrying out the rules decided upon in this Assembly, and we should be careful not to introduce procedures that result in unnecessary work. Bill 202 is not proposing to reinvent the wheel, nor is it proposing wild and radical reform to our current and effective Environmental Protection and Enhancement Act. In fact, I'm quite confident that the amendments to Bill 202, which were passed in Committee of the Whole, will not cause any undue administrative hardship on our government, directors of the act, or industries that work on or around the environment.

Alberta's Environmental Protection and Enhancement Act does currently have a process to deal with industrial spills, but as the law stands right now, if a spill does not pose an immediate threat to the environment, the violator does not have to take responsibility until

an environmental protection order has been issued. That can take some time, and during that time the condition of the land can deteriorate.

The goal of increasing the efficiency of Alberta's environmental protection legislation proposed in Bill 202 adds a small yet important element to an act that already manages a staggering number of environmental issues. The desired result of Bill 202 is to give a person or company the opportunity to take responsibility and action to clean up their spill. This way, they can work with the department and work on a method and time line for cleaning up that spill, but, Mr. Speaker, if this desirable scene fails, then the director can force the hand of the polluter. If a polluter does not achieve the objectives set out by the director, it is then the director's duty to issue an environmental protection order under section 113 of the act.

Mr. Speaker, the effective enforceability of Bill 202 is only possible if the department is able to work within their budget and manpower resources. In other words, people must be able to do their jobs without being forced through a sea of needless paperwork. With the passing of this legislation, it would be cheaper for a business or individual to clean up a spill as soon as it happens rather than wait and do it later. The longer it takes for it to be cleaned up, the more likely the possibility the violators will be fined and still remain responsible for the initial expense of cleaning the spill, and as the spill spreads as a result of neglect, there is more for the company to clean up. They are obviously better off by cleaning the spill immediately and avoiding any dealings with the director of the department or this government.

Mr. Speaker, the Member for Red Deer-North through the sponsoring of this bill is not proposing overwhelming changes to the Environmental Protection and Enhancement Act, because quite frankly drastic changes are not necessary. This bill is simply enhancing the system by giving people in the department the ability to move more swiftly and decisively on delayed cleanup. We must also remember that the bill deals with nonhazardous spills, and I agree that nonhazardous spills have an adverse effect on the environment, and we must be serious about preserving the environment.

So, Mr. Speaker, in having spoken to third reading with this bill, I would like to thank the hon. Member for Red Deer-North. I agree with her, as she said to you earlier in her debate, that this is an important step, that it will protect the environment, and I would urge all members of the Assembly to support third reading of the bill.

Thank you.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. I'm pleased to rise today to speak in support of the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002, upon its third reading in the Assembly. I would like to express my gratitude to the Member for Red Deer-North for the dedicated effort she has put forward to guide this bill through the legislative process to its present stage.

I think there are many others that would agree with me when I say that Bill 202 has changed for the better now that it has passed through the Committee of the Whole. As you may recall, the merit of this idea was quickly realized on all sides of the House. There were one or two details that were in dispute. Now that we have taken the opportunity to listen to the ideas from the members of this Assembly and applied them to the bill, we emerged into third reading with a solid and agreeable piece of legislation.

Mr. Speaker, I'd like to talk briefly about what it is that the Environmental Protection and Enhancement Amendment Act seeks

to achieve and why that is important. This bill takes an important step towards a cleaner environment for Albertans. It proposes to limit the ability of polluters to drag their heels on cleanup efforts on contaminated land. Currently the department has to wait until the polluting party has displayed an inability or lack of desire to clean up a spill before it can issue an environmental protection order thereby forcing the hand of the polluter to act.

We heard several times over the course of the debate that this bill will give the department a bigger and swifter stick to use against negligent polluters. We heard from the Minister of Environment that he was in favour of the idea but wanted to avoid redundant inspections and unnecessary paperwork for his department's staff. Through debate and amendment in Committee of the Whole I believe that we as an Assembly have tried to accommodate both of those desires. When I look at Bill 202 now, I feel confident that we have achieved these goals.

3:10

There are several benefits to passing the bill that would ensure that the environmental cleanup is carried out quickly and efficiently under the department's direction and guidance. First, Mr. Speaker, quick cleanup is required if environmental and monetary costs of a reclamation are to be kept to a minimum. If pollution is allowed to cycle through the ecosystem, it can spread to unexpected and unwanted places. This creates higher costs in terms of both the potential for serious environmental damage and higher costs due to an extension of the reclamation area.

Second, through the amendments that Bill 202 proposes, the value and the environmental integrity of property in the province will be further protected. Property owners can rest assured that their property will be cleaned up quickly and efficiently if somebody else contaminates it, nor will they have to worry about the threat of neighbouring pollution spreading onto their property.

Third, this legislation will help protect small business owners who have property that is being contaminated by other persons, companies, or larger corporations. By amending the act, section 257 would ensure that costly legal channels can be avoided, because the department can issue an order of action immediately after the contamination has been reported. However, the bill is flexible enough to let responsible groups and companies clean up spills on their own.

Fourthly and finally, Bill 202 would require the government to open the Environmental Protection and Enhancement Act every 10 years for review. This amendment will ensure that the government can apply the most recent and relevant policies and ideas regarding environmental science to the act. This policy reflects proactive thinking and is sure to provoke thoughtful environmental policy discussions on a regular basis.

To conclude, Mr. Speaker, I would like to reiterate my support for Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act and urge members of the Assembly to join me in supporting this bill. Through supporting this legislation, we can ensure that Alberta is a leader in environmental protection, cleanup, and policy today and in the years to come.

Thank you, Mr. Speaker.

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

MR. MASKELL: Thank you, Mr. Speaker. It's my pleasure to rise to support Bill 202, the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act, 2002. We have all had an opportunity to provide input and even amendments to this bill, and I believe that after several drafts of Bill 202, we have chosen the appropriate words for this legislation.

I am pleased to have seen so many members rise in support of

such legislation. As a growing and developing province I firmly believe we must work together to build a positive system that ensures we are protecting our province and environment for the future. I also believe that we have to make sure that the parameters we set for ourselves help us attain our goals. I believe the debate and discussion on Bill 202 has allowed the hon. Member for Red Deer-North to decide the most appropriate wording for her bill yet remain within the spirit and parameters of what she wanted to accomplish.

I support the amendment to Bill 202 debated in Committee of the Whole that changes the wording in the amendment to read that the director may issue instructions for environmental cleanup. Several colleagues stressed during the committee debate that in order to make the amendment to the Environmental Protection and Enhancement Act most effective and work to our benefit, we must be able to work with some measure of flexibility within the parameters we set. I agree that the amendment to Bill 202 will provide the flexibility for our directors to make the decision on whether or not instructions are necessary to clean up an environmental spill. One hon. member mentioned that it would be inefficient use if officials were sent to investigate each reported spill. If we allow some flexibility, spills that do not require emergency instructions or can be cleaned up without any instructions will not require needless paperwork.

Mr. Speaker, I believe that with the new amendments made to Bill 202, it contains the best wording to ensure that spills are cleaned up and remediated in the most efficient time. I support the purpose of the bill, which is to make positive steps forward in protecting and acting responsibly towards our environment. I believe the amendments to the bill will enhance our ability to react appropriately to environmental spills.

Mr. Speaker, it is my belief that Bill 202 will help the remediation process in Alberta. In order to make positive changes through the Environmental Protection and Enhancement Amendment Act, we need to make sure that the legislation will actually do what we need it to do. I believe it will. As Alberta continues to grow and thrive as a province, I feel that it is important to make positive steps to ensure that the future of our environment will also continue to thrive. We depend so much on our environment, not only for the resources it provides us but the important contribution it makes to the health and recreational enjoyment of Albertans. I believe we must continue to make positive steps which complement the growth of our province. We should look for the best ways to balance the growth that we continue to enjoy by seeking efficient and effective legislation. Such improvements will show Albertans and the rest of Canada that Alberta is committed to maintaining the high-level environmental standards that we are known for.

I believe in the spirit of Bill 202: to provide greater environmental protection in Alberta. I also support the purpose of the bill: to make remediation time in our province more efficient. I also support the amendments to the wording of Bill 202 which allow for expert judgment and opinion on whether or not official involvement and directors' instructions are necessary.

I feel that this bill is important for Alberta and will truly help our environment as we continue to grow. I encourage all of my colleagues to acknowledge its importance as well and join me in supporting Bill 202.

Thank you, Mr. Speaker.

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

MR. LUKASZUK: Thank you, Mr. Speaker. I would like to begin today by commending the hon. Member for Red Deer-North for bringing this legislation forward. I appreciate the tremendous amount of work that it takes to bring a piece of legislation like this before this House.

Having listened to the comments made by hon. members during the second reading as well as in Committee of the Whole, I believe that this legislation which is now before us today has much improved since it has exited the Committee of the Whole. As legislators with good intentions it is sometimes easy to overlook the importance of small words such as, for instance, "must" and/or "shall," but the impact of those words can be rather substantial in the implementation of the legislation. Mr. Speaker, the distinction between an act stating "must" rather than "may" entails the difference between an environmental official having to initiate a lengthy and time-consuming environmental investigation and an environmental official using common sense and/or his own discretion and good judgment to deal with situations at the local level. That only makes sense.

