

## Legislative Assembly of Alberta

Title: **Monday, April 15, 2002**

**1:30 p.m.**

Date: 02/04/15

[The Speaker in the chair]

### head: **Prayers**

THE SPEAKER: Good afternoon and welcome back.

Hon. members, would you please remain standing after the prayer for the singing of our national anthem.

Let us pray. Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments. Amen.

Now, would you please join in the singing of our national anthem in the language of your choice as we are led by Mr. Paul Lorieau.

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.

THE SPEAKER: Please be seated.

The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Speaker. At the end of the question period this afternoon I will rise on a point of order regarding the comments made by the Minister of Finance on Thursday during my question.

### head: **Introduction of Guests**

MR. KNIGHT: Mr. Speaker, it gives me great pleasure to rise in the House this afternoon and introduce some special guests from the riding of Grande Prairie-Smoky. I would like to introduce to you and through you to the members of this Legislature a group of 13 students from Crooked Creek Christian school along with teacher Mr. Trevor Penner and parents and helpers Kathy Penner, Terry Virtue, and Fred Wiebe. I would please ask the members to give the traditional warm welcome to this group situated in the gallery.

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

MR. RATHGEBER: Thank you very much, Mr. Speaker. It is indeed a pleasure for me to introduce two sets of guests to the Assembly here this afternoon. First of all, in the members' gallery there is the van der Ahe family from the Edmonton-Calder constituency. I first met this family last February during the election campaign, and subsequently they have attended all the town hall meetings that I have held in the Edmonton-Calder constituency. I'd ask Martin, Marianne, Jessica, Michelle, and Jason to rise and please receive the warm reception of this Assembly.

Secondly, Mr. Speaker, in the public gallery I have two visitors this afternoon: Karen Simmons Sicoli and her son Matthew Sicoli. Karen has been recognized for the work that she has done in raising autism awareness in the province of Alberta. In fact, she has a book that she's published called *Little Rainman*. She is the mother of an autistic child, and she's the recent recipient of the Edmonton Smart City award. I would ask Karen and her son Matthew to rise and receive the warm welcome of this Assembly.

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

MR. MASKELL: Thank you, Mr. Speaker. It is my pleasure to introduce today on behalf of the hon. Member for Edmonton-Rutherford some visitors from out of province. They're the guests of Louis St. Laurent school on the south side. The school is the Alexander Galt regional high school from Lennoxville, Quebec. There are 32 students and two teachers, Mr. Chris Obermeier and Ms Jodi Coleman. Would our guests please rise and accept the warm welcome of the Assembly.

### head: **Oral Question Period**

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

#### **Swan Hills Waste Treatment Facility**

DR. NICOL: Thank you, Mr. Speaker. On Thursday the Finance minister made some very interesting comments in this Assembly. My first question is to the Minister of Finance. Based on her answers from Thursday, will the minister tell the Assembly what financial difficulties the province would experience with the Swan Hills waste treatment plant operating about half a year to treat the imported waste at the expense of Alberta taxpayers?

MRS. NELSON: Well, Mr. Speaker, clearly the Swan Hills waste disposal centre has been such a phenomenal asset for this province. If we had not dealt with the disposal of waste in Alberta for the last number of years, the buildup on the environmental impact would be fierce. We dealt with this head-on by putting that facility in place. It's the only one of its kind in North America.

When I talk about a huge cost, I talk about the cost to the environment, that Albertans would not tolerate the buildup within this province. That's why that facility is so critically important to this province. The Minister of Infrastructure alluded to it in his answer, that this province is basically PCB free, and it would not be that way if we had not built that facility and had it available and at our disposal.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Given that the plant accepts waste from other jurisdictions and is operating at taxpayers' expense, why are Albertans subsidizing the treatment of someone else's toxic waste?

MRS. NELSON: Well, Mr. Speaker, insofar as the regular operation of the facility, I'll ask the Minister of Infrastructure to respond.

MR. LUND: Mr. Speaker, that question and comment are somewhat misleading. I think that if you knew how the plant operates and how important it is that the diet of the plant be regulated, you can easily understand how in fact bringing in some waste could very well more than offset the cost of treating. That's quite simple. By looking at the heat units within a certain type of material that's coming into the plant and then looking at some of the material that's coming from Alberta as waste into that plant, you can easily see how, often, bringing that in and making sure that the chemical reaction, the maximum value of that reaction, is obtained and the heat units that a certain material will generate on its incineration, how that affects the other products that are being put in there that don't have those heat units.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again to the Minister of Finance. Bovar's annual report for 2000, which is a public document, shows that 64 percent of their revenue from treating toxic waste came from dealing with waste from outside of Alberta. Does the Finance minister support Alberta tax dollars being used to clean up someone else's waste?

MRS. NELSON: Mr. Speaker, again I'll ask the hon. Minister of Infrastructure to comment on the regular operations of the plant. Let's keep in mind, again, that that plant is there, first and foremost, for the disposal of hazardous waste in the province of Alberta. With the type of industry that we have and the industrial development that is taking place in this province, along with the medical hazardous waste that goes through, we are very fortunate to have that plant. Again, I'll ask the Minister of Infrastructure to supplement my answer on the daily operations of the facility.

MR. LUND: Mr. Speaker, I think it's really important to recognize as well that the current operator is doing an extremely good job. I think that when the hon. member sees the report coming out of last year's operation, he's going to see something that's somewhat different. I'm very impressed with their ability to watch the diet of that plant, to make sure that they're maximizing, as I indicated in my first answer, how the diet is changed and what comes into it.

Now, as well, Mr. Speaker, when you look at the fact that waste knows no boundaries, when the hon. member criticizes Alberta for helping keep the environment clean in other areas, I find that very offensive, because in fact we are doing something to help the environment as it pertains to Canada.

1:40

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

DR. NICOL: Thank you, Mr. Speaker. They could at least charge them enough to cover the cost.

Mr. Speaker, on Thursday the Minister of Finance said that intense capital development was one of the reasons we need the Swan Hills waste treatment plant. What specific development was the minister referring to in that answer?

MRS. NELSON: Well, Mr. Speaker, quite frankly, when you look around this province and you realize that we've had the largest capital investment per capita of any place in Canada and, I believe, North America over the last number of years, it doesn't take an awful lot to figure out that there are going to be some hazardous chemicals that have to be disposed of. While the hon. member opposite would have us believe that this is not a successful plant and one that we need, where would we take that hazardous waste? We would have to transport it. I don't believe, as far as I'm aware – and the Minister of Infrastructure again can supplement – that there's another facility that can dispose of this waste in North America. So that would mean transporting hazardous waste somewhere other than North America, and I quite frankly think that that would be extremely costly and not beneficial for Albertans. I'll ask the Minister of Infrastructure to give us some background as to where else this waste could go.

MR. LUND: This plant, Mr. Speaker, has the ability to not only incinerate but also to neutralize, to handle the various materials that come in in such a manner that they become benign to the environ-

ment. I find it a little bit disturbing when the hon. member seems to indicate: well, okay; we can charge a whole lot of money for this waste coming in from B.C. or Saskatchewan or our neighbours. That's fine to make that comment, but the fact is that there is a limit. Once you bump up against that limit, that waste may very well not be treated properly and in fact then harm the environment. As I said earlier, this material knows no boundary, so we could very well suffer in Alberta for waste that's disposed of improperly in other jurisdictions.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Again, it's the imported waste that they're not charging enough for.

Given that oil field waste is exempt from being treated at the plant – this waste is actually buried in the ground – what other intense capital development was the minister referring to on Thursday?

MRS. NELSON: Well, Mr. Speaker, I remember that when I was in a previous portfolio, there was talk about somebody wanting me at one point to fabricate oil field waste as hazardous when in fact it wasn't. Some of the chemicals have to go through the disposal, but a lot of the waste from oil field development goes back down the hole that it came out of.

I think the Minister of Environment would probably want to get in on the different types of categorizations, but there are things that are also disposed of up there that are on the medical side that are hazardous, some of the chemicals that have to go in, and I can relate to one. I'm aware of blue asbestos being transported to Swan Hills last summer to be disposed of, which is very, very dangerous if humans come in contact with it, and there was only one place for that to go to, and that was Swan Hills. I don't know whether the Minister of Environment wants to list off the various toxic wastes that go through that facility or whether the Minister of Infrastructure wants to.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Can the minister provide any documentation to this Assembly to show that Alberta industry generates toxic waste at a level to justify the taxpayers subsidizing a facility the size of the Swan Hills plant? Surely as the Minister of Finance she's looking at some backup for a \$28 million line item.

MRS. NELSON: Well, Mr. Speaker, once again I'll ask the Minister of Infrastructure, who's in control of the daily operations of this facility, to take the question.

THE SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. As I have said many times before, I find it rather offensive that the opposition would pretend that they want to protect the environment when in fact they want to criticize constantly that it is going to cost a little. The fact is that for every \$250 that we spend in my budget, only \$1 goes to the Swan Hills plant. If that is too much to spend to protect the environment, then I'm sorry; I don't agree. I don't believe it is too much to spend, and when I talk about what that plant does – just take a simple thing like the drugs, the drug roundup that we have and the other household waste that we have that we round up. That is disposed of totally with taxpayer dollars. There's no way that you can pick that up some other way. If you didn't dispose of it this way, where would it go? For example, the drugs end up in the wastewater

treatment areas, so they don't get properly treated and they end up in the water. We're talking about different ways to protect our water resource, another great example of how the Swan Hills plant does that.

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

#### **Purported Remarks in the Assembly**

DR. NICOL: Thank you, Mr. Speaker. Last Thursday disturbing comments were made in the Legislature that may be influencing government policy decisions. As a result of a question between the Premier and the leader of the third party on April 11 a side conversation occurred in the Legislature. In reviewing the Legislature Library tapes, we believe we heard the Finance minister state, "Is that the pedophile priest?" to which the government whip states, "Yeah, that's him," to which the Deputy Premier responds, "Most of the Calgary board are pedophiles." My questions are to the Deputy Premier. Will the Deputy Premier confirm that she said that most of the Calgary board are pedophiles?

MRS. McCLELLAN: Absolutely not, Mr. Speaker. I think this is a very serious accusation, and I certainly will want to review this. I did not make that statement, and I think the Leader of the Official Opposition should listen a little more carefully or identify voices more carefully. I think this is not the end of this question. I will look at this as a possible question of privilege.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. How do statements like that reflect policy decisions made by the government?

MRS. McCLELLAN: First of all, Mr. Speaker, I have categorically and most emphatically denied that I made that statement, so why a second question would refer to how statements such as this could affect policy is beyond me. As I indicated, I am going to look at this very seriously as a question of privilege.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Will the Deputy Premier direct the Speaker to release tapes so that we can all confirm exactly what was said?

THE SPEAKER: What?

MRS. McCLELLAN: Mr. Speaker, I believe I heard him say that I should direct . . .

#### **Speaker's Ruling Speaker's Role**

THE SPEAKER: Thank you very much. The hon. member's been here long enough to know that the Speaker is a servant of the House. The Speaker is elected here by secret ballot of all members of the House. The Speaker takes no direction from any member of the government.

The hon. leader of the third party.

#### **Calgary Pastoral Letter on Bill 12**

DR. PANNU: Thank you, Mr. Speaker. Last Thursday the Minister of Learning said in this House that he'll be sending a letter to Bishop Frederick Henry of Calgary explaining what's wrong with his

pastoral letter on Bill 12. The minister further said, "I will be demanding that he send this letter to the parishioners that he distributed his letter to." My questions are to the Minister of Learning. With the weekend to think about it, will the minister agree that the bishop of Calgary has every right to express his views on Bill 12 in a pastoral letter without being subjected to threats and bullying from the Minister of Learning?

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. Bishop Henry has absolutely the right to say whatever he wants to his parishioners. I will also say, though, that being a citizen of Alberta, I have the right to correct what is said and attempt to give the facts to Bishop Henry, and it is up to Bishop Henry if he wants to parlay these facts to his parishioners. If he chooses not to give the facts to his parishioners, that is his decision.

1:50

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My second question to the Minister of Learning: why does the Minister of Learning persist in sending out the chilling message to anyone who disagrees with this government that you will be belittled, you will be insulted, and above all you will face the full wrath of this arrogant government?

DR. OBERG: Well, Mr. Speaker, I have quite a difficult time with this line of questioning when the hon. member has not even seen the letter that has been sent out. If I may quote from this, I was going to table the letter that was sent to Bishop Henry this morning, but I will say:

Bishop Henry, I know that when you speak on matters of public concern, you do so in the best interest of the community you serve and the province as a whole. I hope that you can appreciate that government does the same, and has made every honest endeavour to bring a reasonable and satisfactory end to the dispute with teachers. The importance of reaching such a conclusion is one point on which I trust we both can agree.

This will be tabled at the proper time in this session.

THE SPEAKER: The hon. member.

DR. PANNU: Thank you, Mr. Speaker. My last question to the Minister of Learning: will he withdraw his so-called demand that he made of the bishop on Thursday?

DR. OBERG: Mr. Speaker, I also have a very large problem with this line of questioning. When you have someone who is putting out a document that does not have what I feel are the proper facts – this hon. member is asking the bishop not to put out my letter, which does have the facts on Bill 12, which has our side . . .

DR. PANNU: I'm asking you to withdraw the demand. That's all I'm asking.

DR. OBERG: Mr. Speaker, then very briefly, the answer is no. I believe that the parishioners of the Catholic church in Calgary are entitled to know the facts.

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

#### **Chronic Wasting Disease in Elk**

MR. LOUGHEED: Thank you, Mr. Speaker. My question is for the

Minister of Agriculture, Food and Rural Development, and it's on behalf of elk ranchers in Alberta, who are asking the question: what should they do with their animals now that a case of chronic wasting disease has been discovered and has eliminated the possibility of export to Saskatchewan or U.S. hunt ranches?

MRS. McCLELLAN: Mr. Speaker, certainly the discovery of an elk with chronic wasting disease in this province is of great concern to us. However, I do think that elk ranchers should be heartened by the fact that our surveillance for this disease successfully identified the animal, and a costly recall of meat was avoided. I think that our elk ranchers have to remain patient. They have to have continued confidence in the surveillance and that that will continue. I believe that our ability to trace farmed deer and elk through their entire lifetime is a great asset in isolating and eradicating a diseased animal for the protection and benefit of the entire elk industry.

THE SPEAKER: The hon. member.

MR. LOUGHEED: Thank you, Mr. Speaker. Again to the same minister: under current constraints of no exports and no market for velvet and no market for elk meat the industry could die over a period of a few years. Should the government shut the industry down?

MRS. McCLELLAN: Mr. Speaker, I think that the prediction of the demise of the industry is premature. The market opportunities for the farm on which the elk that was affected with chronic wasting disease – certainly the market opportunities for that farm are limited, but other elk farmers are able to continue to market their animals. To protect the public, the meat is always held until the animal has been tested and is declared clear. So when that occurs, then that meat is sold. I think the basis of one farm being affected in the province certainly doesn't indicate that the entire industry is. We've got to continue to support the CFIA, the Canadian Food Inspection Agency, in control measures and eradication of this disease and, I believe, research to better understand this disease and how it occurs. This means surveillance, this means monitoring, this means testing, it means research and, certainly, facilitating the tracing of animals, and we'll continue to do that.

THE SPEAKER: The hon. member.

MR. LOUGHEED: Thank you, Mr. Speaker. A final supplemental to the same minister: if the industry in fact does die over a period of a few years, animals will be lost, they'll be released, and farms will go bankrupt. Does the government have any plans for assisting in a windup of this industry?

MRS. McCLELLAN: Well, Mr. Speaker, I don't like to speculate on the possible demise of an industry because we don't expect this industry to die. Therefore, we don't have plans to wind up the industry. We're going to continue to work with the industry to diversify, to develop their markets, to re-establish their velvet antler and breeding stock markets. I think we do that best through increased surveillance and mandatory testing.

Mr. Speaker, I should say that for those farms that are affected and those farms that are having difficulties through this difficult time, we do have a farm income disaster program, which the elk farmers and ranchers are certainly able to avail themselves of, and any agricultural farm program that is in place could be applicable to this industry. We encourage members of this industry that are experiencing difficulties to consult with our department.

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

### Provincial Fiscal Policies

MR. MacDONALD: Thank you, Mr. Speaker. Last Thursday the Premier announced that the government will contemplate yet another radical change to the budget process by trading in oil and gas futures, or hedging. The Department of Revenue in the state of Alaska, after studying this issue extensively, stated that they are not an advocate of hedging and don't sense much enthusiasm for it from state officials or from knowledgeable private individuals. My first question is to the Minister of Finance. If the province of Alberta needed to put up hundreds of millions in tax dollars to cover margin requirements in a futures-based program, how would that be financed?

Thank you.

MRS. NELSON: Well, Mr. Speaker, the concept of hedging is not something that is new. A number of private-sector entities use hedging components in their financial mix, as do a number of governments. We've been looking at some of the scenarios that are obvious and present. Naturally, all people familiar with hedging would know that you wouldn't take all of your resource base and put it into a hedging program. That wouldn't make sense whatsoever. You'd put too much at risk. What you are trying to do in a hedge is protect against a downward slide in revenue base so that you have some certainty and some ability to manage the risk on the downward trend.

