



**Legislative Assembly
Province of Alberta**

No. 51

VOTES AND PROCEEDINGS

Third Session

Twenty-Fifth Legislature

Tuesday, November 25, 2003

The Speaker took the Chair at 1:30 p.m.

Members' Statements

Ms Carlson, Hon. Member for Edmonton-Ellerslie, made a statement regarding the importance of the Chinchaga Wildland Provincial Park.

Mrs. Tarchuk, Hon. Member for Banff-Cochrane, made a statement regarding Tom Couture of Calgary who recently completed a cross-Canada cycling expedition along the Trans Canada Trail gathering valuable mapping information to be used on the Trans Canada Trail web site.

Mrs. Jablonski, Hon. Member for Red Deer-North, made a statement regarding the importance of rebuilding and restoring the Michener Centre Administration Building.

Mr. Lord, Hon. Member for Calgary-Currie, made a statement regarding issues relating to drug addiction.

Presenting Petitions

Mrs. Tarchuk, Hon. Member for Banff-Cochrane, presented a petition from 1,264 Albertans requesting the Government introduce legislation establishing a residents' bill of rights for persons living in nursing homes.

Dr. Pannu, Hon. Member for Edmonton-Strathcona, presented a petition from 196 Albertans requesting the reversal of policies causing unnecessary financial hardship for seniors and undermining their quality of life.

Mr. Mason, Hon. Member for Edmonton-Highlands, presented a petition from 1,000 Albertans requesting the Government introduce legislation declaring a moratorium on future expansion of confined feeding operations and proposing existing operations be phased out within the next 3 years.

Tabling Returns and Reports

Hon. Dr. Oberg, Minister of Learning:

105 postcards signed by Albertans to Hon. Dr. Oberg, Minister of Learning, requesting support for school library and literacy programs

Sessional Paper 695/2003

Letter dated November 25, 2003, from Philip G. Ponting, Q.C., Chairman, Board of Governors, Banff Centre, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 696/2003

Letter dated November 25, 2003, from W.A. Shaw, Ph.D., President, Northern Alberta Institute of Technology (NAIT), to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 697/2003

Letter dated November 25, 2003, from William H. Cade, Ph.D., President and Vice-Chancellor, University of Lethbridge, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 698/2003

Letter dated November 25, 2003, from Harvey P. Weingarten, President and Vice-Chancellor, University of Calgary, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 699/2003

Letter dated November 25, 2003, from Roderick D. Fraser, Ph.D., President, University of Alberta, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 700/2003

Letter dated November 25, 2003, from Pam MacGillivray, Chair, Alberta Association of Colleges and Technical Institutes, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 701/2003

Letter dated November 25, 2003, from D'Arcy L. Levesque, Chair, Board of Governors, Alberta College of Art and Design, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 702/2003

Letter dated November 25, 2003, from Irene Lewis, President and Chief Executive Officer, Southern Alberta Institute of Technology (SAIT), to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 703/2003

Letter dated November 25, 2003, from Dr. Wayne Shillington, President, NorQuest College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 704/2003

Letter dated November 25, 2003, from Dr. Mark Lee, President and Chief Executive Officer, Lakeland College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 705/2003

Letter dated November 25, 2003, from Terry N. Brekko, Chair, Board of Governors, Medicine Hat College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 706/2003

Letter dated November 25, 2003, from Donna J. Allan, Ph.D., President and Chief Executive Officer, Lethbridge Community College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 707/2003

Letter dated November 25, 2003, from Frank Lovsin, Board Chair, Fairview College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 708/2003

Letter dated November 25, 2003, from Sharon Carry, President and Chief Executive Officer, Bow Valley College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 709/2003

Letter dated November 25, 2003, from James S. Henderson, President and Chief Executive Officer, Grande Prairie Regional College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act

Sessional Paper 710/2003

Letter dated November 25, 2003, from Dave Marshall, Ph.D., President, Mount Royal College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act

Sessional Paper 711/2003

Letter dated November 25, 2003, from Dan Vandermeulen, President and Chief Executive Officer, Northern Lakes College, to Hon. Dr. Oberg, Minister of Learning, expressing support for Bill 43, Post-secondary Learning Act and its proposed amendments