The amendments made to Bill 202 during Committee of the Whole recognize this distinction without compromising the spirit and the intent of this particular legislation and the sponsor's intent. That intent, Mr. Speaker, seeks to empower the Department of Environment to address local spills and less serious threats in both a timely and efficient manner. It allows the official on the scene, who is in the best position to judge the potential impact of any spill, the opportunity to determine whether or not he should issue instructions to clean up. If the situation has been adequately looked after, then the Environment official need not do anything further. However, if instructions need to be issued and are not followed, then the environmental protection order needs to be issued and the situation is dealt with accordingly. As legislators we need to develop environmental laws that respect the varying nature of environmental hazards and the unique circumstances that individuals and groups may find themselves in, but we also must be firm in our demands that once instructions from the officials in charge have been issued for the cleanup of a site, those instructions must be followed and carried out.

3:20

Mr. Speaker, this province can afford to be accommodating in looking for workable solutions for all parties involved in this sort of matter. Indeed, the records show that when spills do occur, most offenders act in a reasonable and responsible manner to ensure that the mess is indeed cleaned up, but this province must also be vigilant in ensuring that time and co-operative nature are not left open to abuse. Bill 202 with its amendments reinforces the principles. It empowers local officials to do their job and use their own good judgment. It does not overly hinder officials with unnecessary bureaucracy every time a spill happens, yet it also enforces the idea of environmental protection by clearly requiring the issuing of protection orders when cleanup instructions are not followed. As I said earlier, that simply makes sense.

As the hon. Member for Red Deer-North has indicated, "if Bill 202 is passed, Alberta once again will be seen as a national leader in balancing the needs of the environment with the needs of Albertans, property owners, and businesses." I believe that this is legislation that all hon. members can in good faith support. It reaffirms the environmental legacy of our forefathers by protecting the land for future prosperity. I would encourage all hon. members to support this particular bill and make the Environmental Protection and Enhancement (Clean-up Instructions) Amendment Act a reality.

I thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Vermilion-Lloydminster.

MR. SNELGROVE: Thank you, Mr. Speaker. It's my pleasure to rise in the House today and speak in third reading regarding Bill 202, the Environmental Protection and Enhancement Amendment Act.

We have heard the many different arguments covering the many different aspects of this bill over second reading, the Committee of the Whole, and now in third reading, and I feel that this bill is appropriate in that it will address most of the concerns that Albertans have on both sides of the issue.

Bill 202 puts the onus on the polluters, Mr. Speaker. If someone makes a mess, they'll have to clean it up. Simply put, the department has the power to make contaminators responsible for their actions, and that seems to me how it should be. Through Bill 202 and its amendments contamination will be dealt with through the proper channels and will be dealt with quickly and without excessive red tape. So this bill is actually environmentally friendly in two ways: it deals with contamination issues quickly, and it'll save trees. Under Bill 202 an Environment official must issue an environmental protection order if his written instructions to a polluter have been ignored. The bill allows for the use of a protection order but also allows for common sense and the discretion of the director to prevail.

Mr. Speaker, Bill 202 is about accountability. It is about holding those who have disregard for the laws of this province responsible for their actions. Bill 202 is a small, progressive step forward for the Environmental Protection and Enhancement Act.

I would also like to point out another very important part of this bill. This bill requires the Environmental Protection and Enhancement Act to be reviewed every 10 years. I think that all new legislation should have a clause stating that it will be reviewed within a certain time frame. This way we can show Albertans that we will keep our legislation current and relevant.

Mr. Speaker, Alberta is growing at a fantastic rate. We must ensure that this growth is done in such a way that it is environmentally sustainable and done in an environmentally friendly way. Bill 202 ensures that the Environmental Protection and Enhancement Act will continue to protect human health and the environment for generations to come.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Red Deer-North to conclude the debate.

MRS. JABLONSKI: Thank you, Mr. Speaker. I would like to first of all thank everyone who has supported Bill 202.

By amending section 112, Bill 202 severely limits the ability of polluters to delay cleanup action. It forces them to follow the directions of the Department of Environment. This is a great first step in protecting our environment. Bill 202 would help Environment officials to convince polluters to remediate sites quickly and prevent polluters from delaying cleanup efforts. This increases the likelihood that releases will be contained and unable to cause further damage.

Mr. Speaker, I ask that everyone vote in favour of Bill 202.

[Motion carried; Bill 202 read a third time]

head: **Public Bills and Orders Other than Government Bills and Orders Second Reading**

THE SPEAKER: Before calling on the hon. Member for St. Albert to continue the debate on Bill 204, this is private members' afternoon, so there's a bit of private members' advice that I'm seeking from the Assembly at this point in time.

Now, hon. members, there has been a long-term tradition with respect to the decorum in this Assembly. As time has come and

there have been ebbs and flows, certain things have been allowed to be happening in this Assembly and certain things have not. As an example, at one time, the time when I certainly sat in this Assembly, it was okay to have a cup of coffee at certain times of the day in the Assembly. You could do other things too. In fact, you could even smoke cigarettes in this Assembly at one time. Then the pendulum swung all the way, so now what we have in the Assembly, of course, is water. That's what hon. members can have in the Assembly: water.

Now, in the last couple of weeks we spent a little time trying to find you an alternative form to the terrible kind of coffee you used to drink in here, so you may notice that out there there are some new coffee machines. There is nothing that could preclude the having of a cup of coffee in the Assembly if the members wanted to have that, but I wouldn't want to say that we would change the decorum without seeking input from the members. After Orders of the Day were called, would any member object to seeing another member have an alternative to water in front of them?

AN HON. MEMBER: What's the alternative?

THE SPEAKER: Well, the alternative would be what is available: the coffee and the tea and the cocoa and the hot chocolate and soda water. One has to remember here about decorum. So it would have to be a common vessel that people would put the liquid in so that you wouldn't get, you know, that this has become the Coca-Cola/Pepsi kind of conflict. [interjections] Please work with me on this slippery slope. Would any hon. member have any difficulty with another hon. member having a cup of coffee in the Assembly after the point in time we call Orders of the Day?

HON. MEMBERS: No.

THE SPEAKER: Is there anyone who would object?

Okay. Let's proceed, then, and after Orders of the Day members can have such a thing in here. It may take a day or two for us to work out the common vessel that everybody would put the liquid in. In the meantime, you know, I don't want to say that we've got the different kinds of debate going on with different kinds of vessels.

Okay. That's understood then? Sergeant-at-Arms, you understand that? You will not evict a member. Pages, you'll now have to acclimatize your fingers for carrying something warm from time to time. Should there be a spill, please look to the nearest hon. member to assist you with the cleaning up of such things.

3:30

Bill 204 Traffic Safety (Cellular Phone) Amendment Act, 2002

[Adjourned debate March 18: Mrs. O'Neill]

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

MRS. O'NEILL: Thank you, Mr. Speaker. In the few remaining comments that I would like to make about Bill 204, I would like to remind all members that we're not speaking about drinking coffee while driving, but instead we're talking about handheld cell phones. With that in mind, I'd like to urge everybody in this Assembly to consider the fact that it's the handheld telephone that the Member for Lacombe-Stettler is proposing in her bill be disallowed while driving the car.

[Mr. Shariff in the chair]

I would note that in the news most recently, one of the councillors from the city of Edmonton, Dave Thiele, has indicated that while he is in favour of the provincial initiative as proposed in Bill 204, should it not proceed, he would be looking into proposing such a bylaw before Edmonton city council. My point in noting this is the fact that I think it would be a lot easier to administer and it would be a lot safer if we blanketed the province in support of this bill against handheld cell phones while driving. I would point out again that this is not limiting someone's ability to communicate via the telephone in the car should it be a hands-free one.

With that, I would urge everybody to apply some reason to their vote in favour of this bill and to say: let's avoid the hazard that is presented to us when you try to dial numbers and to respond to voice mail by using the handheld telephone while driving. So I'd urge everybody here in this Assembly to vote in favour of Bill 204.

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

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to speak in favour of Bill 204, the Traffic Safety (Cellular Phone) Amendment Act, 2002. I do so with some apologies, because I suspect that like many members of the Assembly, I too have used the cell phone on occasion in my car. I think I'm getting better now and ask people to give me time to pull over when I receive calls, but I recognize how dangerous it is. If you look at the appalling loss of life that we suffer in Alberta on our highways, if there is anything that we can do to make driving safer, I think it's incumbent upon us to do so.

In looking at the research behind the use of cell phones, I was drawn to the backgrounder put out by the Canadian Automobile Association in November of 2000. One of the pleas that they made in that backgrounder was that any legislation should be evidence based. That is, they would like the legislation based on sound research, and I think that that's a reasonable request. They also went along to provide an interesting set of statistics from the provinces and nationally on cell phones. In response, for instance, to the question, "Do you have a cellular phone?" 59 percent of Albertans that were polled responded that, yes, they did have a cell phone. That's compared to only 47 percent nationally. So Albertans, if you can believe this survey, are high owners of cell phones. When they were asked the question, "How often do you use your cellular phone while driving?" the responses were that 52 percent said they rarely used their cell phones while driving, 20 percent said some of the time, 2 percent said most of the time, and 1 percent said all of the time. So it's somewhat encouraging that over half of the drivers don't actually use cell phones while they are driving.

When asked their opinion on whether or not talking on the phone distracted from careful driving, 89 percent of Albertans who were surveyed indicated that, yes, it did detract from driving. I think that that's something we all know and have worried about, those of us that have used cell phones, and it's good that that recognition is there.

