

Legislative Assembly of Alberta

Title: **Tuesday, March 30, 1999** 8:00 p.m.

Date: 99/03/30

head: Committee of Supply

[Mr. Tannas in the chair]

THE CHAIRMAN: Good evening. I'd like to call the Committee of Supply to order.

head: Main Estimates 1999-2000

Intergovernmental and Aboriginal Affairs

THE CHAIRMAN: I'd like to call on the minister for 20 minutes.

MR. HANCOCK: Thank you, Mr. Chairman. I'm always delighted to take the opportunity to talk about Intergovernmental and Aboriginal Affairs and the important work that the department does for and on behalf of Albertans.

I would start out by saying that on Monday I tabled answers to all the questions that I believe were asked under estimates so, hopefully, have provided full and complete answers. I would indicate to the members of the House that we're always prepared to answer any reasonable question asked of us about the activities of intergovernmental affairs or to provide any information that's reasonably requested.

I'd also like to start out by singing the praises of the good work that's performed by the many dedicated and talented members of the Intergovernmental and Aboriginal Affairs team. We have, I believe, 94 members on our team, some of whom have joined us this evening, I see, in the gallery. They're dedicated, hardworking professionals who work hard every day for Alberta, bringing the vision and goals of the department to fruition, and we can't thank them enough, I think, for the dedication they provide. Many times when issues come up or when conferences are being held, they work long hours. We have a lot of what I like to call institutional memory in the department, people who have served this province for many, many years, and we owe them a real vote of thanks for the work that they do.

The vision of Intergovernmental and Aboriginal Affairs is: "A strong Alberta, open to the world, in a prosperous, united Canada, where the rights and aspirations of all Albertans are respected." Our goal: to ensure "benefits for Alberta as an equal partner in a revitalized, united federation." Mr. Chairman, signing the "Framework to Improve the Social Union for Canadians" was a good start on that goal. A major focus for Intergovernmental and Aboriginal Affairs of course over the next year will be the appropriate and meaningful implementation of that framework, but it doesn't stop there. We made a major step forward this year when the federal budget came down exhibiting the federal government's agreement, finally, as a result of part of the social union discussions to level the playing field and to implement equal per capita payments on the CHST. That's a good start, but there's much work still to be done on fiscal rebalancing.

Alberta supports the concept of equalization as set out in our Canadian Constitution. However, we firmly believe and we will be fighting to ensure that equalization is only carried out under the constitutional precept and is not implemented a second time on every federally funded program.

Much work still remains to be done to encourage a rebalancing of the tax system. Our federal government collects tax revenue and sends it to the provinces to pay for programming in areas which are

the exclusive jurisdiction of the province, or worse, they spend it themselves in those areas. So we still have a lot of work to do in encouraging a rebalancing of the tax system so that the jurisdiction which has the responsibility has the opportunity to raise the resources to pay for those responsibilities and to fill their constitutional mandate, rather than having this artificial method of the federal government collecting it and then using federal spending power in areas of provincial jurisdiction. Of course, there's work to be done yet in the nonsocial policy area.

Other activities that we carry out to fulfill the first goal under our business plan will include, for example, this year hosting the Western Premiers' Conference in Drumheller. We will be providing the support work for the Premier of course to attend the Premiers' Conference in Quebec City, which in itself should be a very interesting event as the Premier of Quebec and the province of Quebec take over the role of hosting the Premiers and chairing the Premiers' Conference for the balance of the next year.

We've started on another goal towards national unity and towards achieving benefits for Albertans in terms of intergovernmental discussions with the establishment of the Francophone Secretariat. My thanks to the MLA for Bonnyville-Cold Lake for taking on the role of chairing that important initiative and important secretariat role.

Of course our year would never be complete without some discussion of Senate reform and our ongoing role to keep that old nut on the table and in focus and working ever slowly and grindingly towards the ultimate reform of the Canadian Senate.

Under the same goal, of course, we have our role with respect to internal trade policy. Intergovernmental and Aboriginal Affairs plays a lead role and is recognized in this country. In fact, our trade policy group, both internal trade policy and international trade policy, in Intergovernmental and Aboriginal Affairs is recognized nationally as having the talent, is respected for its ability in the whole trade policy area. We're playing a leading role, as well, pushing for the removal of trade barriers across the country, and in that capacity I'll be honoured to take on the role as co-chairman of the Committee of Ministers on Internal Trade this year when we have our next meeting.

In fact, Alberta has pushed for a cross-Canada consultation on internal trade and on improving the internal trade agreement, not having been able to achieve that procedure with our own internal trade process consultation in conjunction with the Edmonton and Calgary chambers of commerce. I can say I think with some certainty that in Alberta there's still a lot of enthusiasm for knocking down trade barriers across the country, opening up the trade process and allowing trade to happen freely across this country. There's room for improvement in internal trade.

The MASH sector comes into effect on July 1. We're making progress on the labour and energy annexes, but there's still work to be done. The dispute resolution process needs to be reviewed, needs to be made more meaningful to the private sector. It's an effective dispute resolution process for governments, but it takes too long, and it doesn't provide the results necessary for the private sector, so there needs to be some work on that. We need to continue to identify and include additional trade barriers, find ways to dispose of them.

I might just give a nod to the past year where Alberta was very successful in the dispute resolution process in taking the first process to a panel and achieving success in having the panel determine that the federal government's use of trade law to inhibit the trade in MMT was an inappropriate use of trade laws, that if the federal government wanted to ban or to reduce the use of MMT, they should have used appropriate legislation in the environmental sector or other areas -- an appropriate decision by the panel on internal trade,

the dispute resolution panel, to say that trade legislation is not an appropriate place to put in barriers of that type.

There are other inappropriate areas in which barriers are being used by governments across the country. I need only point, for example, to the film industry, where different governments across the country have been competing using tax credits, in effect bidding against each other and making it very difficult for the film industry in Alberta. We struggled not to be involved in that process. One of the things we need to do is encourage other governments to look at what type of harm they're doing to industry by competing . . .

MRS. SLOAN: Why would they stay?

MR. HANCOCK: The hon. Member for Edmonton-Riverview says: why would the film industry stay?

Well, the fact is that we have a beautiful province. We have a great tax regime. We have all of the Alberta advantages. We have schools that produce some of the best technicians available. We have some of the best artists available. The only problem we had in the film industry in Alberta was that governments across the country were using tax policy to poach, and it's inappropriate. It's another trade barrier.

Our second goal, of course, is "to support Aboriginal people and governments in achieving self-reliance and enhanced well-being." The best way of course to deal with . . .

Chairman's Ruling Decorum

THE CHAIRMAN: Ladies, hon. members, I wonder if we could ratchet down the conversations. We have a number of lively discussions here, and it's my hope that we can limit it to one lively discussion, that being led by the hon. Minister of Intergovernmental and Aboriginal Affairs.

Debate Continued

MR. HANCOCK: Thank you, Mr. Chairman. I really appreciate that, because I for one believe that the work that's being done in these important areas is good work. It's solid work. It's work that's being carried out by some of the finest civil servants that we have in the country anywhere, and they're respected in their areas for the work that they do.

Under goal 2: "to support Aboriginal people and governments in achieving self-reliance and enhanced well-being." Of course, our first and primary goal under that one, one of the best ways we can do that is to resolve outstanding land claims. Treaty 8 was signed 100 years ago this year. I've said a number of times that a hundred years should be just about enough time for us to fulfill our obligations under those treaties. Alberta does have obligations as a result of the natural resources transfer agreement, and we have every intention of doing everything we can but within reason to fulfill those obligations.