Sessional Paper 712/2003

Hon. Mr. Hancock, Minister of Justice and Attorney General, pursuant to the Legal Profession Act, cL-8, s124(2):

Alberta Law Foundation, Thirtieth Annual Report, 2003 (Fiscal Year Ended March 31st)

Sessional Paper 713/2003

Mr. Masyk, Hon. Member for Edmonton-Norwood:

Letter dated October 23, 2003, from Donna Shannon of Edmonton to Mr. Masyk, Hon. Member for Edmonton-Norwood, expressing concern and offering recommendations regarding the Learning Commission Report released on October 7, 2003

Sessional Paper 714/2003

Ms Blakeman, Hon. Member for Edmonton-Centre:

Letter dated November 12, 2003, from Martin J. Linvolve, Senior Sales Manager, Shaw Conference Centre, to Ms Blakeman, Hon. Member for Edmonton-Centre, expressing concern that the recommendation of the Learning Commission Report eliminating all teachers' conventions will have a serious economic impact on the Shaw Conference Centre and hotels in downtown Edmonton

Sessional Paper 715/2003

6 recent letters from Duncan Taylor, Samantha Power, Amy Binder, Chris Wudarek, Morgan Smith, and Laurie Savard to Hon. Dr. Oberg, Minister of Learning, and Hon. Mr. Klein, Premier, expressing concern regarding Bill 43, Post-secondary Learning Act

Sessional Paper 716/2003

Mr. Bonner, Hon. Member for Edmonton-Glengarry:

Letter dated October 8, 2003, from Sandi Johnson, R.N., B.N., of Calgary to Mrs. Ady, Hon. Member for Calgary-Shaw, expressing concern regarding the current contract negotiations between the Provincial Health Authorities of Alberta and the United Nurses of Alberta

Sessional Paper 717/2003

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar:

2 letters, the first undated, from Nicole Barnes, R.N., the second dated October 8, 2003, from Cheryl Androschuk, R.N., both of Edmonton to Dr. Pannu, Hon. Member for Edmonton-Strathcona, expressing concern regarding the current contract negotiations between the Provincial Health Authorities of Alberta and the United Nurses of Alberta

Sessional Paper 718/2003

Dr. Pannu, Hon. Member for Edmonton-Strathcona:

2 letters, both undated, from Beryl Linda Scott, R.N., S.C.M., of Edmonton to Hon. Mr. Mar, Minister of Health and Wellness, and from Cynthia Perkins of Calgary to Hon. Mrs. Nelson, Minister of Finance, expressing concern regarding the current contract negotiations between the Provincial Health Authorities of Alberta and the United Nurses of Alberta

Sessional Paper 719/2003

Letter dated November 24, 2003, from Jennifer Pelley, Chair, Alberta Graduate Council, to Hon. Dr. Oberg, Minister of Learning, commenting on several sections of the proposed amendments to Bill 43, Post-secondary Learning Act

Sessional Paper 720/2003

Mr. Mason, Hon. Member for Edmonton-Highlands:

Letter dated November 20, 2003, from Jerry Pitts, President, Coalition of Senior's Advocates Association (COSA), to Members of the Legislative Assembly, expressing concern regarding the loss of several seniors' benefits with 2 attached documents, undated, entitled "Alberta Seniors Economically Brutalized" and "Inadequate Dental Coverage for Seniors"

Sessional Paper 721/2003

News release dated August 22, 2003, entitled "Market adjustment program supports Alberta's cattle industry" prepared by the Government of Alberta

Sessional Paper 722/2003

Dr. Taft, Hon. Member for Edmonton-Riverview:

Letter dated August 30, 2003, from Kevin Bilmore of Edmonton to Dr. Taft, Hon. Member for Edmonton-Riverview, requesting the Bighorn Wilderness Recreation Area be designated as a wildland park

Sessional Paper 723/2003

Letter dated June 25, 2003, from George Christenson of Sedgewick to Hon. Mr. Woloshyn, Minister of Seniors, expressing opposition to the 40% increase in seniors' long-term care housing costs

Sessional Paper 724/2003

ORDERS OF THE DAY

Government Bills and Orders

Second Reading

On the motion that the following Bill be now read a Second time:

Bill 53 Insurance Amendment Act, 2003 (No. 2) — Mr. Renner

A debate followed.