They further asked about the idea of pulling over and stopping when you need to use a cellular phone, and again the vast majority of Albertans said that that was a good idea; 88 percent of them agreed that that's what should happen. If you're going to use a cellular phone, then you should pull over and use it while you're parked.

The other idea that's mixed in with the bill is the distinction that's being made between cell phones, handheld cellular phones and hands-free cellular phones. You get quite a discrepancy between the two in terms of what people believe. There seems to be much more

support for hands-free cell phones and their use. For instance, when they were asked, "Should only hands-free cellular phones be authorized for use while driving?" 54 percent agreed with that, and only 32 percent disagreed. So when it comes to hands-free cellular phones, there seems to be a great difference of opinion. As to whether there is more distraction with a hands-free phone, again there seems to be agreement by 70 percent of Albertans who were surveyed that a handheld cell phone is much more distracting than is a hands-free cell phone.

I think that whether we like it or not, phone communications from automobiles are going to be here to stay, and I say that having looked at some information from the States, where the Ford Motor Company I think have already announced that they are going to be putting universal cell phone capabilities in their automobiles, that they're going to be putting connectivity hardware into their cars that would allow owners to buy an aftermarket device or to use a factory-installed telephone as a hands-free option. So it looks like the automakers, who I'm sure have their pulse on public opinion, are going to take some actions that will certainly encourage the use of hands-free telephoning. I think, going back to the plea of the Canadian Automobile Association, that it would be useful to have evidence on the use of hands-free telephones and the kinds of accident statistics on the use of those devices before either legislation is undertaken or indeed before the automakers on their own decide that they're going to proceed.

I mentioned the Canadian Automobile Association statistics. There are other statistics around, a couple of more informal surveys that were taken in the States, and some big differences in whether or not handheld cell phones should be made illegal in terms of the age of the participants and in terms of their income. If your income is more than \$50,000 a year, according to an ABC news poll, then you're much more likely to favour the use of handheld cellular phones, as are younger people, people ages 18 to 34; 42 percent of them in the ABC poll supported the legal use of cell phones. So a difference in terms of income and a difference in terms of age. It's interesting that 18 to 34 year olds are the group that have a high accident rate, and they are supportive of something that could be even more distracting to their driving.

So I think that with those comments, Mr. Speaker, there's a lot to be said. There are differing opinions. A number of states have already moved to pass similar legislation, and I'm pleased to support Bill 204 and the cell phone legislation for Alberta.

Thank you.

3:40

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

MS HALEY: Thank you very much, Mr. Speaker. I appreciate very much the opportunity to be able to rise today and address private member's Bill 204, the Traffic Safety (Cellular Phone) Amendment Act, 2002. I promise not to take very long because I know that many people want to speak on this issue in the time remaining.

It won't be a huge surprise to many of my colleagues to know that I'm opposed to this bill. I lean just a little bit more to less laws as opposed to more laws because no matter what you do or how you do it, at the end of the day you cannot legislate common sense. Passing a law that duplicates another law that is already on our books is not logical. The law that I'm referring to is driving with undue care and attention. This law encompasses many of the dumb things that we tend to do as drivers, that we do from time to time on the roads. It gives the RCMP and the city police many opportunities to remind us of our responsibilities and obligations when we're out on the highways driving.

The Canadian Wireless Telecommunications Association

indicated that education is the single most important aspect of dealing with concerns such as using handheld phones, and I agree with them. However, they also indicated that a recent report prepared by the Commonwealth of Pennsylvania Joint State Government Commission on Driver Distractions and Traffic Safety, that was published just last December, found that of all of the distractions identified as primary causes or contributory causes of crashes in Pennsylvania during 1999 and 2000, cell phones represented 5.2 percent of those distractions over that two-year period. Outside objects, persons, or events by far were the bigger problem, and I think that that was also confirmed at the University of North Carolina in a study commissioned by the American Automobile Association.

To go back just a little bit, I have raised two children complete with all of their antics in the back of my car when I was driving. I've driven their basketball teams, their volleyball teams, and their football teams. I'm one of those incredible sinners that has actually eaten in my car while driving. I've listened to my radio. I even rolled up my windows and sang with my CDs, Mr. Speaker. Yes, I've even answered the telephone. But I'll tell you, compared to snow, ice, blowing snow, dust storms, and other bad drivers who were not necessarily on a phone but were just acting like idiots, they got my attention an awful lot more than the person that I saw using a handheld cell phone.

My cell phone is installed. It has always been installed right from the very first day I got it, and I think that people logically and intelligently and rationally should be looking at ways of doing that. I don't believe that we need to pass a law to force them to do it.

It was always against the law in Alberta to drink and drive, but nothing impacted alcohol consumption and driving the way the commercials that AADAC and Mothers Against Drinking Drivers did when they did their advertising work in the province of Alberta. That had a much bigger impact on people in helping to bring home the seriousness of issues like that, and I believe that education is the answer here.

I also want to point out just a couple of statistics. You know, we talk about how terrible everything is and how dangerous it is to be a driver in the province of Alberta, but let's just get a little bit real. Passenger and motor vehicle registrations increased every calendar year from a total of over 889,000 vehicles in 1977 to just under 1.3 million vehicles in 1983. As of March 31, 2001, there were over 2.2 million motorized vehicles registered in the province of Alberta. I think you have to appreciate the magnitude of that. It has tripled in that period of time. I'm not advocating collisions and death here, Mr. Speaker. I'm just merely pointing out that in 1977, when we had 889,000 vehicles, 576 people were killed on the highways in Alberta, which is a horrendous tragedy. In 1974 my father was one of those statistics, so I do know the impact of road problems. In the year 2000, Mr. Speaker, with 2.2 million vehicles registered on Alberta highways, there were 364 fatalities, and I think that's pretty phenomenal, showing that traffic safety is a big concern of Albertans and the Alberta government on the way the highways are built.

A lot of things have improved, but so have drivers. You know, I guess sometimes when you have 2.2 million people driving those 2.2 million vehicles, from time to time things will get in your way, whether or not it's a cell phone or an elk or a moose coming out on the highway up at Lesser Slave Lake, which has happened to many people, or whether it's driving in that Ponoka/Innisfail block, where, for whatever reason, if the weather is going to be bad anywhere, it's going to be bad there and it's going to be on the highway, where you can't see where you're going or what you're doing. My cell phone is the least of my concerns on those days.

I'd really be grateful if this Assembly decided to opt . . .

MR. STEVENS: Because no one wants to talk to you on those days.

MS HALEY: Nobody wants to talk to me. This is true, Ron. It's because of my charming personality.

The truth is that we don't need another law. We have a law – it's called driving with undue care and attention – that the RCMP can enforce now if people are not driving properly on the highway.

Thank you very much, Mr. Speaker.

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

MR. BONNER: Thank you very much, Mr. Speaker. I would also like to make a few comments in regards to Bill 204, the Traffic Safety (Cellular Phone) Amendment Act, 2002. I would like to compliment the Member for Lacombe-Stettler for bringing forward this piece of legislation. It certainly is a reasonable piece of legislation and one that I will speak in favour of and support.

Now, then, what we're talking about in this bill is the distraction factor. It is the distraction factor of using a handheld cell phone. Common sense suggests, Mr. Speaker, that talking on the phone can distract a driver from the all-important task of driving safely. Research seems to indicate this, and there is a growing number of studies at universities, government labs, and corporations in the U.S., Canada, and around the world that show that drivers' reaction times do in fact slow down and that their judgment is impaired when they are using a cell phone while driving.

As well, Mr. Speaker, I have a press release dated June 28, 2001, indicating that New York state became the first state in the nation to ban handheld cell phones while driving. Now, I'm sure that if we looked at the population of New York state, we'd find that they have a greater population in New York state than we do in all of Canada. It's quite interesting to see the parallels in their legislation with ours that's being proposed in Bill 204. The highlight, of course, in their legislation is that it requires drivers to put down their cell phones and pay attention to the road.

"This new law will help make our roads safer and save lives," Governor Pataki said. "Too many families have suffered the tragedy of seeing a loved one injured – sometimes fatally – in an accident caused by someone who was driving while using a cell phone. This law will help to decrease confusion and increase safety for all who travel on New York's roads."

Mr. Speaker, an article in the *Globe and Mail* on February 5, 2002, indicated that five were dead after an SUV driver on a cell phone lurched over a median and landed on a minivan driven by some Quebeckers. In that particular case five people died, and I think, as well, that it forced everyone to take another look at this whole issue of driving and talking on the cell phone.

3:50

I see that in the New York legislation they also had some public awareness associated with their bill. The law included a warning period and a waiver provision as follows. The first provision was:

Between November 1 and November 30, law enforcement personnel may stop motor vehicles and issue verbal warnings to motorists driving while using a hand-held cell phone.

A second provision here was:

Between December 1 and March 1, 2002, the courts may waive fines if the motorist is able to supply the court with proof that he or she has purchased a hands free telephone or device that enables a hand held telephone to be operated hands free. This waiver provision only applies to a first offence.

So, again, certainly New York has taken a great leadership role in the whole idea of not using handheld cell phones.

The whole idea and suspicion about cell phones in cars were first studied five years ago, and the results of those findings were published in the February 1997 *New England Journal of Medicine*.