I might say that when I met with Jane Stewart soon after I was appointed and soon after she was appointed and raised this issue with her, she agreed. To her credit she's moved quickly on the federal side, because the initiation of most of these discussions is a federal matter, to bring some of the Treaty 8 claims onto the table. As a result, we've been able to resolve the Loon River Cree Nation land claim. The Loon River Cree Nation voted earlier in March to approve the final settlement, and that claim will be going to cabinet in the next few weeks. That, I think, is a credit to all three governments working together.

8:10

We also have negotiations ongoing with the hope of an early agreement on the Salt River claim and continuing negotiations on Fort MacKay and Fort McMurray, Big Stone, and even some prospect that the Lubicon claim will come on the table for negotiation. Last year we were able to put together the final settlement and the resolution of the Alexander land claim.

Of course, there are other land claims that are not the responsibility of the provincial government under the NRTA, but they're still important to Alberta. Our department is working very diligently to resolve issues, for example, with the Cold Lake First Nations and issues relating, for example, to the claim that was settled with Siksika, in which they are now looking to purchase the Bowden refinery, a very innovative project but one which will require a great deal of work and a great deal of co-operation among all governments if it's to have any possibility of success.

Of course we're continuing the work, as I mentioned earlier in estimates, on developing and bringing forward an aboriginal policy framework, a framework which will allow us to focus on issues of socioeconomic status and how we can have government policies and bring industry into the picture to ensure that the socioeconomic status of aboriginal people in Alberta is improved. In fact, the ultimate goal should be that they should have the same socioeconomic status as all Albertans. The aboriginal policy framework: I mentioned, if the hon. member was listening, who the players would be on that.

The consultation processes would also be included under there, consultation processes which are very necessary as resource development and utilization of natural resources, as industry and people move into areas that First Nations had considered to be their traditional areas. There needs to be a good consultation process, and while we maintain of course that the lands are Crown lands held for the benefit of all Albertans, we must have a good-neighbour policy, which involves consultation with everybody affected and is particularly sensitive to the needs of the aboriginal people in those areas.

Of course, under the aboriginal policy framework, as well, we'll need to deal with the areas of jurisdiction, because as we proceed on the basis of dealing with First Nations and aboriginal people and communities on a government-to-government basis, there needs to be a clear understanding of who has jurisdiction of what areas. We can't allow jurisdiction to get in the way of progress, but we must make sure that we understand between the federal government, provincial government, and aboriginal governments where the jurisdiction lies and who has the lead in certain areas. We've been working very diligently to facilitate and encourage government, industry, and aboriginal governments to work together in capacity building and economic opportunities.

Of course, we have the only Métis settlements in the country, the only Métis in the country that have a land base, and they're working very diligently to have business plans that make sense, business plans that provide for a firmer future, a better future for their members and working on their economic development policy. With respect to the area of Métis government and particularly the Métis settlements, we have of course the Métis Settlements Appeal Tribunal, and we're currently in the process of reviewing the jurisdiction of that tribunal to see whether it might be a tribunal which could provide a place for people to go from the settlements, for people to go who have concerns with their local councils or with the general council or between settlements to have those disputes resolved. We have, again, the Member for Bonnyville-Cold Lake co-chairing the Métis Settlements Appeal Tribunal review to see what we can do in that area to provide for better dispute resolution on those areas.

Of course, in goal 3, "to secure benefits for Alberta from strengthened international relations," we have a number of different areas in which we've been working very diligently.

First and foremost, again in trade policy, Alberta is a leader in Canada and a leader in pushing Canada to develop a free trade process. We've benefited very well from NAFTA. We're working towards the new World Trade Organization round on government services on agriculture and perhaps an expanded round in other areas. It'll be very important for Alberta to be there to make sure that the federal government knows what our positions are and what we'd like to see in any international trade agreement in that area.

The free trade of the Americas is of course moving forward.

Point of Order Questioning a Member

MRS. SLOAN: Citing Beauchesne 333, I'm wondering if the hon. minister would entertain a question specific to this area.

MR. HANCOCK: I have a few more points to make. I'd love to answer any questions if I have time at the time I've finished my remarks, and of course if you wish, you can pose a question during your remarks, and I'll be happy to answer.

Debate Continued

MR. HANCOCK: Under the international trade area we've worked in NAFTA. Cross-border disputes have become a very important area of concern. We're working diligently to improve relations with our bordering states, including an increased presence at the western governors and the Council of State Governments West, and we're hosting the PNWER conference here in Edmonton at the end of June. PNWER, as members will know, is chaired by the Member for Livingstone-Macleod. He is the president this year and has done a great job in helping to reorganize that organization so that we can again have good trade relations and good understandings across the border.

In the international relations area, of course, we have the 25th anniversary of the Kangwon-do relationship. We have international visitors all the time. Just to give an example, the Premier of China will be arriving in Alberta within the next two weeks, and the governor of Kangwan-do will be here in May.

I can't leave that particular area without acknowledging that Consul General Ise, the consul general from Japan who served both Japan and Alberta so well, is now returning to Japan. We will miss him and the relationship we have in situations like that where we have a consul general in place and the good work going back and forth across the ocean. Even when the economy in Japan is down, it's important to continue to build on those strong international relations.

I'll just end by talking a little bit about a committee we call ICAGA, looking at the long term and working with CIDA and the international banking community, looking for projects where the government of Alberta can be of assistance in helping to build long-term relationships in other countries but also building relationships for Alberta in the long term. The Member for Calgary-McCall chairs that committee, and the Member for Highwood, the Member for St. Albert, and the Member for Wetaskiwin-Camrose have all been serving on that committee very well. We're expecting a report from that committee in May or June.

Those are the areas that we touch on. As I say, there are many, many more areas that Intergovernmental and Aboriginal Affairs deals with. I think it's clear, in answer to a question that comes up perennially, that Intergovernmental and Aboriginal Affairs is a very

necessary, very vital department in the province of Alberta. Anybody who has any questions about whether we should have a separate Department of Intergovernmental and Aboriginal Affairs -- and they seem to raise this question every year -- I would refer to *Hansard* of last year. Well, I don't see the page number, Mr. Chairman.

In any event, it's clear that the focus that we have is very important both in international relations, in international trade, in internal trade policy, in Canadian federalism issues, and in aboriginal affairs issues. The department is dynamic. It has great people working, and we're doing good things for Alberta.

If there's any time left, I'd be more than happy to entertain my friend from Edmonton-Riverview's question.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview in the minute that remains.

MRS. SLOAN: Thank you. Two questions to the hon. minister, the first with respect to NAFTA. The minister made a statement that we had benefited in Alberta from that agreement. I would ask: what analysis, research, or references does the minister refer to to substantiate that, and how does he respond to the socioeconomic research conducted and presented at the Parkland Institute conference just several weeks ago surrounding the growing income disparity that is very much a reality in our province as it is in the country? What relationship to NAFTA do those things have?

8:20

The second question related to the aboriginal framework and the development of social and economic policies. The minister referenced industry as a specific player in that along with aboriginal stakeholders. I'm wondering if the minister could provide more detail as to who and how that framework will develop socioeconomic policy under the framework structure.

Thank you.

THE CHAIRMAN: I'm sorry the time is up. You've used up all of the minister's time, so now it's opposition time.

The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Chairman. I thought that came under a point of order, so I'm surprised that it was counted as using the minister's time.

Okay. First of all . . . [interjections] It was originally brought up under a point of order.

Mr. Chairman, first of all, I would like in my very first opportunity to speak to Intergovernmental and Aboriginal Affairs to thank the staff who are attending here tonight. Thanks for coming and for all the hard work you do. I've had an opportunity to be the critic for this portfolio in the past, and I'm happy to return. I've had the opportunity in the past to work with some of the staff from the minister's department and have always enjoyed the experience and found them to be very hardworking individuals and quite committed to the work they do.