In governments, though, it is difficult. If you only manage the downward trend, you may miss the upward trend as well. So there are components and groups that do provide insurance on the upside as well as the downward slide. We are looking at this. We're looking at volatility. We've asked the Financial Management Commission to review potentials for us. We've been in contact with some large players to see what kinds of components are available. Once again, no one would put all of their revenue into a hedge if they had any idea of what they were doing.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. My next question is to the Minister of Revenue. What consultations has the Minister of Revenue had with the Minister of Justice to determine if there are any legal issues at stake for the government in the establishment of this hedging program?

Thank you.

MR. MELCHIN: At this stage the Financial Review Commission, as mentioned by the hon. Minister of Finance, is reviewing those topics with regards to hedging, and that's the extent of the work at this time.

THE SPEAKER: The hon. member.

MR. MacDONALD: Thank you, Mr. Speaker. Again to the Minister of Finance: why not swallow the government's pride and adopt as government policy the Alberta Liberal fiscal stability fund as outlined by the Leader of the Official Opposition?

MRS. NELSON: That's a really easy one, Mr. Speaker. So far the stability funds that the Liberals have put forward in each case have been drastic failures, and we're looking for positives on this side. I

might turn them in a direction where they can spend some time researching. There are other hedges that they might look at that are quite successful and have had some positives as opposed to some of the ones that they've put forward.

I would remind hon. members opposite that stabilization funds are usually put in place when revenues are high. While they've been whining and bellyaching and complaining for the last three years about having additional dollars for this, that, and whatever may come down the street, this has been the highest revenue base that this province has ever experienced. So those additional dollars would have been, in their formula, not available for their projects and their whining but going over into stabilization funds. We preferred to pay off debt to free up the interest-expense dollars forever, which we reduced by over \$1 billion, which was gone from the equation forever. Their idea was to live off in some fun program.

2:00

Now, just a place they might want to look for some new information is SaskEnergy. It's the Saskatchewan Crown corporation that runs their program. They have some hedging opportunities that may help them out with some of their research, so go in that direction for a little while.

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

#### High School Enrollment Credits

MR. MASKELL: Thank you, Mr. Speaker. I've received questions from my constituents and from former principal and teacher colleagues regarding changes to high school enrollment credits, especially those that will affect grade 10 students. This month grade 9 students are planning their high school program. There's a lot of confusion about the changes, and it is creating anxiety. My questions are for the Minister of Learning. Would you please clarify what changes are being made?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. Quite simply, in grade 10 we are going away from the CEU funding to a standard per student type of funding. Grade 10 students will receive \$4,997 if they take anywhere from 31 credits and above. For 30 credits and below they will receive \$2,498.50. I believe that this is a very important step forward as it decreases the amount of administration. It does a lot of other things to simplify the administration for these students.

MR. MASKELL: Again to the same minister: how will this change affect students enrolled in integrated occupation programs and in the IB program?

DR. OBERG: Mr. Speaker, in essence, there will be no effect on these students. They will receive the same funding, the \$4,997 per student funding, and I will reiterate that this is roughly \$630 more than what that same student would receive in grade 9. The other point I will add is that children with severe disabilities will receive 10 percent more funding than they did prior to this.

THE SPEAKER: The hon. member?

The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Whitecourt-Ste. Anne.

#### Funding for Nursing Programs

DR. MASSEY: Thank you, Mr. Speaker. The number of nurses per

10,000 population has fallen in Alberta from 80 to less than 75. The situation has been labeled very dangerous for future years. My first question is to the Minister of Learning. Why has the government failed to fund the new U of A nursing program for degree holders?

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you very much, Mr. Speaker. In direct response to the question, each new program is put through what is called the access fund, and we look at each one. This year the access fund was suspended. I hope that it will be back in budget 2003. It may or may not be.

The interesting point that the hon. member really needs to take home, though, is that presently we have 31 percent more nursing grads this year than we did in '93-94, so we are moving ahead with nursing. We recognize that there are shortages. Just last year, for example, we put in the accelerated nursing program to get more nurses into the hospitals. So, Mr. Speaker, this is a very important question, and it is a very important response that we are taking.

DR. MASSEY: My second question is to the Minister of Health and Wellness. Will nursing costs not increase as more overtime is needed to cover nursing shortages in the province?

MR. MAR: Well, it's true that in the current iteration of our health care system we do not have enough nurses, and we have worked at improving the numbers. I point out, Mr. Speaker, that perhaps one of the most important things we'll do is deal with the recommendations set out in the report by the Premier's Advisory Council on Health. In that report – and we are working on the 44 recommendations that were given in that report – it did talk about putting better incentives in for attracting and retaining and making the best use of health providers. That's not only nurses; it's about other health care providers as well. In keeping with the spirit of that recommendation, we are developing a comprehensive health workforce strategy. We are using and developing a forecasting model that will help us better identify the need for health care professionals. We are working with regulated professions like registered nurses, licensed practical nurses, and psychiatric nurses to ensure that they are working to the full scope of their practice. So the issue about the costs associated with overtime for nurses is a legitimate issue, but we are working towards solving it.

THE SPEAKER: The hon. member?

The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Centre.

#### Savings as a Result of Teachers' Strikes

MR. VANDERBURG: Thank you, Mr. Speaker. When Budget 2002 was announced by the Finance minister, the Minister of Learning announced that the savings as a result of the teachers' strike would be returned to the school boards. The budget documents highlight that these funds would be provided to the school jurisdictions before the end of March, yet in talking to my constituents in Whitecourt-Ste. Anne, the school boards have indicated that they have not yet received these funds. My question is to the Minister of Learning. Can you advise me, sir, what's happened to these funds?

DR. OBERG: Certainly, Mr. Speaker. The cheques were cut and sent out on March 28 of this year. They were not given a special status, so I would suggest to the school boards that the hon. member

has that they take a look. They were included in the per student grant, but those cheques have been cut and have been sent out.

THE SPEAKER: The hon. member.

MR. VANDERBURG: Thank you, Mr. Speaker. My question again to the same minister: are there any restrictions on these funds that went back to the school boards?

DR. OBERG: No, Mr. Speaker. That particular fund went into the funding envelope of the per student funds, so apart from the rules on the per student funding grant there is no special rule that is attached to those funds.

MR. VANDERBURG: Again to the same minister: why weren't these funds just included in the basic grant to the school boards?

DR. OBERG: Well, Mr. Speaker, these were savings that accumulated this year from the strike, and rather than taking them and working with them, what we decided to do was transfer them forward so that the school boards could use them in the upcoming year. They are being used to the full advantage of the school system, which is what we always intended. These savings were from the strike, so we felt that they had to be put back into the educational institutions, and that's what we did.

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

#### **Funding for Community Sports Programs**

MS BLAKEMAN: Thanks, Mr. Speaker. After the Future Summit the participants agreed that one of its top priorities was to make Albertans more accountable and responsible for their own health. Community sports programs were identified as an important tool for reaching this goal. My question is to the Minister of Gaming. How does the reduction of funding for sports programs and the elimination of the community lottery boards support the Future Summit and the government's goal of making Albertans more responsible for their own health?

THE SPEAKER: The hon. minister.

MR. STEVENS: Thank you, Mr. Speaker. I think it's important for the hon. member opposite to understand that at this point in time the charitable model that we have in Alberta provides about \$300 million annually for the not-for-profit groups in Alberta.

AN HON. MEMBER: How much?

MR. STEVENS: Three hundred million dollars. That is a substantial amount of money, and there is one particular foundation that is funded specifically with a view to assisting a sport. That is a foundation under Community Development. But \$300 million is a great deal of money, and the sporting organizations in the province have access to a great portion of that.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you very much, Mr. Speaker. Well, given that before cutting the lottery boards, the government cut the quarterly grant program that was specific for sports programs and told those same sports groups that they should then apply to the

community lottery board for funding, where does the minister now propose these groups go for funding?

MR. STEVENS: Mr. Speaker, I think it's important for the hon. member opposite to appreciate that we had a difficult decision this year to make with respect to the budget, and that gave rise to the discontinuance of the community lottery board program. However, looking forward to the next fiscal year, I'm happy to say that about \$20 million additional funding will go into our various foundations, including additional money into Community Development and, as such, additional money into the foundation which supports sports programs.

THE SPEAKER: The hon. member.

MS BLAKEMAN: Thank you very much, Mr. Speaker. To the same minister: could the minister explain why his particular department is undermining the minister of health by cutting funding for community sports programs?

2:10

MR. STEVENS: I think it's fair to say, Mr. Speaker, that \$300 million for not-for-profit groups in this province is beyond what any other province in this country does for its volunteers. Many of the volunteer groups that access those funds are in fact involved with community sports. They are building facilities; they are providing operating funds. I think that if the hon. member took some time to see what was happening in that area, she would in fact be very proud indeed of what is happening in this province.

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

#### **Bill 12, Education Services Settlement Act**

MR. MASON: Thanks very much, Mr. Speaker. In late March during the heat of the public debate over Bill 12, the government asked deputy ministers to send an e-mail message to public service employees containing the government's spin on this legislation. I will table copies of this correspondence at the appropriate time. This makes the government's criticism of Bishop Henry's pastoral letter all the more offensive and hypocritical. It's really a question of the Pat calling the kettle black. My question is to the Deputy Premier and Minister of Agriculture, Food and Rural Development. Why did the minister have her deputy send to all employees in the ministry of agriculture an e-mail containing the government's spin on Bill 12 when this communication has nothing whatsoever to do with the business of this ministry?

MRS. McCLELLAN: Mr. Speaker, in that question I think I'm being asked to explain why another minister did something.

MR. MASON: No. Why you did it.

MRS. McCLELLAN: No. That's not the way I heard it, but I'm going to ask the Minister of Learning if he would like to enlighten us on this.

THE SPEAKER: The hon. minister.

DR. OBERG: Thank you, Mr. Speaker. Quite simply, we have some 22,000 public service employees in our employ, and as Bill 12 was reasonably controversial, we decided that it was extremely important for our own employees to hear from us as to what Bill 12 was all

about, to give them an explanation of the bill, and that's what occurred. A committee of deputy ministers led by my deputy minister suggested that these letters be sent out to our employees, explaining what Bill 12 is. Our employees are equally the citizens of Alberta as anyone else and are entitled to the facts.

THE SPEAKER: The hon. member.

MR. MASON: Thank you, Mr. Speaker. Then to the Learning minister: how can the Learning minister stand in this House and attack the bishop for distributing his view on the bill, demand that his particular spin be included by the church, yet do exactly the same thing with every government employee regardless of the department that they work for?

DR. OBERG: Mr. Speaker, a fact is a fact is a fact, and regardless of who distributes the facts, they're still the facts.

MR. MASON: Mr. Speaker, I would like to ask the Minister of Learning if he will demand that deputy ministers distribute a copy of Bishop Henry's critique of Bill 12 to all government employees.

DR. OBERG: Mr. Speaker, if Bishop Henry would like his letter distributed, then that's up to him to go ahead and distribute it. He delivered it to his parishioners; we delivered it to our employees. If he wants to deliver it to non-Catholics, then I guess that's up to him as well.

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

#### **Richardson's Ground Squirrel Control**

MR. MARZ: Thank you, Mr. Speaker. My questions today are to the Minister of Agriculture, Food and Rural Development. With the arrival of spring farmers are faced with their annual challenge of controlling a pest that causes a lot of damage to crops, pastureland, and livestock as well. That pest is the Richardson's ground squirrel, or gopher, as it's also commonly referred to. I hear some chuckles around, but I've lost a couple of animals myself that stepped into these holes and broke their legs and subsequently had to be put down. One of them was my child's pony, so it wasn't a very funny thing. Last year's pilot program which distributed premixed strychnine to grain farmers through their municipalities had mixed success. Although the product was an effective control when applied in a timely manner, weather conditions such as we see outside today do not always allow for the timely application, especially when premixed product is only available at limited times, and if it's stored for four or five days, it gets moldy, which renders it useless.

SOME HON. MEMBERS: Question.

MR. MARZ: My question, which the opposition is so anxious to hear, is: what is the minister doing to assure farmers of an adequate supply of 2 percent strychnine for gopher control this spring?

MRS. McCLELLAN: Mr. Speaker, Alberta Agriculture, Food and Rural Development has been granted registration again by the Pest Management Regulatory Agency out of Health Canada for the agricultural use of strychnine. This period is from February to the end of June 2002. This does allow our agricultural field men to mix 2 percent liquid strychnine with fresh oats supplied by the producer.

Mr. Speaker, the one thing I can assure the hon. members is that

the Ag field men have a sufficient supply of strychnine poison on hand at least to start the season, and it is our expectation that by the middle of May we will have more supply. This is a concern because we had a very, very huge problem with Richardson's ground squirrels last year. Of course, we're going to ask municipalities to share their supply if there's an area that has a higher level of need, and hopefully that'll get us through the beginning of the season.

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. To the same minister: when will farmers be able to purchase 2 percent strychnine that they'll be able to mix themselves so they can apply it in a more timely and effective manner?

MRS. McCLELLAN: Well, Mr. Speaker, we would like to see farmers be able to mix the bait themselves, but currently under the Pest Management Regulatory Agency the conditions of approval do not permit that. At this time through that regulation, which is through Health Canada, only the Ag field men are allowed to do the mix. I think that we in the agricultural community should be thankful and I guess appreciative of the fact that we've received this temporary registration for the use of this product again to deal with a very difficult situation.

THE SPEAKER: The hon. member.

MR. MARZ: Thank you, Mr. Speaker. Again to the same minister: could the minister perhaps tell me what other approved controls for Richardson's ground squirrels are readily available to farmers that are equally as effective as the 2 percent strychnine?

MRS. McCLELLAN: Well, Mr. Speaker, there are a number of things that are available to control this. One is poison. Secondly, I guess, is trapping. Fumigation is another, and of course shooting is another. Each one of these things can provide a favourable result, but every one of them, obviously, has its limits. Poisoning with treated grain is the most effective and most common method that's available to producers at this time, and strychnine poison is certainly the most effective in that area. There are other control agencies, one called Rozol concentrate, zinc phosphide, but as I indicated, all of these have limits. The best time to control Richardson's ground squirrels is just before vegetation turns green in the spring, when they're undernourished, so the best and the most effective way is to feed them a poisoned grain.

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

#### **Education Fund-raising**

DR. TAFT: Thank you, Mr. Speaker. Parents of schoolchildren in one of Edmonton's richest neighbourhoods have written to me to say that they continue to subsidize the education system by thousands of dollars annually through their fund-raising efforts. Bill 12 does nothing to address this symptom of the government's chronic underfunding of education. To the Minister of Learning: if even affluent parents must fund-raise in order to buy their children essential school supplies, will the minister finally end his denial of the obvious and take the necessary steps to provide the needed resources in all schools?

DR. OBERG: Mr. Speaker, if the hon. member would give me the

name of the school, I will certainly look into it. I've been in contact with the superintendents of both Edmonton public and Edmonton Catholic, who have assured me that this is not occurring. For the edification of the hon. member opposite, there in all likelihood will be some regulations coming forward that will change all of that very soon.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. I'll provide the names of the parents.

If parents withdraw their voluntary services as well as teachers, which some parents are considering, how will the minister keep the education system afloat?

2:20

DR. OBERG: Mr. Speaker, each student in the province of Alberta receives roughly \$7,500 in total per student. Do the math. If there are 20 students, that's \$150,000 or so for a classroom that is designated for that, so there is a considerable amount of money.

There is fund-raising that goes on that does pay for extra things such as rock-climbing walls, all of this. We've had this discussion numerous times. Each and every time that something has been brought forward to me, I put it forward to my department to investigate. We recently had, for example, 22 investigations in Edmonton. There were a couple of them, I will say, that were fund-raising for things like textbooks. We have put an end to that.

Mr. Speaker, the offer is open to the hon. member. I'd be more than happy to send my audit team to this school to make sure that that isn't happening in this school.

THE SPEAKER: The hon. member.

DR. TAFT: Thank you, Mr. Speaker. My final question to the same minister: will the minister commit to meeting with the parents of this school in my constituency who have expressed these concerns?

DR. OBERG: I'm sure I'd have no problem at all, Mr. Speaker.

THE SPEAKER: The hon. Member for Dunvegan, followed by the hon. Member for Redwater.

#### **Vehicle Accidents Involving Wildlife**

MR. GOUDREAU: Thank you, Mr. Speaker. As individuals living in rural constituencies like Dunvegan, we often find ourselves competing for space with the wildlife that also live in the area. Lately this has been a lot more challenging with the increase in elk and deer. We have experienced problems both on our roads and around our farms and homes with these animals. My first question is to the Minister of Sustainable Resource Development. Is there anything that is being done to reduce the hundreds of motor vehicle accidents involving wildlife?

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. That is a very important question, especially for the member in the northwestern part of the province. There have been, of course, large increases in elk and deer populations because of the recent mild winters we've had here in Alberta. In fact, there have been over 6,000 accidents.

DR. TAYLOR: How many, Mike?

MR. CARDINAL: Over 6,000 accidents, a 40 percent increase over the last seven years.