That study was conducted, Mr. Speaker, in Toronto, and they looked at 699 drivers who owned cell phones and had been in collisions. This particular study, the first one, concluded that when a phone was used while driving, the risk of a collision was between 3 and 6.5 times higher than when a phone was not used. It also concluded that the relative risk was similar to that of driving with a blood-alcohol level at the legal limit and that cell phones that allowed hands-free operation offered no safety advantage.

Now, then, certainly there have been a number of other studies that have looked at this whole idea of the distraction factor, and some of those have come up with very interesting findings as well. Last year a Cambridge Basic Research study found degraded steering performance among subjects dialing a phone manually but no such effect when the subject used voice dialing. So, again, evidence that would support this bill. About the same time, researchers at Miami University in Ohio concluded that the intensity of a conversation wasn't a special issue, although merely using a phone created longer braking reaction times.

Other studies, Mr. Speaker, have outlined the characteristics of the phone-and-drive population. These studies have found that some individuals are clearly better at multitasking than others. As well, these studies found that some get better with practice, though signs of impairment may only diminish rather than disappear. Finally, some of these studies have indicated that on the whole drivers under the age of 50 are less impaired by multitasking challenges than are drivers aged 50 or over.

Now, then, *Consumer Reports* also did some tests on the use of cell phones when people were driving, and their conclusion was: "Our evaluations demonstrate that talking or dialing the cell phone does affect driving behaviour to varying degrees."

So certainly, Mr. Speaker, if our goal here is to pass legislation in this Assembly that will make our highways safer, then I think that this piece of legislation here is a very, very good first step. I think that we can also strengthen this legislation as we move along, and I would urge all members of the Assembly to support this legislation, which will continue to allow persons to fully operate a cellular phone, car phone, portable computer, or fax machine that has a voice-activated or speaker system.

So with those comments, Mr. Speaker, I'll cede the floor and listen to other members who wish to join the debate. Thank you.

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

MR. CENAIKO: Thank you, Mr. Speaker, for giving me the opportunity to speak to Bill 204. I believe that it is time we had a law like Bill 204 in Alberta, and I commend the Member for Lacombe-Stettler for introducing it into the Assembly.

I can tell you as a former police officer that there's nothing worse than seeing a horrific collision scene whatever the cause. If the drivers and passengers aren't dead, they're usually beaten and quite bloody by the impact of two vehicles colliding or one vehicle smashing into another object. Fortunate and rare are those who can walk away from a collision unscathed, Mr. Speaker.

For those of you who have never experienced anything like this, it is very gruesome and often very tragic. Senseless vehicle collisions are something that we should never have to see, but the world is such that often we do. It goes without saying that the less collisions we have in this province the better, and I support Bill 204 because it will result in less collisions and, in the end, fewer needlessly injured or killed Albertans.

What Bill 204 proposes to do is make it illegal to use a handheld cellular phone while driving. Mr. Speaker, statistical and scientific evidence in study after study testifies to the fact that using a cell

phone while driving is distracting, and study after study shows that distraction and human error are the leading causes of accidents on our roadways.

Mr. Speaker, the United States National Highway Traffic Safety Administration has reported that at any time 3 percent of motorists are using cell phones while driving. There are a full 3 percent of people on the road who are not paying full attention, and it's also an easy 3 percent that we can target with this legislation. We can say: drive safe or pay the penalty.

The study and investigation of the safety implications of wireless communications in vehicles indicates that cell phone use while driving significantly increases the dangers of a collision. It's stated that the overwhelming majority of handheld cell phone users were in the striking vehicle and that the use of cell phones in cars increased the risk of driver inattention. Other studies indicate a strong correlation between motor vehicle accidents and cellular phone usage in vehicles. When a prestigious journal like the *New England Journal of Medicine* reports that cell phone usage increases the likelihood of a collision by 4 percent, then it is incumbent upon those of us in this House to seriously consider that information. Driver inattention due to cell phone usage is therefore a serious problem, Mr. Speaker, and one that we ought to legislate because it makes sense to do so.

When we endeavour to make laws in this Assembly, especially those that govern personal behaviour, the primary question we ought to ask is: does this law accord with common sense? We don't want to make laws that in the end are going to either force Albertans to change their behaviour for the worse or force Albertans to change their behaviour for no discernible reason. Statistics show that using a cell phone while driving is a major cause of motor vehicle collisions, and because this is the case, then anyone who is thinking properly is not going to use their handheld phone while driving.

Some members may object on the grounds that a law like this is paternalistic. I have two replies to this objection. First, one of the target demographics we're going after here is new drivers, teenagers. We expect that new drivers do not have much experience behind the wheel and therefore may not see the inherent danger in talking on a cell phone while driving. As we drive more and more, we see more and more collisions and have more and more close calls. We start to appreciate the benefits of safe driving habits. Mr. Speaker, I believe that this bill would protect these young drivers.

Secondly, I know that when I'm on the road, I sure don't want the person in the car behind me talking into his cell phone. It's foolish of that driver to do so, and it endangers my life. So if that person is selfish enough to endanger my life, I don't mind being paternalistic towards them if it's the only way they'll act safely.

4:00

So in the end, Mr. Speaker, what Bill 204 does is reinforce the idea that Albertans ought to respect each other and should not endanger each other. That doesn't seem so bad; does it? Further, are we really inconveniencing people that much by asking them not to use handheld cellular phones while driving? Are they really going to tell us that their need or desire to hold a phone outweighs the risks that they pose to other Albertans? I'm as much for individual freedoms as the next guy, but that would be plain selfish. Perhaps a better idea would be to take those Albertans and have them witness a collision site, then ask them if their ability to hold a phone while driving is all that important. I suspect they might change their tune.

[The Deputy Speaker in the chair]

Mr. Speaker, these are just some of the reasons that I ask all

members of this Assembly to put down their cell phones and vote for Bill 204. Japan has done it, Switzerland has done it, and even the state of New York has done it. It's about time Alberta did it.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Whitecourt-St. Anne.

MR. VANDERBURG: Thank you, Mr. Speaker. It's my pleasure to join in the debate on Bill 204. I'm very wary of supporting this bill, and even after hearing the comments from my colleagues around the table, I have decided that I will not support the bill. I do not want to needlessly tread on the freedom of Albertans or cause unnecessary costs or inconvenience to the people living in this province. But I do have to say that since the debate has started, I am more careful how I use my cell phone while driving. That's my personal choice, and I think that we should leave it that way.

It has been said many times that we have to address the larger issue of driver distraction. Addressing it piecemeal will leave some extremely distracting drivers' behaviours unchecked while we outright ban activities that cannot be proved as a cause of accidents, such as handheld cell phones. We have to be certain that a ban on cell phones is not based on a few scraps of anecdotal evidence or outdated study that is admittedly inconclusive. It's a fact that the responsible use of a cell phone is no more distracting than adjusting a radio, lighting a cigarette, or eating a candy bar.

I believe that Bill 204 sets a dangerous precedent for laws that imply that this Assembly knows what's best for Albertans, particularly when the law is based upon conjecture, scant evidence, and a bandwagon effect following other jurisdictions far removed from Alberta, like Japan and others that my colleagues have talked about here earlier. I'd think it would be extremely hasty to start interfering with behaviours of drivers that have a tiny effect on their performance behind the wheel.

Mr. Speaker, there are better ways to enhance the safety of our roadways than holding drivers to an arbitrary law that has not proven to save lives or prevent accidents. Bill 204 goes much further to undermine personal choices of motorists than it does to enhance safety, and this is why I oppose it. Although I value the safety and health of Albertans, these things must be balanced with freedoms, personal choice, and personal responsibility. We don't ban hockey or basketball even though there are thousands of injuries every year, and we shouldn't restrict cell phone use either. To me it's about respecting the fact that life is risky business unto itself, and that has to be managed and balanced by an individual, not by legislation.

I want to read a comment that came to me from an Albertan. He was so opposed to this bill that he took the time to write some comments, and I want to read from the e-mail that he sent to me.

I am writing to object to any proposal to limit the use of cellular phones in automobiles.

First, let me assure you that I do object to inappropriate use of these devices in automobiles. However, I am adamant that it is bordering on foolish to bring in such narrowly focused legislation. If government is going to start legislating what can or cannot be done while driving an automobile, let's get [the real issues on the table].

Let's consider a few of the other activities that produce accidents or near-misses while driving. I have witnessed the following:

- Rolling a cigarette
- Lighting a cigarette
- Eating
- Applying make-up
- Shaving

- Blow drying hair
- Reading a map
- Loading [a CD]
- Dealing with unruly children
- Heated discussion with a passenger.

The list goes on and on . . . I'm sure you get my point. Do you think that legislating against any of these specifically will accomplish anything? I doubt it.

Thank you for your consideration.

Just a point that I wanted to let you know, that there are Albertans out there that talk about this issue as well.

Finally, I ask my colleagues to respect the free will and good sense of Albertans by voting against Bill 204.

THE DEPUTY SPEAKER: Hon. Member for Edmonton-Rutherford, why I hesitate is that there are several members who are claiming to speak ahead of you. You've stood up twice in a row here and are the only person on my list, so I will recognize you, for sure.

MR. McCLELLAND: Well, thank you, Mr. Speaker. I was driven to stand to join this debate because someone had to answer to the drivel that came from just opposite a minute ago. I didn't want to join in the debate, but I was forced to when the member opposite was talking about putting makeup on when he was driving. [interjections] No wonder he wasn't speaking on his cell phone.

