

Legislative Assembly of Alberta

Title: **Monday, April 29, 2002**

1:30 p.m.

Date: 02/04/29

[The Speaker in the chair]

head: **Prayers**

THE SPEAKER: Welcome. Good afternoon. Hon. members, I'd invite you all to remain standing after the prayer for the singing of our national anthem.

Let us pray. Heavenly Father, as we welcome a new member to our Assembly, grant us the wisdom to renew our commitment to serve You and all Albertans to the best of our abilities. Amen.

Now, will you please join in the lead provided by Mr. Paul Lorieau in the singing of our national anthem in the language of your choice.

HON. MEMBERS:

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

THE SPEAKER: Please be seated.

Presentation to the Assembly of Mr. Doug Griffiths Member for Wainwright

THE SPEAKER: Hon. members, I would now invite the hon. the Premier to proceed to the bar of the Chamber.

Hon. members, I have received from the Chief Electoral Officer of Alberta the report of the returning officer for the constituency of Wainwright containing the results of the by-election conducted on April 8, 2002, which states that a by-election was conducted in the constituency of Wainwright. The said report further shows that Mr. Doug Griffiths was duly elected as the Member for Wainwright.

[Preceded by the Sergeant-at-Arms, Mr. Klein escorted Mr. Griffiths to the Mace]

MR. KLEIN: Mr. Speaker, I would like to present to you and through you to all Members of the Legislative Assembly the new Member for Wainwright, Mr. Doug Griffiths. [applause]

THE SPEAKER: Let the hon. member take his seat.

head: **Introduction of Visitors**

THE SPEAKER: The hon. Member for Wainwright.

MR. GRIFFITHS: Thank you, Mr. Speaker. I would like to introduce some guests that are seated in public gallery. They're dear friends of mine, family and people who helped on my campaign to allow me to be here today. So I would like to introduce to you and through you to members of the Assembly – as I call your name, if you'd stand up – Coady Hayden, a friend of mine, Brian Heidecker and Donna Bagdon, Darlene Jensen and Ron Jensen, Maurice Chaisson, Marvin and Gayle Lawrason, Tyler Lawrason, Ken and Donna McNeil, Pam and Scott Ferguson, Fred and Marg Dibben,

Phyllis Flynn, Gordon and Shirley McClarty, Jim Klassen, Elaine Bruggencate, Ted McKenzie. Please rise and receive the warm welcome of this Assembly.

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

MR. MASYK: Thank you, Mr. Speaker. It's with great pleasure today that I introduce a wonderful constituent of Edmonton-Norwood, Mr. Ron Tomyn. Ron began a career with the department of highways in 1951. He became a project manager in 1953, and he retired from Alberta transportation and utilities in 1987. Then with 35 years of road-building in his blood he accepted an offer to work on one final project and ended up staying 14 years to retire again just short of completing a 50-year career. Upon completion of the last project they nailed his work boots to railroad tracks in Hines Creek. He was fair and just to owners and contractors alike, and he is still pictured carefully inspecting the workmanship of the roadways he helped build.

Mr. Speaker, it must be somewhat emotional for Mr. Tomyn to visit the House. His late father, Mr. William Tomyn, served in the Legislature as an MLA for three separate constituencies for a total of seven terms. William Tomyn served the constituencies of Whitford and Willingdon from 1935 to '52 and Edmonton-Norwood from 1959 until his retirement in 1971. Mr. Tomyn had a reputation of being one of the Legislature's best orators and most outspoken members. Before becoming one of Alberta's longest serving politicians, Ron's father began a career teaching in 1926 in a one-room schoolhouse with 53 students at Plain Lake.

Mr. Speaker, again it gives me great pleasure to introduce to you and to this Assembly both a wonderful Albertan and a son of another. Mr. Ron Tomyn is here today with his wife, Marianne, and his granddaughter Michelle and son-in-law Norm Taron. Mr. Speaker, they're sitting in your gallery, and would they please rise and accept the warm traditional welcome of this Assembly.

Thank you.

head: **Introduction of Guests**

MRS. McCLELLAN: Mr. Speaker, on behalf of the Premier it's my pleasure to introduce to you and through you to members of the Assembly another group of guests from the Alberta Public Affairs Bureau. This group of public servants is visiting the Legislature today to learn more about the building and how the Legislative Assembly works. I would ask them to rise as I call their name and remain standing, and at the conclusion we would give them the customary warm welcome of the Assembly. Chelle Eisworth, Keltie MacPherson, Karin Neil, Helen Oldham, Tammy Peacock, Otilie Sanderson, Sheldon Staszko, Bill Strickland, Sandi Walker, and Diana Worsley. Welcome.

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

MRS. O'NEILL: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to members of this Assembly 18 students from Sir Alexander Mackenzie school in St. Albert. They are a particularly bright group of students. They are here this week for a week of School at the Legislature. They are seated in the members' gallery, and they are accompanied by their teacher, Catherine Coyne, and her assistant, Wanda Sagmoen. I would ask them to please rise and receive the traditional warm welcome of this Assembly.

1:40

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

MR. RATHGEBER: Thank you, Mr. Speaker. It is with great pleasure that I rise today to introduce 10 very special students from various schools within the Calder constituency. They were a winner and nine finalists in the My Alberta contest, sponsored by the hon. Minister of Children's Services. The My Alberta contest was a chance for students from all over Alberta to celebrate the future of their province in words and pictures. I had the finalists and the one winner as my guests at the Legislature. They've toured the building and we had lunch together. I'd ask Amber Caissie, Nikki Murray, Justin Aquino, Jerris Randall, Lindsay Scott, April Claro, Jun Jun Claro, Krystle Duquette, John Caduhay, and Carol Singh to please rise – they're in the members' gallery – and receive the warm welcome of this Assembly.

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

MR. HUTTON: Thank you, Mr. Speaker. It is a pleasure for me today to stand and recognize a constituent of mine, and I'd like to introduce her to you and through you to the members of the Assembly. Michele Bentley is one of those severely normal Albertans that we hear so much about but so little from. She is one of the silent majority, one of those people that loves to live and work in this province. She has a full-time job as a partner in a business and is raising a fine young man who's 16 years old at Ross Sheppard high school. She is sitting in the members' gallery, and I would ask her to please stand and receive the warm welcome of this Assembly.

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

MS BLAKEMAN: Thanks very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly a really enthusiastic group of visiting students. These are 67 grade 8 exchange students, and they are visiting us from Quebec. They're on an exchange program with students from Victoria high school. They are accompanied by teachers from both Victoria and, I think, parent leaders from Quebec, and they are Heather Steinke, Anne Bentham, Mitzi LeDuc, Jean-Pierre Fabien, Denyse Verret, and John Jessop. The guide said that this was a very well-behaved group. They were very impressed with them. I would ask that they now 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.

Children in Care

DR. NICOL: Thank you, Mr. Speaker. Last Thursday in Red Deer another child in the government's care died. My questions are to the Minister of Children's Services. Can the minister tell us whether implementing the recommendations of the Korvette Crier report could have prevented this death?

MS EVANS: Mr. Speaker, as the hon. member opposite knows, this is a huge tragedy. It is a death that has been investigated by the RCMP, and thus far we're understanding that it is a tragedy that is accidental and in fact happened in a foster home that provides services through an accredited agency, Kasohkowew. It is one of our delegated authorities. We are saddened, and we are reviewing the circumstances that surrounded this death.

THE SPEAKER: The hon. Leader.

DR. NICOL: Thank you, Mr. Speaker. Can the minister tell us if there will be a full review of the Kasohkowew society given that this is the same society that supervised the placement of Korvette Crier?

MS EVANS: Mr. Speaker, there will be and in fact there has been a resumption of the authority of child welfare delivery services by the officials in my department through the services provided through the CEO in Keystone. We have presently got officials and last Friday had officials in fact in Kasohkowew. They have assumed the supervisory role. It is not without angst by the good people that are in Kasohkowew, but we want to ensure that the vision and values of child welfare services are provided as thoroughly as possible.

I should review also, Mr. Speaker, that since 1999 there have been a number of reviews, including management teams that have been in place there, people that have been providing assistance. In February of this year there were staff from the provincial offices of child welfare reviewing the documentation and the files. We are currently continuing with that review but clearly in a more intense fashion given the nature of the tragedy last Thursday.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. To the minister: as of today which recommendations of the Korvette Crier report have you been implementing?

MS EVANS: Well, Mr. Speaker, I would think that we have done everything conceivably possible to hopefully prevent this tragedy, although there is certainly one more thing that could be done. I would encourage the hon. members opposite to encourage their Liberal cousins in Ottawa to fund for prevention and other circumstances on the reserves in this province. It would make a heck of a difference.

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

DR. NICOL: Thank you, Mr. Speaker. Again to the minister: how will the minister ensure that services provided to aboriginal children by aboriginal societies are held to the same standards as other service providers?

MS EVANS: Well, Mr. Speaker, first of all, we have recognized that with 18 delegated authorities there are 18 directors on reserve. We work with INAC, and we work with our partners in Indian and northern affairs as well as with child welfare officials in surrounding regional authorities. It's at times very challenging. We do our best to publish the standards, to make sure those standards are available to them, to provide liaison through the native liaison units, six geographically placed units throughout Alberta. We take time to invite them to sessions and offer them training sessions. I think that to the largest extent possible we do our best to ensure that standards are followed, but there is a real frustration not only felt by the chiefs themselves and the band council, which the hon. Member for Calgary-Buffalo and I met with last Friday, but a growing frustration that there are not always the resources there that are available from the federal government, and where that happens, we do provide our own resources and supplement what is there. But let's not ignore the fact that presently what we know about this situation thus far is that this is a tragedy and a very sad tragedy.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. Moments before, the minister referred to the number of reviews that are going on about the processes. When will the minister take responsibility and let Albertans know what changes in process are coming forward to better protect children in this province?

MS EVANS: Mr. Speaker, we have a number of authority manuals that have been produced. We produce annually a report that talks about not only the business plan but the outcome measurements that have been achieved. We provide for each region a report; they do their reporting regionally. If the hon. member is asking for what particular and specific things we're doing through the native liaison units, I would be pleased to publish that. We do not undertake delegation lightly, and I should be very clear: there's some very good work going on in the reserves and in the Metis settlements of this province. I think that if there are any aspersions there, there ought not to be. There are also some huge challenges, that we're trying to work with them on, in terms of our child welfare delivery. I'll be pleased, if the hon. member is quite specific about regions – I presume that Kasohkowew would be one – to table those in tomorrow's session.

THE SPEAKER: The hon. leader.

DR. NICOL: Thank you, Mr. Speaker. I asked for changes that were going on.

My next question is to the Premier. Mr. Premier, how many more problems have to come in this ministry before the government will step in and make sure that the processes that are in place to protect Alberta's children actually work?

MR. KLEIN: Mr. Speaker, I have the fullest confidence in the hon. Minister of Children's Services. She is tremendously sensitive to issues such as the one to which the hon. Leader of the Official Opposition alludes. She accepts with a great deal of consideration and care every recommendation by every person or group commissioned to do reports. Unfortunately, tragedies do occur in society, and when they do, we undertake, or at least the minister undertakes, to have a full examination, a full investigation of the circumstances, and where improvements can be made, they are made.

Mr. Speaker, I'd like to say just one more thing. This minister has tremendous care, tremendous concern for the young people of this province, and I have full confidence in her.

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

1:50 Case Plans for Children in Care

DR. MASSEY: Thank you, Mr. Speaker. In a critical rebuke of the actions of the Department of Children's Services, the Court of Appeal denied an application that would delay the filing with the courts of approximately 600 case plans for children. My questions are to the Minister of Children's Services. What is the explanation for noncompliance, given that the department was aware of the problem over two years ago?

MS EVANS: Mr. Speaker, three times in the last two years different court judgments have been made dealing with the adherence to providing plans. One of the critical factors has been that in the presentation for temporary guardianship, when a judge received the request for a temporary guardianship, they also received verbally an outline of the plan that had been provided to the parents, and at times

in the past some chose to suggest that that was sufficient. There have been other court cases that have been filed – and I could go through a critical list or table that – but essentially we recognize that this is a contradiction of the Child Welfare Act, that under every circumstance a plan must be filed. I'm assured that presently there are plans available to be filed for all of those children. Since we have had the most recent decision last week that stayed our opportunity relative to the temporary guardianship order, through the child welfare directors in each jurisdiction we have had them review all of the files and where necessary go out and reapprehend those children to make sure that we are at all times doing the one thing that the temporary guardianship order intends to do, and that is protect the safety of the child.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. To the same minister: what action did the department intend had they been granted a nine-month delay? They didn't tell the courts.

MS EVANS: Well, Mr. Speaker, we fully intend – and today compliance is the order of the day in every circumstance. We intended to do whatever was essential to assure that where a child was still in a temporary guardianship order, the plan was in place, that the monitoring of that temporary guardianship was complete. Many of the ones that are assumed under that 636 number may have already changed their status, and it would require an individual file review and action to be taken by the director pending what the outcome of that review was. It's entirely possible today that some of those children are already back with their families, and in some cases, tragically, I'm told that we can't locate some of those parents, because those are children that have been taken into protection sometimes because parents have not been available to do the job that parents should be doing.

THE SPEAKER: The hon. member.

DR. MASSEY: Thank you, Mr. Speaker. To the same minister: given that the department told the court that "compliance would be costly and that resources are scarce," does the minister stand by statements that budget cuts have not hurt children?

MS EVANS: Mr. Speaker, \$674 million, almost \$675 million spent on the children of this province that are at risk: I am not going to accede to the hon. member's view that we are not providing sufficient dollars. There are times when dollars may not be spent in the exact focus they ought to be. There may be times, as in this case, which are regrettable, when plans weren't filed, but we are certainly spending more than any other province is spending for children at risk.

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

Health Care Disputes Resolution Process

DR. PANNU: Thank you very much, Mr. Speaker. The federal government and nine provincial governments have agreed to set up a process for adjudicating disputes over the Canada Health Act. Under this process, however, only the final report of the disputes resolution panel will be made public. Everything else is kept secret, with the average citizen frozen out of the process. My questions are to the Premier. Does the Premier support giving ordinary citizens a voice in the disputes resolution process, or is he satisfied that this

process should be the exclusive preserve of the federal and provincial governments?

MR. KLEIN: It's an interesting question, and I guess I would have to hearken back to the days of Mme Marleau, who was then the federal Minister of Health, who arbitrarily ruled that we were in violation of the Canada Health Act relative to ophthalmology clinics and those clinics charging facility fees, a practice that had gone on, as I understand it, for about 10 years previous to her making her ruling. I don't recall any public consultation. As a matter of fact, there wasn't even consultation with the province.

Mr. Speaker, certainly as we go through the Mazankowski report or the Premier's Advisory Council on Health, there may be some areas that will give rise to a challenge of the interpretation of the Canada Health Act, and certainly there's going to be plenty of opportunity to hear from the public relative to the implementation of the Mazankowski report, but if it comes down to an area of constitutional dispute within the social union framework, then this is a matter for governments to iron out. We think it's only fair that a third-party dispute resolution mechanism be put in place so that the federal government is not the judge, the jury, and the executioner.

THE SPEAKER: The hon. leader.

DR. PANNU: Thank you, Mr. Speaker. Will the Premier commit to making representations to the federal government and his fellow Premiers to open up the dispute resolution process by giving citizens the legal right to trigger complaints?

MR. KLEIN: Well, Mr. Speaker, I would suggest that any citizen has the legal right in a free and democratic society to initiate any kind of action or to urge any body of government to initiate any kind of action. Ultimately, it's up to the governing body to decide whether or not that action should be taken.

DR. PANNU: The Premier is avoiding answering my question, Mr. Speaker.

Let me ask my final question. If the provincial government has the right to trigger the dispute resolution process, why shouldn't citizens of this province have the same right?

MR. KLEIN: Well, Mr. Speaker, I guess they do have that right, but my gosh, if you have a thousand or 2,000 or 3,000 individuals who want to challenge a thousand or 2,000 or 3,000 different components of health care, there would never be any time nor would there be the resources to address all of these issues. We have to have a reasonable and a responsible way of dealing with these disputes. We've gone a long way – it's been a six-year process – to get a dispute resolution process in place, a process, by the way, that hopefully will involve three independent citizens of Canada to decide whether in fact a jurisdiction is in violation or not in violation of the Canada Health Act.

THE SPEAKER: Mr. Clerk, would you stop the clock, please. Hon. members, this is rather unique. The hon. Member for Wainwright would like to introduce some visitors that he has in the Speaker's gallery. He is the next member to be recognized, but we'll stop the clock.

The hon. Member for Wainwright.

2:00

head: **Introduction of Visitors**

(*reversion*)

MR. GRIFFITHS: Thank you, Mr. Speaker, for the indulgence. In my nervousness, I suppose, I forgot to introduce some of the most

important people in my life, my family, who are sitting in the Speaker's gallery. So I would like you to rise, please, when I call your name: my cousin and his wife, Sheldon and Crystal Hudson; my aunt Sheila Smith; my uncle Jim Hudson; and my aunt and my cousin, Pam and Scott Ferguson; and then last but not least, my parents, Keith and Maureen Griffiths. Please rise and receive the warm welcome of the Assembly.

head: **Oral Question Period**

(*continued*)

THE SPEAKER: Mr. Clerk, we can restart.