Our department of course works very closely to establish deer populations across the province, and we are currently, in fact, developing a deer management strategy which will look at things such as promoting the number of informed hunters out there and also possibly increasing the number of tags that would be available to hunters in that area.

MR. GOUDREAU: My second question is also to the same minister. Not only are these animals causing problems on our roads, but they're also moving into our yards and causing a lot of damage to feed. This is very dangerous as well as economically destructive. Can the same minister tell us if there are ways to reduce this damage?

MR. CARDINAL: Yes, Mr. Speaker. That is why in fact we are developing an overall deer and elk strategy in Alberta. We are experiencing a lot of problems because one thing that has happened, I believe, is that there are not only the warm winters, but also the deer and elk have become pretty tame in Alberta, and they are starting to wander into even towns and different communities throughout the province. A lot of animals are also spending time on highways, and that creates additional problems. So we will continue monitoring the situation and ensuring that we deal with these issues.

The other thing we need to do for sure is to ensure that our highways are marked properly, because an individual that travels on a certain part of rural roads generally knows where the animals are, but any strangers that travel in those areas would not know unless there is signage on the road. So we will be doing that.

THE SPEAKER: The hon. Member for Redwater, followed by the hon. Member for Lac La Biche-St. Paul.

#### **Publicly Funded Health Services**

MR. BRODA: Thank you, Mr. Speaker. My question is to the Minister of Health and Wellness. I received a letter from one of my constituents expressing concern over the possible delisting of insured services. The individual is worried that they will not be able to continue treatments with chiropractic services if they're removed from the list of services that are publicly funded. Those on fixed incomes cannot afford to pay the full cost of these appointments. Have any decisions been made about which allied services will continue to be funded through the Alberta health care insurance plan?

MR. MAR: Mr. Speaker, the short answer is no, although the government is working on the recommendations set out in the Premier's Advisory Council on Health to include the recommendation to establish a permanent expert review panel to make decisions on what services and treatments are publicly funded. The department is currently working on reviewing the applications for positions on that committee, and I hope to be able to make announcements with respect to it by the end of this month. The panel will be making recommendations on all services that are currently funded by the public health care system, including developing criteria to determine which new procedures and treatments should be publicly funded. At that time chiropractic treatments and other allied health services would be reviewed.

THE SPEAKER: The hon. member.



MR. BRODA: Thank you, Mr. Speaker. My first supplement to the same minister: what qualifications are required to sit on this expert panel?

MR. MAR: Mr. Speaker, the panel will have a total of 10 members, and eight of those members will be selected for their expertise either in the medical, clinical, or health policy areas. There will be, in accordance with the recommendations suggested by the Alberta Medical Association, two members that will be selected from the public. There were public advertisements in daily newspapers throughout the province. Approximately 150 people applied, and two public members will be selected from that 150.

THE SPEAKER: The hon. member.

MR. BRODA: Thank you, Mr. Speaker. My second supplemental to the same minister: having heard this, does the minister see any potential for conflict of interest if medical practitioners are in a position to determine which services will remain on the roster of publicly funded services and which would be paid directly by the patient?

MR. MAR: Mr. Speaker, of course there is a potential for conflict, but we have tried our very best to address it in a number of different ways. As an example, the medical and clinical members of the panel will come from varied fields, so the interests of one particular member may be balanced against the concerns of others. But as a group the panel will be required to review all services and agree on the medical necessity of each before making a funding recommendation. Of course, members who feel that they are in a conflict of interest may excuse themselves from reviewing any particular issue. Also, because we are bringing in members from the general public, they will represent the interests of patients and consumers of health care services.

Finally, Mr. Speaker, before a final appointment to the expert panel each potential member will meet with the province's Ethics Commissioner to discuss their personal financial interests, and the commissioner will determine if there is any reason that the member should be disqualified from the panel.

#### head: **Recognitions**

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

#### **Leaders of Tomorrow Awards**

MR. JOHNSON: Thank you, Mr. Speaker. Recently I had the pleasure of attending the Leaders of Tomorrow awards presentation in Camrose. These awards are given to young volunteers in four age categories between six and 21 years of age who have demonstrated outstanding dedication and excellence in their community service and work. These awards were sponsored by the Bethany Group, Boston Pizza, and the Volunteer Centre of Camrose & District. Nineteen outstanding young people from Camrose and surrounding area were nominated to receive Leaders of Tomorrow awards, and the recipients of the awards in their age categories were Brandon Morris, Billy Staggs, Asher LaGrange, and Michelle Jensen. This was a particularly memorable occasion for the nominees and audience alike as the guest speaker and awards presenter was our Lieutenant Governor, the Hon. Lois Hole. Thank you to the sponsors for making these awards possible, and congratulations to all the nominees and award recipients for the contributions they have made to our communities and for the important work they do as volunteers.

THE SPEAKER: The hon. Deputy Speaker.

#### **Rescue Commendation Award to Highwood Constituents**

MR. TANNAS: Thank you, Mr. Speaker. Today I wish to recognize the brave actions of young Highwood constituents Nicholas Koch, Daniel Fuller, and Danny Doyle. On May 23, 2001, David was playing in a shallow area of the Sheep River near Riverside Community Park in Okotoks when he picked up a large rock, threw it in the water, but forgot to let go and fell face first into deeper water, only to be swept downstream by the strong current. Brandi, David's mother, immediately jumped into the water, and she herself was swept away. Both were now in danger of drowning. Fortunately, Nicholas, Daniel, and Danny, all from Okotoks, had seen this situation take place and immediately sprang into action. Nicholas was the first to enter the water and then headed towards David. He was able to grab hold of David and started swimming back to shore when he heard the mother's cry for help. Nicholas called out that Brandi was in trouble and needed their help. Daniel and Danny swam out to Brandi and assisted her back to shore. Although badly shaken by their near fatal experience, no injuries were a result.

For their quick actions these three lads were presented with the rescue commendation award and the lifesaving medal for merit at a special ceremony on March 18 by Her Honour the Lieutenant Governor, Lois Hole, with His Highness Prince Michael in attendance.

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

2:30

#### **Spruce Grove Junior B Regals**

MR. HORNER: Thank you, Mr. Speaker. Today it's with great pleasure that I rise in the House to bring recognition and congratulations to the Spruce Grove junior B Regals hockey team. On the weekend of April 5 the Spruce Grove junior B Regals won the provincial title with a precedent 5 and 0 record. As well, the team was the host of the provincials in Spruce Grove and did an excellent job. As a parent who is a part-time assistant coach and who loves the sport of hockey, I would like to congratulate their coach, Cam Aplin, who led the 18 to 20 year olds to this victory. The team prides itself on being homegrown, as the majority of members have come up through the Spruce Grove minor hockey league. They say that the chemistry on the bench of these young men was outstanding and certainly one of the contributing factors to such a successful season.

This past weekend the junior B Regals traveled to Assiniboia, Saskatchewan, where they represented Alberta in the westerns. It was a tough and emotional weekend as the team went into the final game, again undefeated, to play the host team. As the final game entered the third period, the score was a 1-1 tie, but late in the third the host team scored, and the Regals could not get one back.

I want to extend my constituency's and the province's pride as they represented Alberta well as great Alberta ambassadors in the sport of hockey.

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

#### **Calgary Pastoral Letter on Bill 12**

MR. BONNER: Thank you, Mr. Speaker. I'm pleased to rise today to recognize the courage and determination of Albertans who stand up for what they believe is in the public interest. Our cherished freedoms of thought, belief, opinion, and expression are all too often

castigated by members of this government when people legitimately criticize government policy. Albertans from various walks of life seek to make our province better and recognize that a government has no monopoly on defining how this is done.

In particular, Mr. Speaker, I'd like to recognize the courage and leadership of Bishop Henry of Calgary. Bishop Henry knows the value of a good education system and is prepared to stand up and fight for it. Bishop Henry also knows the price one has to pay for taking a contrary stand to the government.

Mr. Speaker, let us recognize that opposing voices strengthen our democracy and commend them for their courage in speaking out for fairness. Thank you.

THE SPEAKER: The hon. Member for Redwater.

#### **Radway STARS Ambulance Fund-raiser**

MR. BRODA: Thank you, Mr. Speaker. I'm pleased to rise to recognize the community of Radway and surrounding area for their excellent STARS air ambulance fund-raiser held Saturday, April 13, at the Radway Agricentre. Approximately \$40,000 was raised, which includes a private donation of \$15,000 from the Maurice Tomlinson family in memory of Matthew Melnyk and Michael Senych, both of whom had recently passed away as a result of injuries sustained in motor vehicle accidents and STARS ambulance had to be used.

Thank you, Radway and area, to all volunteers and supporters. Thank you, Mr. Speaker.

#### **Air Spray Ltd.**

MRS. JABLONSKI: Mr. Speaker, the spirit of Alberta is alive and well at the Red Deer Regional Airport. Despite the overwhelming challenge of a fire in October 2000 that completely destroyed their hangar, wiped out seven aircraft, and took the life of an employee who suffered severe burns, the management and staff of Air Spray Ltd. are determined to keep flying.

On April 5, 2002, Donald T. Hamilton, founder and owner of Air Spray Ltd., celebrated along with his staff, his friends, the aviation community, and local officials the grand opening of their new 51,000 square foot hangar at the Red Deer Regional Airport. The new \$2.7 million hangar represents a major investment and commitment to aviation in Alberta and will provide a significant economic boost to Red Deer and surrounding area. It was in 1970 that Don Hamilton saw the opportunity for fire bombing to fight forest fires in Alberta. Starting with a single Douglas B-26 and a leased Cessna 310, Air Spray is now recognized as one of the leading fire bombing companies in the world, with over 40 aircraft and 50 professional pilots and engineers.

Congratulations to Don Hamilton, Richard Covlin, and Perry Dancause. We wish you blue skies and safe flight.

#### **Emergency Medical Services**

DR. TAFT: Mr. Speaker, I rise today to recognize the women and men across this province who provide emergency medical services. One of the comforts of living in a major city is that emergency medical services, including well-trained personnel, good equipment, and fine emergency wards, are almost always available within minutes. Through helicopter services such as STARS these services are accessible far beyond the big cities, though as a society we can do still more for rural Albertans.

People are drawn to this kind of work out of a passionate desire to serve others at their most needy moments. Though this kind of work

is undoubtedly interesting, challenging, and rewarding, it is also difficult. We ask these people to be available to respond instantly to crises 24 hours a day, 365 days a year, and at times we ask them to attend to genuinely horrific and occasionally dangerous situations with calm and clearheaded professionalism, instantly assessing and acting on life-and-death situations.

Mr. Speaker, I am sure every member of the Legislature will join me in saluting Emergency Medical Services Awareness Week to say thank you to the paramedics, nurses, technicians, doctors, dispatchers, drivers, pilots, and others who always stand ready to serve.

#### **head: Presenting Petitions**

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table a petition signed by 682 Albertans requesting the Legislative Assembly to urge the government to "support the establishment of the Chinchaga Wilderness as a legislated protected area." I presented a similar petition with 500 signatures last week.

Thank you.

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

MR. MASON: Thank you, Mr. Speaker. I am presenting a petition signed by 75 residents of Edmonton petitioning the Legislative Assembly to urge the government "to not delist services, raise health care premiums, introduce user fees or further privatize" the health care system.

#### **head: Notices of Motions**

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

MR. MacDONALD: Thank you, Mr. Speaker. I'll rise on a question of privilege this afternoon.

#### **head: Introduction of Bills**

THE SPEAKER: The hon. Minister of Children's Services.

#### **Bill 24**

#### **Child Welfare Amendment Act, 2002 (No. 2)**

MS EVANS: Thank you, Mr. Speaker. I rise today to introduce a bill being Child Welfare Amendment Act, 2002 (No. 2).

[Motion carried; Bill 24 read a first time]

THE SPEAKER: The hon. Minister of Revenue.

#### **Bill 25**

#### **Alberta Corporate Tax Amendment Act, 2002**

MR. MELCHIN: Thank you, Mr. Speaker. I request leave to introduce Bill 25, the Alberta Corporate Tax Amendment Act, 2002.

The amendments in this bill enact the second phase in the reduction of the corporate income tax rates in Alberta as announced in Budget 2002. It will also parallel a number of changes that have been made recently in the federal Income Tax Act.

Thank you, Mr. Speaker.

[Motion carried; Bill 25 read a first time]

#### **head: Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker. I have four tablings today. My first tabling is the appropriate number of copies of a letter of apology, dated April 12, which I sent to Bishop Frederick Henry.

I am also tabling the appropriate number of copies of section 42 of the Financial Administration Act.

In addition, I am tabling the appropriate number of copies of the Special Waste Management Corporation Act.

Finally, Mr. Speaker, I am tabling the appropriate number of copies of the Special Waste Management Corporation Act Repeal Act.

These last three tablings each relate to the purported point of privilege raised by the hon. Member for Edmonton-Ellerslie on Thursday of last week, which I will be responding to later today.

THE SPEAKER: The hon. Minister of Community Development.

2:40

MR. ZWOZDESKY: Thank you. With your permission, Mr. Speaker, two sets of tablings today. The first is a letter to Randy Ferbey care of the Ottewell Curling Club and to his teammates – Dave Nedohin, Scott Pfeifer, Marcel Rocque, and Dan Holowaychuk – on winning the 2002 men's world curling championships this weekend in Bismarck, North Dakota. Congratulations, gentlemen.

The second tabling is to a group of outstanding Alberta artists who captured several Juno awards this weekend, including Chad Kroeger and the Nickelback group with fellow musicians and singers Mike Kroeger, Ryan Peake, and Ryan Vikedal. These are some outstanding examples of talent from the Hanna-Brooks area in our province. They won the best single, best group, and best rock album Junos.

MRS. McCLELLAN: And their grandfather was a member of the Assembly.

MR. ZWOZDESKY: Their grandfather was a former Member of this Legislative Assembly, Henry Kroeger, of course.

Also to Jann Arden, who won the best songwriter Juno; Oscar Lopez, who won the Juno for best instrumental album; and finally to Canada's country sweetheart, Carolyn Dawn Johnson, who was awarded the Juno for best country artist. Congratulations to all of these Juno award winners.

THE SPEAKER: The hon. Minister of Learning.

DR. OBERG: Thank you very much, Mr. Speaker. I rise today to table a letter to the Most Reverend Frederick B. Henry, Bishop of Calgary. This letter has been alluded to already in the Assembly. What it is is purveying the facts about Bill 12 to him.

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

MS CARLSON: Thank you, Mr. Speaker. I have two sets of tablings today. The first is on behalf of the Leader of the Official Opposition, who is tabling the required number of copies of a letter to Mr. Randy Ferbey of the Ottewell Curling Club congratulating him and his team on winning the Ford world curling championship.

The second set of tablings is the appropriate number of copies from Nora Maidman of Dalemead, Ted Mann of Calgary, Kathryn Pennington of Calgary, Janet Pennington of Calgary, Ava Morasch of Calgary, and Ian Fabris of Calgary, all requesting the government to designate the Bighorn wildland recreation area as a wildland park using the 1986 boundaries.

Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first is a petition organized by Darby Mahon of Edmonton-Gold Bar, and it's a petition supporting public and separate school trustees in their negotiations with the provincial government.

My second tabling is a copy of the new policy for listening to audiotapes of remarks that are taped in this Legislative Assembly.

Thank you.

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

MS BLAKEMAN: Thank you, Mr. Speaker. I have a couple of tablings here today. The first is the information package that was handed out at the launch of the Zebra Child Protection Centre, and that was opened in the constituency of Edmonton-Centre on Friday, April 12. This is a child-centred facility,

fully integrating systems of services for children [focusing on] total wellness of children, their families, and the community, with an emphasis on protection, investigation, and preventative measures.

The second is the appropriate number of copies of the newsletter called the Federation News from the Edmonton Federation of Community Leagues with a budget overview and how the cuts of the community lottery boards and other lottery fund cuts are affecting community leagues.

Finally, Mr. Speaker, an e-mail from Lisa J. Sierra asking that the government overturn the vote against funding the Calgary community lottery board and commenting that it's been a valuable program to her personally and professionally. Thank you very much.

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

DR. TAFT: Thank you, Mr. Speaker. I have one tabling today, the appropriate number of copies of a document signed by 60 residents of Calgary. It says:

We the undersigned citizens of Alberta petition the Legislative Assembly to urge the government to alleviate funding constraints and budget deficits, which are undermining services to persons with developmental disabilities.

Thank you.

THE SPEAKER: The hon. Member for Edmonton Strathcona.

DR. PANNU: Thank you, Mr. Speaker. Two tablings for today. My first tabling is the appropriate number of copies of my letter that I wrote to the Premier this morning regarding the malicious, disrespectful, and insulting remarks the Minister of Finance directed against Bishop Frederick Henry.

My second tabling, Mr. Speaker, is the appropriate copies of a letter from Phillip and Eileen Walker of Edmonton asking the Premier to "demand" the Finance minister's resignation for slurring Bishop Henry.

Thank you, Mr. Speaker.

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

MR. MASON: Thanks very much, Mr. Speaker. I'm tabling five copies of a letter from Dr. David Fleiger headed "Bishop Henry – 10; Tories – 0," pointing out that thousands of Catholic and non-Catholic Christians in Alberta are offended by the Finance minister's offensive remarks respecting Bishop Henry. [Music was heard in the Chamber] That was some divine accompaniment.