In any event, thank you, Mr. Speaker. It's a pleasure to join in this debate to speak in favour of Bill 204. Now, there may be a few people who may hear this and say: well, gosh, I guess the thing that he's going to do on his way home is stop and pick up a hands-free. I guess I will be forced to do that, because although I know it's hard to believe, I may have been seen from time to time speaking on a cell phone. I may from time to time have been seen speaking on a cell phone. I volunteered to speak on this bill because I know that it is a distraction, and I personally have been distracted from time to time speaking on a cell phone, so I thought it was a pretty good idea. It's a pretty good idea not just in this jurisdiction, but there are many jurisdictions all over North America who have recognized this as a potential problem as well. As a matter of fact, in the city of Edmonton Councillor Dave Thiele brought before city council here in Edmonton a bill which would have the effect of banning cell phone use within the city limits of Edmonton, and that was put on the back burner pending the wisdom of this Chamber, of this Assembly's decision on this very issue.

So it would ban the use of handheld telephones. It wouldn't ban the use of telephones that were so-called hands free. Now, yes, obviously you're driving along and some people smoke and some people are eating french fries. People do all kinds of things when they're driving. Why would banning handheld cellular telephones be any different than any of the other distractions that come along when people are driving? Well, I guess, to be fair, there are some things that are certainly more distracting. Perhaps this is one of them. As a matter of fact, I've seen people driving reading maps. I've seen people driving along actually reading a newspaper. [interjection] Novels. Another person has mentioned a novel. So there are many things that we as drivers may or may not do which are safe and which may not be safe.

The use of handheld cell phones I think is – that is not to say that all the rest of the things that we do when we're driving are okay – a little bit different, and it's not the same as listening to the radio, because depending upon what the conversation may or may not be, there are different levels of concentration required in communication through a cell phone. So what's at issue here is not really so much whether or not someone lighting a cigarette is distracted from

driving because they lit the cigarette. Their brain is not engaged in lighting the cigarette. It's a reflex action. It's just something that they're doing. There are those who might say that by definition if you're lighting a cigarette, your brain is not engaged. But if you're having a cup of coffee as you're driving along, it's a reflex action, or if you're eating french fries or something, it may be a reflex action.

4:10

However, let's just presume that that telephone call is your stockbroker, and your stockbroker is telling you: you remember when I suggested you buy the Nortel shares a few months ago? It's hard not to be emotionally engaged when there's something emotionally engaging on the other end of the telephone call. So that's why I was moved when my hon. colleague from Whitecourt-Ste. Anne, a man known far and wide for his common sense, his wisdom, and his knowledge – I was so disappointed and so surprised to see him standing speaking against this. As everyone in this Chamber knows, there are different dimensions of mental engagement in various life activities.

So that's why I would urge members present to vote in support of this bill. While it certainly isn't going to save the day – it's not going to prevent people from being distracted – it is a step in the right direction, and it is a step that has been recognized by many jurisdictions all over North America and, indeed, all over the world where accidents happen as a direct result of inattention. Everything that we can do to prevent inattention is going to be a positive move and a step in the right direction.

With that, Mr. Speaker, I'll take my place and invite others to respond.

THE DEPUTY SPEAKER: The hon. Member for Vermilion-Lloydminster.

MR. SNELGROVE: Thank you, Mr. Speaker. It's so nice to be able to bring the discussion back up to a level of common sense after the dip we've just suffered. Let's be very, very real about this. If anything, it will make the art of enforcing driving harder to do: "I wasn't talking on a phone, officer. That's why I ran into the tree. I'm okay. I'm an idiot."

The hands-free bill is a smoke screen. It's nonsense, folks. The telephone call is the disruption, not whether you're holding a phone here or not. How would you justify the cost to this government alone in converting all of their vehicles? Which minister is going to stand up and pick up that tab? What schools should we shut so that we can all drive safely? I mean, it's just nonsense to use the argument: well, the city of Edmonton might pass it if we don't. Boy, they have been leaders in common sense; haven't they?

Let's just think about this. It is against the law now to drive at any time without using undue care and attention. It's against the law now. You don't have to prove they were talking on a phone or not. Would it be against the law to hold your phone here if it were shut off? Well, I mean, how could a policeman tell? How could they possibly know? Who is going to volunteer, "Yes, officer, I had my phone off, and I was just holding it here so that I couldn't see all the expensive billboards and advertisements that we put along our highways to distract you"?

There are a million things out there. The idea that somehow we're going to make the roads safer in any way, shape, or form by adding hands-free to a list of laws that thick – people don't always use the proper care they should when they drive. That's their fault, not ours. That's no one else's. They have to be responsible for what they do for whatever reason. If someone is driving with a hands-free unit and crashes, is he not just as guilty as someone driving with one up

to his ear? Of course they are. Sometimes we have a tendency to forget that we have to make laws that are somehow enforceable. This is not in any way, shape, or form enforceable. It's just another way to make people think that we have nothing else to do up here but discuss other big issues. When we went door-to-door, was anyone saying to you, "As soon as you get the square dance in there, then look after them cell phones"? Not a chance, Mr. Speaker. This issue is a response to an unfortunate accident, which is not the reason to make laws. We talk about making laws because of close calls, and I can assure you that if it weren't for accidents, most of us wouldn't be here, but it has nothing to do with hands-free cell phones.

So, Mr. Speaker, I would ask everyone to come to their senses, consider this institution as an important one, one that should pass enforceable laws. Thank you.

THE DEPUTY SPEAKER: Well, it was not necessary to interrupt the hon. member because time has run out.

The rules provide for five minutes for concluding comment by the mover or someone on behalf of the mover. Now, Edmonton-Norwood, were you trying to signal me that you were doing that?

MR. MASYK: No, Mr. Speaker. I was just trying to build on some more wisdom from the members for Vermilion-Lloydminster and Whitecourt-Ste. Anne. Just build on that wisdom.

[The voice vote indicated that the motion for second reading lost]

[Several members rose calling for a division. The division bell was rung at 4:17 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Bonner	Herard	O'Neill
Carlson	MacDonald	Pannu
Cenaiko	Massey	Stelmach
Forsyth	McClelland	Tannas

Against the motion:

Abbott	Horner	Melchin
Ady	Hutton	Norris
Broda	Johnson	Renner
Coutts	Lord	Snelgrove
Danyluk	Lougheed	Stevens
Doerksen	Lukasjuk	Strang
Friedel	Lund	Tarchuk
Haley	Magnus	VanderBurg
Hlady	Masyk	Vandermeer

Totals:	For – 12	Against – 27
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[The motion for second reading of Bill 204 lost]

4:30

Bill 205
School Trustee Statutes Amendment Act, 2002

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

MRS. O'NEILL: Thank you, Mr. Speaker. It's an honour to begin second reading of Bill 205, the School Trustee Statutes Amendment

Act, 2002. Simply put, the intention of this bill is to clarify the circumstances under which the majority and possibly the entire board of trustees can discuss significant budgetary items and vote on them.

[The Deputy Speaker in the chair]

I would like to begin by explaining the three things that this bill is proposing to do and then elaborate on how these amendments will clarify the rules surrounding the governance model of Alberta's education system. First of all, Mr. Speaker, Bill 205 would ensure that individuals who would face a pecuniary conflict of interest in the course of their duties as school trustees are more than advised from seeking nomination.

Secondly, Bill 205 would also narrow the scope of individuals who are deemed to share a pecuniary interest with an employee to the employee's spouse. As an example, the School Act currently identifies a trustee's children, parents, the parents of a trustee's spouse within this category. This bill proposes that it be only the employee's spouse.

Third, at the request of those who are currently associated with ASBA, this bill identifies the requirement for disclosure by trustees after their election.

I am proposing the specifics of this bill with a perspective I gained through my experience as a trustee and as a teacher. The Alberta government through the School Act delegates authority for the governance of education to locally elected school boards for the benefit of students. Decisions made by school boards include adopting an annual budget to the school system, planning and setting priorities for the jurisdiction in light of available resources, making policy to guide the administration and employees towards district goals, adjudicating in policy disputes, and communicating with the community and staff on behalf of the jurisdiction.

In order to be nominated as a school trustee candidate, individuals should be able to perform their duties as school trustees to the best of their abilities and with the minimum possibility of conflict of interest in pecuniary matters. Mr. Speaker, this government depends on the wisdom and effort of trustees to offer the best opportunities for the schools in their jurisdictions.

Decisions involving the allocation of money are among the most significant and are often the most contentious that a school trustee faces. From my experience as a trustee and in consultation with other education stakeholders I know the work involving a school jurisdiction's budget comprises approximately 75 percent of the duties of a trustee. It is impractical for school trustees to frequently excuse themselves due to conflicts of interest from discussion and voting on these matters. It is also unfair to leave the weight of a decision resting on the shoulders of the less than complete complement of trustees at the decision-making table.

Conflicts of interest involve the abuse, actual or potential, of trust that people have while acting in their duties as elected officials. A school trustee may excuse herself or himself from the budget process if it is deemed that they have a conflict of interest. The problem with the current system is that a local board can shrink from nine members to two members simply because seven of the members have a child, a mother-in-law, or another relative who may be impacted by their decision. Bill 205 solves this issue by restricting people who would face these conflicts of interest from seeking nominations.