This is my first opportunity, Mr. Chairman, to speak to these debates, and because it's the first, I have some concerns about that. Because of the way the budgetary process has been established with two concurrent meetings, many of us are unable to attend the first session and therefore are not able to put our questions to the minister, to hear the other questions that are put forward to him and the tone in which he, with the support of his staff, answers the questions. That's unfortunate, because I know that a lot of my

constituents would like to have a little more feedback on what goes on in some of these areas.

I'm hoping that this will be addressed so that next year we don't have two parallel sessions occurring at the same time, where we have some members of the Legislature who cannot be in two places at once, and therefore have an opportunity to join in the debate when it occurs rather than having to do what I did in this instance, which is review *Hansard*, review the minister's comments, and review the answers that he supplied. A good thing is that the minister did bring forward very speedy replies to the questions that were originally asked of him on March 16. That was excellent, because it helped me frame some of my comments for tonight.

First of all in the discussions this evening I would like to respond to some of the minister's windup comments on this particular department. It's nice to see that he's in a feisty mood this evening and was willing to take on a couple of issues in a reasonably aggressive manner. It's too bad that we didn't have more time to debate these issues, because then we probably would get some excellent answers, particularly with regard to the fed bashing that he did in his opening comments. I'm hoping that the federal ministries will be happy to see that he's quite prepared in debate here to give them a hard time and to see the extent of where he's coming from in those comments.

We see the current role, to some extent, of federal responsibility in terms of recognizing that each of us as Albertans, as individuals in part has part of the collective responsibility for the whole of the country. So if you operate from that kind of mandate, I'm wondering how the minister of intergovernmental affairs can make some of the opening comments that he has given, which seem to be quite confrontational in terms of who's responsible for what and who's got the overall responsibility.

Does he see Alberta as having a part of the collective responsibility, and as they have the moneys to follow the decision-making power in the future, which is what I am assuming he is working towards, does he see that the province itself will play out its role in that collective responsibility? Certainly he recognizes it. We see that with the two staff he has added to the Francophone Secretariat in this upcoming budget year. I'm wondering where else he sees there may be a role for the province as they gain more control over dollars and decision-making power in the future. If he could specify those specific areas for me, I would appreciate that.

Next I'd like to talk for a moment about his comments about the film industry. That was quite entertaining. He talks about the harm the other provinces are participating in by competing with each other, that they have established tax policies to poach. Well, I would put it to the minister that it has always been Alberta's policy, as long as I remember a Conservative government being in power, to poach whenever and whomever possible as long as it benefited them in the long run. We see that occurring with the most recent tax decisions in this budget. If that isn't an overt attempt to poach personnel and people from other provinces, I don't know what is. In fact this government has had economic strategies to poach companies from other countries and other provinces, so I'm wondering why he is so upset with the other provinces now entering the game in the film industry in terms of trying to poach the industry into their respective provinces. I'm wondering if the minister is just upset because the other provinces got there first.

In fact this province has painted itself into the kind of corner . . . [interjection] I do understand it very well. You see, that's the problem. You don't expect people to be paying attention to what it is you're saying and to be monitoring past policies and comparing them to what the government has done in the past and what they will do in the future. In fact we had a very lucrative film industry in this

province, and for whatever reason the province has decided to not support it.

MRS. SLOAN: That was then; this is now.

MS CARLSON: Yes, that was then, when they used to support it; this is now when they don't. Instead they want to paint other provinces with their new poaching abilities, and I think that doesn't place the blame where it belongs. If, by the minister's own words, this department's responsibility is to establish policy in a variety of areas, then I wonder if it is his policy to openly state to other provinces that he does not approve of their current poaching policies in the film industry. So if he could give us a little more information on that, I would appreciate that.

The minister spoke in his opening comments a bit about the debate that always goes on about splitting intergovernmental affairs and aboriginal affairs. I'm wondering why he didn't talk about including Executive Council in intergovernmental affairs, something that seems to be occurring in other provinces. I'm wondering why they're not addressing it here. How many arms of the government can you have acting on policy decisions and organizing tours and trade missions and so on and so forth? I'm wondering why they're not going there? Is there some specific reason for that? So if he could outline that, I would appreciate it.

He talked about expanding some of the goals that the department has that he hadn't had an opportunity to expand on on March 16, so I'm not going to speak specifically to those but to some of the goals that he did talk about on March 16. There he didn't give a lot of detail in some areas. I would like some clarification in some of those areas. In goal 2 he said, "Our children will be well cared for, safe, successful at learning and healthy." In explaining that goal he said:

Ensuring that the Canadian federal system better serves the needs of Albertans in promoting the self-reliance and well-being of aboriginal communities and people are departmental priorities.

The way he presented that, Mr. Chairman, it sounded to me like this was very much a watchdog role for Alberta. I'm wondering if that is what he meant, and if not, then could he expand upon it and give us some more information? Are there specifics? What specifically are they doing to ensure other than looking at the federal system, which is what it looks to me from what he said here? So if it's more than just ensuring that the federal system is providing these services, then tell us exactly what it is they're doing.

Goal 7. He talked about working "to reduce barriers to labour mobility." So what specifics are happening here? This is a perfect example of the poaching technique that Alberta has employed in the past, where we have attracted labour from other parts of the country, and particularly I think of the Maritimes and the oil industry and the number of people we've seen come over the years. Not that I'm complaining about that. I think it's wonderful to have a wide diversity of people from across Canada working and living in Alberta and becoming Albertans and seeing themselves through that filter. But specifically I'm wondering what he's doing now to reduce these barriers to labour mobility. I'm not even clear on the list that exists of all the existing barriers, so if he could give us that information first and then explain what concrete actions they're taking in the next 12 months of the budget year to reduce those, that would be very wonderful. I would like to hear that.

8:30

Goal 13 talked about "Alberta businesses will increase exports." That's sort of a motherhood and apple pie statement, Mr. Chairman. He doesn't go on to really expand on that in a great deal of detail. He must have some specific measurement tools in mind and

accountability measures -- I'm sure anybody could call them that -- and I'm wondering if he could table that for us and then if we could see them incorporated into the business plans. I would like to be able to measure that year by year, and I think many Albertans would definitely want to increase our exports.

We have seen recently by the KPMG study that came out on Economic Development that we're falling short in that regard. So I am wondering if it is part of this ministry's responsibility, as they see it, in terms of developing policy to address specific issues like that when these studies come out saying that there are deficits in terms of how government is supplying their services, if they're undertaking to shore up or support ministries who have obvious shortcomings like we have seen in Economic Development. So if he could tell us if he sees that as part of his mandate, and if so, specifically what they're doing, particularly in the technological areas, which is where I think the KPMG study focused their concerns.

Goal 16 talked about "the high quality of Alberta's environment will be maintained." Now, I'm wondering why it is the policy to maintain. Why wouldn't it be the policy of this government and of this department, who sets the tone, to enhance the environment? That would be a laudable goal. I think that is a goal that we could achieve instead of just talking about maintaining.

What are the measurement systems that they're using to decide whether or not it's been maintained? I'm not talking about something intangible like customer satisfaction surveys that we never see the results of or the specific comments tabled in this House. I want to know exactly how you're measuring it. From this year to the next year you have perhaps 10 steps that you go through that measure the maintenance of an area or the enhancement of an area. Specifically give us some concrete information here that gets rid of some of the concerns that many Albertans are feeling about a downward spiral that we're in in this province in terms of environmental maintenance, never mind enhancement.