THE SPEAKER: Hon. members, we have several matters to review this afternoon, and we'll go in this order. First of all, we'll deal with the purported point of privilege that was raised originally last Thursday afternoon by the hon. Member for Edmonton-Ellerslie, and the chair will invite her to provide additional comments if she so chooses. Then we will recognize a spokesperson from the government to participate in this point, and other members as well, of course, under the rules that we have. Then we will proceed with the hearing of a point of order as identified by the hon. Member for Edmonton-Strathcona, and then we will proceed to a question of privilege that will be raised by the hon. Member for Edmonton-Gold Bar, and then we will proceed to a point of privilege that will be raised by the hon. Deputy Premier. We will go in that order.

So, first of all, hon. Member for Edmonton-Ellerslie, is there something further that you wanted to add to what you added to on Thursday last?

### Privilege Contempt of the Assembly

MS CARLSON: Thank you, Mr. Speaker. I will just perhaps clarify a couple of remarks. What we asked for under the point of privilege was in fact a contempt against the Premier and the Finance minister in terms of the dealings with the Swan Hills waste treatment plant. We believe that they have broken the Financial Administration Act through entering back into business with that plant, and the intent of that act is broken by the receipt or the expenses of any moneys on behalf of the government.

Thank you.

THE SPEAKER: The hon. Minister of Finance on this purported point of privilege.

MRS. NELSON: Thank you, Mr. Speaker. On behalf of the Premier and myself I am rising in response to the purported point of privilege raised in this House on Thursday last by the hon. Member for Edmonton-Ellerslie. Earlier today I tabled section 42 of the Financial Administration Act, because the hon. member has referred to that section in raising her purported point of privilege, although I believe she is mistaken in her reference to the specific section of the act.

In her statement in the House last Thursday the hon. member said:

In section 42 it states that before getting back into the business of being in business, the deal must be brought to the Assembly for full debate.

In fact, Mr. Speaker, nowhere in section 42 of the Financial Administration Act does it say anything of the sort. While the Financial Administration Act does set out clear guidelines on what sort of partnerships or share purchases this government may or may not engage in, the current operation of the Swan Hills Treatment Centre does not fall into any of these categories.

For the benefit of all hon. members I would like to outline a brief history of transactions involving the Swan Hills plant. In July of 1996 the Special Waste Management Corporation sold the plant to Bovar. Under an agreement signed at that time, Bovar had the right to revert the plant to the corporation, that being the Special Waste Management Corporation. This agreement with Bovar was outside the terms of section 42 of the Financial Administration Act. The Special Waste Management Corporation's enabling legislation, which I tabled earlier today, provided the authority for the sales agreement with Bovar and has been in place since 1984. Section 42 of the Financial Administration Act came into force in May of 1996, so section 42 did not apply to the corporation's activities. Further,

even if section 42 had applied to the corporation, an asset sales agreement of this nature would not have contravened section 42.

2:50

In May of 1997 this Assembly passed the Special Waste Management Corporation Act Repeal Act, a copy of which I have also tabled today. This act was also the subject of debate by members of both sides of the House. Under the terms of the repeal act the government became liable for all obligations of the Special Waste Management Corporation, including the obligation to take back the plant in the event that Bovar's ownership of the facility ceased.

On December 31, 2000, Bovar's ownership in the Swan Hills Treatment Centre ended, and the plant reverted to government ownership. At that point a service-provider agreement was signed with Sensor Environmental Services to operate the plant under government ownership. Sensor is an independent service provider operating the facility under a contract on behalf of the government. The province of Alberta remains the sole owner of the facility. The Financial Administration Act prevents this government from entering into a share purchase or a joint venture partnership. The contract with Sensor is neither of these. Under the terms of the contract the government of Alberta remains the sole owner of the facility. Swan Hills Treatment Centre is owned through the Ministry of Infrastructure just as is done with many other wholly-owned facilities.

The hon. Member for Edmonton-Ellerslie also raised a number of concerns in her purported point of privilege about information she has or has not received from other departments regarding the Swan Hills facility. If the hon. member feels that her questions about the facility itself have not been satisfied, I would encourage her to approach the ministers directly involved, but I see no relevance to the Financial Administration Act in any of those matters. The simple fact is that the hon. member is not correct when she alleges that the government is in noncompliance with the Financial Administration Act. The government is not in partnership or joint venture with the private entity.

The hon. member opposite has also raised concerns about the inclusion of operating and capital investment revenue for the Swan Hills Treatment Centre as a line item in the budget of Alberta Infrastructure. This is a normal procedure for a wholly-owned government facility and represents all the costs and revenues associated with the government's ownership of this facility. It is abundantly clear that Sensor is in no way co-owner of Swan Hills Treatment Centre. The plant remains a wholly-owned facility of the government of Alberta.

So, Mr. Speaker, it is clear to me and I hope it is clear to any member in the opposition that no breach of the Financial Administration Act has taken place. Thank you.

THE SPEAKER: Are there additional members who wish to provide guidance/advice with respect to this matter?

Well, the matter will be reviewed now on the basis of the information ascertained today and the information ascertained the other day, and hopefully tomorrow we'll be in a position to provide a statement with respect to it.

The hon. Member for Edmonton-Strathcona.

### Point of Order Abusive or Insulting Language

DR. PANNU: Thank you, Mr. Speaker. I rise on a point of order pursuant to Standing Order 23(j). Standing Order 23 states that a member will be called to order by the Speaker if, in the Speaker's opinion, that member . . .

(j) uses abusive or insulting language of a nature likely to [cause] disorder.

In asking you to sustain this point of order, Mr. Speaker, I wish to briefly review the events of last Thursday afternoon. I wish to explain why I did not rise on a point of order then and instead notified you by way of a copy of a letter that I wrote to the Premier this morning and later on in my meeting with you in your chambers my intention to rise at the earliest opportunity this afternoon.

Last Thursday after I had finished asking my first question to the Premier, I have a recollection of hearing the words “pedophile priest” shouted across the floor by a government member. I did not rise on a point of order at that time because I quite frankly couldn’t believe that something this offensive would be said in this Assembly. I also wasn’t one hundred percent sure who had made the remark. I wanted an opportunity to review the *Hansard* records first. After question period was over, I immediately instructed my staff to review both the *Hansard* Blues and the audio recordings of question period. Suffice it to say, the pedophile priest remark did not find its way into *Hansard*; however, the words “pedophile priest” are clearly heard on the audio recordings of question period. Moreover, these words were clearly said by the Minister of Finance.

There is some disagreement about what the minister actually said. Two members of the Liberal opposition, members of this House, insist they heard the minister say: is that the pedophile priest? The minister later insisted she said: isn’t that the guy that hired that pedophile priest? Either way, Mr. Speaker, the minister made a remark that was malicious, disrespectful, and insulting. The remark was clearly personal in nature and directed against the head of the Roman Catholic church in southern Alberta.

You have commented on numerous occasions, Mr. Speaker, that members need to be extra careful when referring to citizens who are not members of this House. These citizens are not able to defend themselves against personal attacks made by members of the Assembly. Moreover, the use of abusive and insulting language in this Assembly by any member clearly reflects negatively on all members of this House and on this House itself.

In sustaining this point of order, I ask that you ask the Minister of Finance to retract the offensive remark she made last Thursday. I further ask that you request the Minister of Finance to make a full and complete apology both to Bishop Henry and to this House.

A full, complete, and unequivocal apology, Mr. Speaker, should be quite different than the halfhearted and insincere apology made by the Minister of Finance in a letter sent to Bishop Henry and released to the news media last Friday afternoon. That letter, which contains the words “I regret that my comments could have offended you,” is the kind of apology that implies you are at fault for taking offence.

Mr. Speaker, unlike the minister’s so-called apology a sincere apology acknowledges wrongdoing. A sincere apology takes responsibility for saying something that was hurtful, offensive, and malicious. A sincere apology says that I’m sorry for what I said, I will learn from this, and this won’t happen again.

In conclusion, Mr. Speaker, I urge you to sustain this point of order by calling on the Minister of Finance to make a sincere apology for the insulting and abusive remarks of last Thursday.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker. Earlier today I tabled a letter that I sent to Bishop Henry on Friday after the events on Thursday. I regret – and I have said this publicly too, when I was interviewed earlier – the comments that I made in this House. It was inappropriate, and it did not keep with the decorum of the House. In 13 years I don’t believe I have done that before. So I regret making

the comments. I have said that. I have apologized, and it’s a sincere apology.

I know that when I got home Friday and ran into my son – and this will give you how serious this can be. I did not set a good example for young people. My own son asked me: Mother, what have you done? I said: “I have done exactly what I have told you all along not to do. If you haven’t something nice to say, say nothing at all, and use your head before your mouth,” and I did not do that. I sincerely apologize to this House for not keeping the decorum, and I certainly have apologized to Bishop Henry.

THE SPEAKER: Hon. members, the chair has heard now from the hon. leader of the third party and the hon. Minister of Finance and appreciates the comments from everyone. One of the really difficult matters with respect to this is that the chair did not hear any of this last Thursday. If members will recall, the chair was introducing a speaker at the time. Of course, members have to appreciate again all of the citations from the orders that we have and all of the *House of Commons Procedure and Practice* and *Beauchesne* and the like.

3:00

Last Thursday afternoon, when this matter occurred, the chair was listening very attentively, as he always does, to the speaker. He heard the hon. Member for Edmonton-Strathcona raise his question, heard the words. At that point in time there were a number of responses from various quarters of the House. The chair at that point then said, “The hon. the Premier,” and we moved on. No member in the House rose at the time with respect to a point of order. No member of the House conveyed such a matter inviting the chair for an intervention from the chair. It was a very difficult thing, then, to realize that the chair was in his office the whole afternoon and that other than a couple of individuals who are not members of this House coming in and wanting to do a certain thing, I heard from no one with respect to this matter. But then by Friday it certainly got a life of its own.

So today we have dealt with this. The hon. leader of the third party has asked the hon. Minister of Finance to apologize and withdraw her comments, and the chair has heard the hon. Minister of Finance use these following words on several and more than one occasion: “regret,” “comments . . . inappropriate,” “not keep with the decorum,” “sincere apology,” “not . . . a good example,” “use your head before” you open “your mouth,” and “sincerely apologize.” One can conclude that the matter has met the test that the hon. leader of the third party would want and certainly would meet the test that the chair would have in terms of a reasonable apology. So that matter is over with.

Now the hon. Member for Edmonton-Gold Bar.

Privilege

Access to Audio Proceedings

Accuracy of Hansard

MR. MacDONALD: Thank you, Mr. Speaker. I rise on a question of privilege this afternoon. My point of privilege is with regard to two related items: first, the right of all members to access the audio recordings of this Assembly’s deliberations and, two, the accuracy of written transcripts from *Alberta Hansard*.

Mr. Speaker, this House, like many others in the Commonwealth, maintains a transcript service so that its members, the media, and the public can review the deliberations that occur within its walls. Standing Order 107(4) provides that the Speaker shall be responsible for the audio recordings of the Assembly’s deliberations, while *Alberta Hansard* is provided for in Standing Order 107(1). The point of privilege that I am raising is in respect to the debates held

in this Chamber last Thursday, April 11, 2002. I along with several other members heard the Minister of Finance unfortunately say, "that pedophile priest."

Now, Mr. Speaker, with respect to my first point, which deals with the right of all members to access the audio recordings of this Assembly's deliberations, I in conjunction with the Official Opposition staff made a request to the *Hansard* office to listen to the audio recordings in order to confirm what I had heard the hon. minister unfortunately say. This request was made very soon after the minister uttered her remarks. I discovered that a new policy from the Clerk had been issued which directs that members can access tapes of only their own comments and that access to tapes relating to comments from other members required a request to the Speaker's office. The Official Opposition staff subsequently made a request to the Speaker's office, which informed them that the members could only access audio recordings of their own comments and not the comments of other members. It is clear that the Clerk's policy and the Speaker's office policy are contrary to one another.

I believe that these newfound policies are contrary to the parliamentary privilege afforded to all hon. members of this House. [interjection] The hon. Minister of Environment may disagree, but our main duty as elected members is to debate in this Chamber issues that matter to Albertans. No member can carry out this primary task with any degree of effectiveness unless we have the knowledge of comments made by other members in this House. After all, Standing Order 107(4) provides that "the Speaker shall be responsible . . . for the custody of those recordings." If members are denied access to the audio recordings, then Standing Order 107(4) would be illogical since there would be no need to maintain custody of those recordings if no one is allowed to access them. Due to the fact that the opposition staff and myself were prevented from accessing the audio recordings of what was said by the minister in question, I have been impeded in my ability to carry out my duties as a member. Therefore, I believe that this rises to a level of a contempt of parliament.

Mr. Speaker, I would also add that the Clerk's policy is contrary to the same Standing Order 107(4), which provides that the Speaker, not the Clerk, is responsible for the audio recordings of the Assembly. It is not enough for the Clerk to notify the Speaker of policies. Rather, according to the said Standing Order the Speaker must officially approve all policies with respect to audio recordings. In addition, I understand that this Assembly has always made audio recordings available to its members, the media, and the general public. It is up to the entire House, not just an officer of the Assembly, to change the Assembly's customs and traditions. In fact, officers of the Assembly are charged with protecting and maintaining the Assembly's customs and traditions.

I have tabled a copy of the Clerk's new policy earlier this afternoon as provided to me graciously by the *Hansard* office on the evening of April 11. This is there for your reference, Mr. Speaker, and for the reference of all members of this Assembly.

Now, my second point, Mr. Speaker, deals with the accuracy or lack thereof of written transcripts from *Alberta Hansard* for the Assembly's deliberations last Thursday. It is the custom of *Alberta Hansard* to record every audible word spoken in this House. This custom applies at all times, even if a member is speaking out of turn, as the Minister of Finance was last Thursday. With due respect to the hon. minister, her words "that pedophile priest" were not recorded in the officially published *Hansard* from that day.

Again, our main duty as elected members is to debate issues that matter to Albertans, and no member can carry out this primary task with any degree of effectiveness unless we have an accurate transcript of what has been said in this House. Now, perhaps we cannot expect every utterance to be transcribed, but in instances such

as this one we should be able without any obstruction to review the audio recordings in a timely fashion. We should not simply be referred to secondary sources like Internet broadcasts and archives. That is a secondary source inferior to the source recordings up in the *Hansard* office. Furthermore, there's a delay in the archiving of these recordings; they are not timely.

Mr. Speaker, I draw your attention to *Maingot*, second edition, at page 233. It states that the House "is not only entitled to but demands the utmost respect when material is placed before it for its scrutiny, investigation, or study." Further, at page 248 *Maingot* states that the House "remains prepared to entertain . . . questions of privilege where false, partial, or perverted reports of debates or proceedings are published." Since the edition of *Hansard* covering the deliberations of Thursday, April 11, 2002, did not accurately reflect what was said in this House, the parliamentary privilege of all members has been breached.

In conclusion, Mr. Speaker, at this the earliest opportunity afforded to me, I have briefly set out the facts as well as the relevant quotes from parliamentary authorities that show that there is a prima facie case with respect to the right of all members to access the audio recordings of this Assembly's deliberations and to the accuracy of written transcripts from *Alberta Hansard*. I am sure that this question of privilege will attract much debate within and outside this House.

At page 227 of *Maingot* it states that the Speaker asks simply: "Has the Member an arguable point? If the Speaker feels any doubt on the question, he should . . . leave it to the House." By finding that there is a prima facie case, I urge you, Mr. Speaker, and all members of this House to carefully consider this matter. Should you find that I have a question of privilege, I am prepared to move the necessary motion. In the case that you find that there's not a question of privilege, I would still ask that your office, the Clerk's office, and the *Hansard* office make available all audio recordings and accurate written transcripts of this Assembly's deliberations to its hon. members, to the media, and the general public in the future.

Thank you, Mr. Speaker.

3:10

THE SPEAKER: The hon. Member for Edmonton-Highlands on this purported point.

MR. MASON: Yes. Mr. Speaker, I would rise in support of the point of privilege raised by the hon. Member for Edmonton-Gold Bar. I wish to just transmit to you and the Assembly some of the circumstances with respect to our caucus' activities last Thursday afternoon.

On Thursday afternoon, after coming out of the House, the leader of the New Democrat opposition asked staff to request a copy of the audiotape of the session and was told that that would be provided. We were then told that a copy would not be made available – and this, we understand, is contrary to previous practice – and that we must come and listen to the tape directly. The leader of the New Democrat opposition then asked staff to attend and listen to the audio recording. The staff were then told that they could not attend, that the leader or an MLA must come personally to listen to the audio recording. So the staff . . .

THE SPEAKER: Hold on. Hold on here. Sit down. Your leader was in my office this morning seeking access to tapes. It was given to him. When he said to the Speaker, "But I can't hear very well; can I have somebody come with me?" the Speaker said, "Sure." What are you talking about?

MR. MASON: Mr. Speaker, I'm going to come to that. This all obviously transpired before the leader's visit to your office.