Mr. MacDonald, Hon. Member for Edmonton-Gold Bar, moved that the motion be amended by deleting all the words after “that” and substituting the following:

Bill 53, Insurance Amendment Act, 2003 (No. 2), be not now read a Second time because the Assembly is of the view that the Bill fails to address overpayment of automobile insurance premiums by Albertans over the past year.

A debate followed on the amendment.

The question being put, the amendment was defeated. With Hon. Mr. Kowalski in the Chair, the names being called for were taken as follows:

For the motion: 4

Blakeman	Mason	Massey
MacDonald		

Against the motion: 37

Cao	Hancock	McFarland
Cardinal	Horner	Nelson
Cenaiko	Jablonski	O'Neill
Coutts	Jacobs	Ouellette
Danyluk	Jonson	Renner
DeLong	Kryczka	Snelgrove
Dunford	Lougheed	Stelmach
Evans	Lukaszuk	Strang
Forsyth	Lund	Tannas
Friedel	Magnus	Tarchuk
Gordon	Marz	VanderBurg
Griffiths	McClelland	Vandermeer
Haley		

Pursuant to Standing Order 4(3), debate adjourned on the main motion.

The following Bills were read a Second time and referred to Committee of the Whole:

Bill 44 Personal Information Protection Act — Hon. Mr. Coutts

Bill 50 Wildlife Amendment Act, 2003 — Mr. Strang

Bill 51 Natural Resources Conservation Board Amendment Act, 2003 —
Mr. VanderBurg

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, it was agreed at 5:36 p.m. that when the Assembly reconvened at 8:00 p.m. it would be in Committee of the Whole and the Speaker left the Chair.

TUESDAY, NOVEMBER 25, 2003 — 8:00 P.M.

Government Bills and Orders

Committee of the Whole

(Assembly in Committee)

The following Bill was taken under consideration:

Bill 43 Post-secondary Learning Act — Hon. Dr. Oberg

During Committee of the Whole consideration of Bill 43, Post-secondary Learning Act, Hon. Mr. Hancock, Government House Leader, requested and received the unanimous consent of the Assembly to waive Standing Order 32(2.1) to reduce the time between division bells from ten minutes to one minute.

Debate continued on the subamendment introduced by the Hon. Member for Edmonton-Mill Woods, that the proposed amendment to the Bill (Section L), introduced by the Hon. Minister of Learning on November 19, 2003, be amended by striking out section L and substituting the following:

62(1) Tuition fees at public post-secondary institutions shall not be increased beyond 2003-2004 levels until

- (a) the Minister establishes an independent panel to conduct a comprehensive review of Alberta's post-secondary institutions, and
- (b) the panel's report and recommendations are forwarded to the Minister who shall immediately furnish copies of it to all Members of the Legislative Assembly and to the Clerk of the Legislative Assembly and in so doing the report shall be made public.

(2) Upon completion of the report prepared under subsection (1), and subject to subsection (2), tuition fees must be set in accordance with the regulations.

(3) Tuition fees at a public post-secondary institution shall not exceed 30% of that institution's net operating expenditures.

(4) This section does not apply in respect of students in apprenticeship programs under the *Apprenticeship and Industry Training Act*.

The question being put, the subamendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 5

Bonner	Massey	Pannu
Carlson	Nicol	

Against the motion: 34

Cao	Horner	Nelson
Cardinal	Jablonski	Oberg
Cenaiko	Jonson	Ouellette
Danyluk	Kryczka	Rathgeber
DeLong	Lord	Renner
Ducharme	Lukaszuk	Snelgrove
Evans	Lund	Stelmach
Forsyth	Marz	Strang
Friedel	Masyk	Tarchuk
Griffiths	McClelland	VanderBurg
Hancock	McFarland	Vandermeer
Herard		

Debate continued on the subamendment introduced by the Hon. Member for Edmonton-Strathcona, that the proposed amendment to the Bill (Section L), introduced by the Hon. Minister of Learning on November 19, 2003, be amended by striking out section L and substituting the following:

L Section 62 is struck out and the following is substituted:

62(1) Subject to subsection (2), the board of a public post-secondary institution other than the Banff Centre shall set the tuition fees of the public post-secondary institution in accordance with the regulations.

(2) The board shall not set tuition fees in excess of 2003-2004 levels.