The hon. Member for Wainwright.

Rural Development Strategies

MR. GRIFFITHS: Thank you, Mr. Speaker. During my campaign to become the member of this Assembly for the Wainwright constituency, I often had discussions with my constituents about the need for rural Albertans and the provincial government to work together to develop a comprehensive plan for rural development. Many of these discussions centred on the need to ensure that assistance is provided to the agriculture community in tough economic times. However, many also expressed a desire to see rural development considerations and initiatives that extend beyond the scope of agriculture. My question is to the Minister of Agriculture, Food and Rural Development. What types of initiatives is your department undertaking to assist in the progress of rural development within and beyond the agriculture sector?

MRS. McCLELLAN: Mr. Speaker, certainly rural development is important to this government and a very important part of our department's mandate. Recognizing this, we've begun to lay the groundwork on what we see as a renewed emphasis on rural development. We've created a rural development initiatives office, that will play a very key role in the evolution of a rural development strategy for our province.

Mr. Speaker, first I believe we must understand what the barriers may be to rural development before we can address some of those issues. We certainly know that there's a great advantage to living and working in rural communities. We know that this framework that we're laying out and working with Alberta Economic Development on would improve the knowledge of many people of the initiatives of rural development. I would just like to add that I have been in contact with the Hon. Andy Mitchell, who is with the rural secretariat with the government of Canada, who also supports rural development initiatives and certainly, on hearing our initiatives, is eager to work with us on a national strategy for rural development.

THE SPEAKER: The hon. member.

MR. GRIFFITHS: Thank you, Mr. Speaker. My first supplemental is to the same minister. Given that rural development projects and plans must compose a vision for the future and that the future of this great province is our youth, what kind of youth factors is your department considering in your plan for rural development?

MRS. McCLELLAN: Mr. Speaker, certainly we would agree that the strength of our future in this province is our youth, and I think that is demonstrated clearly in a number of department initiatives and our overall government mandate. There is no question that 4-H is the prominent program for youth in this province. We have been and will continue to be a very strong supporter of this program. I know that the hon. member is familiar with it because my investiga-

tion showed that he is a former 4-H'er, and he would know that it helps to develop leadership skills and decision-making skills and brings us future leaders, which I would suggest we have in this Assembly today as a good example of that program.

As I indicated in this Legislature just I think last week, there was some concern about our support for 4-H. I think we've clarified that, and we will continue to be the province that supports 4-H and youth development leadership skills to the greatest extent of any province in this country.

MR. GRIFFITHS: My final supplemental, Mr. Speaker, is to the Minister of Economic Development. Can the minister tell us what's being done to attract businesses and industries to rural Alberta in order to provide our young people with more opportunities?

MR. NORRIS: Well, Mr. Speaker, I think it should be evident to everybody in the House that with hard-hitting questions like that, this member has a bright, bright future.

I would like to talk seriously for a moment about rural Alberta, Mr. Speaker, as it's vitally important to our department, and we have a number of initiatives that I would like to explain to the member. First and foremost, we work . . . [interjection] If the hon. Member for Edmonton-Ellerslie was outside of Edmonton ever, she would know that rural Alberta is very important, very important. [interjection] Come on now. Outside of Edmonton, very important.

We work very closely with the Minister of Agriculture, Food and Rural Development, and we're working on a blueprint of such, that should be available within about six months. The idea of that is to simply say: if you have an idea, a business, or want to expand one, how do you access all the services that this government has? Part of the problem quite simply is that sometimes people aren't aware of all the good works that we do as a government, and we want to help with that.

Secondly, Mr. Speaker, we spend approximately \$500,000 a year supporting regional alliances. Quite simply put, these are alliances of areas with similar geographic and economic interests. There are now 11 of them in the province, one of which the member is representing, the Battle River alliance. As a matter of fact, we just gave in excess of \$5,000 to that region to develop their regional alliance.

Third, Mr. Speaker, we have provincial offices throughout the province which are charged with dealing with rural development issues. I will invite the member to join me after session, and I'll explain a little further about that.

I want to close by saying one thing, Mr. Speaker. As every member in this House now knows, Alberta is slated to lead the nation in growth for the 11th consecutive year in a row. It should become obvious to everyone in this House and with the help of the new member that rural Alberta is a massive part of that, and this department will do everything it can to continue. . .

AN HON. MEMBER: Speech.

MR. NORRIS: Yes, it is a speech. It's a vitally important topic.

THE SPEAKER: Hon. minister. Gee whiz, maybe we can all go out for a soda now.

The hon. Member for Edmonton-Riverview, followed by the hon. Member for Red Deer-North.

Case Plans for Children in Care (continued)

DR. TAFT: Thank you, Mr. Speaker. In 1983 the board of review that contributed to the current Child Welfare Act released a report on

Alberta's child welfare system that painted a very bleak picture. It stated that "some children were apprehended and put in temporary placements where they remained for a long time before anything was done to plan their futures." In other words, children were taken from their families but no plans were put in place for their care. To the Minister of Children's Services: 20 years later, how does the minister justify that children are still being taken from their families without proper plans being made?

MS EVANS: Mr. Speaker, the issue is not the lack of proper planning. The issue is the lack of doing the due diligence of filing it in court. I can assure the hon. member that plans are in place for the children and that parents have been made aware of those plans. The issue of not filing has been one that we're addressing.

Mr. Speaker, may I also remind this hon. member in this Assembly that last week the hon. Speaker suggested that the time for debate of the bill was during that time designated on our agenda. Perhaps the hon. member could provide that after 9 o'clock tonight when we're in Committee of the Whole.

DR. TAFT: Well, in light of her comments that the plans are there but not filed and given that the Child Welfare Act requires by law that a case plan be filed within 30 days of a child being apprehended, why is the minister refusing to enforce the law?

MS EVANS: Mr. Speaker, there is no refusal to enforce the law.

DR. TAFT: Well, then, Mr. Speaker, does the minister expect these children themselves to take a buyer beware attitude to Children's Services?

MS EVANS: No.

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

2:10

Travel Clubs

MRS. JABLONSKI: Thank you, Mr. Speaker. Last year two of my senior constituents were invited by phone to attend a marketing presentation for a travel club and receive a gift certificate for a lovely dinner. After being treated to great hospitality, they were convinced to sign a contract for a membership to a travel club that would provide them with discounts on future vacations. These seniors were told that when you buy a time-share, you have seven days to reconsider. They paid approximately \$8,000 on their credit cards. The very next morning when they had second thoughts and phoned to cancel their contracts, they were told that this contract was not a time-share but a travel club membership and therefore did not have the seven-day legal opt-out clause to cancel their contracts and that their money would not be refunded. This has happened to many other Albertans. My question is for the Minister of Government Services. What is this government doing to protect Albertans who join travel clubs?

THE SPEAKER: The hon. minister.

MR. COUTTS: Well, thank you, Mr. Speaker. The policy of the Department of Government Services and this government is to make sure that we continue to have the strongest consumer protection legislation in Canada as well as the regulations to follow up on that. As the hon. Member for Red Deer-North so astutely put out in her preamble, there is a difference between buying a time-share and

there is a difference between travel agencies and a new phenomenon in the marketplace called travel clubs. So it's our policy to stay up with the new phenomena in the marketplace. As such we've received over 400 complaints about travel clubs and the very things that the hon. member mentioned. As a result of those complaints, we went out and did a public consultation. We found out that travel clubs should be regulated, and as a result of that, on May 17 of this year the regulations for travel clubs will include such things as making sure that a travel club has a licence as well as posting security bonds or some kind of security so that it protects the customer in case the travel club cannot fulfill its obligation.

The other thing is that we want to make sure that the travel clubs themselves as well as their employees follow a code of conduct. The other thing that we've done is made sure that in these regulations the length of a contract for a person to be in a travel club can only be up to five years and does not have to be lifelong. I think that perhaps the most important thing to remember is that contracts must be in place so that it prevents the kinds of things that the hon. member's constituents had the misfortune of going through.

THE SPEAKER: The hon. member.

MRS. JABLONSKI: Thank you. To the same minister: how does this new regulation protect consumers against unscrupulous individuals?

MR. COUTTS: Well, Mr. Speaker, the new regulation can really assist consumers in several ways. What we've done is taken a look at the contract, making sure that it has a 10-day cooling-off period. So if a person feels that they have been pressured into signing a contract, they'll have a 10-day period in which they can cancel. I think that that's a really important component to protect people against unscrupulous individuals.

As well, should a travel club not perform the services that it said it was going to perform or the business go out of business, an individual has an opportunity to cancel that very same contract. Again, by limiting the contracts to five years, that provides a tremendous amount of protection for her constituents.

THE SPEAKER: The hon. member.

MRS. JABLONSKI: Thank you. To the same minister: will this regulation also deal with unscrupulous companies?

MR. COUTTS: Well, absolutely. That is the whole focus behind the regulations, Mr. Speaker. The mere fact that a travel club must be licensed gives us an extra tool for protection in terms of enforcement. Once you know that a travel club is up and running, they must be licensed, and it provides us with an opportunity. If we find that there are complaints against that business, we can go in and investigate, and if we find that they have violated their contracts, we can either suspend or cancel their business licence.

Under the Fair Trading Act of Alberta, which is Canada's strongest consumer protection legislation, Mr. Speaker, there are fines of \$10,000 or up to three times the cost of the violation of the offence, whichever is greater, plus two years in jail for an offence. I'm proud to say that now, today, travel clubs are regulated under the Fair Trading Act, which provides the protection that is needed by all Albertans.

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

Electricity Deregulation

MR. MacDONALD: Thank you, Mr. Speaker. The Premier told this Assembly on April 10 that the costs that were increasing for electricity transmission capacity will be paid for by retailers and generators. My first question is to the Minister of Energy. Will the minister guarantee that those costs won't somehow be downloaded onto consumers, who are already burdened with expensive monthly bills?

MR. SMITH: Mr. Speaker, as the Premier said, with any power that's used for export, the transmission of that power, the generation of that power, and the payment for that power will be held outside of this province, which is the definition of export, and will not be held by Albertans.

MR. MacDONALD: Again to the same minister, Mr. Speaker: since there is little need for outside power if we have enough power generation in our province, will the minister ensure that if additional export lines are built, it will be at the expense of those who will benefit directly, the generators?

MR. SMITH: Mr. Speaker, the member is being consistent in having a totally erroneous preamble to his first supplementary. In fact, there is a continued need for low-priced, reliable electrical generation in this province. In fact, that is why, since the new competitive structure came into this marketplace, we have been adding some 2,000 megawatts of different types of power: wind power, biomass power, power applications from coal, and natural gas cogenerated. That power-generating opportunity will continue to be available to those investors who want to take the risk to invest in this great province.

MR. MacDONALD: Again to the same minister, Mr. Speaker: given that power deregulation has turned out to be expensive for the consumer and unreliable – that is certainly not erroneous – can the minister now, before committing to new export lines, explain to this Assembly how the guidelines that are being developed across the United States will restrict the import of electricity that comes from sources such as coal, which is the majority of our future expansion in this province?

Thank you.

MR. SMITH: A very appropriate question for a motion for a return, Mr. Speaker, but again the preamble is wrong. Therefore the general assertion of the question is wrong, and it would be difficult for me in the remaining important time of question period to correct all the usual tedium of errors that come from the member.

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

G-8 Summit

MR. CENAIKO: Thank you, Mr. Speaker. In two short months Alberta will host the 2002 G-8 summit in Kananaskis. Also in two short months many Albertans will be enjoying their summer vacations in Alberta's Rocky Mountains. My first question is to hon. Minister of International and Intergovernmental Affairs. How much is the G-8 summit going to cost Alberta taxpayers?

MR. JONSON: Mr. Speaker, the federal government is responsible for the G-8 summit and for all costs directly connected with that summit. The federal government has committed to reimbursing the

Alberta government and the municipalities for costs directly related to the G-8 summit. We are working to establish clear agreements with the federal government with respect to funding, particularly with respect to security, which is on everyone's mind.

As far as the actual cost of this particular major event, Mr. Speaker, I do not have a specific amount at this particular time. I am sure it's going to be substantial. I understand that it has been reported, not by this government or necessarily directly by the federal government, that there is speculation that it's going to be in the tens and tens and perhaps hundreds of millions of dollars. But that is something to put in context, and we will have to wait to find out the final bill when it is established.

THE SPEAKER: The hon. member.

MR. CENAIKO: Thank you, Mr. Speaker. My first supplemental question is to the hon. Solicitor General. What is this government doing to ensure the safety of Albertans and indeed tourists from around the world from the potential impact caused by protesters in and around the Kananaskis area?

2:20

THE SPEAKER: The hon. minister.

MRS. FORSYTH: Thank you, Mr. Speaker. As the hon. minister has indicated, this is a federal responsibility, all aspects of the G-8, including security. The Alberta government is assured by Ottawa that all security steps are being taken to keep Albertans and all the delegates safe while they're at the conference. We meet regularly with the federal government and the security planning groups, including police and other security officials. We have made it very clear to the federal government that we want the appropriate security measures to be in place. The frequency of these meetings has increased as the date draws nearer. We believe that protesters have the right to protest and engage in peaceful protest. However, steps must be taken and are being taken to ensure the safety and security of delegates, visitors, and all Albertans.

THE SPEAKER: The hon. member.

MR. CENAIKO: Thank you, Mr. Speaker. Summer is just around the corner, and many families are planning their vacations right now. My final supplemental question is to the Minister of Community Development. What is the minister doing to ensure that Alberta's tourism industry in Kananaskis Country will not be unduly affected by the demonstrations that have accompanied major international summits in the past?

MR. ZWOZDESKY: Well, Mr. Speaker, we're doing quite a lot by way of working closely with the federal government on this, respecting the fact that it is essentially a federal government initiative, at the request of the Prime Minister. We're well aware that within the next three weeks or so Alberta's campgrounds will again be wide open to the public, and we're expecting people to start taking up the offers to attend. So what we're doing specific to Kananaskis Country and the G-8 issue is that we're working with the summit management office there, working with IIR over here, working with the Solicitor General over there, and doing our best, with the RCMP, to make sure that the security that is in place is both responsible, available, and accessible quickly, and that is going to try and help Kananaskis Country remain as open as possible.

I'll just close, Mr. Speaker, by saying that on March 15 I did announce that 95 percent of the total land base within K Country

will remain open to the public for camping and recreational use during the G-8 summit in June, and as soon as the summit is over, we'll try and be open for the Canada Day weekend with everything in place.

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

Talisman Energy Inc.

MR. BONNER: Thank you, Mr. Speaker. Last week the Minister of Revenue suggested that Albertans ought to increase their tourism in Sudan for the benefit of that troubled African nation and the Alberta companies that invest in it. This advice was given even though Sudan is a war-torn nation with a horrible record of human rights abuses and the Department of Foreign Affairs advises Canadians not to travel to this country due to safety concerns. The minister's comments were made as he was defending the government's decision to continue holding shares of Talisman Energy, an Alberta company that is facing a lawsuit in New York over its involvement in Sudan. My first question is to the Premier. How can the Premier's minister defend the government owning Talisman shares when his comments suggest that he is not even aware of what is happening in the Sudan?

MR. KLEIN: Well, Mr. Speaker, that begs a question – and one of our hon. members has alluded to it – and that is: does he? Does he? I've met with groups who both are opposed to the existence and the operations of Talisman in Sudan, and I've met with officials of Talisman, who explain their side of the story, and there are two sides to this issue. You know, there are the allegations – and, of course, that is the subject of a court action – of Talisman taking advantage of some of the opportunities that exist in Sudan relative to oil exploration. There is the other argument, that Talisman is contributing quite significantly to the development of the economy in Sudan and is moving to eradicate poverty in that particular country. So there are two sides to this story, as there are to virtually every story. The hon. minister is entitled to make whatever comment he wants. I'm sure that he has the facts that are satisfactory to him, and I would suggest that the hon. member of the Liberal opposition get all of the facts, not just one side but all of the facts. And if he hasn't already met with Talisman, I would suggest, out of courtesy and out of fairness and out of a sense of wanting to get the facts, that he meet with Talisman.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. To the Minister of Revenue: given that analysts feel that shares of Talisman Energy are undervalued due to its holdings in Sudan and that the company faces a class action lawsuit in the United States, is this company maximizing its value for Alberta shareholders by doing business in the Sudan?

THE SPEAKER: The hon. minister.

MR. MELCHIN: Thank you, Mr. Speaker. I'd like to first clarify some comments in the preambles that are taken substantially out of context and continue to be misplaced, in the sense that my comments go back to the assertions that the hon. member brought forward by bringing innuendo and potential slanderous types of comments about a company with no facts or basis of evidence. So when we look at the investments of the Alberta heritage savings trust fund, I do think it's important to acknowledge that we do own shares of Talisman in

the Alberta heritage savings trust fund. We invest in the TSE 300. We don't invest with regards to one company in particular, but we invest in the indices. These companies have to meet regulatory requirements. They are required to abide by the laws of the land. I think it's also important to note that these companies have to be good global citizens. In fact, it was Canadian companies that led the creation of a code of ethics for international businesses for Canada. Talisman is one of those and has signed on to that code of ethics. As I said previously, unless there's evidence that has proven them guilty, we always assume innocence in this country.