Finally, upon intervention to the Speaker's office, the leader was permitted to bring staff in to listen to the tapes and, I understand, received tapes from you this morning. I think that the whole procedure is irregular, and I would ask that the policy and the circumstances surrounding changes to the policy be clarified for the Assembly.

THE SPEAKER: Are there additional comments from hon. members on this purported point of privilege?

Well, let me thank the two members who did participate in the purported question of privilege. The hon. Member for Edmonton-Gold Bar provided written notice to the Speaker's office more than two hours prior to the start of this afternoon's sitting, and proper notice was therefore given pursuant to Standing Order 15(2). The notice is quite succinct in citing the issues to be raised, which are "(1) the right of all Members to access the audio recordings of this Assembly's deliberations, and (2) the accuracy of written transcripts from *Alberta Hansard*." As the members pointed out, these purported questions of privilege relate to certain comments that were allegedly made on Thursday, April 12, 2002, which do not appear in *Alberta Hansard*.

With respect to the first point, Standing Order 107(1) clearly states that *Alberta Hansard* "shall be compiled, edited, printed, distributed and administered under the direction and authority of the Speaker." Furthermore, Standing Order 107(4) states:

The Speaker shall be responsible for recording the deliberations and proceedings of the sittings of the Assembly, committees of the whole Assembly and such other committees as request recordings to be made, and for the custody of those recordings.

It is the Assembly that has written these rules. It is the Assembly that has delegated to the Speaker the responsibility to produce *Hansard*. It has made the Speaker responsible for the custody of the recordings from which *Hansard* is produced.

The purported question of privilege relates to a matter of administration of the Assembly and, quite frankly, is not a prima facie question of privilege. Having said that, the chair will review the policy on access to recordings used in the production of *Hansard*.

This Assembly has had *Hansard* since 1972. When *Hansard* was invented for this Assembly in 1972, a major report was written, which is available to any citizen in the province of Alberta. The chair would have believed that hon. members who are members of this Assembly would have availed themselves of the opportunity to understand the history of this Assembly and to find out what the historical precedents were with the formulation of any particular document we have. Secondly, the *Hansard* people that we have work hand in hand with the *Hansard* people from around the world, those who use the British form of parliamentary debating, and the history is there.

The proceedings of this Assembly are recorded to enable the editor of *Hansard* and those employed by the director to produce *Hansard*. That's the purpose of the recordings. As all members are aware, the unedited transcripts of *Hansard* are known as the Blues and are available to members so that they can suggest minor edits, and the Blues starting at question period and the Routine we had this afternoon are probably available now for the review of all hon. members. Walk out of this room and you will find a document that's available to you, your first opportunity right here in the precincts associated with this.

As Marleau and Montpetit in their book *House of Commons Procedure and Practice* indicate on page 969: "A Member may correct the record of his or her statement, but may not correct that of another Member." That is the historical precedent with respect to the promotion and the conduct of *Hansard*. In keeping with this

underlying rationale, the policy with respect to access to the recordings held by *Hansard* are – and this is not a new policy, contrary to the position put forward by the hon. Member for Edmonton-Gold Bar, which appears to be rather fictitious. This policy has been in place in this Assembly for nearly three decades, not invented in somebody's imagination in the last few days.

Number one in the policy, "Members may listen to the audiotape of their own remarks any time after the Blues are posted." Members' own remarks. Number two, "At no time can members listen to somebody else's remarks without the authorization of the Speaker." The chair would point out that this permission would only be granted in the most exceptional of circumstances, and not once since I have been the Speaker, since 1997, has that been provided to anyone. Thirdly, "The same policy applies to members' authorized staff." Fourth, "Blues may not be released to anyone, with the exception of the table officers, until they are posted." They are here. They are reviewed. They are posted. They are available to you to accept at any time.

The electronic version of what transpires in this Assembly is available on the Internet. It is several years ago that we moved to this. It is live. It is real. It is available to anyone. All the feeds go onto the Internet live. It's there at the Assembly's web site, and we even keep them in storage for several weeks at a time for the availability of anyone. After two weeks the electronic record is transferred to CD-ROM and is available in the Legislature Library. There is instant – instant – access to all of the recordings of this Assembly now. What I said one minute ago is available to anyone anywhere. The video portion, live television, of the daily proceedings is also recorded by the Legislature Library, and it, too, is available from the Library.

The chair also wants to note that when members are involved in some investigation of a policy, they should first address that request to the Speaker. The chair will not tolerate – and I repeat – the chair will not tolerate any attempt by a member to seek second opinions from an officer of the Assembly or an employee of the Legislative Assembly Office. These individuals serve the Assembly, and any attempt to cast aspersions on their conduct in the Assembly will be dealt with swiftly by the chair. There will be no harassment, no intimidation, and no second-guessing of what any table officer said to any member. Table officers advise me that what the hon. Member for Edmonton-Gold Bar has stated is totally erroneous and incorrect. This is a great difficulty for the chair, and this is a great difficulty, I believe, for the hon. Member from Edmonton-Gold Bar as well.

3:20

In keeping with the subject of *Hansard*, it is a well-established principle that *Hansard* does not report interventions unless they elicit a response from the person who is recognized by the chair. Such interjections are out of order. As Speaker Schumacher commented on a similar point on April 17, 1996, at pages 1184-85 of *Hansard*, these are the guidelines used at every other Assembly in this country and, to our knowledge, most of the Assemblies following the British form of parliamentary democracy.

Of course, as repeated earlier today, the chair cannot comment on interjections when the chair doesn't hear them. *Beauchesne's* 486(4) addresses this point. There are 82 members in this Assembly. When members speak out of order and out of turn and when they turn their heads away from the chair, the voices go in different directions. There is no conceivable way that the chair from this vantage point can hear, particularly when the chair is speaking and recognizing a particular member.

The chair would also point out that *Erskine May*, 22nd edition, states at page 230 that

the Official Report [their version of *Hansard*] remains the authoritative record of what is said in the Commons, and the Speaker has stated that the tapes cannot be used for the purposes of casting doubt on the validity of the Official Report.

That is a time-honoured tradition in *Erskine May* going back years and years and years.

Finally, the chair has cautioned members many times about the sensitivity of the recording devices used in this Assembly, and the most recent document I provided to all members before we reconvened here in this spring session pointed out again the sensitivity of the machines and the microphones in this particular Assembly.

There is no question of a *prima facie* case of privilege, and the chair is quite concerned about some of the statements made by one member that are incorrect.

And the last one, the hon. Member from Edmonton-Gold Bar in correspondence to me dated April 15, 2002, notes, "This question of privilege arises from dealings I had with the Speaker's Office." The hon. Member from Edmonton-Gold Bar had no dealings with the Speaker's office any time in the last several days on this matter. That is nonsense. There is no point.

Now the hon. Deputy Premier.

### Privilege Accusations against a Member

MRS. McCLELLAN: Mr. Speaker, pursuant to section 15 of our Standing Orders I wish to inform you that I intend to pursue raising a question of privilege arising from comments, maybe more appropriately described as accusations leveled at me, in question period today by the Leader of the Official Opposition. I would request that I have the opportunity to review *Hansard* and review this further and ask you to deal with this at a time you deem appropriate.

THE SPEAKER: Hon. member, the chair will not deal with this in the absence of the hon. Leader of the Official Opposition, the member who made the comment. The chair is going to repeat into the record what the hon. Leader of the Official Opposition said: "Will the Deputy Premier direct the Speaker to release the tapes so that we can all confirm exactly what was said?"

I would like the hon. member to review Marleau and Montpetit, page 266, in terms of Impartiality of the Chair. I'm inviting the hon. Opposition House Leader to review this section, and if the hon. Leader of the Official Opposition chooses to not withdraw this question, then I would invite the hon. Leader of the Official Opposition to rise tomorrow on a point of nonconfidence in the Speaker.

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, April 11, it is my pleasure to move that written questions appearing on today's Order Paper 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, April 11, it is my pleasure to 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**

**Second Reading**

**Bill 205**

**School Trustee Statutes Amendment Act, 2002**

[Adjourned debate April 8: Ms Carlson]

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I'm glad I'm able to take advantage of the opportunity to speak in second reading to Bill 205, the School Trustee Statutes Amendment Act, 2002. I have reviewed the opening comments of the sponsoring member and have indeed read as much as I can of the comments that are already on the record for this bill. I'm troubled by it. I'm also curious as to what need was seen that drove the member to propose such a bill.

[The Deputy Speaker in the chair]

When I see legislation in this House, I always ask: is there a problem; and if there's a problem, does it need legislation to fix it; and if it needs legislation to fix it, is this the legislation that would fix it? I go back to the beginning here and say: is there a problem? And I would have to say: not that I've heard. I'm not seeing people marching in the street saying: we have a terrible problem with our trustees. I'm not seeing letters to the editor going: oh my goodness, we really need to revise this; it's a huge problem. I'm not hearing this as a topic for the phone-in talk shows with people expressing great concern about conflicts of interest with their school board trustees. I'm looking in the magazines that we're all reading in Alberta, and even *Alberta Report* doesn't have anything that says that we need to get rid of our school trustees. [interjection] It's not in there. Sorry.

So where is the situation or the uprising or the groundswell that is saying that there's a crisis in Alberta that needs to be addressed? I don't see it. Nothing is identifying that this is, in fact, a crisis that needs to be dealt with. I was going to say that I'm considering how I'll vote on this bill, but I guess I've just decided for myself. I don't think there's a crisis, and if there's no crisis, then why would we have legislation?

Now, I'm careful to listen when my honourable colleagues get up to debate, and I've heard many, many, many times how this government doesn't like legislation, how we should have less legislation, we should have less laws in this province, we shouldn't be burdening people with all these restrictions and restraints and requirements. Here we have a situation where nobody's asking for this, but we're going to have legislation. Well, why?

AN HON. MEMBER: It's good legislation.

MS BLAKEMAN: It can be dandy legislation, but, you know, giving people candy every . . .

THE DEPUTY SPEAKER: I'm sorry to interrupt the hon. member, but I wanted to just remind all hon. members that this afternoon is



private members' public bills, and the one we are talking about is not a government bill. It is a private member's public bill and is not, therefore, government legislation.

MS BLAKEMAN: I am sorry, Mr. Speaker. You know, the thing is that there are 74 against seven, so you'll have to forgive me if sometimes it looks like everything is coming from that side. But I do understand the difference, and I do understand that this is not a government bill. It is, in fact, Bill 205, which would indicate right there that it's a private member's bill. So if I've said "government" anywhere in here, I apologize.

But I will go back and repeat the argument: nowhere do I see a great groundswell, a great coming together, a great calling for there to be a change in the way our school boards elect their trustees and who's eligible to be elected. Therefore, I question the member, the private Member for St. Albert, on why she felt she needed to bring this legislation forward. I read her comments. It doesn't say in there that she attended a meeting when everyone signed a piece of paper saying: please, please, make this legislation happen; this is a terrible problem. Of course, she has an opportunity to speak again on this bill, and I hope she will, because I'd be very interested as to why she felt that this situation was in such a crisis that it needed legislation to deal with it.

Now I know why I was saying "government." Yeah. Government and private members often bring forward bills in this Assembly that want to place restrictions on people, and this is such a bill. Yet, at the same time, for both government and private members there is a great proclamation about less government, less legislation, less rules. But that's not what I see here, so the ascribed proclamation, the activity that backs that up, is in fact exactly the opposite.

3:30

This is a private member's bill, but I believe it's following government policy that the people most affected by a decision shouldn't have anything to do with it. I'll give you an example, and there has been a sort of progression over time with this. The primary example was the membership on the Premier's roundtables on health that were put together in the mid-90s, 10 years ago in fact, to examine the current health care system and make recommendations on what was to be done with the crisis in health care. In fact, we know now and I've spoken to a number of people who were told that anyone directly connected to the health care professions was specifically precluded from being a member of these roundtables. So nurses and doctors and health professionals and psychiatrists and chiropractors, anybody working in the health care field, were specifically barred from participating in a rethink of how health care was going to be provided and what health care would look like and be in this province. Well, I think the government would admit now that it's still having problems with the health care system, so that may not have been the wisest way to go about having a consultation for a better health care system.

Since then we've had a number of other processes for involving Albertans in feedback sessions and recommendations on how the government should be developing policy. In fact, the government I think learned from that lesson, and with the summits and the forums and a number of other terms that have been used here, I have seen great effort to balance – and I'm putting that in quotations and underlining it – the input that was going to be received from the professionals, from the frontline workers that were involved in any given area, to balance their input with anybody else's. A great deal of time and resources and dedication was put into rounding up anybody else that could provide some sort of balance but really, in fact, opposition to those members who were working in the field that was then under study.

For example, we've had the justice summit and the children's summit and the education summit. We've had a gaming summit. We've had quite a few of them, and I just find it interesting that there seems to be such a desire to control what has to be said and the wisdom and experience that can be brought from people that work in a given field, that that somehow is not allowed to be just presented and the rest of us with fair intelligence can take that all into consideration. There seems to be a need here to control that, to box it, to contain it for fear that it will – what? – somehow spring out like a jack-in-the-box and bop you in the nose. I've never quite understood what the concern is so that these people and these ideas need to be so carefully controlled. Why is employee participation on a given issue such a bad idea? Why is it such a bad thing?

I think there are three other issues that I want to raise around Bill 205. One is participation in democracy. I think we all acknowledge or at least I certainly acknowledge that it's a problem that we have around a 50 percent voter turnout in our elections. I think in municipal elections that's higher, but certainly provincially and for school board elections and Capital health elections . . . That's not my 20 minutes?

AN HON. MEMBER: You had 10 minutes.

MS BLAKEMAN: Oh, shoot. I'm not having a good day.  
Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fort in the 10 minutes you have.

MR. CAO: Thank you, Mr. Speaker. I am pleased to speak on Bill 205, the School Trustee Statutes Amendment Act, 2002, which has been proposed by the Member for St. Albert. Mr. Speaker, our education system is our most precious resource. It is in the classroom that our students of today pick up the skills they need to be our leaders of tomorrow. It is an environment for our valuable teaching professionals to make an important difference to our society. A prosperous Alberta in the future means having the best possible educational facilities and programs given available funds today.

Making sure that we have those facilities and programs is not easy. Alberta Learning has an incredible task to ensure that our teachers are top-notch, our schools are in good condition, and our students are adequately equipped to learn. We also have to ensure that our school boards are in a position to make the best possible decisions for our learning system. It is the intent of Bill 205 to address this latter concern to give the Department of Learning another necessary tool to provide the best education system for our students.

Bill 205 would ensure that any teacher or school board employee who necessarily would have a pecuniary or financial interest as a school board trustee would be deemed ineligible for running for that position. However, rather than being expansive in scope, Bill 205 narrows the scope of those who share financial interests to teachers and school board employees and only states that spouses of teachers or school board employees must excuse themselves in votes relating to matters dealing with their spouses' contracts and must list possible conflicts of interests upon putting their name up for election. For example, if a person were a teacher or a principal, his or her spouse would not be able to vote for his or her pay raise.

Mr. Speaker, this bill is an important step towards protecting our students' best interests because it allows this province to leave the governance of school boards in their respective localities but also sets up strict guidelines stating which sorts of people will not be appropriate to be able to govern our school boards.

Mr. Speaker, in many school districts board members too often

must excuse themselves from voting on certain matters due to a real or possible conflict of interest. This leaves the remaining board members in the uncomfortable position of having to speak for their colleagues. This is unfair. The remaining members of the school boards didn't put themselves up for election to a school board for the purpose of speaking for everybody. They, like members of this Assembly, put themselves up to add a voice to the discussions, to help reach conclusions in concert with the other board members, and to speak for their constituents.

[Mr. Lougheed in the chair]

So, Mr. Speaker, this is in fact a very reasonable measure. By precluding those with conflicts of interests from seeking nomination, we make sure that all of our board members can vote on school matters and prevent one or two members being left with the job of having to make big decisions on their very own. We also ensure that there are never any situations in which a conflict of interest puts our education system at risk either because an individual votes with an apparent conflict of interest or because decisions are made without inclusion of the requisite amount of board members in the vote. We should have all board members providing input to all decisions, and in order for this to happen we need legislation like this proposed Bill 205.

3:40

Mr. Speaker, it ought to go without saying that clear regulations on conflicts of interest are of the utmost importance to the functioning of any body operating for the public good and entrusted with public funds, especially when we are concerning ourselves with education, which, along with being the focal point of our future, is also home to an immense budget. We must be vigilant with conflict of interest regulations. We have to ensure that the stewards of education are operating with the best interests of the students and teachers and the parents and taxpayers.

With Bill 205 we make our trustees decision-makers, not bystanders. By doing so, we will make sure that our school board trustees are more accountable and more responsible when carrying out their duties. We will ensure that all school boards and all board members are in as close a position as possible to being critical thinkers with open minds toward all ideas for educational reforms at the local level. Of course, nobody can do anything about the political stance or inclination of any board members, but at least we can ensure that it is through their conviction about what is right, not a desire to gain, that those persons put themselves up for school board election. Our schools will be better for it.