I saw his comments. They talk a little bit about the work that they're doing with the department in this regard but nothing really specific. So do you meet once a month and talk about it globally? Do you have specific measurement techniques that you go through, performance measurements? Even if you don't want to table them, if they're internal, I don't care; just tell us what it is that you're doing. I think that's some very important information, and I certainly would like to see it.

In your comments the other day you talked about how in trade policy Intergovernmental and Aboriginal Affairs is charged with managing the development of Alberta's overall trade policy, both domestic and international.

What do you see there as the top 10 issues in managing the development -- the top 10 for domestic concerns and the top 10 for international -- and how are you handling them? We'd like a little road map on how you're getting where it is that you're getting. That would be very helpful to us.

You said a little later on there, on trade policy again, that your advice "has helped to avoid formal disputes and potential retaliation." Just give us some examples, some specifics. That would be appreciated. You talked about the department ensuring "that federal trade policy respects provincial jurisdiction and reflects Alberta's priorities." What specific priorities are you talking about here? We heard the priority of prosperity the other night in Economic Development. Is that the priority you're talking about when you're talking about the federal trade policy, or is there a series of other ones that you see as being more important in that particular context?

Then you talked about free trade within Canada. Well, this is a really big topic and I think one that lots of people have talked about. In fact, I saw the Minister of Community Development also address

this the other night. We know free trade within Canada is an historical problem, Mr. Chairman, that Canada has traditionally followed the hub-and-spoke model where we've seen Alberta, particularly, feed into eastern Canada and not necessarily a lot of feedback coming back out of that. We've also seen the invisible borders set up at the border crossings provincially, and that's a huge problem for transportation, particularly of goods and services that are needed or have a market in other provinces. We know that's a problem. We know it's traditionally been a problem in this country, and Alberta has traditionally been disadvantaged in this regard. This is a 200-year-old problem, not something that's occurred in the last year or two. Exactly what are they doing? How much progress have they made? I'm sure they have made progress. We'd like to hear about what it is.

The minister talked about the MASH sector and the dispute resolution. He said: we have an excellent record in this, with every one in six complaints against Alberta settled. To me, one in six complaints isn't an excellent record, Mr. Chairman. That's 17 percent of the complaints settled, so a little more explanation on that would be helpful.

I don't have very much time remaining, and I do have two concerns I want to address in the few moments I have left.

The sister province relationships in China, Japan, Korea, Russia, Latin America, and South Africa that you talked about tonight and the last time you spoke. If this department's focus is policy, then what's your focus in terms of environmental issues and human rights issues in these countries? I think we need to know the direction of the province from a policy perspective, so if you could talk about that.

When we're talking about barriers again, I just want to quickly speak to a tourism barrier that we have in this province that is really a federal issue but I think needs some provincial input. It's one that's brought up time and time again at the PNWER conferences, and that is how hard it is for visitors in Alberta to have permits to cross the American border and for the Americans to cross into Alberta. Well, for us tourism is a huge industry, and I would think that we would have a policy in this department that would promote free trade of people as much as we promote free trade of goods. So I'm wondering if the minister is specifically addressing the border crossing issue and if he is doing any lobbying of the feds in order to either make the access easier for people, speed it up, make permits easier to access, or things of that nature. That would be very helpful to me.

I still have quite a number of questions. Perhaps many of them I will put in a letter to the minister. I know that he will answer them, so that will be very helpful to us. Some of the specific questions I have would be in terms of the top three goals they have. We read what's in the business plan, and we see what they say in their department memos, but truly it's a global task that doesn't seem feasible to accomplish. So if he could give us the top three focuses that he'll be spending 80 percent of his time on, if that's appropriate. If not, then what would be appropriate to ask in that situation?

I also want to know if this minister, in terms of developing policy, supports Economic Development's move to form a western provinces alliance to work on trade issues. If so, how does he see that working, and what participation does he feel his department will have in that? Then how does PNWER factor into that? North/south trade versus east/west trade: I could see some potential problems arising out of that. If the minister could describe to us how he sees those priorities being aligned in the next year and in the next three years in terms of the rolling business plans, I would appreciate it, because I see where either we're going to have a duplication of infrastructure at some point or we're going to have outright competing interests.

8:40

I'm hoping that won't happen. I'm hoping that they've got that all figured out and that they'll be happy to share that with us so that not only people like myself won't have any concerns on this anymore but the other provinces who are thinking of entering into this alliance will have their concerns put to rest so that the States, who now do some significant work north and south in terms of improving trade relationships, also won't have red flags raised for them. I would think a little openness in that regard right now would pay huge dividends in the future. [Ms Carlson's speaking time expired] I'm out of time. Oh, dear. Well, I'll have to put the rest of the questions in a letter.

THE CHAIRMAN: After considering the business plan and proposed estimates for the Department of Intergovernmental and Aboriginal Affairs, are you ready for the vote?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Agreed to:
Operating Expenses \$24,450,000

THE CHAIRMAN: Shall the vote be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Justice and Attorney General

THE CHAIRMAN: I'll call on the hon. minister to make his comments.

MR. HAVELOCK: Thank you, Mr. Chairman. Once again I'm very pleased to be here to continue our discussion pertaining to the main estimates for Alberta Justice.

I would first like to introduce you to the members of my ministry in attendance today. Along with my executive assistant, Mr. Jack Jenssen, we have Mr. Dan Mercer, executive director, corporate services division; Mr. Shawkat Sabur, director, financial services; and Dr. Randy Petruk, director of corporate support services. I appreciate the time they've taken to be here today.

Mr. Chairman, during our previous meetings on March 22 and 25 I heard many concerns from members of the House relating to the administration of justice, and certainly that is as it should be. The administration of justice touches every Albertan, and I know we are all interested in ensuring that it continues to work in the public interest.

The estimates and business plan you see before you represent the broad outline of how we intend to proceed in the coming year to maintain safe communities and address these concerns. I was pleased over the last several sessions to note the hon. members' evident interest in performance measurement of the justice system. This evening I would like to take a moment to address some of the issues raised previously about our indicators.

First of all, I want to acknowledge, as some members have done, that much work remains to be done on performance measures. The justice system is such a large entity, it is difficult to capture everything we do in an appropriate way and reduce it to one number. Client satisfaction probably comes closest to being the key measure of our ministry's overall effectiveness. Why do we use this

measure? As we heard in the summit on justice, maintaining a positive public perception of justice is a critical part of what we do in the ministry. I'm sure members will agree that if our citizens don't think we are doing a good job -- and unfortunately many don't -- we have much work to do. Public satisfaction is the best overall indicator of this, and we are working hard to improve it.

We have other measures as well that have been called into question. For example, we know that the dollars collected per file on maintenance enforcement, the time from first to last appearance in our courts, and the number of eligible persons receiving legal aid services were all cited as areas where more work remains to be done. I agree. Within my ministry we have tasked our senior officials with reviewing their performance measures to make them more meaningful. Unfortunately, however, in this particular area much of this work is what I would consider to be art rather than science.

We have exhaustively examined the performance measures from other ministries around the world, and I can tell you that there is no consensus about the best way to measure the justice system. But we have heard a number of suggestions, particularly from the members for Calgary-Buffalo and Edmonton-Glenora, and I will ensure that those will be reviewed by my staff. I'd also encourage both of those members, again, to put any suggestions they have in writing. I don't believe we've received any as of yet, but I think I indicated during previous discussions that I'd be certainly happy to receive those.