THE SPEAKER: The hon. member.

MR. BONNER: Thank you, Mr. Speaker. My final question is for the Premier. Given that Talisman's share price will undoubtedly suffer if it loses the lawsuit, wouldn't it be prudent to get the province out of Talisman before then?

MR. KLEIN: Mr. Speaker, the question is entirely hypothetical. There are a lot of ifs, and that's the most dangerous question to answer: a question that has in it "if." It calls for an opinion, it calls for speculation, and the question, as I pointed out, is entirely hypothetical. The investment policies of the Alberta heritage savings trust fund as a matter of principle and as a matter of policy are extremely well thought out, and we are not about to risk the money that rightfully belongs to the people of this province. A great deal of due diligence and attention and care is paid to all investments, whether it's Talisman or any other company.

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

Kyoto Accord

MR. MASON: Thank you very much, Mr. Speaker. Last week during his media availability the Premier was asked a question about whether or not he would support a first ministers' conference on the subject of Kyoto. The Premier replied that he would give the matter some thought, and given that the first ministers' conferences are very serious and important affairs, that was a reasonable position. Ten minutes and several questions later the Premier apparently decided that he had given the matter enough consideration and called for a first ministers' conference on Kyoto. My first question is for the Minister of Environment. Did the Premier consult this minister about the idea of a first ministers' conference on Kyoto during the 10 minutes in which the Premier considered the idea?

THE SPEAKER: Hon. minister, please . . . We're dealing here with government policy, and the minister is not bound to respond on any internal consultations within the Executive Council, but his choice.

The hon. member.

2:30

MR. MASON: Mr. Speaker, then I guess I have no choice but to direct the question to the Premier, who wanted it all along. Did the Premier consult with either the Minister of Environment or with the minister of intergovernmental and international affairs prior to deciding to make a public call for a first ministers' conference on the Kyoto accord?

MR. KLEIN: Absolutely not, Mr. Speaker. I can make those decisions. You know, I'm very, very happy that the hon. member was paying attention, but actually this was a wonderful suggestion that came from a member of the media, Mr. Waugh, who's sitting up

there. I thought it was such a good suggestion. As a matter of fact, my answer to him was that I said: that is a good suggestion; I think we'll do that.

Now, Mr. Speaker, if the Prime Minister agrees to a First Ministers' Conference – and by the way, I'm receiving some word back now from my colleagues across the country. Premier Campbell thinks it's a good idea. I'll be discussing it with Premier Hamm, with Premier Binns from P.E.I. The new Premier of Ontario hasn't had a chance to get his head around this yet, I don't believe, anyway. If the Prime Minister agrees to a first ministers' conference on Kyoto, which is a matter of tremendous importance, there will be full and complete consultation with both the Minister of Environment and the Minister of Energy, who, by the way, are working on an Alberta plan, that hopefully can become a Canadian plan, which I hope to present to that particular meeting, that would in my mind create a much better solution to this problem of global warming and greenhouse gases than the arbitrary, very restrictive, very punitive nature of the Kyoto accord as it now stands.

THE SPEAKER: The hon. member.

MR. MASON: Thank you, Mr. Speaker. Given that there is already an energy and environment ministers' meeting in May, a western Premiers' meeting in June, a first ministers' meeting in August, did the Premier even consult with his own schedule to decide whether or not another national conference was needed?

MR. KLEIN: Mr. Speaker, no, as a matter of fact, but I'll tell you that if the Prime Minister agrees to a first ministers' conference, I will adjust my schedule.

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

Ethanol-blended Gasoline

MR. JOHNSON: Thank you, Mr. Speaker. My question is for the Minister of Energy. The federal Natural Resources minister, Herb Dhaliwal, is said to be seriously considering a law that would force oil companies to mix ethanol with motor vehicle gasoline as a way to cut greenhouse gases under the Kyoto protocol. Could the minister tell us the provincial position on this suggestion?

MR. SMITH: Well, Mr. Speaker, the position is that there are market forces at play with the price of gasoline in this province as well as any other province. Ethanol as an additive would increase the price. Now, if I refer the member to the previous comments of the Premier, this I think is an outstanding topic for a first ministers' conference on the Kyoto protocol.

MR. JOHNSON: To the same minister: could the minister tell us what potential impact the federal minister's suggestion might have on Alberta's energy industry?

MR. SMITH: Mr. Speaker, the Canadian Petroleum Products Institute, which does represent the downstream oil and gas industry or the service station side of it, believes that there is evidence with current technology that ethanol will not bring large and substantial cuts in greenhouse gas emissions, but we do know that decreased demand for gasoline product would negatively impact western Canadian refiners. In fact, this province is ensured of good-quality oil refining over the next 50 to 70 years with the oil sands decision to upgrade the Shell Scotford refinery and the Petro-Canada refinery.

Those well over 311 billion barrels of proven reserves in the oil sands will ensure that we have good-quality refining in this province.

MR. JOHNSON: Mr. Speaker, my final question is for the hon. Minister of Agriculture, Food and Rural Development. Could the minister tell us what potential impact the federal minister's suggestion might have on Alberta's agriculture industry?

MRS. McCLELLAN: Mr. Speaker, there's certainly no doubt that if the federal government was to mandate the blending of ethanol, it would raise the demand for the product in Canada. In Alberta ethanol is produced from wheat, so increased demand for ethanol would certainly offer another value-added opportunity for our province's grain growers. Interestingly enough, I recently met with a group of seed growers who identified triticale as a very good crop that could be used in ethanol production. We certainly would support the increased ethanol industry in the province. We have the infrastructure. We have the supply of product to do it. We estimate that it could be from \$100 million to \$130 million per year in increased activity. However, I think we also recognize, as I think the Minister of Energy just pointed out, that the marketplace will be where this is decided. If consumers want ethanol-blended gasoline, then I'm sure the industry will provide it, and we in the agricultural industry will be happy to participate.

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

MR. SMITH: Well, thank you very much, Mr. Speaker. I just wanted to add that Alberta has in fact been a pioneer in ethanol production with the Mohawk oil and gas company. That Mohawk company has subsequently been purchased by Husky, and you can drive up to your pump today and get an ethanol-injected full tank of gas.

THE SPEAKER: Hon. members, before calling on the first of seven hon. members to participate in Recognitions today, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(*reversion*)

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

MR. CENAIKO: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly a constituent of the hon. Minister of Energy who is seated in the members' gallery. Mr. Tyler Shandro, son of well-known and respected physician and specialist in Calgary Dr. Bud Shandro, is here with us this afternoon. Tyler has just completed his first year of law school at the University of Calgary and has signed on to work as my summer student in the Calgary-Buffalo constituency office. I would ask Tyler to stand and receive the warm welcome of this Assembly.

Thank you, Mr. Speaker.

head: **Recognitions**

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

Robinson Koilpillai

MS CARLSON: Thank you, Mr. Speaker. I stand today to recognize

Robinson Koilpillai and his wife, Helen, for whom a national tribute was held on Saturday, April 27, at the Maharaja banquet hall in Edmonton. I join, in fact, every party in this Legislature who was there that evening in echoing the words of the Governor General, who stated that it is a pleasure to congratulate Robinson Koilpillai for his 42 years of outstanding service to his community, his country, and his fellow Canadians.

As an educator, school principal and community volunteer, he speaks of tolerance and teaches without prejudice, rising above the barriers of race, creed and religion. His many accomplishments, most notably as the Minister of Multiculturalism's Man of the Year in 1980, as Member of the Order of Canada and as a member of the Canadian Human Rights Commission, demonstrate a lifetime of commitment to promoting the dignity and respect [of all people].

At a time when he could easily retire, Mr. Koilpillai continues to strive for global peace and justice as the chair of an international symposium celebrating Canada's diversity.

We recognize him for his outstanding contributions to his country.

THE SPEAKER: The hon. Member for Medicine Hat.

Parks and Protected Areas Volunteers

MR. RENNER: Thank you, Mr. Speaker. Today I would like to recognize Alberta parks and protected areas volunteers who were honoured at the annual volunteer roundup held in Cypress Hills interprovincial park this past weekend. Outstanding achievement awards were presented to 13 individuals and four organizations for their exceptional efforts in Alberta parks and protected areas. Each of these award recipients represents the imagination, enthusiasm, and spirit of over 2,000 Albertans who volunteer almost 100,000 hours of their time to Alberta parks and protected areas every year.

Alberta parks volunteers are young and old, rural and urban. They are neighbours and friends, organizations and individuals. What they all have in common is a keen willingness to help others and a passion to make a difference. Our volunteers provide a priceless service to the people of Alberta, assisting in the management of over 530 parks and protected areas in our province, that attract over 8 million visitors every year. I ask all members of this Assembly to join me in congratulating the 2002 Alberta parks and protected areas volunteer award recipients.

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

2:40

Kathy Holland

MR. MASYK: Thank you very much, Mr. Speaker. This afternoon it's a great pleasure for me to recognize an outstanding play school teacher from the Balwin play school in the Edmonton-Norwood constituency. The parents of Balwin play school have nominated Mrs. Kathy Holland as their teacher of the year. The parents cited Mrs. Holland's 13 years of tirelessly running the Balwin play school in an excellent fashion and their desire to recognize her for her efforts. Some of Mrs. Holland's other outstanding qualities as play school teacher include the high-quality level of her crafts, stories, activities, and field trips; her concerted efforts above the call of duty to ensure that each child is safe, happy, entertained, and learning; her special ability to transform a group of occasionally unco-operative three and four year olds to a happy group of singing and participating children; the way that the children listen to her and follow her instructions because she has developed a caring relationship with each one of them.

To conclude, Mr. Speaker, Mrs. Holland is a kind, gentle, and humble lady who treats all of the children that she cares for so equally. Congratulations, Mrs. Holland.

Thank you very much, Mr. Speaker.

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

**Brock Berger
Ian Draper
Dylan Weir**

MR. JOHNSON: Thank you, Mr. Speaker. I rise today to recognize three young men in my constituency from the town of Millet: Ian Draper, Dylan Weir, and Brock Berger. When the four Canadian soldiers were tragically killed two weeks ago, these three 13 year olds went door-to-door in Millet asking the townspeople to hang Christmas lights on their houses or hang Canadian flags in their windows in memory of the Canadian soldiers who died or were injured in Afghanistan. The people of Millet responded to the boys en masse, and lights lit up the sky every night until the four soldiers were buried. These three boys have shown an exemplary spirit, and they have demonstrated that the youth of Alberta, especially those in Millet, have a great understanding of the realities of the world. They have shown leadership that will serve them greatly in all their future endeavours. I commend Dylan, Ian, and Brock for their inspiring actions and unwavering Canadian spirit, and I also commend the town of Millet for their show of support for our soldiers in Afghanistan.

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

Centre for IBM E-business Innovation

MR. HUTTON: Thank you, Mr. Speaker. It is my pleasure to rise today to recognize the Centre for IBM E-business Innovation, located in downtown Edmonton. In this centre clients will be able to successfully do business on the web with everything they need under one roof. The Edmonton centre will leverage the knowledge, skills, and experience of IBM's worldwide network of e-business innovation centres. Initially the innovation centre will feature industry specialization, health care solutions building on development with Alberta Health and Wellness as part of the Alberta Wellnet partnership. IBM employs 1,800 Albertans. Many of these employees export their skills and talents to IBM clients outside of Alberta. The new innovation centre will bring business strategists, application developers, and other specialists together to help Alberta companies move to the next generation of e-commerce.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Redwater.

Memorial Service for Canadian Forces Casualties in Afghanistan

MR. BRODA: Thank you, Mr. Speaker. Today I would like to recognize the many volunteers, organizations, Northlands Park, the city of Edmonton, the surrounding municipalities, and their citizens for their tremendous support of our military families and the Edmonton garrison as Canada honoured its military at Skyreach on Sunday, April 28, 2002. On behalf of the constituency of Redwater I would like to extend my condolences to the families who lost their loved ones, to the wounded a speedy recovery, and our gratitude to the brave soldiers who continue to risk their lives in Afghanistan in the fight against terrorism. We salute you.

Thank you, Mr. Speaker.

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

Christine Burdett

DR. PANNU: Thank you, Mr. Speaker. I rise to recognize a

remarkable Albertan, a defender of our health care system, the Alberta chair of Friends of Medicare, Christine Burdett. Ms Burdett has worked tirelessly for many years in a volunteer capacity to protect our cherished medicare system. She has traveled all around this province, sometimes with a government truth squad following her, delivering a message to the people of Alberta that a public health care system allows them to be safe in the knowledge that all citizens, big and small, strong and weak, rich and poor, will receive equal care and that for-profit health care is an oxymoron, because the moment care is entered for profit, it's emptied of genuine care.

She knows that strengthening and sustaining our health care system and at the same time protecting it from entrepreneurial interests must remain our pledge to Albertans. I salute Christine Burdett for her continuing efforts working with thousands of Albertans to fight this government's agenda of privatization as imbedded in the Mazankowski report.

Thank you, Mr. Speaker.

head: Presenting Petitions

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

DR. PANNU: Thank you, Mr. Speaker. I rise to present a petition signed by 100 Albertans petitioning the Legislative Assembly to urge the government to "not delist services, raise health care premiums, introduce user fees or further privatize health care."

Thank you, Mr. Speaker.

head: Tabling Returns and Reports

THE CLERK: Pursuant to Standing Order 37.1(2) I wish to advise the House that the following documents were deposited today by the Minister of Gaming with the office of the Clerk: a letter dated April 16, 2002, from His Worship Mayor Bill Smith to hon. Mr. Stevens, Minister of Gaming, regarding an approved community lottery board grant to the city of Edmonton and a letter dated April 24, 2002, from the hon. Mr. Stevens, Minister of Gaming, to His Worship Mayor Bill Smith responding to Mr. Smith's letter of April 16, 2002.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Mr. Speaker. I'd like to table five copies of a resolution from the village of Linden which states, "Be it resolved that the Village of Linden does not endorse ratification of the Kyoto Protocol."

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

MS CARLSON: Thank you, Mr. Speaker. I have a series of tablings today. The first is from Kath Rutland, who is opposed to what is happening in Kananaskis and the special places.

The second is a series of letters from Albertans who are concerned about how teachers are treated in this province. They include Jason Holowka from Calgary, Leif Andersen from Grande Prairie, and Jane Iaccino, Dr. Robert Walker, Deanna Simmons, and Greg Balanko-Dickson from Edmonton.

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

DR. MASSEY: Thank you, Mr. Speaker. With permission I have two tablings this afternoon. The first is a court judgment over the failure of the director of child welfare to file a plan for care under the Child Welfare Act. That was dismissed in the Court of Appeal.

The second is also an April judgment from the Court of Appeal

where the government had asked for a delay of nine months of the April decision, and that was denied by the courts.

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

REV. ABBOTT: Thank you, Mr. Speaker. I rise today to table the requisite number of copies of a letter from Wetaskiwin regional public schools, and it's indicating that they are very supportive of the aims and direction of Bill 205.

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

MR. BONNER: Thank you very much, Mr. Speaker. With your permission I would like to table the appropriate number of copies of a press release from New York dated February 25, 2002, and this was put out by human rights attorneys Carey D'Avino and Stephen Whinston. These lawyers were part of the legal team that represented Holocaust victims in a recent lawsuit that led to a \$1.25 billion settlement from Swiss banks. In this press release they are filing an amended complaint in the United States district court for the southern district of New York against Talisman Energy Inc. adding the Islamic government of Sudan as co-defendant. The complaint alleges that Talisman and the government are violating the human rights of Christians and other non-Muslim minorities in southern Sudan by conducting a deliberate campaign of ethnic cleansing to clear the land for oil exploration.

Thank you.

2:50

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of a resolution of nonsupport for the Kyoto protocol from the town of Bow Island, Mayor Alan Hyland.

MR. JOHNSON: Mr. Speaker, I rise to table copies of a letter from the town council of Millet indicating nonsupport for the Kyoto protocol.

MR. SMITH: Well, Mr. Speaker, I would like to join the cavalcade of opposition and table the requisite number of copies of a resolution of nonsupport for the Kyoto protocol from the metropolis of Coronation.

Thank you.

THE SPEAKER: Do you have another one?

MR. SMITH: Yes, I have another one, Mr. Speaker. I'm sorry that I couldn't get the appropriate number of copies, but I am tabling a letter from Talisman Energy to the Hon. Murray Smith, Minister of Energy.

The statements made by Mr. Bonner regarding the civil war in Sudan are indeed concerning and unfortunately are accurate regarding the terrible toll the long running conflict and famine has had on the people of Sudan. However his comments that the situation in Sudan are getting worse and that Talisman is somehow complicit in human rights abuses or acting unethically in its business activities in Sudan are categorically untrue.

THE SPEAKER: Hon. minister, the tabling will not be accepted unless we have the appropriate copies. So at the appropriate time we'll do that.

The hon. Minister of Community Development.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table five copies of the news release that I issued on April 29 which contains the names of 13 outstanding individuals and five outstanding organizations, all of whom are volunteers that support our parks and protected areas. I might just point out quickly that over 2,000 Albertans volunteer their services to our protected parks and protected areas. It was a fine conclusion on Saturday to National Volunteer Week, when my colleague from Cypress-Medicine Hat was in Elkwater and able to present these awards. So these are there for everybody's names to be recognized.