Mr. Speaker, earlier I alluded to the situations in which many school board trustees are not allowed to vote because of a conflict of interest, leaving the others to pick up the slack. Well, along with leaving other board members in a bind, they also end up costing our taxpayers a lot of dollars. For example, a situation arose in which all board members had to excuse themselves from deciding on a matter due to a conflict of interest. When the Department of Learning is forced to go into a situation and make decisions because the boards lose their quorum, it costs them administrative dollars. Employees have to look over the situation, investigate it, and make sure that it is all right.

Further to that, we also see a situation that thrusts the Department of Learning into a situation that it doesn't want to be in. Local decisions are best made by local groups, not a central government. This is an overriding principle of our government. We put money in the hands of individuals through a low tax regime. We put responsibility in the hands of individuals with prudent yet

noninvasive laws. We consult our population with summits like the Future Summit, the justice summit, and we have put powers in the hands of our local groups by creating regional health authorities, school boards, and the like.

Now, considering all of this, why would we want to keep school board trustees laws that obviously create situations in which this local decision-making must necessarily be taken over by the provincial government because board members find themselves mired in conflict of interest situations? As a government we clearly believe that people in southeast Calgary, for example, know more about the things that need to be done in southeast Calgary than the bureaucrats in Edmonton do. We want the local people to make decisions. Well, they can't make decisions if they are ineligible to vote due to a conflict of interest. We need people on these boards who are eligible to vote with total integrity and confidence. We are a government that supports and trusts Albertans. This is one reason why we've narrowed the scope of who is eligible.

[The Deputy Speaker in the chair]

Mr. Speaker, I know that there will be some arguments against this bill. Some will say that it's restricting hardworking and caring individuals from working for the greater good of their schools. This is a fair concern, I must say. However, I'm sure that there are enough concerned parents and citizens out there that school trustee positions will not go unfilled.

Therefore, I agree with the Member for St. Albert, the proponent of Bill 205. Thank you.

THE DEPUTY SPEAKER: I have several people who are standing. Since the hon. Member for Edmonton-Glengarry stood the last time and I had to go to the alternate, we'll go with the hon. Member for Edmonton-Glengarry, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Edmonton-Highlands.

MR. BONNER: Thank you very much, Mr. Speaker. I'd like to make just a few comments on Bill 205, the School Trustee Statutes Amendment Act, 2002. I'd like to start out by saying that I will be arguing strongly against this bill. Any time we have legislation that restricts representation, any time we have legislation in this House that impedes the democratic process, any time we have legislation proposed in this House that limits who Albertans can vote for, then I think that we are not serving Albertans very well.

I think as well that when we do propose legislation of this nature, then we certainly are opening ourselves up to a legal challenge. Of course, when we look at our record when we have been challenged in the courts, it is not very good. We just heard the hon. member mention that this is a very costly process. Well, a court challenge is much more costly, and we don't have to go any further there.

As well, we have heard so many members in this House over the last few years certainly mention what a great job our educators are doing, what a great job our schools are doing, how well our students do when they are compared against students in other provinces and internationally. We see that also we've had school boards operating in this province for approximately 120 years. We certainly, as the hon. Member for Edmonton-Centre has mentioned, have not seen this as a problem. The magnitude of this problem certainly isn't great, and it seems to be overstated greatly by a number of members.

Now, then, in this House, Mr. Speaker, all of us pay taxes here in this province, or I think most of us do – I should qualify that – yet we get to vote on a budget. We have the Members' Services Committee, where we can vote on raises for ourselves and for other

departments within government, yet there are no restrictions placed on us as to whether we have members of our immediate family working there. So this is not consistent whatsoever. This bill is not consistent with what we do as members.

When we look at the scope of this bill, I don't see any great conflict of interest that requires us to pass a bill in this House that limits who can sit on our school boards, especially when we look at the role of the school trustee. The role of the school trustee is certainly the setting of the priorities of that district. The role of school trustees is to put programs and resources that will make those programs and resources a reality, and these priorities are really what school trustees do when they are allocating various parts of the budget. The case of where, because of a potential conflict of interest, we have to have some members withdraw from that decision-making certainly is of a lot less importance, particularly with the passing of Bill 12, which virtually took away the majority of the bargaining powers of our local boards and put it into the hands of government and, further, put it into the hands of arbitrators. So the role of trustees, if we continue in the same fashion as we are now, is certainly going to be of much less importance when it comes to negotiation, because it certainly seems that the direction of this government is to interfere in the collective bargaining process by putting line items in the budget and passing bills such as Bill 12 to take away the local autonomy, the local control that our school boards have.

3:50

I also see that what we do here with this bill, Mr. Speaker, is we disenfranchise a certain group of people who have a great interest in serving their school boards, in serving their communities, and in serving the children of this province. In many cases these people have some very special abilities that go along with their great interest and certainly have made over the years some great contributions to our system. I would think: who would be of better quality than someone who is familiar with the school system and how it works? I can think of any number of trustees that I've had the opportunity to teach with that have done an excellent job. Many of them were associated with a professional organization for teachers in some fashion or another.

So, Mr. Speaker, in closing, I would certainly hope that all members of this Assembly would see that this bill will take away the rights of a certain group of citizens. Certainly if this bill is enacted, we are setting ourselves up for another court challenge, one that I would think we cannot win. I would urge all members in the Assembly to defeat this bill when it does come to the vote.

Thank you very much.

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

MR. HORNER: Thank you, Mr. Speaker. It's my pleasure to rise today and speak to Bill 205, the School Trustee Statutes Amendment Act, 2002. Bill 205 is a small amendment to the School Act. Currently through the act the Alberta government delegates much of its authority for the governance of education to locally elected school boards.

Our school boards serve a very important purpose. Boards make decisions like developing a budget for the fiscal year, planning and setting priorities, making policy to guide administration employees, adjudicating in policy disputes, and communicating with community and staff on behalf of the jurisdiction. These responsibilities are vital to our education system, and the people elected to the boards do a fine job in dealing with these responsibilities. They handle them with rationality and wisdom.

Almost any person is eligible to run for a school board position. A candidate may let his or her name stand for election as long as they meet the requirements for the election process, which include that the individual is able to vote in the election, that they have been a resident of the local jurisdiction for six consecutive months, or that they are not disqualified by the School Act. Once elected to the school board, a trustee begins to make the tough decisions that are required of him or her. When handling their responsibilities in making these decisions, individuals should be able to perform their duties as a school trustee to the best of their ability and with a minimum possibility of conflict of interest in pecuniary matters.

Decisions involving money are among the most important and contentious issues that a school board trustee must face. Currently in Alberta there are situations that arise that call into question some of the regulations and rules currently set out in the School Act. One major problem is that on occasion the majority of school trustees must abstain from important decisions on money matters because they would be in a conflict of interest if they were to participate in the discussions. This results in decisions being made by one or two of the elected officials, most often not even coming close to making quorum: 50 plus one. The act sets down that a trustee would be in conflict of interest if the trustee's spouse, children, parents, or parents of the trustee's spouse share a pecuniary interest with the trustee. These rules make it very difficult for some boards to operate.

The hon. leader of the third party wanted to know why this bill was present. This is a perfect example that shows this case. In Medicine Hat during the collective agreement negotiations 4 out of 5 of the school board trustees declared that they could be in a possible conflict of interest and therefore could not take part in deliberations. This left the decision-making to one individual, Mr. Speaker, and this is unacceptable. We do not elect trustees to sit on boards to have them get up and abstain from some of the most important discussions. The trustees are elected for a purpose and need to be able to fulfill that purpose. Bill 205 will hopefully work to eliminate this problem.

Bill 205 would ensure that individuals who would face a pecuniary conflict of interest in the course of their duties as a school trustee are prevented from seeking nomination. Mr. Speaker, Bill 205 catches the problem at the starting point by not allowing some people to run because of a possible conflict of interest. We will be able to have people seek the position if and only if they are able to make the decisions and do the jobs they were elected to do. This means that people who have a permanent contract with their respective school board would be disqualified from running.

[Mr. Klapstein in the chair]

Bill 205 would also narrow the scope of individuals who are deemed to share a pecuniary interest with a trustee to just the trustee's spouse. As mentioned before, the current legislation includes not only the trustee's spouse but also his or her children, parents, and the parents of their spouse. This is far too broad, Mr. Speaker. In fact, it is excessive. It should not be a conflict of interest if a trustee's spouse's parents happen to work in that school jurisdiction.

Mr. Speaker, Bill 205 would also establish parameters around specific kinds of circumstances that would automatically be deemed to be a conflict for reasons of pecuniary interest. These parameters would not restrict the fact that trustees must disclose any pecuniary interest which might constitute a direct or indirect conflict of interest. The amendments that are being proposed would provide clarity by describing certain situations which would be presumed to

be a conflict for reasons of pecuniary interest. One of these certain situations could be one where a trustee's spouse is employed or under an ongoing permanent contract with any school district in the province. This would be the case of a conflict of interest, and the trustee would excuse themselves from discussion on the issue. Currently if a trustee's mother-in-law has an ongoing permanent contract with a school board, the trustee is deemed to be in conflict of interest. This is too broad and doesn't give trustees any credit for being able to separate their arm's-length, personal lives from their professional duties.

These broad scenarios create difficulties for school boards all across Alberta, and I feel that it's time the government did something about it. When negotiations between the union and the boards are taking place, how can we as voters be assured that we are getting the best and most informed decision out of our school board if the decision is being made by only or two individuals? This is not to say that these individuals cannot make a proper decision, but when a board is elected, it is done on the basis that those elected to represent their constituents will be able to do so when the time comes. They will not have to abdicate responsibility. If the majority of those elected have to abstain from the decision-making process, then I would argue that it's no longer a viable process.

As I see it, this bill, if passed by the Assembly, will make school board trustees more responsible and more accountable by providing that a majority of members will be able to take part. To clarify this, let me again bring in the Medicine Hat example. On that school board the one person who was left to make the decision did so on behalf of all board members. The abstainers must respect that decision. But if the public decides that the decision was not in the best interest of the community or the school or what have you, then the members that abstained from the proceedings can claim that they had nothing to do with the decision, therefore washing their hands of responsibility. This is not why these people are put on these boards. They're there to make the tough decisions. That's why we must pass Bill 205: to ensure that the decisions are made by the majority of trustees elected.

Mr. Speaker, I have spoken with the school boards in my constituency, obviously contrary to what the opposition may have done. There are trustees in my area that will be affected by this legislation. It's important for me to tell this Assembly that I have the utmost respect for all of the trustees in my riding. Their contribution has been extremely valuable for the community, and they will be able to continue now to serve their term in some cases by being able to take a more active role in the important decisions that have to be made.

4:00

I have also received a letter from the Greater St. Albert Catholic school division supporting the bill in its entirety. I've also received a letter from the Parkland school division which does outline two concerns that the division has with the bill. They state that they do support the changes to the School Act, however with reservations. The first concern is with the proposed changes to section 22(1) of the Local Authorities Election Act, proposed addition (1.1)(a). Parkland school division feels that it should read: the same school district or division and not a school district or division. They feel that a person could be employed by another school division and still serve as a trustee in their own district, as they are not making decisions which affect their own workplace. If it were a matter of pecuniary interest, as with anyone in that position they would declare this prior to discussion of the issue which they are in conflict with.

Mr. Speaker, I've also heard from several constituents who are educational professionals that are also concerned in this regard. The other concern that Parkland has was with the proposed amendment

to section 81(1). They feel that the changes take away the choice of the local boards to pass a bylaw in regard to filing a statement. They strongly believe in local autonomy and feel that the proposed changes may infringe on that autonomy.

I feel that we should look at these concerns and comments, Mr. Speaker, and perhaps include these issues in the review that's forthcoming of education in the province. However, that being said, the boards in my area have expressed to me that this amendment would bring clarity to the issue at hand, and that is the most important aspect. I believe we need to make the rules clearer and stick to them so that all boards in the province are operating under the same guidelines.

The majority of this bill is still supported by the school divisions in my constituency, and with that, Mr. Speaker, I urge all members to vote favourably on Bill 205 in second reading.

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

MR. MASON: Thank you very much, Mr. Speaker. I rise to speak against Bill 205. Quite frankly, this bill causes me a great deal of concern. I want to indicate that while I can certainly accept that if a majority of a school board in any jurisdiction would have to disqualify themselves on any issue before the board, that is indeed a problem, it seems to me that the bill goes far too far in the entire scheme of things. For example, the bill would eliminate the right of any individual to stand for election as a trustee if they were an employee of any school district, not just the one for which they are running, or any charter school or any private school. The effect here is to eliminate educators from participating in the governance of education in any way.

Now, I can certainly understand and can appreciate the concern that's been raised with people having to disqualify themselves on a particular vote, and if that's a significant number of members of the board, then that is a concern. That, Mr. Speaker, I think could be dealt with, but it appears to me that the effect, whether intended or not, of this particular legislation is to exclude a class of people from participating in one level of the democratic process. There is no way that someone who runs, for example, in Stony Plain but lives in Edmonton would have a conflict of interest, because they are not affected, but this bill would exclude it on the basis of the argument that has been put forward.

So why would this be, Mr. Speaker? One of the things that has happened is because of the participation of many different individuals in school board politics. That's what it is. It's a level of politics. It's a level of citizens participating in the democratic process and not, as was implied, simply a delegated authority by the province to sort of a quasi-administrative body but in fact one of the fundamental and originating levels of democratic and community participation in the entire country. Why? I believe that the school boards have been continuously supportive of public education, and they have stood up for public education and have not been subservient to the government's policy and the government's bidding.

One of the ways to deal with that, I would suppose, is to eliminate educators, who are often the most familiar and the most motivated members – not always; certainly not always – who tend to be people who have a real passion for education, and to take them as a class of citizens and then abridge their democratic rights in order that we can have school boards that are compliant with government policy. I think that this particular act is to us completely unacceptable. It represents an attack on democratic rights of citizens that I think every Albertan ought to oppose.

I want to talk a little bit about how governments of this province,

Progressive Conservative governments, in the past have dealt with this issue. It's been quite a different story, and I'll tell maybe a personal story, Mr. Speaker. When I first became interested in municipal politics, I was a city employee, and at that time the Municipal Government Act precluded municipal employees from running for city council. I raised this issue and brought a Charter challenge before the Court of Queen's Bench, and that challenge was unsuccessful, but unfortunately there was not enough time to conduct an appeal. As a result, I had to choose between resigning from my job with the city, which was a job I quite liked, or running for city council. I chose to resign my position with the city, and I was subsequently elected to Edmonton city council.

At the time the Member for Edmonton-Highlands was my representative – that was Pam Barrett – and she stood up and asked questions of the Minister of Municipal Affairs, and that was Mr. Ray Speaker. In response to the question, the minister indicated that he did see that there was a problem, that my and other municipal employees' democratic rights were infringed by that provision, and he brought forward an amendment to the Municipal Government Act that is still in place today. What its requirement is, Mr. Speaker, is that a municipal employee who is elected to the municipal council which employs him must resign their job after being elected, not before. So there are different ways to deal with it, and governments in the past I think have erred more on the democratic side and on the side of increasing rather than restricting people's democratic rights in Alberta society.

This bill goes in the opposite direction. This bill infringes on people's democratic rights, reduces them, takes them away, all under the guise of preventing some very unfortunate problems that have been referred to but for which there are more appropriate remedies. You can strengthen the conflict of interest guidelines. You can make sure that people who have a conflict of interest are required to eliminate or get rid of that conflict of interest after they're elected if that becomes a problem. That is one solution that can be offered.

4:10

There has been no satisfactory explanation given for excluding people who are employed in education generally from seeking office or being eligible to run for a school board outside a jurisdiction in which they are employed, and that is very discriminatory and really says that if you have an involvement in a particular occupation, you can't stand for a particular kind of political elected office. This is completely unacceptable, Mr. Speaker. It is completely unacceptable that any government would so abridge the democratic rights of its citizens based on their employment. It's pure and utter discrimination, and it ought not to be acceptable in this House.

[The Deputy Speaker in the chair]

If the member is interested in actually preventing these specific types of conflict of interest that have been referred to, then she ought to amend this bill or arrange for someone to amend this bill so that we are not attempting to kill a fly with a sledgehammer, because that's exactly what's happening. It's going to give rise to the concern that school boards are too pro-education and that it's a political change that the government is seeking rather than simply correcting a problem that arises from time to time with conflict of interest.

So I find the bill, Mr. Speaker, as it's presently set out to be completely unacceptable, not worthy of consideration of the House, and it ought to be defeated, as it well deserves. Thank you.

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

MR. LOUGHEED: Thank you, Mr. Speaker. It's a pleasure to rise today and join in this debate. As we all know, this bill, sponsored by the hon. Member for St. Albert, is brought forward to ensure that school trustees would not be in a pecuniary conflict of interest, and if so, then they wouldn't be eligible to run. As well, another good point about the bill is to narrow the people that are seen to have this pecuniary conflict of interest down to only their spouse. This bill makes a lot of sense, and I believe there's a need to establish some more realistic guidelines for the people responsible for making those decisions that affect the lives of our children and their education.