We are committed to developing measures that are meaningful and useful so that we can learn more about what initiatives work in our ministry as well as those that do not. I have previously referred to the very productive relationship we have with the Centre for Justice Statistics. This relationship allows us to make comparisons with other jurisdictions. In the coming year we will continue to dialogue with academics, performance measurements specialists, and search the Internet for better information about measuring our performance.

I would like to note, however, Mr. Chairman, that the information found in our business plan is intended to be a global indicator of how well we are doing. By necessity the length of our business plan does not allow us to be exhaustive in detail about all our programs. Although we routinely use detailed information to manage our programs -- and this information is available to all hon. members -- I believe it is important to remember that the business plan is intended to capture the highlights of our activities.

Before I conclude my remarks, Mr. Chairman, I would like to emphasize that unless we have a good set of core performance measures, initiatives such as the justice summit, the alternative dispute resolution projects I mentioned last Thursday, and all the changes we have introduced in the maintenance enforcement program cannot really be assessed for their effectiveness. Performance measures represent a way in which we can target and focus our reinvestment in the justice system and will continue to be relied upon heavily in the future. No doubt the hon. members will raise more questions this evening regarding some of these measures or other areas associated with Justice. I just want you to know that we are committed to performance measurements in our ministry and strongly feel that they are very powerful tools for the continuous improvement we hope to achieve.

Thank you, Mr. Chairman. For any questions, again, that come up this evening, much like the other questions that have been asked, we will certainly provide a written response in the future. Thank you.

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

MR. DICKSON: Thanks, Mr. Chairman. My intention is to speak quickly so that colleagues will have ample opportunity to ask questions they want to ask. I want to go back and ask the Minister

of Justice some things that weren't addressed last time fully. Has he reconsidered his opposition to the Cawsey commission's report that we need an aboriginal justice commission, not a secretariat subordinate and subject to the Minister of Justice but a commission that can provide leadership in terms of a whole range of aboriginal law initiatives? Has the minister or his department done an assessment of the Ontario integrated justice project, the \$200 million that's been invested by two government departments? I know what didn't work in Nova Scotia and British Columbia, but I'm interested in what assessment this minister has done through his ministry of that.

In terms of legal aid there were some questions asked the other day, but let me be very specific. I'd like to know what percentage of applications for criminal legal aid are refused? I'd like to know how many appeals there are to the joint legal aid committees. I want to know what the success rate is for people who appeal to the joint legal aid committee.

I know that the Minister of Justice sends Mr. Clark Dalton off to meet with the Uniform Law Commission. They've done some work on Bill C-54. I want to ask the minister what plans he has to share with interested Albertans. It may not be as big a group as I'd like it to be, but it's certainly bigger than the minister may take it to be. I'm interested in the work that's being done. If we send a representative to the Uniform Law Commission, I'd like to know how that information is shared with interested Albertans. Is it tabled in this Assembly? I don't recall that happening, Mr. Minister. There's usually some very important work done by representatives of the federal and provincial justice ministries, and it would be really important to see that information.

A couple of questions about youth justice, and I know that we've had youth justice committees since the initial ones were set up in Wabasca, Desmarais, and two other centres, Fort Chip and Slave Lake, many years ago. When the minister says that there are 70 in the province right now, the question is: how many of those are section 69 youth justice committees solely? How many of them are also committees that deal with alternative measures under section 4 of the YOA?

Finally, when the minister says, "We do not have any way right now of measuring how successful those are," as he said on March 22, 1999, I'm puzzled by that. I would think that although we may not have the resources or the ability to do longitudinal studies for a young person's lifetime yet -- that's a very expensive kind of assessment -- we certainly have ways of measuring in the community where the young person is whether there is recidivism within a period of two years, three years. Presumably that could be accessed.

8:50

I just want to go back. If we're not interested in following the route of Ontario with their automated integrated justice project, is there some other way that we're going to be able to track people in the system? Because they come in at different points of entry, and in some way we can sort of consolidate that information and keep it in a place where it can be readily accessed.

On March 22, 1999, the Minister of Justice told us: we're trying to consolidate the family law statutes into one statute. I'm not sure what the holdup is. The Liberal opposition put forward a family law amendment act in 1996 that consolidated a number of key family law statutes. Why wouldn't you simply accept that? You can change the bill number, but it's not nearly as complicated, Mr. Minister, as you'd have us believe.

So in the nine seconds I've got left, I'd just like to say that I'm keen on seeing responses to all of those questions, and I look forward to his customary forthrightness. Thank you, Mr. Chairman.

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

MS OLSEN: Thank you, Mr. Chairman. I just have a few questions to close these budget debates for this year. My first discussion is around the issue of the judicial selection panel. I just want to go back to March 22 and look at the minister's comments. I'll quote. This will make it easier. The hon. minister stated:

I solicited a number of people, my colleagues, individuals that I know personally, and certainly anyone who wished to send in some names, because it was well known that we were looking at establishing a panel. I will also indicate that neither of the opposition critics for both parties sent in any names for consideration.

Well, Mr. Chairman, first of all we were never privy to the notion that we could, in fact, send in names to the minister for his shortlist. Secondly, I think this flies in the face of the whole notion of the selection process reducing the amount of politics involved. In fact, the minister selected, as he states here, his people for that particular committee, and quite frankly I think that's wrong. I don't think that's the process that was intended through the report. I have some grave concerns with that.

No money was spent, Mr. Chairman, on putting an ad in the paper, looking through the entire province for responsible individuals to fill those positions. Quite frankly, I think the minister has done what he's continued to want to do, and that is keep the judicial appointments political, and he'll keep the battle going with the judiciary. I'm just wondering if the minister can enlighten us as to how this is going to go in the future. Is he going to advertise? Is he going to spend some money on advertising throughout this province and maybe look at gender equity in the selection process? We haven't seen that happen at all. So we've got those problems.

I also want to say at this point to the minister that I think it would be inappropriate for MLAs to submit names of people that they believe would be good candidates. I think there should be a more open, accountable process. If people want to become candidates for judicial selection, then an ad by this government can be put in the paper, paid for out of their budget, and then those people can apply on their own without the help of any political individual in this Assembly. I think he's speaking out of both sides of his mouth there.

I would also like to go down the road here and talk about -- this he refers to in his debate earlier, on March 22 again -- the "moral compass." I want to know, Mr. Chairman, how many decisions are based on this? How much money is spent on determining the moral compass? Where is that money coming from? How did he define the moral compass? Did the minister use polls and surveys? When and how many? What's the benchmark? Did he go to the churches? Which ones? Let us know that. Were there letters and e-mails? How did he weight those particular letters and e-mails to determine the moral compass? Does it change, Mr. Chairman, according to what the issue is? We need to clarify this position. You know, how much money is actually being spent on determining how that's achieved?

I would like to know: did the minister talk to the gay and lesbian community when he talked about the moral compass? What in fact was determined by that community? I don't know how he's determined the moral compass, whether it's polls or how it is, but quite frankly it would be great for all Albertans to have some sense of how that was defined. Is it the majority? Is it the minority? And if we're talking about the tyranny of the majority when it comes to human rights, well, maybe that's not the right way to go. So we need to talk about that.

I'd like to just move on a little bit and talk about the formal registered partnerships that are being discussed and why the minister

would choose to go down the road of a registered partnership, why he wouldn't want to use something more discreet in terms of the gay and lesbian community when it comes to the whole notion of the Domestic Relations Act. That would be a recommendation from our side of the House, and of course he has that.

The other thing I'd like for him to do for me, because he identifies this in goal 2, "to promote safe communities," on page 230 of the business plans -- if he could please define "community policing" for us and give us a definition of what he perceives as community policing and how he determines the measures and outcomes there. So if he could do that, that would be great.