Thank you.

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

DR. PANNU: Thank you, Mr. Speaker. I rise to table two documents. The first one is a public opinion survey sponsored by Friends of Medicare. The results of the survey clearly show that 6 out of every 10 Albertans are opposed to allowing more private, for-profit health care delivery in Alberta. It also shows that 62 percent of Albertans believe that the government is going in the wrong direction when it comes to protecting health care in Alberta. The third result of this very significant survey shows that more than two-thirds of Albertans, or 70 percent, are opposed to the increase in health care premiums by 30 percent.

The second tabling, Mr. Speaker, is the appropriate copies of a letter that I received over the weekend from Mr. Claude Dube of St. Albert, who expresses grave concerns about Bill 205 and urges me and all other MLAs to oppose this bill.

Thank you, Mr. Speaker.

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

MR. MASON: Thank you, Mr. Speaker. I have two tablings today. The first tabling is a document from a nonprofit organization, the Canada Place Child Care Society in Edmonton. This document bears the signatures of 71 individuals requesting the Premier and his government to "reverse their decision and reinstate the Alberta Community Lottery Funding Grant Program."

The second tabling is a document from the Calgary Coalition for the Income Support Review. This document details the economic and human costs of poverty in Alberta and was presented to the Calgary Conservative MLA caucus on March 15, 2002.

THE SPEAKER: The hon. Member for Redwater.

MR. BRODA: Thank you, Mr. Speaker. I wish to table the appropriate number of copies of a resolution of nonsupport for the Kyoto protocol from the town of Gibbons, in my constituency. They do not endorse the ratification of the Kyoto protocol.

Thank you, Mr. 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 25, it is my pleasure to move that written questions appearing on today's Order Paper do stand and retain their places with the exception of written questions 1 and 2.

[Motion carried]

Stockwell Day/Lorne Goddard Court Case

- Q1. Ms Carlson moved on behalf of Mr. MacDonald that the following question be accepted.
How many hours did the Department of Justice and Attorney General dedicate to the Stockwell Day/Lorne Goddard case?

THE SPEAKER: The hon. Solicitor General.

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. On behalf of the Minister of Justice we are rejecting the written question. All Alberta Justice staff do not keep track of the time they have spent on any particular issue, matter, or file. Alberta Justice does not know and cannot ascertain how many hours its officials or staff dedicated to the Goddard/Day case.

MS CARLSON: Mr. Speaker, it hardly seems reasonable or proper that a legal department, be it government or outside of government, does not keep track of their hours. Certainly there is some kind of accountability, whether they be billable hours that go out to a client or billable hours that go into a department. It seems completely unbelievable that this government wouldn't keep track of that kind of information, particularly a government that prides itself on modeling itself after business practices and seems to talk about cost centres and about efficiency and effectiveness. How can it be that the government does not keep track of hours on files? It's just not possible that that could be happening.

[Written Question 1 lost]

Access Television

- Q2. Ms Carlson moved on behalf of Mr. MacDonald that the following question be accepted.
How many different programs, shows, advertisements, or other initiatives have been provided or sponsored in part or in full by the Department of Human Resources and Employment for use on Access Television, and what was the cost of each for each of the fiscal years 1992-1993 to 2000-2001 and April 1, 2001, to March 13, 2002?

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. On behalf of the hon. minister I'm responding and indicating that the government will be rejecting Written Question 2.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: Yes, Mr. Speaker. Once again we see a government that talks about being open and accountable but won't present basic information. Albertans have a right to know how much money this government is spending on these kinds of issues. It's absolutely unbelievable that they would reject this question. We see time after time the ministers skirt the issues in question period by telling us: ask it in a written question or file for a motion for a return. Then when we do that – we've heard that very same thing today – when we do exactly that, what do they do? They reject the request for information.

So, Mr. Speaker, I would ask this minister and this government how they can ever be open and accountable when they won't share the information with Albertans?

[The voice vote indicated that Written Question 2 lost]

[Several members rose calling for a division. The division bell was rung at 2:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Carlson Massey Taft
Mason

3:10

Against the motion:

Abbott	Hlady	O'Neill
Broda	Jablonski	Rathgeber
Cao	Jacobs	Renner
Cenaiko	Johnson	Shariff
Coutts	Jonson	Smith
DeLong	Knight	Snelgrove
Evans	Lord	Stelmach
Forsyth	Lukaszuk	Stevens
Friedel	Lund	Strang
Fritz	Maskell	Taylor
Graham	Masyk	VanderBurg
Haley	McClellan	Vandermeer
Herard	McClelland	Zwozdesky

Totals: For – 4 Against – 39

[Written Question 2 lost]

THE SPEAKER: The hon. Deputy Government House Leader.

head: Motions for Returns

MR. ZWOZDESKY: Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 25, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions 2, 3, 4, 5, 6, 7, and 8.

[Motion carried]

Peace Country Bison Association

- M2. Ms Carlson moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing copies of correspondence including but not limited to letters, e-mail, or phone messages between the office of the Premier and the Peace Country Bison Association.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I want to indicate at the outset that I will be responding on behalf of the Premier and indicating that our government will be rejecting this particular motion for a return. I'd like to just comment briefly about why that is the case.

First of all, as members across the way will do from time to time, they will ask for certain things that perhaps might conjure up certain images about certain individuals or the activities of certain individuals, and that may well be the case here. However, I would simply say that this particular motion for a return and the two that follow it

are all of a similar nature. All three are in fact quite unnecessary, so on behalf of the Premier I will be rejecting all three of them.

I think I should make it clear however, Mr. Speaker, to everyone that it's true that our Premier does own some bison and, yes, there is a very good friend, Mr. Marvin Moore, a good friend of the Premier, who does look after these bison on his behalf. In fact, many people will know that Mr. Marvin Moore was the campaign co-chair of the last provincial election, did a wonderful job, and most of us who are here if not all of us will have benefited from his excellent work in that regard. I should also clearly state that the Ethics Commissioner has been made aware of the purchase, and he has responded that he has no concerns.

In sort of concluding the wrap-up here, I just want to say that there might be some people who would not like to see our Premier involved in support for the agriculture industry, but in this case he is involved and this is one way that he's involved, by providing his support to that important industry in our province. Also, I believe that some members opposite may have written to the Ethics Commissioner asking for that particular office to look into the Premier's ownership of the bison in question. Mr. Speaker, once again, the Ethics Commissioner had no concerns with this particular investment.

So just to be very clear, on behalf of the Premier our government will be rejecting this particular motion and the two that follow it, which are all very similar in nature.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: Thank you, Mr. Speaker. It's interesting that the Member for Edmonton-Mill Creek would find it necessary to speculate on the intent of my colleague from Edmonton-Gold Bar's reasons for asking for this information. The member stated that it was unnecessary to be asking for this information, but he didn't explain why it was unnecessary. He did make reference to questions that arose with the Ethics Commissioner about the purchase of bison. It is a reasonable request to make. I'm sure that all hon. members recently remember the recommendation that the commissioner made with regard to the Premier and racehorses, so it is well within the interest of Albertans to request information through associations that deal with bison to find out what correspondence has been available, and that was the nature of this first request, which was specifically with the Peace Country Bison Association. So we would still like to know if in fact there was any correspondence between that association and the office of the Premier.

[Motion for a Return 2 lost]

Bison Centre of Excellence

M3. Ms Carlson moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing copies of correspondence including but not limited to letters, e-mail, or phone messages between the office of the Premier and the Bison Centre of Excellence.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Once again on behalf of the Premier I'll be indicating that our government is rejecting Motion 3. Just in response to the member opposite and her comments a little earlier, I find that the three motions in question were unnecessary, because the Ethics Commissioner has already reviewed this and looked into it and indicated that he has no

concerns with it. So on that basis we'll be recommending the rejection of Motion for a Return 3.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: Thank you, Mr. Speaker. I would like to thank the Member for Edmonton-Mill Creek for his lack of co-operation.

[Motion for a Return 3 lost]

Alberta Bison Association

M4. Ms Carlson moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing copies of correspondence including but not limited to letters, e-mail, or phone messages between the office of the Premier and the Alberta Bison Association.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. As with the previous two motions for returns just dealt with, I am rising on behalf of the Premier to indicate that our government will be recommending the rejection of Motion for a Return 4.

I think I should just point out to all members that this particular motion for a return references the Alberta Bison Association, and as several people here probably already know – and I just would like to remind them in any event – the Premier of our province is in fact a member of the Alberta Bison Association. I'm sure it's a very, very fine association, and I thought you would just like to know that.

THE SPEAKER: The hon. Member for Edmonton-Ellerslie to close the debate.

MS CARLSON: Thank you, Mr. Speaker. I, too, am sure that it's a very fine association, but that doesn't take away from the fact that that kind of correspondence should be made public. Once again I would like to thank the Member for Edmonton-Mill Creek for his lack of co-operation.

[Motion for a Return 4 lost]

3:20

Health Care Premiums

M5. Dr. Taft moved that an order of the Assembly do issue for a return showing a detailed breakdown of costs for the administration and collection of health care premiums for the fiscal years 1992-93 to 2001-02 including but not limited to manpower costs, materials, supplies, equipment and postage, computing services, money paid to external collection agencies including the number of cases referred to external collection agencies, and banking services and income verification.

DR. TAFT: Mr. Speaker, I feel that these are worthwhile and important pieces of information to obtain through a straightforward request rather than having to go through the procedures of FOIP. There is tremendous public interest in the issue of health care premiums, and I certainly get questions, commonly from the public, about how much do these cost to collect. There is a general line item to that effect in the government books, but it would be very helpful to have the specifics. Beyond that, having the specifics would allow us to get some sense of what the cost would be of issuing, say, a quarterly statement of benefits to Albertans across the

province, an idea that some people have put forward, and it may well be a good idea, in fact. I'm also interested in the cost of collection agencies. We receive complaints over that from time to time, and I'm interested in what the costs and benefits are for those services.

Thank you.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker, and thank you to the hon. member for his eloquent support for this motion. I'm pleased to advise him and all members on behalf of the hon. Minister of Health and Wellness that we'll be recommending that government accept Motion for a Return 5.

THE SPEAKER: The hon. Member for Edmonton-Riverview to conclude the debate.

DR. TAFT: Yes. I'm delighted to accept the offer from the government and look forward to the results.

Thank you.

[Motion for a Return 5 carried]

Premier's Advisory Council on Health

M6. Dr. Taft moved that an order of the Assembly do issue for a return showing a breakdown of consultant and research fees charged by the Premier's Advisory Council on Health including organizations and/or individuals employed.

DR. TAFT: Mr. Speaker, the reason for requesting this is to fully understand the activities of the Premier's Advisory Council on Health. It is, as we all know, a very influential group, and understanding who's doing the background research and what consultants are hired would be of great assistance to us.

Thank you.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Once again I'm pleased to inform this member and all members of the House on behalf of the hon. Minister of Health and Wellness that our government will be accepting Motion for a Return 6.

THE SPEAKER: Hon. Member for Edmonton-Riverview, would you like to conclude the debate?

DR. TAFT: That's fine. I cede this floor to you, Mr. Speaker.

[Motion for a Return 6 carried]

Entertainment/Hosting by the Premier's Office

M7. Dr. Taft moved that an order of the Assembly do issue for a return showing total expenditures for entertainment/hosting by the Premier's office broken down on a yearly basis for the fiscal years 1990-91 to 2000-01.

THE SPEAKER: The hon. deputy . . . Sorry; go ahead.

DR. TAFT: No. Let's go and hear the government's side. Thank you, Mr. Speaker.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you. Mr. Speaker, we've reviewed this particular motion, and I'd like to table an amendment, which perhaps has already been circulated, or I'd ask that it be circulated. I'm getting the nod that it has been circulated. Just for purposes of the record this is Motion for a Return 7, and on behalf of the hon. Premier I am going to read into the record the amendment known as A. We would like to strike out "1990-91" and substitute "1993-94" in its place so that the amended motion for a return would read as follows:

That an order of the Assembly do issue for a return showing total expenditures for entertainment/hosting by the Premier's office broken down on a yearly basis for the fiscal years 1993-94 to 2000-01.

I think it's important to note that this amendment has been circulated to all members – they've had a chance to look at it – and also to indicate to everyone in the House that this information has been shared with the opposition colleague prior to 11 a.m. today as per our procedures.

I would just quickly add, Mr. Speaker, on behalf of the Premier that with this amendment being put forward, we need to change those dates from 1990-91 and replace them with 1993-94 primarily, I guess, because we're looking at the new mandate of the Premier really beginning in the term of government that is 1993-94. The Premier wishes everyone to have that information as requested, so the curiosity of the members opposite regarding the Premier's office expenses hopefully will be satisfied in that way.

These records will provide some information on how government policy is developed, which is not really what the intention, perhaps, of the motion might be, but if they can find some reason within the amendment that suffices that purpose, so be it. The motion for a return aspect of the Assembly, as everyone knows, generally speaking is more to do with government policy and how it's developed and how it applies and so on, but if the member were to accept the amendment that I'm putting forward on behalf of the Premier, then I know that the Premier's office would agree to the motion for a return as amended.

THE SPEAKER: The hon. Member for Edmonton-Riverview on the amendment.

DR. TAFT: Yes, Mr. Speaker. I did receive proper notice for the amendment. I actually read of the information going to the media, although I haven't seen any of the information myself. My concern with the amendment and one of the underlying purposes of the whole motion was that we would like to have a comparison from the regime of the previous government or the previous Premier and be able to compare through time. This government has a track record of arguing for a tight ship, and it seems from the evidence in the media that their funding has declined, but it would be useful for us – and this was essential to our original motion – to compare that to what went beforehand. So I'm reluctant to accept the amendment because it cuts out one of the very purposes of the motion for a return. I would prefer that the amendment be withdrawn and we just proceed with the motion as it was originally moved.

Thank you.

THE SPEAKER: Are there additional members who want to speak on this amendment?

[Motion on amendment carried]

THE SPEAKER: On the motion now.

MR. ZWOZDESKY: May I speak to the motion as amended?

Thank you. Mr. Speaker, it's unfortunate the member opposite hasn't accepted the amendment. I would ask that he reconsider that position, which obviously is his own free will to do. I will try and ensure that a tabling of this information does occur at the earliest opportunity in this House so that you'll see the comparisons for at least the period during which the Premier was in office as Premier, which officially really begins with the 1993-94 term. I mean, there was a small bit there, I think, right before April 1. However, that would address the majority of the time period that you're looking for.

I think all members will notice once that information arrives, Mr. Speaker, that during the years 1999-2000 as well as 2000-2001 there was a very significant increase in the general dollars that were put forward toward hosting and working session expenses, and the reason for that increase is primarily because the office of the Premier had taken over the responsibility also for the office of protocol, or what we call the protocol office. So that's one thing to sort of keep in mind. Accordingly, there were more dollars spent in the area of hosting because of the number of dignitaries who were traveling through our province, which the very capable protocol office assisted with, and as a result we had not only a lot of visits to what we would like to think is the most popular province but also visits to the most popular Premier. That might explain some of that for the hon. member.

So, Mr. Speaker, if one were to discount protocol's portion of the hosting dollars, it's evident that the expenses of the office have been reduced significantly. In fact, the year 2000-2001 expenses for hosting, for working sessions, and other expenses are less than 50 percent of the dollars that were spent back in 1993-94. The expenses have gone down that much in the Premier's office. So I would hope that maybe the members opposite might reconsider, knowing that information.

3:30

THE SPEAKER: The hon. Member for Edmonton-Riverview to close the debate.

DR. TAFT: Thank you, Mr. Speaker. As I understand it, the amendment has gone through, so I will accept it, whether I am delighted or not.

I would like to register one concern. I may be corrected; this may be somewhere in my office. This information clearly linked to this motion for a return was provided to the media. There was a front-page story in the *Calgary Herald*. There was a story in the *Edmonton Sun* today. That was all done in advance of any of this discussion. So it seems like certainly a disruption of the normal process, and that does concern me.

I'll look forward to the information when I get it. Thank you.

[Motion for a Return 7 as amended carried]

Collection of Overdue Health Care Premiums

M8. Dr. Taft moved that an order of the Assembly do issue for a return showing a copy of any directives or guidelines given by the Department of Health and Wellness or any other Alberta government department to external collection agencies who have undertaken the task of collecting overdue health care premiums for the fiscal years 1992-93 to 2000-01 and April 1, 2001, to March 18, 2002.

DR. TAFT: The desire for this information is to get a better sense of how the business of collecting overdue health premiums proceeds. We received, as I mentioned earlier, complaints from people who

feel that they are unjustly harassed or targeted by collection agencies and indeed are intimidated by these agencies through threats of legal action. So this is important information, and we would be interested in seeing it as a reflection of how the collection of health care premiums is done.

Thank you.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I'm pleased to inform the House that on behalf of the hon. Minister of Health and Wellness we will be indicating the government's acceptance of Motion for a Return 8.

THE SPEAKER: The hon. Member for Edmonton-Riverview to close the debate?