The School Act would be amended so that individuals who are employees should not be allowed to seek nomination for a school trustee position, which is an employer position. Bill 205 proposes that if a person is an employee of a K to 12 school jurisdiction, a private school, or a charter school, that employee should not be able to seek nomination for trustee.

The most common way people avoid conflicts of interest is to excuse themselves from the decision-making process. Trustees who have been deemed to have a conflict of interest simply step outside and refrain from discussion on contract bids or budget matters. The problem with the way the School Act, as it stands now, is interpreted is that trustees must excuse themselves if they have a relative employed in a local school jurisdiction. Although I'm sure this opinion was applied with the best of intentions to reduce the possibility of trustees with conflicts of interest, the scope of the deemed conflict, in my opinion, is far too broad.

Sections 62 and 73 of the School Act set out pecuniary interest prohibitions for trustees. Generally, those prohibitions are that a trustee may not take part in school board business if the issue being discussed is one which would monetarily and directly affect the trustee, the trustee's spouse, the trustee's children, whether minor or adult, the trustee's parents, or the trustee's parents-in-law. A trustee with a pecuniary interest in these circumstances cannot participate in collective bargaining, which includes sitting on the bargaining committee, discussing or voting on budget allocations, or voting on the ratification vote. The problem right now is that there are growing numbers of trustees who are not able to participate and are therefore unable to perform the duties they were elected to fulfill. As a former trustee and now a member of this Assembly I have seen instances where this loophole has diminished the effectiveness of local boards.

In cases where a trustee has a pecuniary interest in a matter, she or he is required to disclose the nature of the pecuniary interest before any discussion of the question takes place, abstain from discussing the matter, abstain from voting on any question relating to the matter, and in most cases leave the room until the discussion and voting on the matter are concluded. The trustee's abstention and disclosure of pecuniary interest are recorded in the minutes of the meeting. In practice this has led to cases in which the majority of a school board must disqualify themselves, and decision-making, particularly regarding bargaining for collective agreements, is left in the hands of one or two board members. Not only is this unfair; it is also restricting to the local school district.

What I am proposing in Bill 205 is that anyone who is an employee in a K to 12 school jurisdiction, charter school, or private school would be automatically disqualified from seeking nomination. The amendments proposed in Bill 205 are in the best interests of Alberta's education by continuing to allow effective trustees to perform their duties and thereby allow entire boards rather than a few members to make collective decisions.

One of the duties outlined in the trustee code of ethics is to resist every temptation and outside pressure to use their position as a school board member to benefit either themselves or any other individual or agency apart from the total interests of the school jurisdiction. Bill 205 proposes to help ensure fairness in Alberta's education system by restricting people who are employees in the K to 12 education sector from seeking election to be an employer in the education sector. This bill is here so that the expertise, the wisdom, and the vote of all trustees are at the table when making important decisions for Alberta's education system.

Bill 205 would further enhance the performance of Alberta's school boards by ensuring that all members of the board participate in the major policy and budgetary discussions and votes. Bill 205 also narrows the scope of a deemed pecuniary conflict of interest from most family relatives simply to an employee's spouse.

Mr. Speaker, to assume that an employee has a conflict of interest because their adult child, parent, or in-law is employed in the education system somewhere in Alberta is debatable. Based on my experience as a trustee and through consultations with other school

board members, an employee with a spouse in their local education system is in a tough spot by having to balance the needs of their family with the needs of the school jurisdiction they are representing. I believe that having a spouse in the education system remains the only valid conflict of interest designation.

Mr. Speaker, as all members of this Assembly know, Albertans take their children's education very seriously. I believe we should continue to build on the effectiveness of Alberta's learning system.

4:40

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

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to speak against Bill 205, the School Trustee Statutes Amendment Act, 2002. It's very unfortunate that this bill is before the Assembly at this time. I think that it's being interpreted, and rightly so, as another slap in the face of the teachers and their families in this province. That the Assembly would single out a group of citizens and their spouses for disqualification is unfortunate. I think part of the problem is that it takes a very, very narrow view of the role of a trustee, and I'm surprised that the mover of the motion has not recognized that in bringing forward such a bill.

Trustees do many things. One of the most important tasks that they take on is the setting of school district priorities, and that, I think, is the core of their work, the setting of priorities and then trying to put in place programs and resources that will make those programs and those priorities a reality. Those priorities are what really drive the budget. Those priorities can be wide ranging. They can affect the budget in a number of ways, and certainly they have a great impact on the spending pattern of the board, but to exclude people from that discussion I think would be a mistake.

I served on boards where we had the spouse of a teacher. I served on a board where we had an ex-teacher of the school district, a disgruntled ex-teacher as a member of the board. I've observed boards elsewhere who have teachers from other jurisdictions on them. When I was on the board in Edmonton, one of our trustees sought legal advice about teachers sitting on the board and was advised at that time that legally it was not possible to exclude them. Not only was it not possible, but it was probably not very wise. I think that to exclude teachers and the kind of advice that they can bring a board is certainly shortsighted. I think that the contributions that teachers have made to trusteeships across the province have been great contributions, and to deny the school boards that possibility would be a mistake.

If you look at whose interest underlies the policy, I think you come up with some interesting answers. Just exactly whose interests are being served by this bill, and is it the interests of children and their classrooms? I don't think the answer to that is yes. I think that the boards would be poorer by not having the advice of teachers and former teachers as at least a possibility on their boards. I can't think of any members of the community who are more interested in schools and learning and education than that particular group of citizens, and it seems to me that the interests that are served by this bill are very narrow and that there may be motives other than making the boards' work easier behind the bill that we have before us. I think that the losses, as I've said, in not having those individuals on boards would be great, and the loss would be in our school programs and for the children, ultimately, of this province.

The problem that the bill I think pretends to solve is not nearly of the magnitude that the mover would have us believe. The school boards have been operating in this province for over 120 years, and to my knowledge this has not proven to be a significant issue. It's

been raised from time to time but never, I believe, to such an extent that taking away the rights of a class of citizens has been seriously entertained by any of the trustee associations. I think that the whole notion that we could go after a group of citizens because of their professional association is a dangerous one, Mr. Speaker, and I urge members of the Assembly to defeat Bill 205.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Edmonton-Strathcona.

MR. HUTTON: Thank you, Mr. Speaker. It is a pleasure for me today to join in the debate on Bill 205, sponsored by the hon. Member from St. Albert. I believe this amendment to the School Act will accomplish many goals towards reaffirming the public trust in school boards while also making them more effective instruments of local school governance. Conflicts of interest, in particular pecuniary conflicts, are not to be taken lightly. The public interest and especially the interests of our children is something that should be held in extremely high regard. While I recognize that school trustees of this province have proven themselves to be trustworthy, community minded, and strong supporters of our education system, there must be safeguards to remove any potential conflicts from their field of view.

What Bill 205 aims to achieve is the removal of conflicts of interest from school boards at the time of their very inception rather than on a situational basis in their day-to-day business. Bill 205 will accomplish this by amending the School Act to ensure that individuals with any pecuniary interest be disqualified from seeking election as a trustee. In this way members of our communities would not be placed in a situation of conflict of interest. I believe it is a sensible precaution that employees of a school district be disqualified from school boards that could later be making decisions about those persons' pecuniary interests. While guidelines already exist by which individuals must recuse themselves from any decision in which they have a pecuniary interest, this practice is beset with problems.

First, I believe, and most importantly, that the trustee isn't able to do his or her job to the fullest extent possible. There is potential for individuals to be absent from many negotiations, standing votes, or deliberations of school board business dealings because they must recuse themselves from the proceedings. They still get paid, but they can't participate. This is ridiculous and is the exact scenario that Bill 205 is seeking to eliminate.

The second problem that the school boards have to face is an ethical one. Whether a trustee is part of a particular proceeding or not, he or she will still be a member of the board. This counts for something. The rest of the business conducted by the school board could affect situations where the trustee must recuse himself. I'm not saying that this happens in all cases or even in any case at all, but there is a potential for this to occur with the current system. Bill 205, proposed by the hon. Member for St. Albert, would eliminate much of the possibility of this happening.

The worry that some may have with Bill 205, although I do not share it myself, is that it would be eliminating candidates that have the greatest amount of expertise in educating our youth. Those persons with direct pecuniary interest presumably have a great deal of experience with the operation of district schools. I wouldn't argue the validity of this point, but I will dispute its relevance. The function of school boards is not to educate but to manage education. There is a world of difference.

4:50

The decisions of a school board, while having an effect on the student, are essentially business and policy decisions that can be

easily handled by a community leader from a different field of expertise. It is unfortunate that the very expertise that educators have also affects their pecuniary interests and therefore their ability to do an effective job as trustees. While it's reasonable to trust their ability and their ethics, as we have for many years, it is unreasonable to say that other members of the community are not just as capable. Particularly when other nominees for the position face no conflicts of interest, it is arguable that they are far better suited to the position of a trustee.

Bill 205 seeks to eliminate the common problems by a two-pronged approach. A second element of the bill would limit the scope of individuals who can be considered to have direct pecuniary interest and the trustee's spouse. Formerly the parents and the children and the spouse and the parents of the spouse had pecuniary interests which caused a trustee to recuse himself or herself from the business of the school board. This is somewhat excessive and very much to the detriment of the board's operations. We cannot expect an optimal level of operation if some of the individuals on the board must intermittently recuse themselves from the business of the day. In some documented cases school boards have had half of their trustees removing themselves from negotiations on account of their direct and related pecuniary interest. This leaves the school board unable to make decisions that represent the entire community. This completely undermines the purpose of having elected boards in the first place.