I also would like to acknowledge that a huge bone of contention for me over the couple of years I've been here doing budget debates has been the \$25,000 associated to crime prevention. Well, we in fact now see that the minister has allotted about \$285,000, I think, to those issues. So that's great.

A question on the issue of the unified family court. Money was on the table last year to enter into a pilot project with the federal government, actually get some dough from them to start with the unified family court. This project and this issue have been ongoing since 1972. We've had reports from different universities and the Law Reform Commission and on and on and on. So we're now studying it again, and I recognize that he has a difficult task in the fact that not all of the judges and justices are onside. However, it's worked in six other provinces.

There has been some dough available. He walked away from that last year. I don't know why he won't access it. Instead, he turns the table and says that he wants more money for the Young Offenders Act. Well, you know, Mr. Chairman, there are a lot of studies that show and support the notion that kids coming from the single-parent homes are, a point in fact, the ones that run into trouble with the law. Why would he not want to start looking at family law reform and dealing with some of those issues instead of focusing on his intentions of wanting to deal with the 10 and 11 year olds in the jail system? Why doesn't he want to deal with them during family law reform? So that's another thing.

9:00

The other question I have. I guess for me it's where the priorities are. I think that has to be addressed by the minister.

The next issue I have is time to trial. Time to trial is very, very important, and I know it's identified in here in the business plans and is one of the outcomes. I need to know from the minister why in fact he has not implemented an outcome for time to trial as it refers to family court and the issues with child welfare and those kinds of things. I'm quite concerned that this seems to fall off the side. Again we're dealing with the criminal side of it, and we're looking at dealing only with the criminal side of it when we know that if we don't deal with some of the social aspects with our youth, then in fact those kids will be falling over the other side into the criminal courts and coming to the attention of the police and the justice system. So I'd like to know why we don't have that kind of measure. The problem with that is that often kids who are involved with the child welfare system are held in limbo, I guess, and no decision is made on their well-being. If we're talking about the best interests of the child, why are we not dealing with those in an expedient manner? You've got six- and eight-month waits for court accessibility for some of these. I'd like to know from the minister why that's not happened.

The other aspect is that the minister spoke yesterday about the unified family court, and he's talked about that discussion coming up at the summit. Well, in fact at the actual justice summit there was no discussion on family law; there was no breakout group on family

law. So I would like to correct the record of the minister and just remind him that we didn't discuss family law at the justice summit in Calgary. Mind you, it was part of our recommendations, the MLA recommendations. We felt very strongly that it should become part of the process, and it was conspicuously absent, if you will. So I'd like to know from the minister when that whole initiative is going to get off the ground.

One of the other things I'd like to talk about again is the Crown prosecutors' office. There has been some progress made in terms of salaries for the Crowns. That's been something I've certainly addressed with the minister since I was elected and will continue to do. I'd like to now address workloads for the Crown. In many instances the whole notion of going to trial on a serious matter is done within a 24-hour period. That's just not enough time for the Crown prosecutors to get all that information together. In fact, I've been in courtrooms myself where we've had 21 hours of trial time set down in a two-hour period, so you know that we're not going to get to those trials. I'm wondering how that's going to be dealt with by the minister.

I think it's very important -- and I know he talked about an initiative with a serious crimes unit, where prosecutors were going to deal with the serious crimes. I'd like to know how many prosecutors will be assigned to that unit. Is this separate and away from the special prosecutions area and that kind of thing?

What about the pine shakes litigation? How will the courts be able to handle such a large number of cases? Here's a prime example where class action would be very beneficial to Albertans and to the Department of Justice, as with the sterilization cases as well. There's just a prime example where that would in fact benefit the minister. I'm just wondering if more prosecutors were hired, if that whole issue has been resolved, if everybody's up to speed and that kind of thing.

The other thing I want to talk about is major frauds. Out of the special prosecutions branch, how much time is spent on the major frauds? Again, Mr. Chairman, given the consolidation that's likely to happen with the Vancouver and Alberta stock exchanges so that they're going to be in Calgary, what will be done to boost the white-collar crime enforcement? I'm wondering if there's going to be a refocusing here. What department is going to handle that? Is it going to be the Department of Justice? We know they're handling the prosecutions and devoting time to Bre-X and ATB and West Edmonton Mall, but now we're going to be looking at this consolidation and the types and complexity of crimes that come out of there. Not only will they take longer to investigate and get to the courts, but they're going to require some very well trained Crown prosecutors to do that.

The issues of fatalities inquiries have been dealt with, I see, by my colleague for Edmonton-Riverview. I guess at this time, Mr. Chairman, I'm running out of time. I would just like to ask the minister what crime prevention measures will be covered in the increase from \$25,000 to \$285,000 I think it was. What particular programs does he plan on implementing? The other aspect of that is: why a decrease to First Nations policing? When in fact they're a very troubled organization, why has there been a decrease in that area?

With that, Mr. Chairman, I will take my seat, and hopefully at some time we'll get a timely response from the minister. Thank you.

THE CHAIRMAN: After considering the business plan and proposed estimates for the Department of Justice and Attorney General, are you ready for the vote?

HON. MEMBERS: Agreed.

Agreed to:
Operating and Capital Expenditure \$372,020,000

THE CHAIRMAN: Shall the vote be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Energy

THE CHAIRMAN: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. The Minister of Energy did table earlier today, I believe, answers to all the questions that were raised of him during consideration of his estimates. I'm sure he will be more than interested in hearing any comments and questions that might come up for him this evening and undoubtedly will wish to respond to them.

THE CHAIRMAN: The hon. Member for Lethbridge-East.

DR. NICOL: Mr. Chairman, it's a real privilege this evening to stand and speak to the issue of the estimates of Energy. It's important that we look at how each of the ministries bring forward the issue of trying to get the relationship built between the use of the performance indicators in their business plan and how these are effectively related back to the activities of that ministry. This is one of the things I've looked at on a number of occasions, and you find specific areas where the goal and the performance indicator do not relate back to each other in a very direct manner.

I would like the Minister of Energy to provide us with some kind of relationship there that would deal with how his department is tracking their expenditures directly through to the performance indicators rather than changes that occur in the general economy, changes that occur in the way the pricing system and the international trade system influence back onto the measures of performance. We have to be able to separate them out. It's very easy, with appropriate econometric modeling, to separate out the influence of the initiatives undertaken by government from the initiatives that would be normally occurring in the interaction that exists in a marketplace economy.

9:10

So those are the kinds of concerns I'd like to see the minister address in terms of his business plan. When I glanced through the issues and glanced through those relationships, I could see that even though some of the performance indicators were going up, I could not track that back to any direct activity of the ministry where I could say, from my experience in the economic system and Economic Development, that any change in this parameter doesn't necessarily relate through to a change in the performance indicator. So in that area specifically I would like to see some major explanations made by the minister.

I guess that brings out the major concerns I had that need to be addressed.

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

MR. WHITE: Thank you, Mr. Chairman. Tonight I would like to

briefly cover the department with, first, some opening statements; secondly, the income stream in the department; third, the pipeline debate and the take-away capacity there; fourthly, the plans or lack thereof in the department vis-à-vis electricity policy; fifth, the AEUB; and if we do have time, although there are only 16 minutes left, some implementation of regulatory processes in the reduction of flare gas and the industry involvement there.

First of all, I'd like to say that it's good to see the ministry well represented here. There doesn't seem to be a lot of interest in this department, which happens to be a major income generator, but I suspect it will be about the same amount of interest that was paid to the Ministry of Justice and the questions we were putting to the minister at the time. This department traditionally has been the major income generator of this government, and it has fallen sadly behind as a major income generator in the last few years in that lotteries has overtaken it. With \$770 million generated out of lotteries, it just absolutely pales the income as it relates to conventional crude, which is much less than half of that now, at some \$346 million, and the attention to the business seems to be lacking here.