[Motion for a Return 8 carried]

head: **Public Bills and Orders Other than Government Bills and Orders Committee of the Whole**

[Mr. Shariff in the chair]

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

Bill 205

School Trustee Statutes Amendment Act, 2002

THE DEPUTY CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Chairman. I rise today to propose an amendment, which I believe everyone has copies of at their place. However, what I would like to do very briefly would be to indicate and reiterate the intention that was inherent in the passing at second reading of Bill 205. When it was passed at second reading, the intention of the bill was to create the circumstances under which the optimum number of trustees on a school board would be able to discuss and vote on the optimum number of items that come before the board. The second intention was, of course, that the bill would clarify the rules and make them unambiguous to all.

When the bill did pass at second reading, it was passed with the understanding that this greater clarity and participation could be accomplished by amending the Local Authorities Election Act and declaring an employee of a school district or division, charter school, or private school not eligible to seek election as a school trustee in Alberta. Furthermore, it proposed amending the School Act in two ways: by requiring all trustees, once elected, to file a disclosure statement and, secondly, by identifying that the only deemed indirect conflict of interest relationship that would require a trustee to remove herself or himself from the discussion would be that of spouse.

While the bill is being debated here in committee this afternoon, I wish to propose an amendment. It would further amend the Local Authorities Election Act and allow an employee to be on a leave of absence when seeking election as a trustee. It is also understood although not mentioned in the amendment, because it does bring into play another section of the Local Authorities Election Act, that once elected, that trustee would be required to resign from their employment with the school division or district, charter school, or private school.

I would draw your attention to the amendment that I have before you and would like to break it down into two parts. I'm going to deal with what I will refer to here as (b), the second part, striking out clause (b) and substituting the following: in subsection (3) by striking out "Subsection (1)(c) to (f) do not apply" and substituting "Subsection (1)(b) to (f) do not apply." I am introducing this amendment to Bill 205 out of an interest in an abundance of clarity, to make sure that everyone understands that my proposal here is such that the only individuals whom I'm speaking about with respect to election and nomination to a school board are those who are employees of a school division or district, a private school, or a charter school.

The other two amendments, (a) and (c), as I have put them here on the notice of amendment . . .

THE DEPUTY CHAIR: Hon. member, just for clarification purposes. You are talking about this amendment as though it was in two sections. I'm just wondering whether we are going to deal with it as one vote or two separate votes.

MRS. O'NEILL: As one vote.

THE DEPUTY CHAIR: As one vote. Okay. So we shall refer to this as amendment A1 and have one vote at the end of the discussion.

MRS. O'NEILL: In its entirety.

THE DEPUTY CHAIR: Okay. You may proceed. Thank you.

MRS. O'NEILL: Thank you very much, Mr. Chairman, for the clarification.

I just wanted to focus on the one on section (b), but primarily I'm going to look at amendments (a) and (c) as I have them here. What they do in essence identify and I'm proposing is the fact that, as I have mentioned here, in the proposed section 22(1.1) I am going to add the phrase "unless the person is on a leave of absence granted under this section" after the word "Alberta." So it would allow an individual, an employee, to be on a leave of absence if they wished to seek election as a school trustee.

3:40

I would also point out that section (c), as I have identified here on the amendment, with sections (c) and (d) within it also speaks to the fact that the employee who wishes to be nominated as a candidate for election as a trustee of a school board may apply to his or her employer for a leave of absence. They must apply for the leave of absence so that they can seek election. I would make reference to the fact that section 9 of the Local Authorities Election Act indicates that consistent with those who are seeking election to municipal office, upon election the individual must resign. I would draw your attention also to my amendment, which is (d) of section (c) here, indicating that "a school district or division, a charter school or a private school shall grant [the] application" for a leave of absence.

Mr. Chairman, the intention of the amendment is to make very clear first of all whom I am speaking of and referencing here and, secondly, the terms under which an employee can seek election – i.e., by being on a leave of absence – and also the conditions under which they must seek that leave of absence and, if successful, then resign from their employment.

That is my proposal for amendment A1. Thank you, Mr. Chairman.

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

DR. MASSEY: Thank you, Mr. Chairman. Just a couple of comments about the amendments. What the amendment in effect does is make sure that should a teacher seek to run for school board, he or she would have to give up their livelihood, because the honorariums paid to trustees, to most of the boards that I'm familiar with are not sufficient for one to maintain their living on. So that, I think, is the practical implication of this amendment, and it goes back to the original bill, which I believe to be punitive.

One other comment that I did want to make is that there's a difference between municipal councillors and school trustees, particularly in urban areas, because in urban areas those councillors do receive an honorarium or a stipend that does allow them to leave their employment and to work full-time as a councillor.

Thanks, Mr. Chairman.

THE DEPUTY CHAIR: On the amendment, the hon. Member for Spruce Grove-Sturgeon-St. Albert.

MR. HORNER: Thank you, Mr. Chairman. I wanted to rise to speak to this because when I was talking to a number of the boards in my area – and I note that I have five boards in my area – all of them indicated support for Bill 205. A couple of them had some issues with Bill 205, that I mentioned in my previous comments to this. One of the issues that was brought forward to me was the perception that the bill seemed to restrict the rights of a group of employees in the province to actually run for office. So I'm very pleased to see this amendment coming forward, because I believe that it has taken that into consideration and certainly made it very similar to other boards and councils in the province. I think that this will go a long way to allay a lot of those concerns that were expressed, where it isn't that we're saying that because you're in this profession or you're an employee, you cannot run, period. What we're saying is that the rules apply to you as they do to a council or other areas. So I believe that that is going to go a long way to one of those concerns that was issued.

I'm a little bit confused in my rookieism here. Can I speak to the rest of the bill right now, Mr. Chairman?

THE DEPUTY CHAIR: We are currently dealing with the amendment, and thereafter there will be an opportunity to speak to the bill with the amendment passed or with the amendment rejected.

MR. HORNER: Then with that, Mr. Chairman, I'll wait until we've dealt with the amendment. I just wanted to show my support and gratitude for this amendment coming forward. Thank you.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Riverview.

DR. TAFT: Thank you, Mr. Chairman. On the amendment. I appreciate the efforts of the Member for St. Albert, but in the end it seems to me that it doesn't adequately address the concerns that I and many other Albertans have. As the hon. Member for Edmonton-Mill Woods pointed out, while it provides for a teacher who runs for election to take a leave of absence, the effect of that is to force the teacher to lose their livelihood, to give up their income. That, I think, probably achieves indirectly what was going to be done directly before, so it just doesn't seem to address the concern as I understand it. So I for one can't support this bill.

Thank you.

[Motion on amendment A1 carried]

THE DEPUTY CHAIR: On the bill as amended, members may speak to it now. The hon. Member for Calgary-Fort.

MR. CAO: Thank you, Mr. Chairman, for the opportunity to rise today and speak to Bill 205, the School Trustee Statutes Amendment Act, with this amendment. I would like to begin today by commending the hon. Member for St. Albert for bringing this important piece of legislation forward. It is both timely and long overdue. I congratulate her for initiating this debate. I note that the hon. member is a former member of the St. Albert school district and also note that she speaks both as an MLA as well as an experienced school trustee.

I'm very, very pleased that the amendment that we are seeing here in the committee is responding to concerns raised by the hon. member and the public. I will be returning to those amendments in a moment, but I would like to take this time to bring this to a broader perspective. Local governance is an important aspect of democracy here in Alberta, and for years now government has placed more and more emphasis on the roles and responsibilities of our local boards and town councils. The fundamental basis of the concept of municipal government is that local individuals within the community are best suited to administer certain programs and responsibilities. Lawmakers and policy experts for many jurisdictions have embraced this concept and have expanded its principles to other areas once the exclusive domain of larger governing bodies.

Here in Alberta, Mr. Chairman, we saw just last fall for the first time local candidates stepping forward to serve as regional health authorities. Successful candidates from across the province are helping to shape and implement health policy. They allocate and direct millions of dollars in taxpayers' money to address local priorities and issues.

Mr. Chairman, to me one of the most important aspects of our society is the education of our youth, and the most valuable component of our education system is our teaching professionals. To look after this very important aspect of our society, we have created the most important local bodies; that is, the local school boards. School boards play a vital role in the delivery of education to our children in this province. As trustees of these boards members of the community take time out from their busy schedules to attend meetings and to work with local staff to ensure that schools are run efficiently and effectively for the benefit of our children and our teaching professionals.

3:50

REV. ABBOTT: And economically.

MR. CAO: And economically, as the hon. member said.

There are many roles that Albertans ask trustees to take on when they achieve success through the ballot. Trustees must take on the role of policymakers. They must provide leadership by setting goals and directions. They must be continually engaged in the local community to ensure that the school system continues to educate its students in a manner that prepares them for the future and meets the needs and priorities of local communities. Many times trustees are called upon to act as communicators, ensuring that the local community is aware of what is going on in our schools and that the local school administration is aware of the concerns and priorities of parents, teachers, and students.

[Mr. Maskell in the chair]

Perhaps, Mr. Chairman, one of the most important jobs of a trustee is that of a financial planner. When individuals put their

names forward for election, they take on the responsibility of ensuring that the local school board is run in a fiscally prudent manner. Quite simply, they are asked to help in the allocation of taxpayers' dollars. This is an important responsibility, one that needs to be taken very, very seriously. To do so, trustees must be involved in every aspect of their job. They must help in the budget process by attending meetings and asking questions. They must participate in local contract negotiations with teachers, support staff, and other employees to ensure that the services are properly allocated for the benefit of our schoolchildren and of our educational system in general. Indeed, in the eyes of many stakeholders the adoption of the budget is perhaps the single most important decision a school board makes each year.

To date this system has worked fairly well. Community needs are met by allocating money to programs important to all the stakeholders: students, teachers, and parents. Key issues can be addressed through the local bargaining process. This is an important aspect of our education system, a function that responds extremely well to the key issues of individual communities. However, Mr. Chairman, there are times when problems do occur during this process. Conflicts of interest happen, and we as the legislative body responsible for the School Act must address this issue.

Under Bill 205 and specifically section 1(2)(a) only those candidates capable of fulfilling the key obligations for which they are elected would be able to run for trustee. I believe, Mr. Chairman, that the budget process is certainly one of these key obligations. It is reasonable to expect that the trustees are prepared from the start of the nomination process to fully serve and participate in all aspects of their potential position. Some opponents of Bill 205 will argue that this is an attack on democratic rights of teachers and unions. This is simply not so. The amendments that we are discussing today and specifically those proposed in section 1(2) help to clarify this point. Teachers and other employees of any school board have the basic right to put their name forward to serve. However, it is reasonable to expect that these individuals if successful will resign from their positions so as to prevent any appearance of conflict. This is similar to what happens in British Columbia as well in municipal elections right here in Alberta.

These amendments also clarify the point that a broader interest exists between an education employee and the extended education system. Thus, school support staff who work in Red Deer cannot run for trustee in another jurisdiction. The conflict of interest still exists, and I am pleased that we are addressing this issue.

Mr. Chairman, it is reasonable to expect that trustees will not be active members in any professional organization with which a school board has an ongoing and enduring financial relationship. It would be inappropriate for these members to become school board trustees and have to constantly excuse themselves from the discussions so important to the basic functions of our schools.

It is also reasonable for Alberta's public to expect trustees that are able to fully participate in all matters before the school board, including financial matters, when they empower trustees to do their job at the polls. Today when conflicts are acknowledged, trustees leave the room and abstain from relative discussions and processes. While this may eliminate the conflict of interest, it does not eliminate the broad obligation of the trustee to fully represent and serve their respective constituents. While conflicts of interest will still exist, Bill 205 will go a long way to ensure that trustees are in a position to effectively deal with this challenge of the office.

Thank you.

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

MR. MASON: Thank you, Mr. Chairman. I'd like to rise to speak to the amendment put forward to Bill 205.

AN HON. MEMBER: The amendment has passed.

MR. MASON: Oh, the amendment has passed. Well, then, I'd like to speak to the bill as amended, Mr. Chairman. I think the comments will be very much similar.

I believe that with the amendment the bill is somewhat improved. Certainly I appreciate the hon. Member for St. Albert taking into account some of the comments that have been made by other members, including myself, in speaking to this bill in terms of its comparative provisions to the Municipal Government Act, after that was amended, which allows municipal employees to seek office if they are on a leave of absence, and if they are elected to the jurisdiction which employs them, then they must resign their job.

What concerns me with this act is that it still means that a person who is employed by any jurisdiction is ineligible to run and be elected in another jurisdiction. If, for example, you are a resident of St. Albert and you wish to seek election for, shall we say, Edmonton public school board, you are ineligible unless you take the provisions under the amendment. This is at least as far as I can read the bill and the amendment. So you have absolutely no conflict of interest if you live in St. Albert and you are elected to the public school board in Edmonton. It is not your employer, so there is no conflict that would meet any test set out in the Municipal Government Act for conflict of interest. There's no personal conflict. The only conflict that exists I think is a political conflict. That is to say that people who are elected to school boards who are employed or have been employed or family members that are employed in the educational system have a heightened awareness of many of the issues that exist.

4:00

Now, why is it that we are not permitting them to seek election and be elected to a school board that doesn't employ them? There can be no argument that I can see that would explain such blatant discrimination against the rights of individuals based upon their employment. This is nothing but discrimination, and it's based on either the employment of the individual or the employment of a member of their family. Until that particular piece of this act is amended, I will continue to oppose it. [interjection] Well, if the hon. member wants to tell me that you would be permitted to run in another jurisdiction . . . [interjection] Yeah. All right. Just the teacher. That's a fair comment then.

[Mr. Shariff in the chair]

Then I believe that based on one's employment, you cannot exclude people and shouldn't be attempting to exclude people from participation in the electoral process based upon the fact that they may be a teacher or a janitor or someone that works for another school board. I don't think that this law as it now is constituted will successfully meet a legal challenge. I believe that the Charter of Rights and Freedoms will override this bill and this act if it passes third reading, and I would urge members to take this into account.

I appreciate that the hon. member has taken some steps to bring this partly in line with the principles set out in the Municipal Government Act, but it's not yet fully in line with the principles of the Municipal Government Act. There needs to be further steps taken before we can say that this bill is really just directed against actual conflicts of interest and not directed against excluding people with certain views of education from participating in our democratic system.

As it now stands, Mr. Chairman, I cannot support the bill until those changes are made. Thank you.

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

MR. HORNER: Thank you, Mr. Chairman. I am grateful for the opportunity to rise today in Committee of the Whole and speak to Bill 205, the School Trustee Statutes Amendment Act, 2002, as amended. As I mentioned earlier, I did go to all five of the boards that I represent in my area and talk to them about this particular piece of legislation and had good discussions with them, and in fact there has been a lot of correspondence to me in support of this bill. There has also been recently some news media released in our area which also indicated that the greater St. Albert Catholic board was very much in favour of seeing this bill pass.

A couple of issues were brought to my attention. One was the perception that the bill seemed to restrict the right of a group of employees from being even nominated to run for the board, and that's why I'm very happy and pleased that the amendment which was brought forward by my colleague the Member for St. Albert was passed and will be a part of this. I think that goes a long way to saying to everyone, "You are eligible," as the Member for Edmonton-Highlands said, "Under the same rules as a municipality."

The other issue that has been brought to my attention of course is that it would restrict individuals who are employees of one school division from running in another school division. I've struggled with this one a little bit. I've talked to a lot of the boards in my area, and I've talked to a lot of the teachers and a number of other individuals and have come to the conclusion, Mr. Chairman, that we are almost into regional areas of employment. We are almost into regional areas of negotiation. Even though each one is doing their own negotiation, we come up with some very similar terms. In fact, some of them are even basing their negotiations on what happens in another region.

So it's hard for me to say that there isn't going to be some involvement from one region to the other, and certainly the ones that are bordering, one would expect, are going to be watching what happens next door. I guess I have to come down on the side that says that if you are an employee, then you would have to follow the rules, as anyone else would. I guess in the last little while and certainly in the last year, it really has shown that to be the case.

Our government really is continually motivated to improve the public education system in the province, and that encompasses classroom instruction through contract negotiation that is currently under way in some districts. As a government we acknowledge public education as a treasured institution in our province. Every Albertan would agree that our young people need a world-class education. Communities everywhere in the province expect the system to operate with our children's education and future development as a top priority. Every Albertan would agree that decisions ultimately affecting the classroom should be handled with the utmost of respect and under a high degree of scrutiny and along set guidelines.

The amended bill, Mr. Chairman, requires that employees of any school district who seek nomination for the position of school board trustee first obtain a leave of absence from their conflicting position. As I've mentioned earlier, I think that is going to have to be in there certainly with this regionalization that we see occurring. If they get elected, they're going to have to resign. That's part of the deal. The amended bill applies to all employees in kindergarten to grade 12 provincewide. These amendments help better reflect the bill's intention of eliminating employment conflict. The bill's intention

is not to separate out anybody. The bill's intention is not to discriminate against anybody. The bill's intention is to provide clarity to those people who are already there.

The bill's restrictions are fair and they're necessary, as I've said. The scope is also fair and necessary. It prevents an employee in one district from holding trustee office in another, but it prevents the conflict of interest, Mr. Chairman, not so that it's shifting conflict of interest from one district to another district. Ultimately it ensures that the trustees are never in a position where their credibility is questioned. Any appearance of a vested interest automatically taints the process of fair, impartial board relations. The amended bill works to improve the nomination and election process for school trustees who make decisions affecting our children's education. It only serves to make the system fairer, more clear, and better able to serve its purpose.