Part of what interested me about this bill, Mr. Speaker, was that during the past summer I was out backpacking in the middle of nowhere and had been out for several days when I got engaged in a conversation with a teacher from a jurisdiction in Alberta. He commented that they had a really good memorandum of agreement signed and that it went to the two parties, the teachers and the board, to vote on the memorandum, and the teachers accepted it wholeheartedly. It would have been about a year ago when this came forward, maybe 11 months or so ago when this happened, before the school year was over anyway. The vote then went to the board, but unfortunately there was I think only one board member, as I recall the story as he related it, that was able to vote on this. Although all of the board member's colleagues had voted for the memorandum of agreement, they were unable to vote, so only this one board member voted, and that board member opposed the memorandum of agreement. This teacher was quite disgruntled about that. As we follow the history of that memorandum of agreement and the collective agreement, they finally did settle. It was several months, a lot of conflict, and a lot of trouble and difficulty that they went through in order to finish off that collective agreement.

I think there are many good principles involved in this bill that this member has brought forward. School trustees have a direct responsibility to ensure that the decisions they make are in the best interest of the district. The board allocates all sorts of funds to the schools, and all together the trustees must make the most responsible decisions for the district. School trustees are elected to make important decisions on infrastructure investment as well as salaries of school staff and teachers. These are important decisions for our communities, decisions which should not be taken lightly but should be discussed and debated by all of the wisdom and experience brought to the board by every trustee.

Currently the School Act defines those who share pecuniary conflicts of interest with a trustee as their spouse, their parents, children, and their spouse's parents, and this means that the trustee, should their mother-in-law work for the school jurisdiction, would be unable to discuss, and they would have to abstain. They would have to abstain from voting on any budgetary or bargaining position, and that would just be due to the relationship of a relative.

The problem arises, Mr. Speaker, that with all the stipulations which define a trustee's pecuniary conflict of interest, too many people are having to declare themselves ineligible to be at the discussion table. Unfortunately, under these guidelines Alberta school boards are faced with too many decisions being voted on by less than a full board, and often trustees are opting out of decision-making because they're somehow tied by this conflict of interest.

I am pleased to have an opportunity to have this debate on Bill 205 because I believe that those guidelines are too broad in scope. Having the guidelines include not only the spouse but also all the other people that are mentioned leaves too many people with a chance of being in conflict of interest. I feel that the School Act should be amended to address this problem by narrowing those people determined to share the pecuniary interest in return for a fully functioning school board.

School boards are carefully created under specifications by the minister, and the number of trustees is determined by many factors, such as geography, population, regionalization or amalgamation agreements, and they had a ward structure set up in that regard. This number was selected to ensure that the decisions made would be sufficiently debated and would be representative of the constituents throughout the area. When important decisions are being made by less than a full board, then those people are not being properly represented.

Negotiations were something that I used to be involved in. I remember, Mr. Speaker, that they were a very intense time, and I certainly admired the breadth of experience brought to the table by both the ATA representatives and the school board trustees. Because of my experience in those negotiations I'm confident in saying that I believe that all of the trustees must be capable of bringing their experience and input to the table during that debate. Budget decisions should not be made while relying on less than a full board of trustees. The decisions made by the trustees are important for the development of schools and the education of our students, and when that development depends greatly on school funding, I believe that we must not only have people who represent the concerns of the public, but they're also capable of committing themselves fully to that debate.

Bill 205 would also narrow the guidelines for candidacy for those wishing to run in the school board elections, and I believe we must consider and debate this, because I personally feel that board members, if they must abstain from budgetary decisions, are not able to fully perform a major proportion of the job of an elected trustee. We must narrow the scope of those who must opt out during voting decisions because of conflicts of interest, and it makes logical sense and lots of sense, Mr. Speaker, that if you can't participate in many of the necessary decisions as a board member, you should not run for that position. However, these situations continue to occur currently, and it's a fact that most people interested in serving as a trustee have a background in education or a family who does. If we narrow the regulation to include only the spouse as sharing pecuniary interest, then Bill 205 will allow trustees to function as fully participating representatives, and they all want to do that, I believe.

We depend on elected boards in our communities to make and determine the outcomes of important decisions. We need those boards to be learned and experienced decision-makers to focus on examining problems in their sector and use the experience of every board member to develop a solution which will benefit the entire community. In the case of school board trustees, they are determining the outcomes of important decisions that will directly affect the education of our children. Our school boards must be able to function with the full complement of those wise individuals. When trustees are elected, we do not suppose as electors that they will be forced to abstain from important budget decisions.

4:20

Allocation of funding is certainly one of the most important jobs of the trustees, and, Mr. Speaker, we must consider the guidelines that determine who can run for trustee and help eliminate some of the numerous cases where trustees are forced to sit on the sidelines. By instituting legislation that is far more flexible for trustees, it will give board members greater ability to vote on decisions they need to. Allocating all of the funds and ensuring that funding is distributed fairly and most appropriately is a difficult and huge task, and important budget decisions need the input from as many people as possible. Every time a trustee abstains from these important decisions, we're losing out on the healthy debate from that individual. They would have shared a huge burden of determining the budget and allowed it to be more thoroughly examined.

Mr. Speaker, it's my belief that we need to change the guidelines to make our school boards more effective. I believe the two amendments before us, as proposed by Bill 205, have given us the opportunity to consider ways that trustees can do their work much better, the work that they were elected to do. I look forward to the remaining debate on Bill 205. Thank you.

THE DEPUTY SPEAKER: There being no further speakers, I would call on the hon. Member for St. Albert, then, to close debate.

MRS. O'NEILL: Thank you very much, Mr. Speaker. I want to wrap up and respond to a couple of the questions that were raised, but what I'd like to do first of all is remind everyone that the name of Bill 205 is the School Trustee Statutes Amendment Act, 2002. Essentially it amends the Local Authorities Election Act on one point, and it also amends the School Act on two points. There are only three parts to this bill. I would like to, in response to the questions raised, comment on a couple of those that were raised by the speakers.

I am not denying, Mr. Speaker, the fact that employees and, I daresay, teachers would make excellent contributors to the deliberations of a school board, but the fact is that they can't be part of those deliberations if they have a conflict of interest. So I am not denying the wisdom any employee of any school board, private school, or charter school would be able to bring to the table, but what I am saying is that the fact is that once they come there, they are then denied the opportunity to vote by virtue of the conflict of interest.

I would also say – and I say this very specifically – that there is nothing sinister nor arrogant about Bill 205. There are no untoward assumptions underlying this bill other than the fact that the intention of Bill 205 is to bring clarity to the process under which a school board acts in the best interests of the public. You do not need, also, to have a crisis in order to propose good legislation. In fact, I would argue that when the waters are often very churning and stirred, that time is not the time to be looking at a responsive reaction piece of legislation. You get more objective consideration of good law when you look objectively at a situation in order to construct it so that it is the best operating circumstances for all.

In the response to the question raised by the Member for Edmonton-Ellerslie that she would like to know what my response was to the ATA's news release, quite frankly I would suggest that maybe she work from the bill rather than from the ATA's news release because the ATA's news release had it wrong. I have responded to them accordingly, and I do hope that they understand what is fact rather than what they would like to make fiction.

I'd also like to suggest that when we're looking at a consideration of the clarification of who can be a full participant at the board table, I think that everybody here would agree that once a person is an educator, they're always an educator. You, Mr. Speaker, are a former teacher. I think that if you feel yourself that you are an educator by virtue of your profession, you are always one, but I would also say that a few of us would say that once you are an employee of a certain jurisdiction or a private school or a charter school, you are not always an employee. So the wisdom of an employee – and in this case, the reference was made, if that employee is a teacher – can be applied, however not while they are an employee of a school jurisdiction.

I would urge everybody to vote in favour of Bill 205, specifically because it makes reference to the clarity of circumstances under which we can get the best good governance of school jurisdictions with full participation by all trustees at the board table.

I would also point out in my concluding remarks, as we come to the end of the second reading of Bill 205, because we are talking

about the Local Authorities Election Act, that in the beginning of the School Trustee Statutes Amendment Act, 2002, we are talking about the eligibility to seek election for three different levels: municipal, in some instances health, and also for school trustees. It is very, very complicated when you define those out as per the first part of Bill 205. So in an interest in seeking an abundance of clarity, I will take under advisement the confusion expressed by some people and look further to the discussion after we pass this reading.

[The voice vote indicated that motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 4:27 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Abbott	Goudreau	Masyk
Ady	Graham	O'Neill
Amery	Haley	Rathgeber
Broda	Hlady	Renner
Cao	Hutton	Snelgrove
Cenaiko	Jablonski	Stelmach
Danyluk	Kryczka	Stevens
DeLong	Lord	Taylor
Doerksen	Lougheed	Vandermeer
Fritz	Lund	Zwozdesky
Gordon	Marz	

Against the motion:

Blakeman	Graydon	Melchin
Bonner	Macdonald	Pannu
Carlson	Mason	Taft
Friedel	Massey	
Totals:	For – 32	Against – 11

[Motion carried; Bill 205 read a second time]

4:40 **Bill 206  
Fisheries (Alberta) Amendment Act, 2002**

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

MR. DANYLUK: Thank you, Mr. Speaker. I move second reading of Bill 206, the Fisheries (Alberta) Amendment Act, 2002.

I'm pleased to rise today and begin debate on Bill 206, an amendment to the Fisheries (Alberta) Act that would ensure the preservation of one of our most valuable natural resources. Fish are extraordinarily important to Albertans, and I am pleased with the progress of the steps the Sustainable Resource Development minister is taking in making sure that fish remain important to our province.

After all, our history as a province is rich in fishing tradition, both as an industry and a recreational activity. Today the commercial fishery exports fish across the country and around the world with direct sales of almost \$70 million per year from the Northwest Territories and the prairie provinces. Alberta's commercial fisheries have an \$8 million direct, indirect, and induced value to our economy. Alberta anglers invest over \$300 million directly into sport fishing every year. This does not include their contributions to the multibillion dollar tourism industry.

Ensuring that our fish stocks and fish habitats are both preserved and enhanced is the main focus of Bill 206. By proactively managing our fish stocks, we will make sure that this vital resource is maintained for generations to come. This bill will amend the Fisheries Act to allow the minister to enhance our fish stocks by constructively removing beaver dams, issuing depredation orders, and restricting fishing in certain areas. It will also amend the Agricultural Pests Act to allow the minister to declare certain species of nonendangered, nongame birds as pests to agriculture.

Mr. Speaker, for years now my constituency of Lac La Biche-St. Paul and many other Alberta constituencies have been having problems with a particular species of bird, the double-crested cormorant. Populations of the double-crested cormorant have increased to the point where they are damaging the fishery and the ecosystem and are interfering with the traditional way of life of many of my constituents. Their numbers are also threatening the preservation of today's endangered birds and presenting a financial burden when it comes to restocking our lakes.

The double-crested cormorant has the ability to fly 50 or more miles each day and can completely empty lakes, rivers, and private dugouts of all fish. A full-grown cormorant from beak to tail can reach one metre in length and can consume up to a kilogram of fish every day. The cormorant can dive 40 feet and swim faster than a trout. Given that they mostly eat small fish, the so-called bait and forage species, our lakes are having a very difficult time recovering any significant fish populations. Mr. Speaker, in the process of eating numerous fish each day, cormorants can wound with their razor-sharp beaks upwards of a dozen of the fish they just about catch.

The cormorant has few natural predators. When a colony of cormorants reaches a certain size and is secure from predation and competition from other birds, their colony booms. Concurrent with the fish population's collapse over the past 30 years, cormorant populations have increased tenfold. Soon all plant life, even grass, is overcome, suffocated and killed. As a result, cormorant populations are skyrocketing, causing much harm to fish populations in the province.

Their impact has moved biologists in Lac La Biche to implement a study on cormorant populations. The results are staggering, Mr. Speaker. In 1967 there were only four colonies, totaling less than 200 nests in all of Alberta. Last summer in the Lac La Biche area alone biologists counted almost 8,000 of these nesting pairs in four lakes. That's up from 2,250 pairs in 1994. Since roughly two-thirds of the cormorants are non-nesting birds, biologists estimate that there are over 46,000 cormorants spending their summers in the Lac La Biche area. If 46,000 cormorants are consuming one kilogram of fish per day for approximately 200 days, we are talking of over 900,000 kilograms of fish being taken out of four lakes each summer by cormorants alone, as compared to 406,000 kilograms taken out by commercial fishing in the same time frame in 25 lakes in zone D. Alberta fish populations are dangerously low. Pike catches are only 15 percent of what they were in 1970. Of 27 walleye populations on which there are data, 21 lakes have collapsed in recent years. There is also concern on the quality of water, which may pose a risk to local municipalities and summer resorts.

Previous to 1997 double-crested cormorants were listed as an endangered animal in Alberta because of their small populations at the time. They were removed from the endangered list in 1987. Cormorant populations are now estimated as surpassing 2 million in North America and climbing rapidly. The double-crested cormorant in recent years has been recognized as a problem, and in 1994 it was classified as a potential pest under the migratory bird convention signed by Canada and the United States and Mexico. Bill 206 would

be just extending to fish a type of protection similar to what agriculture has already implemented against its pests.

The management of cormorant populations has been recognized in other jurisdictions. The United States Fish and Wildlife Service has recently begun to develop a cormorant management plan to prevent them from taking hold over the aquaculture and fishing industries in those areas. The difficulty for the Americans is that they cannot take the relatively easier and more humane measures to just manage eggs, as we can in Alberta. Most of the breeding territory for cormorant populations is here, in Alberta, Saskatchewan, and Manitoba.

Mr. Speaker, from the very beginning this province has taken upon itself the duty to manage wildlife responsibly so as to preserve the natural balance and maximize the benefits to all current and future generations of Alberta. Bill 206 enables Albertans to ensure the protection of natural fish populations and aquaculture to ensure that this precious resource is maintained. Bill 206 entrusts the expertise of the Alberta fish and wildlife service to take the proper and most cost-efficient measures to manage threats to our fisheries, our ecosystems, and our water supplies.

I strongly encourage all members of this Assembly to join me to support Bill 206. Thank you, Mr. Speaker.

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

MS CARLSON: Thank you, Mr. Speaker. I'm happy to have an opportunity to respond to Bill 206, Fisheries (Alberta) Amendment Act, 2002. In preparing for this bill, we consulted quite extensively with the Alberta Fish and Game Association and Trout Unlimited Canada. In summary, their concerns with this bill were significant and particularly talked about the lines between wild and private fish stocks being blurred by this legislation and that it doesn't specify who could make the order – preferably it would be a qualified biologist, but there's no indication that that would be the case – and that there are no guidelines for what information will be used to determine if an order should be written. Once again that gets left to regulation in this legislation. My initial inclination was certainly to oppose this bill, and it hasn't changed in terms of who we have consulted with.

There's no doubt that I would agree with the Member for Lac La Biche-St. Paul that the preservation of natural resources should be a primary concern of this government and in fact all members within the Legislature, but what we need to address that, truly, is an integrated and comprehensive plan that takes into account all pressures and all needs. The real issue here is proper management of our fish stocks and water quality management, something that we have talked about extensively over the years on this side of the House.

It was interesting, Mr. Speaker, that the Minister of Environment was quite happy to heckle his own member, stating earlier that this doesn't mean that we have to kill the cormorants, and I'm hoping that he will stand up and respond on the record to the member's bill.

MS BLAKEMAN: No. The statement.

MS CARLSON: Statement? No. We need the Minister of Environment to respond to his member's bill and clarify his remarks on whether or not this is a kill-the-cormorant bill.

We understand that there have been problems with the birds for fish stocks in the Lac La Biche and St. Paul region, but we need to take, I think, a more integrated approach to what's happening here. This bill itself is not well thought out and is just one little piece of

the whole puzzle and problem that's occurring there. Certainly habitat and species management goes beyond giving permission to destroy birds on Crown land, and I think that is an issue of last resort. We need to then take a look at all the implications up and down the food chain, and we also have to ask ourselves the question: why are the cormorants coming here? What has changed in the ecosystem to have that happen? These birds are of concern across Canada and the United States. There is evidence, however, that they are not as much of a threat to wild commercial fishing stocks as overfishing is.

So we need to do what I've said often in here, some scientific research, and decide what the real issues are here and how those can be solved. With this bill as it's laid out, there is no requirement for record-keeping on the number of birds or eggs destroyed or the method of destruction and disposal. The member referred to humane ways, and I'm sure that that was his intent, but those kinds of directions and rules actually need to be laid out and not left to regulation. The act does not specify what type of research must go into making an order; that's a big hole in the legislation. Irrigation projects, oil and gas development, and forestry all threaten fish habitat, Mr. Speaker, on various levels, and this government has some work to do on all of these areas before looking at killing animals that may harm the fish habitat. We hope that the Minister of Environment will respond to that.

4:50

Before giving serious consideration to this bill, we think the government should clearly document how avian predators are impacting fish stocks. We can't just order the destruction of animals based on hunches. We need some real data here. The government needs to put sufficient resources into determining the status of fish stocks across the province. They have recently been lobbied by various organizations to do exactly that. People have even recommended that fishing licences be increased if the money is directly directed to this kind of research, because everyone in the province who is concerned about fish stocks and water quality knows that we have some issues here and that the answer to the issues is going to be based on science-based research to determine why the stocks are at those levels and how we reduce the destruction and return stocks to former levels. We've seen some action. Sustainable Resource Development's plan to buy back fishing licences shows that there has been government mismanagement in this area, and we've talked about it in this Legislature for as many years as I've been in here. Let's address those issues before we start shooting these birds.