We have spent absolutely no time in this Legislature debating or discussing the business of oil and gas in this province, and we've spent a great deal of time discussing the business of lotteries. I must say that the business of lotteries is an exercise in transference of funds internally within the province, while conventional crude and synthetic crude and coal all produce a great deal of spin-off in exports of the product and the employment of so many people here and in fact do produce product, which is much different from the simple lotteries.

With the advent three years ago now, I believe, of the new policies that relate to synthetic crude and the drop in income there, there hasn't been an accounting to the Legislature of the generation of more work in the synthetic crude area. I would think that a capsulated version of the effect of the change in the royalty rate as it relates to synthetic crude would be in order. It would be a relatively small filing. I don't think it would take much more than six or seven paragraphs to file it such that we could understand it. The department could explain the effect on the industry, particularly with today's announcement of a major expansion of one of the crude oil production plants.

I'd also like to spend a few minutes on the coal industry. It's lagging. It's got a few international problems in pricing at the moment, and I would like to know if there has been any breakdown of trade barriers there to other international destinations, mostly on the Pacific Rim, for some of the high-grade coal that is produced in this province, because a net of some 15 millions of dollars is not a great deal in the coal business. One would think there could be a general statement of the progress made in marketing internationally, but there doesn't seem to be anything here.

With the 12 minutes remaining I'd like to move into the lack of policy debate as it relates to pipelines in this province. There's painfully little in the budget. You can't pinpoint where the policy discussion takes place even within the department. There isn't any place that you can say: this is where it is. I would like to know where that debate takes place, where the information is gathered as it relates to take-away capacity, the determination of a key performance measurement, and whether one can generate the take-away capacity in policy.

It doesn't seem to be anything where certainly the department is able to spur on some development in the way of Alliance and the northern border pipeline or the expansion of TransAlta. I don't see the relationship of government expenditures and those private-sector expenditures in the take-away capacity, and certainly there isn't any public statement to say that the province of Alberta isn't doing what

it can to manage the industry so that there are resources in the far distant future. This member knows the theory of the higher the price gets the more discovery, but there certainly isn't any writing I'm aware of that's made public that says this is the theory we're relying on for the income well into the next century. I'm talking 10 or 15 years out. The reserves currently don't indicate that the current production rate can be sustained at that rate, although this member is confident that in theory the reserves will be found, but it certainly isn't laid out in any fundamental policy document of this government.

I don't recall any debate either on the ethane policy and the stripping of the natural gas within the borders of this province in order to sustain that industry and even have that industry grow. The capacity that is shipped out now with the entrained liquids certainly makes the pumping easier to pump down the line to the United States of America, but in doing so, we end up shipping a lot of jobs away. I don't recall the debate as to how many of those jobs we're able to keep in this province, which was, I might add, the dream of a former Progressive Conservative government. I believe it was in the Peter Lougheed era when it was decided that some of those jobs should stay here, and government policy was set to effect that end. I don't see that debate taking place, and certainly within the budget I don't see any money set aside to effect any of that policy change or even discuss that policy. It seems that those kinds of major policy decisions in a Department of Energy would be discussed at least in part in a budget document which sets out the main expenditure areas of a department.

9:20

I'd like to speak further on the electricity policy. I note that in line item 3.0.5 we see on page 150 that the expenditures in that area have gone up some 37 percent to \$1.23 million, but that's a painfully small expenditure in an area that needs so much work. We have in this province virtually no major increases in the capacity of electric generation in the last four years. We know that we're getting very, very close to being net deficient in that area, and simply taking back the generation capacity that is used in industry at the time that the residential consumption goes up is not a policy that can be sustained for any length of time. There is absolutely no debate in this Legislature. There is a pittance spent on trying to arrive in this deregulated regime at policy that will encourage the development of generating plants that produce base level generation.

Yes, we've seen some co-generation, but a lot of that is spawned by the advent of this shortage. Industries and some other private users -- I'm thinking of SAIT in Calgary, which recently installed a co-generation plant, not because they need the co-generation as it is. The capital cost in fact is marginally more expensive in the short term as opposed to buying the present service in this case from ENMAX, I suppose, in Calgary. They do need it for the guarantee of service, and that is becoming increasingly a problem in this province and will be until there's a policy that is firm and understandable. We're no closer to it now, as I understand it, than we were a year and a half ago. There doesn't seem to be anything set aside for public debate on the matter as to what the urgency of this is at all, and it's quite disconcerting in that regard.

Now turning attention to a one-line item in this particular budget. It's \$13.6 million or thereabouts and some 350 FTEs in an area called the Alberta Energy and Utilities Board. Well, there's just one line here, and there's no debate. We ask questions and don't get clear answers, particularly from the minister, when we ask things like: how is it that the surveillance and enforcement end of this business seems to be so sorely short of staff? They're continually losing field staff to the industry, both junior and senior, and this end of the business just simply is not keeping up.

It was downsized substantially a number of years ago, and this

member as well as a lot of citizens in the environmental area do not have confidence that the board is able to do a proper job in this area simply because they don't have the funds. The industry will tell you that the application turnaround time is not quite what they would like, but this member is not as concerned about that because quite frankly industry is able to take care of their own and let the minister know when the time for turnaround takes much too long.

The area that concerns us also is the human resource area in the board and the high turnover rate of senior and intermediate staff and how shortstaffed they in fact are. Industry often poaches, if you will, the kind of people that are well trained on the board. I understand that that may be slowing down a little for the hiatus while the industry is having some difficulties themselves in their staffing levels, but I'd like to know what the minister plans to do about stemming this tide of trained personnel that leave the fold as it were.

The last area that I'd like to speak of in the two minutes left is the implementation of some regulatory processes for the reduction of flaring gas. There don't seem to be any funds set aside in this budget, at least not identifiable, and we'd like to know if in fact there is some study being done on the regulatory process. We'd like to know where it is. We'd also like to know about some of the science of some testing that should be going on if it is not.

There are some other questions I'd like to have answered too. What recommendations have been made by the Clean Air Strategic Alliance as it relates to the reduction of sulphur dioxide emissions and the reductions in natural gas flaring? We'd also like to know what other initiatives are planned by the same agency, Clean Air Strategic Alliance, for the next two coming years so we can see what budget implications those have. We'd also like to know what initiatives are planned by the ministry in consultation and co-ordination with industry to increase the participation in the voluntary challenge program in the reduction of emissions overall in this year and then in the two successive budget years?

Mr. Chairman, those are my remarks, and that is the time allotted. We await the minister's response to these questions.

THE CHAIRMAN: After considering the business plan and proposed estimates for the Department of Energy, are you ready for the vote?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Agreed to:
Operating and Capital Expenditure \$79,486,000

THE CHAIRMAN: Shall the vote be reported?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

MR. HANCOCK: I would move that we rise and report progress on the estimates of Energy, Justice and Attorney General, and Intergovernmental and Aboriginal Affairs.

[Motion carried]

[The Deputy Speaker in the chair]

9:30

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

MR. HERARD: Thank you, Mr. Speaker. The Committee of Supply has had under consideration certain resolutions, reports as follows, and requests leave to sit again.

Resolved that a sum not exceeding the following be granted to Her Majesty for the fiscal year ending March 31, 2000, for the departments and purposes indicated.

Intergovernmental and Aboriginal Affairs: \$24,450,000, operating expense.