Mr. Chairman, there was a lot of discussion earlier about why we are doing this and where the need is. In 2001 the majority of school board trustees in two school boards, Northern Lights public school division and Medicine Hat public school division, had to excuse themselves from deliberations due to possible conflicts of interest. In the Northern Lights division upon commencement of collective bargaining negotiations four of the nine trustees declared that they could be in a conflict of interest or possible conflict of interest and would therefore not be in a position to effect changes to the collective agreement. This is a problem. In the Medicine Hat division again during collective bargaining negotiations four of the five Medicine Hat public school division trustees declared that they could be in a possible conflict of interest and were therefore not able to partake in contract deliberations. In this case, decision-making powers of the board were delegated to the one trustee who did not have a conflict of interest and could participate in negotiations.

Mr. Chairman, one of the other issues that has come to light recently – and it does affect one of the trustees in my area – is the fact that under the rules as they stand today, this trustee board member was able to get on board. Under the rules as they come in on Bill 205, they may not be able to unless they were to resign. Their concern was: well, does that mean that if we pass this bill in this House, I have to resign and will not be able to fulfill my commitment to the citizens of that area? I guess my understanding of the answer to that question through discussions with the hon. Member for St. Albert and others is that the bill would not be proclaimed until we reached the point where we're going to have another school board election. That allows those individuals currently on the boards to be able to fulfill their duties and to fulfill their commitment to those school boards. So I'm pretty happy about that.

The Member for Edmonton-Highlands also mentioned some issues with regard to: well, if my spouse was employed, then I couldn't run. That's simply not true. If your spouse is employed, you can still run as long as you declare that. I see the member nodding his head, and I think he understands where I'm coming from on that one. That also affects a number of trustees in my area where the spouses are employed in other school districts. This bill will not affect those individuals. They'll be able to continue to be a part of the board. They'll continue to be a part of the nomination process. The whole thing doesn't change.

4:10

What has changed, though, Mr. Chairman, is the fact that we've narrowed it in. No longer does the board member have to worry about his in-laws up in Grande Prairie who may be employed and he may have a conflict because his in-laws are employed under a contract. So he doesn't have to excuse himself anymore. What

we're saying is that it's a spouse; it's not my cousin. So we've actually narrowed it in, and I've heard from a lot of trustees who have said to me that that clarifies it for them. They're not worried about whether or not there's a relationship out there that they haven't checked on.

So I think that all in all, Mr. Chairman, I am pleased with the results of some of the discussions that we've had. I'm pleased with some of the responses, in particular the amendment to the bill brought forward by the Member for St. Albert. I think that brings a lot more clarity to the situation as to who can run and the fact that we are not separating out anybody from the process. I think that we have to go on the basis that we do have some regional bargaining, and we need to be able to be aware of that and the conflict of interest that does arise from one region to another region. I'm glad that we were able to clarify this issue of spouse and those other issues that were brought up by the other member. I think that it's important to realize that the spouse is not the one that's running. The spouse does not have a conflict in the sense that if you run and your spouse is employed, that's okay. You have to declare.

Just to summarize, Mr. Chairman, the other issue that was brought to my mind and has now been in my mind taken care of is current board members who feel that they would have to resign immediately. I don't believe that's true, and my understanding is that we will let this process go to the next board elections. Therefore, those people who have gone the extra mile and made that commitment to be on the board can stay on the boards and fulfill that commitment to the best that they can under the current conflict of interest guidelines, because even today they have to excuse themselves from most decisions.

With that, Mr. Chairman, I will end my remarks and just encourage members to support Bill 205 as amended. Thank you.

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

DR. MASSEY: Thank you, Mr. Chairman. I'm pleased to make some comments about the bill. I guess one of the things that I console myself with is that it is a private member's bill; it isn't a government bill. That I think makes some difference.

I think that in the context I couldn't believe that the Member for Calgary-Fort would herald this as a strengthening of local governance in the kind of tradition that this government has followed with respect to school boards. In case the member missed it, under this government school boards have lost their taxing authority. School boards can't even appoint their own superintendent any longer without reference to the minister. If the member was at all alert to what was happening with the kinds of strife and strikes we've had in our schools, he would have found that school boards in many cases were absolutely powerless to deal with the strike. So to claim that this is one more piece of progress in local governance I think is really stretching matters to the extreme and certainly inconsistent with reality.

The bill even with the amendments still excludes teachers from their democratic right to run in the district of their own residence if they're working in another school district, and I, too, suspect that it will not bear a court challenge. There's been enough advice given on this particular topic to boards over the years that I suspect that when it's challenged – and it will be challenged in court should it ever become law – it won't hold up.

I think a couple of things. One is that the timing, as I mentioned before, is really unfortunate. I'm sure that the mover of the bill and other members of the Assembly have heard from teachers who view this as just one more attack on teachers as a group, and I think that

that perception is really very, very unfortunate, that a group of citizens should feel that this Legislature is out to make their life more difficult and to exclude them. It is most unfortunate. I guess I'm disappointed because I'd hoped that given the context of the times, the member who sponsored the bill might have withdrawn the bill. No matter what the arguments for or against it are at this time, certainly the timing is not appropriate. I urge members to think carefully about the bill before supporting it.

Thank you, Mr. Chairman.

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

REV. ABBOTT: Thank you, Mr. Chairman. It is my pleasure to rise today and join the debate on the school trustee conflict of interest amendment act, 2002. I'd like to start by commending my colleague from St. Albert for bringing forward this important and overdue piece of legislation. As a former school trustee myself I think it's time that we took a step to protect the integrity of our school trustees and to help ensure that they can contribute to our school system efficiently. I think that the legislation that this bill proposes will add value to the school system. It will ensure that those who are able to seek nomination for positions on school boards across the province will be able to fulfill the complete requirements of their jobs while reducing the opportunity for conflict of interest arising.

Bill 205 proposes two excellent changes to school trustee statutes that span the Local Authorities Election Act and the School Act. The first reform the bill proposes would prescribe requirements for those seeking nomination that would ensure that they will be able to address all of the issues that they will face in their role as trustee. The second thing Bill 205 does is provide clear and narrowed circumstances for pecuniary conflict of interest scenarios arising due to family relationships in matters that come before the board. As I alluded to briefly, Mr. Chairman, Bill 205 will ensure that school board trustees in Alberta are able to carry out the full requirements of their position. To achieve this, Bill 205 provides a simple requirement: those individuals who could face a pecuniary conflict of interest in their position as trustee would not be able to seek election to the school board.

Earlier today, Mr. Chairman, I tabled five copies of a letter from Wetaskiwin regional school division urging me to support Bill 205, but I've also received one phone call from a constituent urging me not to support it. I believe that the amendments that were proposed by the Member for St. Albert and now carried have softened the approach that Bill 205 had put forward initially. As it stood, Bill 205 would prevent any employee or teacher in Alberta's learning system from seeking nomination for trustee, but with the carried amendments to section 1(2), Bill 205 will permit a teacher or employee in Alberta's learning system to run for nomination, provided they take a leave of absence from their position. According to amendment (c), which adds subsection (5.1), if that person is successfully elected, they would then have to resign. In this way no one who wants to run for trustee would be prohibited from doing so.

As we are all aware, Mr. Chairman, when a trustee has a personal interest either directly or indirectly invested in a matter before the school board, he or she will face certain restrictions. That trustee may have to refrain from participating in the deliberations. They must abstain from voting on the question and sometimes even leave the room during the discussion. I think that we would all agree that the current trustee statutes, as long as declarations of conflict are announced, work well to prevent trustees from positions of conflict of interest, and as a result we can be confident that no trustee in Alberta is making decisions for the children he or she represents based on personal gain.

However, Mr. Chairman, in order to comply with conflict of interest regulations as established by the School Act, trustees must remove themselves from debate and voting on any items when they might be in conflict. By abstaining from important budget decisions to avoid a pecuniary conflict of interest, it is my view that trustees are not fulfilling the requirements of the position. Furthermore, while they are absent, they are not fulfilling their duty to the Albertans that they were elected to represent. Figures from across Canada would indicate that a great many trustees are unable to participate in voting on one matter or another due to pecuniary interest. It is unfortunate that there is no study available with information on the number of Alberta trustees with a history of pecuniary conflict issues, but due to the absence of local data on this issue I feel that a study done in Ontario will, despite its age, help to give the members of this Assembly a better idea of why this legislation is important.

4:20

A report of the committee to the Ontario Legislature during the 1990s revealed that up to 50 percent of school board trustees were employees of boards or the spouses of employees. As a result, these trustees had to abstain from participating in voting matters that caused a pecuniary or family conflict, matters of very high importance, including collective bargaining and budgeting. A letter submitted to the Ontario Legislature from Ontario school boards during the same debate indicated that the pecuniary conflict of interest problem was significant and has affected decisions in approximately 80 percent of school boards' budgets across the province. Mr. Chairman, I understand that the information may not apply perfectly to Alberta due to the time and distance that separate Alberta today from Ontario of several years ago. However, I think that it can help the members of this Assembly to think broadly about the issues at hand.

Hypothetically speaking, if the number of abstaining trustees in Alberta was even half as large as the Ontario figure, 40 percent of school board budgets would be discussed and decided by school boards composed of three, two, or even one trustee due to abstention. This hypothetical example could be too high or it could be too low, but if there are any school boards put in tough voting situations due to abstention, then I see a problem, Mr. Chairman.

Are school boards truly effective representatives of the people who voted for them to express their views when half the trustees must abstain from critical budget decisions? Well, the philosophy of school board governance is that government is most effective when it is placed close to the people being governed. However, if a large faction of representatives is unable to represent the views of the people who sent them there for that very duty, then this situation must be addressed, and this bill, Mr. Chairman, is a step in the right direction. The small measure of legislation that Bill 205 provides will lend remedy to what currently hampers school boards across this province. Bill 205 will ensure that school boards will be able to deal with the issues and decisions that they are faced with. If all the trustees are able to provide input and listen to the positions of others, then it can be assured that the best decisions are being made.

If I could use an example of an Alberta school board to highlight the very problem that this bill would alleviate, I think it would be very valuable. During collective agreement negotiations with the Alberta Teachers' Association, four out of five trustees in the Medicine Hat public school division declared that they could have a possible conflict of interest and were, as a result, not able to partake in contract deliberations. In order to continue the business of the school board, the Medicine Hat school board acted in accordance with section 45 of the School Act and delegated the

decision-making powers of the board with respect to negotiating collective agreements to the one trustee who was not in a conflict of interest position. One person with the weight of the entire education system on their shoulders: I think we can all see the problem inherent in this situation and the potential for it to be experienced by other school boards in the province.

Legislation currently in place allows the problem of abstention due to pecuniary interest to remain and to persist. It simply provides for trustees to declare conflicts of interest and abstain from proceedings. As well, it accommodates situations where the whole board is unable to participate by appointing a single official to assume the role of the school board. I believe that now is the time for us to put an end to this problem once and for all by adopting Bill 205 as amended.

Moving on to the second facet of this legislation, Mr. Chairman, we can see that it provides for a clear and narrowed understanding of who by relation would and would not put a trustee in a conflict of interest position. The current trustee statutes state that the trustee's spouse, children, parents, and the trustee's spouse's parents could all potentially put the trustee in a position of pecuniary conflict of interest pending their association with the school board. As it stands, these are unreasonable restrictions placed on family members of the trustee. As it stands, any Albertan with a parent or parent-in-law or a child working for that school board would have to abstain from budget decisions. Bill 205 recognizes that this restriction is too broad and too far-ranging to constitute a normal understanding of conflict of interest.

If Bill 205 is passed, the updated restriction will state that only the spouse of the trustee who is an employee of a school board will create a conflict of interest. This narrowed scope of restriction will allow more Albertans interested in contributing to the betterment of our school system to participate in discussions and decisions and will ensure that participants are able to fulfill the requirements of the job.

To conclude, Mr. Chairman, I believe that Bill 205 will increase awareness of school trustees and the great job they do in this province, and that is positive. Recognition of these Albertans, who work hard for the schools in their area, is something that I applaud. The legislation before us is both innovative and necessary. On the one hand, it would not allow individuals to run for school trustee if they have a pecuniary conflict of interest unless they take a leave of absence. The new regulations will ensure that trustees will be able to fully commit to the positions which they are . . .

THE DEPUTY CHAIR: Hon. member, your time has run out.

The hon. Member for Edmonton-Riverview.

DR. TAFT: Thank you, Mr. Chairman. I rise to partake in this good debate that we're having here. It's raised a number of questions in my mind. I am deeply concerned with the whole issue of conflict of interest and have been fairly outspoken about my concerns in a number of situations. As I mull over this bill, I find myself wondering: what is the conflict? A couple of the members at least have referred to concerns over members of school boards having to remove themselves from decision-making through the course of regional bargaining with teachers because they are teachers or they're closely related to teachers. I see the conflict there. I can understand that, and I think that's fair enough. I'm not convinced that this is the right way to address this, and I'm wondering if there may not be better mechanisms for handling that one particular conflict.

What troubles me with this Bill 205 is that it seems to reflect a sort of selective concern over conflicts of interest. I think back to a private member's bill last spring that was brought forward from the

opposition addressing conflicts of interest in regional health authorities. It was a much more direct kind of conflict, in which employees of a regional health authority were not allowed, as it was proposed in the bill, to own shares in companies that contracted with that authority. This government frankly crushed that bill, yet that was a conflict of interest that was much more direct than what we're seeing covered in the bill proposed today. So I ask myself: why the selective concern?

I also reflect on the fact that after the last election there was a member of this Assembly who remained an active school principal and served as an MLA, and I wonder why we accepted and tolerated that. Why did we not require that MLA to resign from his position as a school principal once he became an MLA? After all, that would be consistent, as I understand it, with the principles in here. This government certainly has tremendous influence over the education system. Is it proper that we have an active schoolteacher as a member of this Assembly? I think that's a serious question. Certainly it would suggest a double standard on the part of this government when we allow that to occur without comment, yet we are looking at bringing in a private member's bill that forbids a much less direct conflict.

I recognize that there may be at times, if there's regional negotiating, conflicts that do arise, yet I remain unconvinced that this is the best way to address those conflicts. I do feel that there are many areas of much more direct conflict of interest that this government is, frankly, overlooking. Now, I recognize that this is a private member's bill, but I've heard virtually every government member support it, so I wonder why they weren't supporting bills that are directed to a more immediate conflict of interest.

I'm also concerned that this bill does represent a further and further constraining of boards and, frankly, of democracy. We seem to be eager through a bill like this to limit the rights of people to run for democratically elected boards even when they do not have a direct tie to those boards. I'm concerned that we are seeing a further constraint of school boards and of democracy, and the effect of this will be that fewer and fewer people will be able to serve or indeed seek election to boards.

While I understand the intent here, I feel that it's reaching too far and constraining too many people's rights to run for elected office, and at the same time it is coming from a supporter of a government that has consistently overlooked much more direct conflicts of interest, so I just cannot support Bill 205.

Thank you, Mr. Chairman.

4:30

THE DEPUTY CHAIR: The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Chairman, for the opportunity to rise today and speak to Bill 205, the school trustee conflict of interest amendment act. I would like to begin today by commending the hon. Member for St. Albert for bringing this important piece of legislation forward. It's both timely and long overdue, and I congratulate her for initiating this debate. I note that the hon. member is a former member of the St. Albert school district, so I know that she speaks both as an MLA and as an experienced school trustee.

Local governance is an important aspect of democracy here in Alberta. For years now the government has placed more and more emphasis on the roles and responsibilities of our local boards and town councils. The fundamental basis of the concept of municipal government is that local individuals within the community are best suited to administer certain programs and responsibilities. Lawmakers and policy experts for many jurisdictions have embraced this

concept and have expanded its principles to other areas once the exclusive domain of broader governing bodies. Here in Alberta we saw just last fall for the first time local candidates stepping forward to serve on regional health authorities. Successful candidates from across the province are helping to shape and implement health policy. They allocate and spend millions of dollars in taxpayer money to address local priorities and issues.

One of the most important local bodies that has been created, of course, is the local school board. School boards play a vital role in the delivery of education to our children in this province. As trustees of these boards members of the community take time out of their very busy schedules to attend meetings and work with local teachers and staff to ensure that schools are run efficiently and effectively.

There are many roles that Albertans ask trustees to take on when they achieve success at the ballot box. Trustees must take on the role of policymakers. They must provide leadership to a system by setting goals and directions. They must be continually engaged in the local community to ensure that the school system continues to educate its students in a manner which prepares them for the future and meets the needs and priorities of local communities. Many times trustees are called upon to act as communicators, ensuring that the local community is aware of what is going on in our schools and that the local school administration is aware of the concerns and priorities of parents, teachers, and students.

Perhaps, Mr. Chairman, one of the most important jobs of a trustee is that of a financial planner. When individuals put their name forward for election, they take on the responsibility of ensuring that the local school board is run in a fiscally prudent manner. Quite simply, they're asked to help in the allocation of taxpayer money. This is an important responsibility and one that needs to be taken very seriously. To do so, trustees must be involved in every aspect of their job as trustees. They must help in the budget process by attending meetings and asking questions. They must participate in local contract negotiations with teachers, support staff, and other employees to ensure that services are properly allocated. Indeed, in the eyes of many stakeholders the adoption of the budget is perhaps the single most important decision a school board makes each year. To date this system has worked fairly effectively. Community needs are met by allocating money to programs important to parents and students. Key issues can be addressed through the local bargaining process. This is an important aspect of our education system and a function that responds extremely well to issues key to individual communities.