The question being put, the subamendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 4

Bonner	Massey	Pannu
Carlson		

Against the motion: 34

Abbott	Horner	Nelson
Cao	Jablonski	Oberg
Cardinal	Kryczka	Ouellette
Cenaiko	Lord	Rathgeber
Danyluk	Lukaszuk	Renner
DeLong	Lund	Snelgrove
Ducharme	Magnus	Stelmach
Evans	Marz	Strang
Forsyth	Masyk	Tarchuk
Friedel	McClelland	VanderBurg
Griffiths	McFarland	Vandermeer
Hancock		

Debate continued on the amendment introduced by the Hon. Minister of Learning on November 19, 2003, that the Bill (Section L) be amended as follows:

Section 62 is struck out and the following is substituted:

Tuition fees

62(1) The board of a public post-secondary institution shall set the tuition fees to be paid by students of the public post-secondary institution.

(2) The tuition fees under subsection (1) for all public post-secondary institutions other than Banff Centre

- (a) must be set in accordance with the regulations, and
- (b) must not increase except in accordance with the following principles:
 - (i) where a public post-secondary institution's revenue from tuition fees in a fiscal year is equal to or less than 30% of its net operating expenditures in that fiscal year, the maximum allowable annual increase in tuition fees for that post-secondary institution in the following year must be set in accordance with the regulations;
 - (ii) where a public post-secondary institution's revenue from tuition fees in a fiscal year exceeds 30% of its net operating expenditures in that fiscal year, the maximum allowable annual increase in tuition fees for that post-secondary institution in the following year is the Alberta Consumer Price Index plus 2%, which must not result in a decrease or be greater than 5%.

(3) This section does not apply in respect of students in apprenticeship programs under the *Apprenticeship and Industry Training Act*.

The question being put, the amendment was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 35

Abbott	Herard	McFarland
Cao	Horner	Nelson
Cardinal	Jablonski	Oberg
Cenaiko	Jonson	Ouellette
Danyluk	Kryczka	Renner
DeLong	Lord	Snelgrove
Ducharme	Lukaszuk	Stelmach
Evans	Lund	Strang
Forsyth	Magnus	Tarchuk
Friedel	Marz	VanderBurg
Griffiths	Masyk	Vandermeer
Hancock	McClelland	

Against the motion: 4

Bonner	Massey	Pannu
Carlson		

Debate continued on the amendment introduced by the Hon. Minister of Learning on November 19, 2003, that the Bill (Section Q) be amended as follows:

Section 78(1)(a) is amended by striking out “and other information required under the regulations”.

The question being put, the amendment was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 32

Abbott	Herard	McFarland
Cao	Horner	Nelson
Cenaiko	Jablonski	Oberg
Danyluk	Jonson	Ouellette
DeLong	Kryczka	Renner
Ducharme	Lord	Snelgrove
Evans	Lund	Stelmach
Forsyth	Magnus	Strang
Friedel	Marz	VanderBurg
Griffiths	Masyk	Vandermeer
Hancock	McClelland	

Against the motion: 4

Bonner	Massey	Pannu
Carlson		

Debate continued on the subamendment introduced by the Hon. Member for Edmonton-Mill Woods, that the proposed amendment to the Bill (Section Z), introduced by the Hon. Minister of Learning on November 19, 2003, be amended in Section Z by striking out section 97 and substituting the following:

97 Each student organization of a public post-secondary institution shall make publicly available audited financial statements when a simple majority of students who are members of the student organization have indicated in a plebiscite that the organization should prepare an audited financial statement.

The question being put, the subamendment was defeated. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 4

Bonner	Massey	Pannu
Carlson		

Against the motion: 33

Abbott	Horner	McFarland
Cao	Jablonski	Nelson
Cardinal	Jonson	Oberg
Cenaiko	Kryczka	Ouellette
Danyluk	Lord	Rathgeber
DeLong	Lukaszuk	Renner
Ducharme	Lund	Snelgrove
Forsyth	Magnus	Stelmach
Friedel	Marz	Strang
Griffiths	Masyk	VanderBurg
Hancock	McClelland	Vandermeer

Debate continued on the amendment introduced by the Hon. Minister of Learning on November 19, 2003, that the Bill (Section Z) be amended as follows:

Section 97 is struck out and the following is substituted:

Audit of student organizations

97(1) Each student organization of a public post-secondary institution shall provide audited financial statements annually to the board of the public post-secondary institution and shall make the audited financial statements available to students of the public post-secondary institution on request.