Mr. Speaker, this bill is a major amendment and would bring the School Act into the 21st century by making school boards adhere to a higher ethical standard. It is time that we recognized the unnecessary potential for conflicts of interest on school boards and do something substantial about it. Conflicts of interest is serious business and can have major impacts on the efficiencies of public office. I know that there is plenty of good faith in this Assembly and that each of us believes in the good intentions and upstanding conduct of fine professionals that work for the school boards around the province. Nonetheless, the perpetual instance of having to recuse oneself from the negotiations of a school board truly limits the effectiveness of these individuals. It must be frustrating that an individual cannot affect the very system that they are elected to govern. I would wonder if that alone does not present a temptation for a trustee to become indirectly involved in matters that they must continually recuse themselves from.

While trustees must remove themselves from the discussion surrounding any personal conflicts of interest within board meetings, they can freely discuss board business. This presents a potential ethical conflict for which there are no safeguards and I think is a serious concern. I am not saying that this happens but only that it could happen and in fact quite easily. This situation presents an opportunity for an individual to seek election with the direct intent of furthering their pecuniary interest through an abuse of their influence as a trustee, which, while sounding quite Machiavellian, still isn't beyond the realm of possibility. I've heard it said that just because you're paranoid, it doesn't mean that they're not after you, and I think that it applies here.

We must establish safeguards against this abuse of public interest, which is exactly what Bill 205 proposes to do. The private sector has amply demonstrated time and again that conflicts of interest can happen anytime anywhere. One needs to look only as far as the Enron scandal to see how a few individuals with pecuniary interests ruined a company and sent waves rippling through the economy. The same was true of Bre-X in '97, which caused markets to tumble around the globe, or the savings and loan scandal of 1984, which ended up costing the U.S. government and investors more than a trillion dollars.

Now, we're not talking about that kind of money here. We're talking about something much more important. We are discussing the future of Alberta's youth and the faith trusted in our public offices. If we cannot establish meaningful standards to ensure that the public interest is upheld, then we are opening up a whole world of undesirable possibilities. Bill 205 closes that door.

Mr. Speaker, thank you for the opportunity to join in the debate on Bill 205, which I support without reservation, and I urge all members in this Assembly to do so as well. It is a strong bill with a well-thought-out idea and takes a commonsense approach to solving some of the challenges facing school boards in Alberta. This is an out-of-the-box idea for the new times and challenges that we face as a province.

I thank the hon. Member for St. Albert for bringing it forward, and thank you, Mr. Speaker.

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

DR. PANNU: Thank you. I rise to speak on Bill 205, School Trustee Statutes Amendment Act, 2002, moved by the hon. Member for St. Albert. I'm going to argue strongly against this bill. A previous speaker, the one who just preceded me, made a reference to the 21st century and argued that this bill will bring the existing legislation to the standard of the 21st century. I submit to you, Mr. Speaker, that exactly the opposite is the case if this bill passes. It's undemocratic in nature. It takes away the right of citizens freely to choose who should represent them as school trustees on school boards. It is to tell them that we know better than them as to who is best qualified to represent them and their interests and the interests of their children on the boards of trustees. It's an arrogant piece of legislation. It's an insulting piece of legislation because it expresses mistrust, deep mistrust, in the ability of citizens freely to choose the people that they want to represent them. It's creating fire walls around the rights of citizens to exercise their very democratic rights and make their judgments based on their own experience. They are being told what's good for them, and that's what I find so reprehensible about this bill.

This bill, Mr. Speaker, joins the company of some other bills in this Legislature passed recently, certainly one, in attacking a particular group of citizens among us, citizens who are well educated, citizens who are dedicated to providing learning opportunities and learning experiences to our children. The very citizens to whom we want to be able to entrust the interests of our children as teachers are the ones who are being excluded. A proposal is being made by this bill to exclude them from being able to offer themselves to be nominated for school boards and to be elected. Not only does this bill prevent school employees, the vast majority of whom happen to be teachers – not only teachers, but the vast majority of them happen to be teachers – from being nominated and elected to school boards and becoming trustees and taking on those very significant responsibilities on behalf of their communities, on behalf of children, on behalf of their own children and families, but it prevents them from running for this position anywhere in the province. What is the problem? It's a problem that's been created as a straw man by this bill, by the proposer of this bill, to be solved by legislation that's not needed. Where is the crisis? Where have we heard from Albertans that this is such a serious problem that somehow we have to protect them from their ability to make their own judgments and screen out people that they don't want to elect to these school boards?

If you extend this logic of conflict of interest, Mr. Speaker, look at ourselves. Look at ourselves as MLAs. How are we going to protect Albertans from our own judgments with respect to our own

salaries and benefits and pensions and all? We make those decisions ourselves. Isn't there a direct pecuniary conflict of interest? Yet we place ourselves above our own electors, our constituents. We presume arrogantly – at least this bill certainly makes that assumption – that we are above everyone else, that Albertans should trust us with our judgments, with our integrity, with our impartiality. But we in turn, then, want to disenfranchise tens of thousands of them just because they happen to form a certain category of people in the province, a category of educational workers that somehow some people in this Assembly – unfortunately, it seems, at least if you look at the recent record, the majority in this Assembly – find somehow suspect in terms of their intentions, in terms of their abilities, in terms of the value of the service that they render to all of us on behalf of our children and in the interests of our own well-being in the future.

5:00

It's a bill, Mr. Speaker, that must not pass this House. It's a bill that deserves to be defeated in this House. It's a very regressive piece of legislation. It will encourage young Albertans, men and women, who aspire to become teachers to think twice, because for them to choose to be a teacher may then mean to choose to lose some of their rights as citizens, that you are going to be barred from running for an important public office because you have made a choice to be a teacher. Who would want to become a teacher if he or she, a talented young person, knows that this is the cost that will be associated with his or her decision to become a teacher?

I think it's a bill which is not needed. No evidence has been presented or produced that suggests that there's a problem to be solved and that this bill will solve it. This is a bill which instead will in fact create new problems in terms of the recruitment of talented young people into the profession of teaching because the teaching profession somehow no longer is a profession that enjoys the support and the trust of the majority of the members in this House. I cannot be associated with that kind of view of teachers and their ability to make judgments which would be cast in doubt. I cannot associate myself with that kind of view of the situation, Mr. Speaker, so I will encourage my colleagues in the Assembly to dispassionately look at this bill, to look at the assumptions underlying it, to look at the sort of ideas that seem to be driving it. It's not an evidence-driven piece of legislation. It's not a bill that rests its case on evidence that's before us which compels us to take action. Not a word has been said about this.

Insinuations have been made that some trustees may find themselves in a situation where they have this conflict of interest that they have to face and confront. We want to protect some Albertans who have direct knowledge of the education system, who have not only expertise but have passion to serve their system. We want to protect the system from that class of individual, and these happen to be employees of the school boards. I think it's a baseless assumption. It's a terribly negative way of looking at the relationships between us as citizens and our institutions in which we serve, whether it's the Legislative Assembly, to which we get elected to serve, or whether it's the school board on which we sit to make decisions.

I want to rely on the good judgment of my constituents to see whether they consider me properly qualified to represent them in the Legislature. When it comes to conflict of interest, we have put in place in this Assembly ways to protect Albertans from the problem of conflict of interest, which necessarily arises because all of us have interests. We bring them into the Assembly, but we also know how to control them.

So, Mr. Speaker, I oppose this bill, and I ask other members to also speak out against it. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Egmont.

MR. HERARD: Thank you very much, Mr. Speaker. I'm very pleased to have the opportunity today to speak to Bill 205, the School Trustee Statutes Amendment Act, 2002. I'm very pleased to see that a sensitive matter such as that addressed by Bill 205 is before this Legislature, so I wish to offer my colleague my congratulations for doing so.

Mr. Speaker, I'd like to mention that Bill 205 is the product of the hon. member's past experience as a school board trustee and chairperson of the St. Albert school district No. 3 and as past president of the Alberta School Boards' Association for Bilingual Education. Bill 205, in other words, isn't a mere outgrowth of someone's imagination. It's not just something that the hon. member has heard about, but it's a reflection of her experience and expertise. She has firsthand knowledge of this matter. Now, I know this hon. member's dedicated service and commitment to public education, and I find completely abhorrent the suggestion from members of the opposition that her actions can be in any way an attack on teachers. Give your heads a shake.

Mr. Speaker, we live in an age where we place a premium on accountability. The buck stops here could almost be any politician's motto. But part of any such commitment must include a commitment to steer clear of any conflicts of interest, both those that are real and those that are perceived. As public servants we have to adhere to certain laws and regulations in order to avoid finding ourselves in a conflict of interest situation. We are, of course, not alone in having to observe such laws and regulations. There is a longtime prohibition on what's often called insider trading on the stock market, for example. Physicians can't accept money from drug companies to prescribe particular drugs to the exclusion of others. Quite frankly, even referees in the NHL can't referee games where the teams and the referees are from the same cities, and the same goes for off-ice refereeing staff as well. So we have a lot of examples of concerns of potential conflicts of interest in our society.