However, Mr. Chairman, there are times when problems do occur during this process. Conflicts of interest happen, and we as the legislative body responsible for the School Act must address this issue. Pecuniary interests, conflicts of interest, or ethical matters relating to money occur when school trustees are also members of the Alberta Teachers' Association, active teachers in Alberta, or those who have a permanent contract with their respective school board. Under Bill 205 only those candidates capable of fulfilling the key obligations for which they are elected would be able to run for trustee. I believe that the budget process is certainly one of these key obligations.

It is reasonable to expect, Mr. Chairman, that trustees are prepared from the start of the nomination process to fully serve and participate in all aspects of their potential position. Some opponents of Bill 205 will argue that this is an attack on teachers and their unions. This is simply not so. It is reasonable to expect that trustees will not be members in a professional organization with which a school board has an ongoing and enduring financial relationship. It would be inappropriate for those members to become school board trustees

and to have to constantly excuse themselves from discussions so key to the basic functions of the school board. However, it is reasonable for the public to expect trustees that are able to fully participate in all matters of the school board including financial matters. Today when conflicts are acknowledged, trustees leave the room and abstain from the relative discussion and process. While this may eliminate the conflict of interest, it does not eliminate the broader obligation of a trustee to fully represent and serve their respective constituents.

While conflicts of interest will still exist, Bill 205 will go a long way in ensuring that trustees are in a position to deal effectively with the full challenges of their offices. As has been noted in recent court cases, the object of conflict of interest legislation is to prevent anyone being elected to or holding a seat in a municipal council whose personal interest might clash with those of the municipality. It is of the utmost importance that members of a municipal council or in this case school boards should have no interests to bias their judgment in deciding what is for the public good, and they should strive to keep themselves absolutely free from the possibility of any imputation in this respect. I feel that Bill 205 would keep our school trustees free from questions of interest.

Bill 205 would also narrow the scope of individuals who are deemed to share pecuniary interests with a trustee. Presently the School Act identifies the trustee's children, parents, and the parents of a trustee's spouse within this category. I believe that this is far too broad and potential trustees should only be held accountable based on the pecuniary interests of their spouse, and I believe that the amendment addresses this. Bill 205 recognizes that the present system is too restrictive in its application. By narrowing the focus of who may be in a conflict of interest, this bill will allow more trustees to take part in discussion concerning the interests of our students.

Mr. Chairman, conflicts of interest are a matter of concern not only amongst school trustees in Alberta but also for trustees in other jurisdictions across Canada. More and more of these issues are coming before the courts for clarification. It is time this Assembly looks at the issue and provides proper direction to our system. Bill 205 simply ensures that school boards are held to the highest standards of excellence. This sentiment is upheld in the Alberta School Boards Association policy handbook. The trustee code of ethics states that a trustee will, quote, resist every temptation and outside pressure to use their position as a school board member to benefit either themselves or any other individual or agency apart from the total interest of the school jurisdiction. Bill 205 will help school boards fulfill this code.

It is inappropriate, Mr. Chairman, for individuals who have an inherent pecuniary interest to serve as a trustee when they must excuse themselves from many of the meetings that require their attention. This is good legislation, and I would encourage all members of the Assembly to vote for this bill and ensure that our school boards are in a proper position to do their duties. Thank you.

THE DEPUTY CHAIR: The hon. Member for Wetaskiwin-Camrose.

MR. JOHNSON: Thank you, Mr. Chairman. Thank you for the opportunity to comment on Bill 205. First of all, I would like to commend the Member for St. Albert for bringing forth the School Trustee Statutes Amendment Act, addressing the issue of school trustee eligibility as it relates to active teachers serving in a jurisdiction other than where they may be teaching. This is a very important issue, and I think this is certainly worthy of a lot of discussion and debate.

I'm particularly interested in this issue, because I was in that situation. I was teaching in one system, albeit private, and serving

on the public school board as chairman at the same time. As a trustee with hands-on knowledge about teaching and administration I feel that I was able to bring a unique contribution to the discussion table, as did all the trustees who came from other and various backgrounds. Ours was a very good board because there were many points of view, and I think that solid decisions were made as a result. I was able to refrain from discussions on voting on any matters of conflict, as did the other members when and if faced with conflict situations.

4:40

As I take a look at the current school boards in my constituency, there are very good board members that would be declared ineligible by Bill 205 unless they resigned their positions. In the past some members have stood in when there was no one else to run for the position, and therein lies the concern that I have. The change in future eligibility made by Bill 205 would tend to decrease the number of candidates for trustee positions with personal knowledge and experience with education.

The amendment just passed does alleviate some of my concerns with Bill 205. The amendment will allow teachers to run for a position on a school board. However, if a person is an employee of any school jurisdiction in Alberta, they must take a leave of absence to run for a position on a school board, and if that person wins in the election, they must resign from their job. That is quite unlikely to happen. Giving up one's job is a high price to pay to be a member of a school board. My concern is that Bill 205 will keep qualified people from running for a school board position even with the amendment, and I fear that this will lead to the possibility of more seats being won by acclamation rather than a competitive process, particularly in rural Alberta. If this bill is passed, I believe we must look to new and better ways to encourage more candidates to run for school board positions to alleviate a possible downside to this bill.

The problem of maintaining a quorum in decisions of salary negotiations has been stressed, and I guess that is the main point of this bill. This bill will help to solve that problem, but it may eliminate good board input on a myriad of educational issues of a nonbargaining nature by people particularly close to these issues. In my constituency, where there are boards involving one active teacher, it has not been reported to be a problem to me, and I expect that could be said in many and perhaps most situations. I hope that by addressing one problem through this bill, we aren't enhancing another, which is that there will be more board elections by declaration in rural Alberta especially and that potentially good board members as determined by the electorate will be denied that opportunity. My wish is that there might be a way to limit the number of teachers, active and inactive, on a board to control this conflict of interest issue, but that in our democratic system is up to our electors. Again, the best board is made up of members from a variety of backgrounds, I feel, and that could include educators.

I've been grateful for the opportunity for teachers to contribute to trustee work. That was my opportunity, and I learned and I contributed. I realize that the opportunity for educators to contribute to school board work remains for our many retired or inactive teachers, many of whom are serving effectively on boards at the present time. The amendment passed will give teachers the opportunity to seek school board positions; however, I question how many teachers will actually take up that opportunity if it means resigning from their positions.

Regardless of the outcome of this bill, I want to express my thanks to the many educators who have stepped in to make our school boards strong because of their involvement. The other parts of this

bill dealing with disclosure statements and conflicts of interest of other school board members I can fully support.

Thank you.

THE DEPUTY CHAIR: The hon. Member for Medicine Hat.

MR. RENNER: Thank you very much. It's a pleasure for me to have an opportunity to speak to Bill 205. I am in complete concurrence with the intent behind Bill 205. In fact, Mr. Chairman, I'm sure you've heard reference throughout the debate on this bill to Medicine Hat, and being the Member for Medicine Hat, I think it's appropriate that I should participate in this debate.

I want to talk a little bit about the situation in Medicine Hat. I'm not sure that members are entirely aware, but there was never a problem with a conflict where employees of the Medicine Hat school division were held to be in conflict. The conflicts arose as a result of some, in my opinion, rather broad interpretations of the section of the School Act that talks about pecuniary interest. In fact, the second part of Bill 205 goes a long way toward correcting that problem.

In the existing act it says in essence that pecuniary interests are the interests "of the spouse, children, or parents of a person" or "of the parents of the spouse of a person." So it's a very, very, broad interpretation, and it doesn't really describe what children are. Based upon legal opinion that they had received from the Alberta School Boards Association – we had members of the Medicine Hat board that had children, adult, grown children, that were teaching in school divisions in other parts of the province. We had a number of conflicts that were conflicts merely because the legislation was not particularly well worded and was unclear. So you had interpretations, and people were erring on the side of going too far rather than, in what was a fairly volatile situation, finding themselves to be held in conflict after the fact. What has been said here is right, that at the end of the day four out of five members of the board were excluded from voting on something very substantial, and that's the ATA contract.

So I think it's reasonable, and I applaud the Member for St. Albert for doing something or at least attempting to do something about a situation that really handcuffs a board to do a job. I don't think anyone would agree that having a board of five reduced to one for approving what amounts to 80 percent of the budget of that board is a healthy situation and is a workable situation, so I think it's incumbent upon this House to do something about it.

Now, does Bill 205 accomplish what it sets out to do? Well, with the amendment that we have passed earlier this afternoon, I think we go partway. We talk about who is eligible to serve on a board. However, as I point out, that has not been an issue. Certainly it hasn't been an issue in Medicine Hat. I think that most times employees are not particularly comfortable with being part of the board that's responsible, so to my knowledge we never have had a particular problem with employees running for elected office. It's always been this very broad interpretation about then what constitutes a conflict of interest: if your spouse is a teacher or an employee, or if your children are employees? So, you know, I can go along with what we've got in the first part of this act. I think it makes it clear that if you're interested in seeking office, then you do so, and if elected, not unlike in many other organizations, you would then resign your position to take over the elected position.

4:50

When we get into the amendments to the School Act, it's not so clear to me whether or not we have addressed the concerns. For example, I talked about trustees excluding themselves from voting

on the ATA contract because grown children living in another city and working for an entirely different school board were interpreted under the act to be children and therefore it would be a conflict of interest. It's always been my opinion that if you're going to talk about a conflict of interest and pecuniary interest, you need to be talking about the family unit, the household income. When you've got grown children living in another city with their own children, I hardly think that it's a conflict of interest when we're dealing with something such as negotiating salaries.

So what we've done is we've made it very clear that the children and parents and grandparents and everything else that's contemplated under the initial legislation is excluded, and we have brought it down to specifically the spouse. Now, to me that's fine, and I think that's clear. What's not particularly clear and hasn't been made clear during the debate is whether that conflict would be a spouse that's employed by the same board or a spouse that's possibly employed by a neighbouring board. An example that's been used here is where you have someone that lives in St. Albert and has a spouse that works in Edmonton. Is there or is there not a conflict? Are we not going to have the same problem that we have now, with people scratching their heads and wondering if in fact there's a conflict? Clearly that does not disallow that individual from seeking office, but then later on when they have to declare conflicts and we have to declare that the pecuniary interest belongs to the spouse, it seems to me that we've entered that zone of being unclear yet again, because it doesn't outline exactly what constitutes a conflict.

The other area that I have some concern with is in the amendments in 81(1) when we talk about the disclosure statement showing "the names and employment of the trustee and the trustee's spouse and children." Again, I don't see what this has to do with grown children living somewhere else. Later on, in (1)(c), we talk about children under the age of 18, but here we don't. So are we talking about under 18, over 18? We've got this terminology that to me is not defined.

So it puts me in a quandary, Mr. Chairman. I agree that we need to do something. I think that to serve my constituents in the constituency of Medicine Hat, as their MLA I need to do something to resolve the problem that we had in Medicine Hat, and I don't see that problem going away. Unfortunately, I'm not convinced that this bill will solve the problem. It will go partway. I'll probably vote for it, but I'm here to tell you that it doesn't fix the problem, and we're going to be back here six months from now doing it again. Unfortunately, I think that's one of the fallacies with this place. When we have private members' bills, we simply don't have adequate time or resources to fully research all of the ramifications of legislation, and we often pass legislation that's patchwork at best. I think that's what this bill is.

Mr. Chairman, I'll be supporting the bill, but I really don't think it solves the problem that we're here today to solve. Thank you very much.

THE DEPUTY CHAIR: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Chairman. I would like to conclude with a few remarks here.

First of all, I wish to acknowledge the fact that the Member for Spruce Grove-Sturgeon-St. Albert and I in response to a number of the concerns that were raised by our constituents sat down and it was with his assistance that I put together the amendment, because I also, as does the Member for Spruce Grove-Sturgeon-St. Albert, have no desire to remove the democratic rights of any group of individuals. So in composing the amendment, which I do appreciate was passed this afternoon, I want to acknowledge the fact that the intention of this bill is achieved in the same way that it would have been

achieved, I believe, without the amendment, but this recognizes the democratic right of all employees to seek election.

However, I would also point out that this bill does not stand alone in identifying conflicts of interest. Also, the terms under which one can sit as an elected trustee are similar to but not exactly the same as the terms under which individuals can be elected to regional health authorities and similar to but not exactly the same as the terms and conditions under which someone seeks election to a seat on a city council in a municipal election.

I would like also in these concluding remarks to indicate to the Member for Medicine Hat that in the section in which I am amending the School Act, in fact section 81(1), the reference there is as it currently exists in the School Act, the reference to the "names and employment of the trustee and the trustee's spouse and children." Of course, it is understood that those would be dependent children. However, this requirement for the disclosure statement to be filed, in this case with the secretary of the respective school board, is not unlike those disclosure statements that all elected officials are required to do. It is something that is required to be updated, of course, and it is something that I think in the beginning identifies for the individual those areas of pecuniary interest that might be of possible concern somewhere down the line.

I received a number of pieces of correspondence with respect to Bill 205, a number from individuals and a number from school boards. I can tell you that some individuals felt that it did not go far enough, and if I were to act upon their suggestions, I would have been introducing amendments that would have suggested that anyone who sort of even goes near the business of any school district would not be able to seek election. On the other hand and at the other end of the spectrum, I heard from those individuals who felt that everyone should be able to run not only in their district but in any district and to vote on everything.

I believe that when Bill 205 passes – and I exhort everybody to vote in favour of it – what it will do is it will create a very clear understanding of the rules of engagement under which an individual operates as a school trustee. It will in my opinion eliminate a number of people who, unsure of whether they had an indirect or for that matter a direct conflict of interest, excused themselves from the decision-making table. We find, as was mentioned earlier today in this Assembly, a number of school boards over this past year who have found themselves with not only not a full complement of trustees voting on an issue but with not even a majority of members voting on an issue, and I think that is shortchanging the voters. The voters elect a school trustee to be there to make decisions on their behalf for the good of the school district, whether it be for the employees or the children or the buildings or whatever. They do expect the individuals to be able to vote on certainly the majority if not all of the decisions that come before the board, and there is a collective responsibility.

That is my entire intention in this. It is not, I would repeat, to be punitive to any group of individuals. I served on a school board with a number of very competent teachers who were both former teachers and who were currently teaching but in another school district. I can say nothing but good things about their contribution to the board. But, in effect, when it came to making some major budgetary decisions, they were not there with us at the table. They contributed to a circumstance at a school board table wherein we did not have the full participation of the school board, and in fact in some instances we had a very inadequate representation in the decision-making process happening.

5:00

So with those words, Mr. Chairman, I would exhort everybody in

this Assembly to vote in favour of Bill 205 in committee so that we can go forward and make sure that the voters of this province when choosing trustees are able to know whom they are voting into office and those who are voted into office know the rules very clearly of their participation at the trustee table.

Thank you.

[The clauses of Bill 205 as amended agreed to]

[Title and preamble agreed to]

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

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIR: Opposed?

SOME HON. MEMBERS: No.

THE DEPUTY CHAIR: Carried.

The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Chairman. I would move that the committee now rise and report.

[Motion carried]

[Mr. Shariff in the chair]

MR. MASKELL: Mr. Speaker, the Committee of the Whole has had under consideration and reports with some amendments Bill 205. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: Does the Assembly concur in the report?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed? So ordered.

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

Bill 207

Alberta Wheat and Barley Test Market Act

[Adjourned debate April 22: Mr. Jacobs]

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

MR. JACOBS: Thank you, Mr. Speaker. It is a privilege for me to rise and enter the debate on Bill 207. I am very happy to lend my support to this bill, and I want to commend the hon. Member for Calgary-Mountain View for his hard work in bringing the bill forward.

Mr. Speaker, the first point I would like to make today is that monopolies do not create a healthy business climate. They do not encourage free enterprise and free markets. Under the Canadian Wheat Board monopoly the western farmer has been the loser. There are no incentives to cut inefficiencies, no competition to encourage better returns to farmers.

Mr. Speaker, in his book *Canada's Great Grain Robbery* Don

Baron, the prairie historian, tells a story of some wild hogs of Horseshoe Bend. I believe this story makes some points that have relevance in this debate. The story is told that

years ago there lived a herd of wild hogs in a great horseshoe bend down a river deep in the southern United States. Where those hogs came from no one knew. But they survived floods . . . freezes, droughts and hunters. They were so wild the greatest compliment a man could pay to a dog was to say it had fought the hogs in Horseshoe Bend and returned alive. Occasionally a [hog] was killed either by dogs or a gun – and became a conversation piece for years.

One day, a lean-faced man came by the county store on the river road and asked the whereabouts of these wild hogs. He drove a one-horse wagon, had an axe, some blankets and a lantern, a pile of corn and a single-barreled shotgun. He was a slender, slow-moving man who chewed his tobacco deliberately and spat very seldom.

Several months later he came back to the store and asked for help to bring those wild pigs out of the swamp. He said he had them all in a pen.