(2) Where an investigator appointed under section 99 finds irregularities in the management of the financial affairs of a student organization, the Minister may

- (a) suspend or terminate the term of office of one or more members of the council of the student organization,
- (b) appoint an administrator to exercise the powers and perform the duties of the council until a new council is elected, and

(c) take any other action that the Minister considers appropriate to remedy the irregularity.

(3) An administrator appointed under subsection (2)(b) shall be paid the remuneration and expenses determined by the Minister out of the funds of the student organization.

The question being put, the amendment was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 33

Abbott	Horner	McFarland
Cao	Jablonski	Nelson
Cardinal	Jonson	Oberg
Cenaiko	Kryczka	Ouellette
Danyluk	Lord	Rathgeber
DeLong	Lukaszuk	Renner
Ducharme	Lund	Snelgrove
Forsyth	Magnus	Stelmach
Friedel	Marz	Strang
Griffiths	Masyk	VanderBurg
Hancock	McClelland	Vandermeer

Against the motion: 4

Bonner	Massey	Pannu
Carlson		

The question was put that Bill 43, Post-secondary Learning Act, be reported, which was agreed to. With Mr. Tannas in the Chair, the names being called for were taken as follows:

For the motion: 33

Abbott	Horner	McFarland
Cao	Jablonski	Nelson
Cardinal	Jonson	Oberg
Cenaiko	Kryczka	Ouellette
Danyluk	Lord	Rathgeber
DeLong	Lukaszuk	Renner
Ducharme	Lund	Snelgrove
Forsyth	Magnus	Stelmach
Friedel	Marz	Strang
Griffiths	Masyk	VanderBurg
Hancock	McClelland	Vandermeer

Against the motion: 4

Bonner
Carlson

Massey

Pannu

The Deputy Speaker assumed the Chair.

The following Bill was reported with some amendments:

Bill 43 Post-secondary Learning Act — Hon. Dr. Oberg

Progress was reported on the following Bill:

Bill 44 Personal Information Protection Act — Hon. Mr. Coutts

Mr. VanderBurg, Acting Chair of Committees, tabled copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

Amendment to Bill 44 (Hon. Minister of Government Services) —
Adjourned

Sessional Paper 725/2003

Amendment to Bill 43 (Sections A to K, M to P, R, T, V to Y, AA to HH,
JJ to PP) (Hon. Minister of Learning) — Agreed to

Sessional Paper 726/2003

Subamendment to Bill 43 (Section L) (Hon. Member for Edmonton-Mill
Woods) — Defeated on division

Sessional Paper 727/2003

Subamendment to Bill 43 (Section L) (Hon. Member for Edmonton-
Strathcona) — Defeated on division

Sessional Paper 728/2003

Amendment to Bill 43 (Section L) (Hon. Minister of Learning) — Agreed
to on division

Sessional Paper 729/2003

Subamendment to Bill 43 (Section Q) (Hon. Member for Edmonton-Mill
Woods) — Defeated

Sessional Paper 730/2003

Amendment to Bill 43 (Section Q) (Hon. Minister of Learning) — Agreed
to on division

Sessional Paper 731/2003

Amendment to Bill 43 (Section S) (Hon. Minister of Learning) — Agreed to
Sessional Paper 732/2003

Amendment to Bill 43 (Section U) (Hon. Minister of Learning) — Agreed to

Sessional Paper 733/2003

Subamendment to Bill 43 (Section Z) (Hon. Member for Edmonton-Mill Woods) — Defeated on division

Sessional Paper 734/2003

Amendment to Bill 43 (Section Z) (Hon. Minister of Learning) — Agreed to on division

Sessional Paper 735/2003

Amendment to Bill 43 (Section II) (Hon. Minister of Learning) — Agreed to

Sessional Paper 736/2003

Adjournment

On motion by Hon. Mr. Hancock, Government House Leader, the Assembly adjourned at 11:40 p.m. until Wednesday, November 26, 2003, at 1:30 p.m.

Hon. Ken Kowalski,
Speaker

Title: Tuesday, November 25, 2003