If we take a look at the sectional analysis of the bill, my first concern is 2, section 33.1(1), that when the minister determines that a species is destroying or harming or may destroy or harm fish or fish habitat, measures may be ordered to reduce the numbers of that species on Crown land. The concern is how the determination is made and will be put into regulations; it isn't legislated. It doesn't specify wild versus domestic habitat. It does not specify if habitat is limited to the lake or if breeding areas such as associated rivers are included. There are no grounds for determining destruction versus harm. So all keen issues that need to be identified and discussed and at least debated before a bill like this could be passed.

Then in 33.1(2), the species to be reduced do not include those defined as endangered under the Wildlife Act. That is one good part that was put into this bill.

Section 33.1(3): the minister may delegate to any employee the power to make an order under subsection (1). Our concern is that there is no mention of what information the employee must consider or the qualifications of the employee. This makes the order look like an administrative matter rather than something that has serious



ecosystem implications. We already know that field staff within both Environment and Sustainable Resource Development are, I believe, stretched to capacity at this time. We've got all kinds of monitoring and enforcement issues out there, and this just absolutely adds to the burden of work that they have.

Section 33.1(4). An order can be issued to protect domestic or private fish stocks. Our concern is that fisheries legislation is meant to apply to wild fish stocks. Private fish stocks should only be dealt with under agricultural legislation. Perhaps the minister of agriculture has something to say about that, and we'd be happy to take any advice from them.

Section 33.1(5): an order may be enforced by fishery officers, fishery guardians or certain employees of the minister's department. Our concern: no restrictions on how or when the orders are enforced. Restrictions should be part of the order, but the act does not say what an order is supposed to contain.

In section 3 we have concerns under section 44 that guidelines for determining when an order may be issued will be made by ministerial regulations. Our concern is, as always, that regulations are made behind closed doors.

Section 4 has an amendment to the Agricultural Pests Act. An order made under that act will apply to this act as well. Our concern is that an order for domestic stocks should not automatically apply to wild stocks.

I think that sums up what we have to say on this bill at this time. I hope that it doesn't make it past second reading, Mr. Speaker, but if it does, we'll go into more detail at committee.

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

MR. CAO: Thank you, Mr. Speaker. It is my pleasure to rise today to speak in favour of Bill 206, the Fisheries (Alberta) Amendment Act. It is also in my interest as an avid angler and a gusto fish diet consumer. As has been previously stated, Bill 206 would enable fish farmers to protect their investment from pest species. It would also create a mechanism and guiding principle by which the Department of Sustainable Resource Development must ensure the viability and protection of fish stocks and the biological diversity of aquatic ecosystems in Alberta.

Bill 206 would enable us to improve the spawning routes of fish and improve the status of fish farms around Alberta. Aquaculture, in common with all food production practices, is facing challenges for sustainable development. Most aqua farmers, like their terrestrial counterparts, are continuously pursuing ways to improve their production practices to make them more efficient and cost-effective. One of the major challenges that aquaculturists face is the increase of pests and predators threatening their farms, especially the fish farms.

Open-water areas and large concentrations of fish that are found in aquaculture facilities are a virtual smorgasbord for wildlife that eats fish. Most mammals are either large enough or small enough that they do not pose an economic threat to the facility. Taking a military analogy, the ground attack can be defended, but the aerial attack is hard to defend. Yes, birds are difficult to exclude and can have significant economic impact if no control is used. Bird population problems are complicated. There are different regulations and laws on the books adding to the confusion, making it a very difficult situation for owners of fish farms to know how to deal with a pest such as the cormorant that threatens their investment.

Bill 206 goes a long way in offering a solution to the pest problem that is occurring in aquaculture facilities around Alberta. I feel that it is this legislation that is really needed so that the owner of such facilities can better control and protect their investment.

Mr. Speaker, depleting fish stocks is a huge problem in Alberta. A large part of the problem of depleting stocks is the cormorant. They are increasing in population, and they are having a serious negative impact not only on aquaculture but on other colonial nesting birds. Waste from these birds is decimating, again, not only aquaculture but much of the vegetation in the area. The dramatic increase in the cormorant population is due to many factors. One reason is that the birds deplete fish stock in lakes around Alberta, and then we in turn restock the lake. This leads to more cormorants coming in to feed on the seemingly endless abundance of fish, and the cycle continues. The population grows rapidly. Another reason for the increased population is that there are no natural predators, especially in north Alberta. The predators of the cormorant are rats and large snakes. Now, I don't know about the rest of you, but the fact that neither of those predators prospers in Alberta is all right with me. The last thing we need is to introduce rats in Alberta to control the birds.

5:00

Mr. Speaker, the way to solve this problem is to pass measurable and sensible legislation like Bill 206. To try to give members an idea of how these pests are depleting our fish stock, let me paint a figurative picture of what the sky looks like when cormorants all take off at once. Think of the eclipse, the total blackout of the sun when the cormorants take off from the lakes. The only thing you can see are birds, thousands and thousands of birds making the sky as black as night. These birds are out of control in the lakes district in Alberta. I commend the Member for Lac La Biche-St. Paul in attempting to do something about the problem of depleting fish stocks, as I'm an avid angler myself.

Now, granted, Bill 206 deals with other problems depleting fish stock, such as problems created by beaver dams. However, the main concern, I believe, is the cormorant problem in Alberta, their part in depleting our valuable fishery resources throughout Alberta. They are also destroying many of the ecological systems around Alberta. As well, they are wreaking havoc on any of our attempts to have a thriving aquaculture industry in Alberta. This damage to the environment cannot be ignored.

Mr. Speaker, some in this Assembly may ask: what's the big deal? Why all this concern over this industry? Well, I will tell you. Aquaculture is currently playing and will continue to play a big part in boosting global fish production and in meeting rising demands for fishery products. At the recent session of the Food and Agriculture Organization of the United Nations Committee on Fisheries they stressed the increasingly important and complementary role that aquaculture and inland fisheries play in fish production for human nutrition in alleviating the economy of many rural areas around the world. This is an industry that has the potential to grow very large, and I would hate to see Alberta lose out in this new industry because of species that are out of control.

The cormorant has caused many problems not only in Alberta but around North America. There is even an industry cropping up from people who are trying to figure out ways to control the population of cormorants without using lethal means. From the research I have been told that they have not been a hundred percent successful. Studies show that the new techniques work on many birds and pests but not completely on cormorants. It is time that we give recourse to aquaculturists to get rid of this pest that threatens their livelihood.

Now, I am not talking about outright elimination of cormorants. Of course not. This bill is only advocating that we give owners of fish farms throughout Alberta the ability to control the population of pests so that the industry will have the chance to survive, and I honestly don't believe that the industry has much of a chance of

surviving the way the population of pests is steadily increasing; that is, unless we take action.

Mr. Speaker, there are many strengths in Bill 206. I have alluded to some, one being that the active management of fisheries will promote the long-term sustainability of the industry and will increase economic stability and growth of the industry throughout northern Alberta. Another important strength is that Bill 206 will ensure that fish farmers have an effective recourse in the protection of their property and their livelihood from pests such as the cormorant. It has been argued earlier in the debate – and I'm sure the debate will go further – that owners do not have a viable way to deal with the pest threat and that Bill 206 gives them quick solutions. A strength in Bill 206 that I have only touched on is that it will allow spawning routes for older fish species to be facilitated. This would increase the population of fish naturally and thereby reduce the necessity of expensive restocking measures.

The final strength I want to mention is that by controlling these pests, the proactive management of waterfowl population can be protected, and for that reason I recommend passing this bill. Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to speak on this bill, which is one of the shortest private members' bills, I guess, in this session that we've seen. I like its brevity, I'm intrigued by its simplicity, and I'm certainly not averse to the reasons that the hon. member has given to proceed with the bill; that is, the commercial significance of fishing is something that we should certainly pay attention to. If the stocks are depleting, then clearly we have to ask the questions why and what's the impact of the depletion of stocks on the livelihood of lots of Albertans and to the economy.

All of those I think are legitimate considerations that should lead one to give serious thought to this bill, Bill 206. It's its simplicity, however, that I think might be somewhat misleading. We need to ask some important questions about what the objectives of the bill appear to be and how they can be best served and whether or not the provisions of this act are indeed adequate enough to serve those purposes.

The bill obviously amends a couple of existing pieces of legislation. It certainly amends the Fisheries (Alberta) Act, and it also has a bearing on the Agricultural Pests Act. It intends to establish provisions for reducing the number of any birds or animals that could potentially threaten fish or fish habitat. Endangered species are clearly mentioned here and that this bill doesn't apply to any of the birds or animals that are listed under endangered species. So far so good, Mr. Speaker.

The question, however, is that the depletion or decline in fish stocks is not addressed in detail, and the questions are not asked about: what are the primary causes of that decline or depletion of fish stocks? Unless we identify the important causes, the primary causes of the depletion, our solutions might be off the mark. That's my concern. It is true that some of these birds, the cormorants, may like fish, and they're obviously converging on Alberta for some reason and not only North America but coming more and more north. I think they're finding the climate warm enough to come here and enjoy themselves, and I think that climate warming might be something the Minister of Environment should pay some attention to if he wants to deter the increasing migration and growth of these birds that seem to like our fish and want it free.

5:10

That's the other part. You know, in this province anything that's free is not good, and the birds want it free. If they were willing to

pay for it, I think it would be one thing, but these guys come here and they want to have the freedom to enjoy this meal without having to pay for it. That's not good enough, I think, and now we want them to pay for it by their lives or something. We want to get rid of them. My concern is that these natural ecosystems are systems. You know, these species are interrelated. They depend on each other, and just to start manipulating one particular element without understanding the complex and intricate interconnections and interdependencies between these elements may not only not help us reach the objectives but may damage the ecosystem in a way that we may find later on difficult to repair and correct. So that's one of the concerns that I have.

I think we need some science, and the Minister of Environment always talks about, you know: science is on our side. I think here we need to make sure that science is on our side before we accept the proposals that are made in this bill to have legislation that will help us to control just these birds. I think that although the words "birds" and "animals" are used, the concern is with this particular species of birds. Cormorants are the target, I guess, of this bill.

Also, the question has been raised before that the ongoing, prudent management of fish stocks is important. We seem to be dealing with responding to a crisis that resulted perhaps from not so prudent management of the fish stocks. Is overfishing a problem? Do we have some mechanisms that help us monitor when fishing activity borders on overfishing, and to what extent can we take some remedial actions to make sure that overfishing in itself does not become a cause of the problem?

Overfishing of a particular species. I understand – I'm not a specialist, you know, in this area – that there is a certain relationship between different species of fish. Forage fish numbers have, I understand, increased, and these birds are attracted here in larger numbers because they find their particular preferred food of fish growing in numbers. We need to ask: where are the predatory fish stocks going, and what can be done to strike a better balance between different species of fish? I think it's the forage fish that these birds like. Is that true, hon. member? Their numbers have been increasing, and we need to ask why that number is increasing. It's not that fish altogether are disappearing. It's these particular species of fish, I guess, that have commercial value that are going down. So we need to ask some of these questions before we vote this bill in.

I think I'll just stop there. I've raised a few questions. The Minister of Environment is delighted to receive my suggestions. I'm sure he'll respond as well. But the member, I think, might find some of the questions I raised helpful. Thank you.

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

MRS. FRITZ: Thank you, Mr. Speaker. I'm honoured to speak in support of second reading of Bill 206. I, too, would like to commend the hon. Member for Lac La Biche-St. Paul for bringing forward this important bill. I understand that the passion my colleague has for this bill comes about as a concern from his constituents. It's a concern, as he said earlier, that his constituents have with the double-crested cormorant. I really believe that this is a well-thought-out bill, and I know that my hon. colleague's constituents will appreciate his efforts on their behalf.

Mr. Speaker, Alberta has an amazing aquatic ecosystem. Our lakes and streams have an incredible diversity of life, and each year thousands of anglers and tourists head to the rivers and streams of our province and come to appreciate the beauty of our land and our great fishing. We all know that our fish are not the result of Mother Nature alone. In fact, for decades now environmental groups and

local farmers have participated in the maintenance and sustainability of fish stocks in our lakes, rivers, and streams. Today aquaculturists raise many varieties of fish including rainbow trout, goldfish, arctic char, American eel, many varieties of salmon, and freshwater prawns. Albertans actively engage in aquaculture for a number of reasons. One is economics, where local entrepreneurs sell their fish stocks for a variety of reasons including fingerling production, you-fish operations, contract growing, table food market production, and biological grass-control carp, where operators raise sterile carp for weed control in water and for research purposes. In fact, in the year 2000 our aquaculture industry was estimated to be \$10.8 million.

DR. TAYLOR: How much?

MRS. FRITZ: It's \$10.8 million, hon. member.

Another reason, and a very important one, also happens to be a sincere concern over depleted stocks. Low stocks are a result of many factors, Mr. Speaker, including inadequate spawning routes for fish populations and shallow, isolated ponds where fish are susceptible to the effects of winter. It is also the result of overfishing in areas of high demand. Needless to say, this action has caused a few problems, which is why the hon. member has brought forward this bill.

Restocking efforts have contributed to the increase in predatory pest species. They are increasing dramatically, as we heard earlier. The stocks provide an abundant and convenient source of food. As restocking efforts increase, so too does the growth in predators. This results in a very frustrating situation for aquaculturists and those concerned with the sustainability of our aquaculture system. It is especially troubling for an industry that generally incurs high cost levels in order to meet the demand in their particular markets.

Mr. Speaker, as the hon. Member for Lac La Biche-St. Paul said earlier, a perfect example of this sort of pest situation is the double-crested cormorant. The cormorant is determined and irritating. They have increased in number by the thousands over the past 25 years. You would think that a predator of the cormorant would help offset the problem. It is well known, as my colleague from Calgary-Fort said earlier, that the natural predators of the cormorant include large snakes and rats. Well, there are not many large snakes in the northern Alberta lake region where the cormorant makes its home, and Alberta is rat free. So the increase in the cormorant flocks continues to be out of control.

Birds, fish, and mammals are known predators of cultured fish. Bird predation is the major source of fish loss at aquaculture facilities. The diversity of Alberta's aquaculture practices as well as the variety of predators mean that producers need to employ a variety of damage prevention and control techniques. The only assurance of eliminating bird predation at these facilities is total exclusion of birds from fish-holding venues. However, total exclusion is often impractical for many facilities due to size of operation, expense, or interference with management activities, which is why farmers turn to a number of management methods including the construction of barriers or frightening techniques such as noise, visual scare devices, lights, or even scarecrows.

5:20

While it is currently possible for a fish farmer to obtain a depredation order for a specific pest species from the Department of Sustainable Resource Development, it is a very, very time-consuming process in a situation where time is of the essence. Under Bill

206 a depredation order would no longer be required when a fish farm is threatened by an identified pest species. Of course, it would still be the responsibility of the minister to identify which species are considered pests, and it should be noted, Mr. Speaker, that it is an identical mechanism to one contained in the Agricultural Pests Act. This act allows agriculture farmers to destroy any animal which threatens their crops or livestock provided that that animal has been declared a pest by the Minister of Agriculture, Food and Rural Development. As a nongame bird it is possible for the double-crested cormorant and other nonthreatened, nongame birds to be declared a pest and enable farmers to properly protect their livelihoods. The same principle should exist for a traditional farmer that grows crops or raises traditional farm animals and for an aquaculturist. In both cases it makes sense to enable farmers and Albertans to use their discretion.

Some individuals may be concerned that by empowering farmers, we would be putting species at risk. Well, Mr. Speaker, that is why Bill 206 has the minister declare certain animals as pests. He or she would have the ability to monitor species to ensure that no long-term harm comes to them. In essence, Bill 206 would amend the Fisheries (Alberta) Act in such a way as to clarify the responsibility of the Minister of Sustainable Resource Development to protect the fisheries resource through the minister's power to issue depredation orders, remove beaver dams, and restrict fishing in certain areas. While the minister has all these powers currently, Bill 206 would provide a guiding principle for the proactive, sustainable management of fishery resources.

Mr. Speaker, you can see that this is a widespread problem which governments are trying to resolve. I believe that the approach taken by Bill 206 is reasonable, it's responsible, and it's well thought out. The goal of the Member for Lac La Biche-St. Paul is to enable fish farmers to protect their investment from pest species of nongame birds. They would be identified, as I said, by the Department of Sustainable Resource Development, and I understand from the sponsor of the bill that this identification would be fully compliant with the Wildlife Act, the federal migratory birds convention, as well as certain provisions of the Water Act and the fisheries act.

Mr. Speaker, David Gillies, who is executive assistant to the Deputy Government House Leader, recently loaned me a wonderful book titled *River in a Dry Land* by Canadian author Trevor Herriot. Mr. Herriot quotes in the book that if there is magic on this planet, it is contained in the water. I firmly believe that the hon. Member for Lac La Biche-St. Paul is protecting one of our important resources through this bill, so I would urge all members of the Assembly to support the hon. member on this bill. Thank you.

Mr. Speaker, I would like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. Another excellent day with much excellent progress having been made, I would therefore move that we now call it 5:30 and that we adjourn until 8 this evening.

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