Bewildered [citizens] all gathered in the heart of Horseshoe Bend to view the captive hogs.

"It's all very simple," said the patient lean-faced man. "First, I put out some corn for them. For three weeks they wouldn't eat it. Then some of the young ones grabbed a cob and ran off into the bush. Soon, they were all eating corn. Then I commenced building a pen around the corn, just a little higher every day. When I noticed they had stopped grubbing for acorns and roots and were all waiting for me to bring the corn, I built the trap door.

"Naturally they raised quite a ruckus when they seen they was trapped. But I can pen any animal on the face of the earth if I can just get him to depend on me for a handout."

To continue to quote from the same book, Mr. Speaker:

Canada's huge grain industry was in crisis in the late 1960s when President Mac Runciman of a farmers' grain company began telling the story of "The Wild Hogs" . . .

His message was simple – but [important] . . . Prairie grain had been Canada's engine of growth from the beginning. Now . . . it was caught in the grip of politics. The marketplace was often forgotten and the customer . . . little more than an afterthought. In the business of growing and marketing grain, the priceless ingredient of success was not market information [and freedom], it was political power and control.

Mr. Speaker, my riding of Cardston-Taber-Warner is filled with farmers who are capable businessmen. They don't need a bureaucracy and red tape. All they need is the freedom not only to work hard and grow their crop but also to market their crop. Farmers want the freedom to do with wheat and barley what they have done with oats and canola. What Bill 207 will do is put pressure on the Wheat Board to be better. It will also show farmers the benefit of competition, especially when more money flows to them, not the coffers of the Canadian Wheat Board.

Farmers all over Alberta are constantly searching for ways to improve the value of their crops. In southern Alberta we have seen a shift towards niche crops, crops which farmers are free to market themselves without the control of the Wheat Board. Our department of agriculture in Alberta has a goal of achieving \$20 billion in value-added industry. However, Mr. Speaker, the present monopoly power of the Canadian Wheat Board hampers those value-added developments. For example, I understand that Canada imports much of the pasta we use. Many pasta plants have been built just south of our border. This is due to the monopoly of the Canadian Wheat Board. The prairies may be one of the richest undeveloped areas on Earth, the one place where entrepreneurs should be investing, but Ottawa's political stronghold prevents them from using their ingenuity to create jobs and wealth. That's one other reason why rural prairie towns are shrinking and kids are leaving.

To elaborate further, Mr. Speaker, the existence of the Canadian Wheat Board hampers the value-added development. For example, you can imagine a situation in which a wheat farmer with crops right next door to a local bread-making plant or a bakery could very easily take his crops over to that plant, sell them at a fair market price, pay minimal transportation costs, creating maximum efficiency on the product. Well, you would have to imagine it, because as the law stands right now, there's no way this could happen. First, the farmer has to, must, sell his crop to the Canadian Wheat Board. Otherwise, he is in contravention of Canadian law and will have to pay a penalty. Farmers have even been thrown in jail for defying the Wheat Board.

Especially in rural Alberta, Mr. Speaker, the last thing that anybody needs is government interfering with healthy free enterprise. We've got a hard enough time as it is attracting business and development. Why would the Wheat Board and the federal government feel the need to intrude, especially since statistics show that despite all of their best intentions they are actually hurting farmers. It doesn't make any sense. At the end of the day this is about control over the most important aspect of the business of wheat and barley farming: the selling of grain.

It would be one thing if farmers had the option of selling to the Canadian Wheat Board. If individual farmers wanted to give that responsibility for selling their grain to the Wheat Board, that would be fine, but it would be their choice. Yet what we have is a situation in which farmers are forced to give up that responsibility. That isn't fair, especially when we are talking about the means by which many Albertans make a living. By passing Bill 207, we can start upon the long road of change that will eventually lead to a day when farmers can choose for themselves where and how to market their crops.

5:10

Mr. Speaker, I know that this bill won't abolish the Canadian Wheat Board. It's been said that change takes time, but this bill does have the power to show the federal government that allowing our producers to sell their primary products on the open market, away from the intrusive force of government is a better way for them to achieve full power for their product.

I urge all members to support this bill. Thank you, Mr. Speaker.

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

MR. KNIGHT: Thank you, Mr. Speaker. I'm pleased today to rise and speak in favour of Bill 207, the Alberta Wheat and Barley Test Market Act. I'd like to preface my comments with a quote from Kim Hubbard, who said that every "now and then an innocent man is sent to the Legislature."

I believe that this bill is an important step for the future of agriculture in Alberta's economy. As agriculture makes fervent efforts to capture international investment and become an integral player in the global market, we need to be assured that our agricultural sector is able to make key decisions that will affect the growth of their industry.

Mr. Speaker, an important international trend for the past two decades which has been moving forward in leaps and bounds in every sector including grain production and indeed the entire agricultural industry has been the prevalence of the free market. Single-desk exporters used to be relatively common around the world in large grain producing countries. China, South Africa, Australia, New Zealand, and many other countries have all been historically known to have state trading enterprises.

Mr. Speaker, in 1994 large trading nations of the world met to

decide on new rules for international trade of all goods and established the World Trade Organization. Decisions were made as to what would be defined as freely traded goods and what sorts of marketing arrangements were acceptable for these goods, including agricultural products and grain. State trading enterprises were met with a lot of suspicion under this agreement. The concern is a lack of transparency, which makes it unclear as to whether these boards win customers with fair competition or whether they cross-subsidize within the board and win customers at subsidized rates. These are legitimate concerns that we must think about when looking at our current system.

Many groups within Canada and abroad have commented on this lack of transparency within the CWB. Enormous pressure has been placed on the state trading enterprises to become more open and competitive. Last year the Australian Wheat Board responded. For the first time in over 60 years Australia opened up a dual market for their barley. Now producers have an option to sell barley in the Australian Barley Board or directly to another grain marketer. It is an important change that has increased the transparency of the Australian Barley Board and has increased the responsiveness of the Australian board to both customers and suppliers. Similar pressure is being brought to the Canadian Wheat Board by the United States government and producers within the U.S. Simply, Canada's production strategy is not considered to follow free market guidelines internationally, and pressure from abroad to change will not relent until this change is put in place.

So, Mr. Speaker, you can see why it's important for legislators to take action on system reform. The current situation bars farmers from an important freedom of choice. It is inconsistent with international trends toward free enterprise. It is limiting competitive growth of the wheat and barley processing industry in Alberta and across the west.

A legitimate question remains, however, Mr. Speaker, as to whether reforms to the CWB can be done. The CWB is a massive institution. Indeed, the CWB is the largest single exporter of wheat and barley in the world. It deals with an annual revenue of between \$4 billion and \$6 billion a year, far more than the GDP of Prince Edward Island. It pools the grains of over 110,000 producers of wheat and barley in western Canada. There are benefits to the wheat and barley board, because its size does provide certain advantages to Canadian farmers. However, these advantages will continue even if market choice is implemented. I believe that if change happens, it has to be careful and deliberate, but let me clarify the point. It is perfectly possible for changes to be made in our current system without losing the benefits of the CWB.

One of the objections to changing to a free and flexible market is that the CWB relies on the stability provided in knowing the volumes of purchases it will make in a given year. This knowledge sometimes allows the CWB to make agreements with a purchaser quicker than other international competitors. If the rules mandating fixed sales to CWB are in any way relaxed, the theory goes, the viability would be undermined. Mr. Speaker, this belief is seriously flawed. There are ways in which the CWB could coexist with independent grain marketers in a healthy and stable relationship. One way would be to make it such that farmers who choose to go to the CWB would sign to three- or four-year contracts. This way, the CWB can be assured of supply each year and could account for this in their marketing operations around the world.

Another concern has been that the viability of the CWB would be undermined and there would not be enough volume of grain supplied to legitimize the organization. This objection does not correspond with existent research. It's true that in recent plebiscites 75 percent of wheat farmers expressed a desire to be able to sell to other

markets besides the Canadian Wheat Board. This does not mean that these producers would no longer sell to the Canadian Wheat Board. Being a single-desk system the Canadian Wheat Board offers a single guaranteed price for wheat and barley that provides an advantage of low risk for farmers. At the end of the season farmers have a good idea of how much they will make by promising to sell to the CWB. Working outside the CWB may mean more risk but the potential of a higher reward. Most farmers would probably behave like most rational investors if they had a choice. Smart investors put part of their money into high-risk, high-return investment, but they also put part of their money into stable funds.

Investment diversification makes sense, and balancing investments between high- and low-risk returns is business. Most likely, given the choice, farmers would view the CWB as a conservative, stable option in which to market their grain. They would view alternative markets as a more risky, high-reward choice. They would choose a mixed portfolio that would include both types of markets, Mr. Speaker, depending on their risk aversion, some choosing not to take the risk at all. Ultimately, you see, farmers would continue to use the CWB. At first there would be substantially less volume flowing through the agency than there currently is. Eventually, however, a stable and significant volume would be brought to the agency that would keep the organization viable but allow Alberta farmers to choose their marketer.

Another concern that has been raised is that the CWB has taken on several responsibilities that are designed to improve the situation for all farmers. If the CWB were to become optional, it would not have an incentive to campaign for all farmers, and those farmers outside the agency may not be spoken for at all. This could be resolved by moving the responsibility of advocacy for the wheat and barley farmers to another agency that speaks for both users and non-users of the CWB. I submit that a great volunteer to assume this role might be the Canadian International Grains Institute. The institute had already begun to assume an advocacy role over the past few years by informing Canadians and delegates around the world about Canada's grains, oilseeds, and special crop industries.

5:20

When you look at the facts and weigh the pros and cons for the Canadian Wheat Board, there are going to be factors which supply benefits to farmers in both options. Some of these are based on fact, and some are based on theories. One fact I am sure of is Alberta farmers support the development of market choice. Their choice is built on the acknowledgment that they prefer a flexible and free market system where competition defines economic choice. Bill 207 will lead the Alberta grain sector toward the international trend of open and responsive markets.

I will be supporting Bill 207 because I believe it is the course of the future and its benefits will far outweigh any of the unfounded concerns discussed. I encourage all of my colleagues to do the same. Thank you, Mr. Speaker.

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

MR. HORNER: Thank you, Mr. Speaker, and thank you for the opportunity to rise in the House today and contribute to the debate regarding Bill 207, the Alberta Wheat and Barley Test Market Act.

Wheat and barley are two of the most important ingredients in Alberta's agricultural sector. At the present time Alberta wheat and barley products make their way to tables locally and across the world through the Canadian Wheat Board. Bill 207 aims to establish a framework under which Alberta farmers would have an alternate

channel for the delivery of their crops to various markets. Since the CWB has monopoly control of marketing of wheat and barley for domestic consumption in Canada and for export, Alberta farmers do not have any input into how or at what prices the fruits of their labour are sold. The Alberta wheat and barley marketing act will establish a test market for Alberta wheat and barley producers which would be scheduled to remain in place for a period of 10 years. This in turn would provide Alberta farmers with the freedom to sell their crops to a private processor, to the CWB, or to a combination of the two. This would allow the government to examine the possible benefits of jurisdictional control over wheat and barley processing as well.

Mr. Speaker, I feel it necessary to note that Bill 207 does not aim to abolish the CWB, which is something that would be out of our control in any case, but merely allows Alberta farmers to freely market their wheat and barley as they see fit during the test period. Further, it will allow the government to study how the relaxation of the restrictions under the CWB affects the Alberta wheat and barley markets as well as the transportation and the processing of these crops.

Bill 207 comes at a time when the farming community in Alberta feels an ever increasing need for relaxation of monopoly controls that the Canadian Wheat Board currently exercises over these producers. In a poll conducted in 2000 and released by the Alberta Barley Commission, almost 11,000 prairie farmers were surveyed and 75 percent, Mr. Speaker, indicated that they wanted the ability to sell their grain to any buyer, including the Canadian Wheat Board, in domestic and export markets. In Alberta 81 percent wanted that choice. The Alberta Barley Commission, the Western Barley Growers Association, the Alberta Grain Commission, and the Western Canadian Wheat Growers Association have all indicated support for choice to the prairie farmer.

I would like to comment on some personal experiences in my past business career in the industry. I can tell you that when my family first decided to construct an oat facility in the province of Alberta, we did a substantial amount of work in our due diligence. At that time, Alberta accounted for close to 40 percent of western Canada's oat production, yet, Mr. Speaker, there was not one human consumption processing plant in Alberta. In fact, there were only two in all of western Canada. The largest oat mill in Canada at the time was located in Ontario. I sadly must say that we determined that unless we could source our raw material on an individual basis and work co-operatively with producers, we would have to look south of our own border to construct our plant.

As the hon. Member for Airdrie-Rocky View pointed out, an important thing happened in the latter part of the '80s: the board released oats from its control. In the first 60 years of the board's existence we had the investment of two oat mills in western Canada. Once the oats were removed in the latter part of the '80s from the board's influence, western Canada enjoyed a boom of development in oat processing. The largest oat processors are now located in western Canada, and we now have over seven plants producing human consumption from product to export markets all over the world. These are value-added products, Mr. Speaker. My own company developed markets for oats in the feed and human consumption markets internationally which have increased the demand in Alberta for the producer's product.

The hon. Member for Edmonton-Gold Bar and the hon. Member for Edmonton-Riverview both wondered aloud in this House about the possible negative impact on the family farm. Mr. Speaker, the key to the success and viability of the family farm in Alberta is a robust and growing value-added industry within the province, not in a foreign country. To believe that by protecting our industry as a

supplier of raw materials to other markets, the value-added industries to those markets could grow and prosper in the face of common sense. We need to do all things possible to encourage these industries to develop and prosper in our own province and our own country.

Investment in value adding of wheat- and barley-based industries in western Canada lags the equivalent industry in the U.S. northern prairies while it has soared in western Canada in oilseed and oat processing, both outside the control of the Canadian Wheat Board. The Canadian Wheat Board's cost of administration, Mr. Speaker, has doubled over the past 10 years while the amount of grain sold remained essentially constant and total grain production fell.

Are western Canadian producers getting value for their money? In a recent report called *Taking Control of Your Future*, prepared by Lynda Swanson, who states that she wants to remain neutral on the whole issue of the Canadian Wheat Board, she points out that in the financial reports presented by the board, the placement of revenue in operating costs make the operating costs look smaller. In fact, Mr. Speaker, the operating costs per bushel would be 300 percent higher. Not only should our producers have choice to develop our industry, find new markets but also ensure that the producers are able to work with the best possible providers of services.

I've heard that many critics of choice are concerned that this may affect the cash advance program or the interim payments. Well, Mr. Speaker, contrary to some people's beliefs, the cash advance program is a federal government program, not a CWB program, and is available for a variety of commodities through various associations across the country, including the nonboard commodities of peas and canola. I've also heard the argument of the single-desk selling system being better able to get the best price. How do we know? In the absence of a competitive marketplace and no individual operators defining what is the best price for their own situation, farmers cannot be assured that they are getting the best price.

I know that situations have occurred in my own business where inquiries have come in to bid on barley sales to foreign buyers. Do you know what my response was, Mr. Speaker? It was to turn them away, because I did not want or could not want to make the sale through the board or with the board's involvement. How many opportunities have we given up? We've already heard in this House about major new malt plants and expansions of malt facilities. The problem is that none of them were in Alberta or even Canada.

The demands of grain processors and buyers often include specific preferences for certain grain characteristics. In a system where

individual farmers may sell to individual processors, quality and specific grain characteristics can be altered to better suit buyers' needs. Under a system like the present CWB regime quality of grain is managed on a very general basis with no room for variation to better suit consumer demands; that is, besides certain grain standards no other grain attributes are given any value. If a test market for wheat and barley was established in Alberta, farmers could customize their production to better suit individual needs of those who wish to purchase their grain. This would allow them to charge higher prices, and the processors would get a product more suited to their specific needs.

It's also important to mention the fact that nobody had a chance to vote on whether the CWB should be established when it first came into being. I don't even know, Mr. Speaker, if Alberta ratified that decision. Although at its inception the Canadian Wheat Board was likely a necessary and effective measure, today it's an outdated, costly, and inefficient institution.

Mr. Speaker, the hon. Member for Edmonton-Gold Bar gave us an interesting story about R.B. Bennett in 1929. The industry, for the member's information, has changed a little since then. We aren't hauling in horse and buggies anymore. At the present time the only thing the Canadian Wheat Board seems to provide Alberta farmers with is additional costs. The need for a more efficient mechanism to market, transport, and manage Alberta wheat and barley is obvious. It's time to find a new way of getting Alberta grain to domestic and international markets. Clearly, the Canadian Wheat Board can no longer provide Alberta farmers with a cost-efficient and competitive solution to achieve this goal.

Mr. Speaker, the issue of grain marketing is largely about control. It's time we allow Alberta farmers to use their skills and knowledge to market their wheat and barley as they best see fit. Alberta has some of the best and most efficient farmers in the world. They take pride in their work and deliver a good-quality product at a competitive price. It's time we provide them with the freedom necessary to effectively deliver their products to world markets so that their industry can prosper in Alberta. It's also time we allow the Alberta value-added industry to develop and contribute . . .

THE ACTING SPEAKER: Hon. members, the Assembly stands adjourned until 8 p.m.

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