Mr. Speaker, school boards are no exception in this matter. Bill 205 takes a two-pronged approach to streamline the circumstances and conditions under which an individual can become and serve as a school board trustee. First, it narrows the limits on who may serve as a trustee, and secondly, Bill 205 sort of nips in the bud any candidacy that might otherwise be plagued by conflicts of interest and particularly those of a pecuniary nature.

Being a school board trustee is a task that carries with it significant responsibility. To be sure, Mr. Speaker, it's a voluntary engagement, but beyond that, the person who is elected to the school board is entrusted with nothing less than creating and administering the best possible learning environment for our children. We already know that for a job fraught with such a high degree of responsibility, the pay is lousy. Trustees tend to be compensated for only the time spent in meetings. So why, then, would someone want to be a trustee? This is a job that not only involves a lot of responsibility, but it also involves making tough decisions, decisions which from time to time a lot of people will not like.

5:10

The reasons why someone would run for a position as a school board trustee are probably as widespread and as many as there are trustees, Mr. Speaker, but I think that, aside from the strictly personal ones, there is a core value shared by all trustees: they really care about public education, and they are really concerned that children in public education get the high-quality education they deserve. True, to be a school board trustee does not empower someone to shape the curriculum, nor does it bestow upon someone

the responsibility to determine how knowledge is transmitted from the teacher to the student. That said, school board trustees are given wide latitude in several arenas within the framework established by Alberta Learning, and chief among them we find policymaking, communication, and finances. The public is most keenly aware of the work of school board trustees when their local school board votes on a budget. However, they do not make budget decisions in a vacuum. In a sense it's fair to say that the school board trustee acts as referee when it comes to the budget. Teachers and principals have their particular areas of concern and parents have theirs. To mitigate, the trustees come and visit the schools, ask questions, hold public meetings, and then make their decisions on what gets funded and by how much. It is here that Bill 205 will have a most positive impact.

Mr. Speaker, by establishing restrictions on who may serve as a school board trustee, Bill 205 would also limit the number of occurrences where due to pecuniary interests a trustee must recuse himself or herself from deliberations. Moreover, Bill 205 would establish parameters around the specific kinds of circumstances that would automatically be deemed to be in conflict for reasons of pecuniary interests. These parameters would not restrict the current provisions that trustees must disclose any pecuniary interests which might constitute a conflict of interest. However, the proposed amendments would provide clarity by describing certain situations that would be presumed to be in conflict of interest for reasons of pecuniary interest such as the situation where a trustee or his or her spouse is employed on an ongoing, permanent contract by any school district in the province.

Clarity, I think we can all agree, Mr. Speaker, is good and particularly so when it might help us avoid conflicts of interest or perceived conflicts of interest. Quite often it is how a situation is perceived that will yield a certain result, much more than the situation in actuality might. Considering that trustees of school boards tend to wear three different hats – those of policymakers, communicators, and those in charge of purse strings – it is vitally important that they and their on-job performance be perceived as squeaky clean. There's no room for misguided perceptions. We all know that regardless of how ill-informed a perception might be, it will usually stick.

I say this, Mr. Speaker, because I want to emphasize that it's my firm belief that the vast, overwhelming majority of school board trustees in our province are fully ready, willing, and able to separate themselves from the decisions they have to make and any personal benefits that would incur were they to make a particular decision in a certain way. I just don't believe that our school board trustees operate in such a manner, but someone else might. They might perceive that to be the case, and perception is often reality, whether we like it or not.

Breach of public trust is a very serious matter. It's not acceptable for anyone who holds an office to treat lightly the trust and confidence which the public has bestowed on them. We need not look any further than ourselves to know just how unacceptable that is. That's why, Mr. Speaker, it's imperative that all of us who hold public office at whatever level avoid conflicts of interest, real and perceived, whenever possible. In the case of trustees of school boards, the code of ethics of the Alberta School Boards Association states unequivocally that a trustee will resist every temptation and outside pressure to use his or her position as a school board member to benefit either himself or herself or any other individual or agency apart from the total interest of the school jurisdiction.

Mr. Speaker, our constituents, may they be young or old or in or out of school, deserve to have the protection that is afforded by Bill 205, and I urge all my colleagues to vote in favour. Thank you very much.

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

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure to speak against this particular bill before us in the Legislature. It's a very tough time to be a teacher in this province. I have quite a bit to say about this particular bill, and most of it has been supplied to me by people who are completely outraged by the legislation before us at this time.

Mr. Speaker, there are a couple of points that I think we need to make right off the bat, and one is in terms of what's happened to school boards and what's continuing to happen when we see this kind of legislation before us. We see them being stripped of their ability to govern and to have any rights for decision-making. What we have seen just in the last very short while with regard to school boards is that they've lost their right to tax and they've lost their right to choose their own CEOs, in this case the superintendents. Now they can't put these people in place without actually having ministerial approval. Now we have a private member's bill before the Legislature that would take away the right from people to decide who could actually sit on their boards and make the decisions. This is very punitive in nature and simply unworkable.

It was interesting to hear the Member for Calgary-Egmont's comments when he said that he found it abhorrent that any members would say that the sponsoring member of this bill, the Member for St. Albert, would be putting forth an attack on teachers. Well, Mr. Speaker, I find it abhorrent that we could think that this was anything but a direct attack on teachers. That view isn't just shared by me. I would refer all members in the Assembly to the news release put out by the Alberta Teachers' Association dated the 4th of April where it talks specifically about Bill 205 and how this is an assault on the right of teachers, and this assault continues. In the news release they refer to the private member's bill being introduced by the Member for St. Albert, and that what it would do is

strip employees of school boards and their spouses of their right to run in trustee elections anywhere in the province and, upon proclamation, would force the resignation of democratically elected school trustees.

I didn't see the Member for St. Albert address that specific issue in her discussions, and I hope that we'll see it specifically addressed before the vote comes up on this bill.

The press release goes on to say that this is likely to be debated this week, which it is, and a particularly offensive provision to the ATA is the part of the bill that states:

A person is not eligible to be nominated as a candidate for election as a trustee of a school board if on nomination day the person is employed by

- (a) a school district or division,
- (b) a charter school, or
- (c) a private school,

in Alberta.

It goes on to talk about other provisions of the bill preventing persons "who might, by virtue of being related to a school employee, have occasional situational conflicts of interest from running for a position on their local school board." It states:

If the Bill was proclaimed law, currently sitting trustees affected by the Bill would be removed from office immediately because section 82(1) of the School Act prevents anyone who ceases to be eligible for nomination from remaining as a trustee.

Well, the Member for St. Albert is stating that that isn't the case, and I wonder what correspondence she has had with the ATA to tell them that that isn't the case, and if she could share that correspondence with the Assembly at this time, we'd certainly be interested in seeing it tabled.

5:20

Mr. Speaker, the ATA president, Larry Booi, goes on to say in the press release:

“Let there be no mistake . . . O’Neill’s bill is targeted primarily at teachers. It goes well beyond what is required to avoid conflicts of interest and makes anyone employed at any school in Alberta ineligible to be nominated or serve as a school trustee in any jurisdiction anywhere in Alberta, not just in his or her employing jurisdiction. It is a crass attempt to remove a basic democratic right from an entire class of citizens and would ultimately restrict the freedom of choice of all voters.”

So I think that very succinctly lays out the problems with this particular bill and certainly politely states the position of many of the teachers that I talked to over the weekend who were completely outraged by this coming forward.

I had occasion over the weekend to talk to a former member of this House, the former Member for Spruce Grove-Sturgeon-St. Albert. Colleen Soetaert, as many in this Assembly will recall, is herself a teacher and her husband is also a teacher, and they were particularly upset by the kinds of implications that would be felt in the future by this particular piece of legislation. One of the interesting points that Colleen brought up was: who better than those closest to students and who are experiencing classroom situations and changes than teachers and those related to teachers to bring forward the concerns and identify the issues and know the kinds of pressures on the system and have the knowledge and background to make budgetary decisions? And I agree with her. I think we are doing people in this province, particularly students, a grave disservice if we take away the rights of those people to participate at this level of government.

The only thing that the Member for Calgary-Egmont said that I agreed with was that trustees are underpaid for the kind of work they do. I believe that to be true. They work very hard, and they have some tough decisions to make, and they have in their interests the

best interests of students and the future of our province when they make decisions. For us to continue to undervalue that kind of participation or label those who can and cannot participate in that process certainly is a basic democratic removal of rights, in my opinion, and it is completely unsupportable.

I think it’s very interesting what we can see here in terms of what kinds of precedents may be established because of this. What other kind of legislation will we see in the future if this particular piece follows? It stands to reason that if teachers or those who have teaching spouses are suddenly disallowed from participating as trustees, are we going to see the same kind of conflict of interest bill come forward for health authorities; for example, nurses, doctors, those in related professions? That will severely impact rural Alberta, where certainly many of the people who participate at that level are directly related to people in the health care industry. So I wonder how that kind of legislation would go forward. The Member for St. Albert is assuming, when she goes forward with this particular bill, that people in those positions won’t act with integrity and won’t remove themselves from the decision-making process, and I find that to be completely offensive.

Mr. Speaker, given the hour, now I would like to adjourn debate on this particular bill.

[Motion to adjourn debate carried]

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I would now move that we call it 5:30 and that we adjourn until 8 this evening.

[Motion carried; the Assembly adjourned at 5:25 p.m.]