Justice: \$372,020,000, operating expense and capital investment.

Energy: \$79,486,000 operating expense and capital investment.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders
head: Second Reading

Bill 20
School Amendment Act, 1999

[Adjourned debate March 29: Mr. Renner]

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

MR. RENNEN: Thank you, Mr. Speaker. It's a pleasure for me to have an opportunity to discuss Bill 20. I'd remind all members that yesterday the opportunity for me to enter the debate came very late in the afternoon, so I really didn't get an opportunity to speak before we ran out of time. So I'd like to address a couple of issues this evening and to join in the discussion regarding section 3 of the bill. There's been a considerable amount of discussion as to the exact wording of the provisions that are added to the bill regarding "diversity in shared values." I'd like to add my comments and my support to the wording that's here.

To refresh everyone's memory, there are two sections, two paragraphs, or whatever you want to call them. The first reads:

All education programs offered and instructional materials used in schools must reflect the diverse nature and heritage of society in Alberta, promote understanding and respect for others and honour and respect the common values and beliefs of Albertans.

I think that those are absolutely inoffensive words that say a lot. The words do not in any way suggest that certain values be promoted. What the words say is that there should be respect for the common values and beliefs of Albertans. I think that if we can instill anything into young people, a most important thing would be respect for others, respect for the beliefs of others, and respect for the beliefs of Albertans. So that section of the bill I wholeheartedly support and can think of really no reason why members would not support that section of the bill.

Then the bill goes on to say:

For greater certainty, education programs and instructional materials referred to in subsection (1),

which I just read,

must not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action or disobedience of laws.

Again, I support wholeheartedly this section of the bill. This, in my opinion, does not preclude a teacher talking about historical facts. It's been suggested that a teacher would not be able to offer students some background in the teachings of Gandhi or even Martin Luther King. These are historical facts. I don't see how it could possibly

be interpreted by anyone that a teacher relating historical facts could be seen to, in the words that we have before us, "promote or foster doctrines of racial or ethnic superiority" and then going on and saying, or promote "social change through violent action or disobedience of laws."

It's very clear that there are ways in today's society. We have learned from the past. We have ways of legal protest. There is nothing here that would prohibit schools from talking to students about various ways they have of interacting with their government, of protesting. What this bill is saying is that it would not be appropriate for a teacher to suggest to their students that they should after school head down to the Legislature and start throwing rocks through the windows. That would be inappropriate, but a peaceful demonstration is perfectly appropriate, and there would be nothing prohibiting that kind of teaching in the schools. Again, I wholeheartedly support this section of the bill.

I would like to also address the whole issue of the Board of Reference. I have had numerous phone calls and some very long, good conversations with teachers from the Medicine Hat constituency. I think there are a number of points that have been made by those teachers that we as members of the Assembly should listen to very carefully. I think there are other points that frankly don't sway me in my decision in this regard. Teachers have indicated to me that there needs to be a recognition that the teaching profession should be dealt with differently than other professions. Frankly, that argument doesn't sway me. I don't think that simply because someone is being treated the same as someone else is reason enough for voting against or suggesting that this section in the bill should not be here.

There have been, however, some points made to me that I think we need to heed in the Assembly and ensure that the provisions in the bill will allow for a smooth transition from the Board of Reference to dealing with issues of arbitrary termination, disputes over termination through the labour code. I think that it is a valid point that current contracts that are in place, collective agreements that are in place, do not have reference to a number of grievance procedures that would be in place had the labour code been in use for a number of years. There either have to be some provisions within the legislation for a phase-in period, or there have to be some kind of grandfathering provisions for existing agreements. In some way a logical argument is made that this could pose some problem in implementation.

The other concern that teachers have raised with me is that we may find ourselves in the long run replacing one form of what in some cases seems to be a fairly inefficient way of resolving disputes with another form that in the long run may turn out to be just as inefficient if not more inefficient. I think we'd better all clearly understand what we're getting ourselves into in that regard. I think that provided there is a way of phasing in moving from the Board of Reference to using the labour code, if the contracts that are in place, the collective agreements that are in place, can accommodate that phasing in and it can be done in a collaborative manner, then I again see no problem with moving toward the concept which is in the bill.

I do caution members and caution the minister that there will have to be a good deal of negotiation and discussion in order for this to be a smooth transition. I would sincerely urge the minister to engage in that discussion and begin the process early so that when this bill is fully implemented, we do have a strong plan in place for implementation and we do have a buy-in and support from the members of the teaching profession.

9:40

With that, Mr. Speaker, I conclude my comments on the bill. I

support the bill. I see many very positive amendments to the School Act. We've been concentrating on only two actually out of a number that are in here. I think that, again, we have to get ourselves back to the concept of realizing and getting our collective heads around the fact that legislation such as the School Act is designed primarily to support the education and well-being of the children within our school system and children in Alberta. I think that this bill goes a long way towards improving the quality of education and the opportunity for education for children, for students throughout Alberta. So I will be supporting this bill at second reading and look forward to further discussion at committee stage.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I rise today to speak to Bill 20, the School Amendment Act, and unfortunately do not have the same confidence that the member before me had with regards to the positive aspects of this particular bill. In fact, what we have heard since the introduction of this bill is just the opposite with regards to the concerns expressed by the ATA as well as by individual teachers and constituents, who are consistent in their concerns with regards to some of the main features of the bill.

When we look at what those particular features are, there has been a fair amount of discussion around the section that deals with: "honour and respect the common values and beliefs of Albertans," as well as ensuring that

education programs and instructional materials . . . must not promote or foster doctrines of racial or ethnic superiority . . . social change through violent action or disobedience of laws.

In fact, when you look at the School Act as it now stands, there is a preamble within that School Act that does say:

Whereas the education community in making decisions should consider the diverse nature and heritage of society in Alberta within the context of its common values and beliefs.

So at this point in time, Mr. Speaker, we do have the concept of "common values and beliefs" within the current School Act. What's interesting, however, is that it is now being taken out of the preamble and actually being put into the body of the act. The question is: why has the decision been made to move it from the preamble, as an inherent principle within the bill, into a section within the bill, to change the preamble, which talks about the education community making decisions, to talk about "education programs and instructional materials" being utilized, and then marrying that, in a sense, with a rider on what those education programs and instructional materials can and cannot do?

There had to have been some rationale and reasoning for the department and the government putting forward this particular bill, because this is a government bill, and putting it in this type of a perspective. It would be helpful to all of us to know exactly what the rationale was, Mr. Speaker, in order to determine what the motives are behind the clauses as they are now written.

Though I don't think there are many in this Legislative Assembly that would find issue with the terms and ensuring that "racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action" should not be condoned, the terminology "disobedience of laws" is an interesting one, because that tends to reflect on some of what the Member for Medicine Hat, who spoke before me, did allude to, where he indicated that peaceful demonstrations were okay. If one were to actually look at the wording within the act, it might be open to interpretation. Again, we should never put into any piece of legislation any wording that could be open to interpretation if we want to ensure that the legislation is clear and deals only with those

issues that are wanting to be addressed by the government. So I go back to my initial question: why was it taken and changed from the preamble -- it is still in the preamble -- and put into this context?

When we talk about disobedience of laws, one of the distinctions one needs to look at -- and this is what a lot of the members in the Legislative Assembly have focused on -- is when we look at civil disobedience. We look at Martin Luther King, we look at Gandhi, we look at Desmond Tutu, and we look at a whole host of individuals throughout history who have demonstrated that with the implementation of civil disobedience, what in fact ends up happening is that a democracy is invigorated. It ensures that it is maintained and that the values of our democracy are retained as well. When you look at this particular wording, "disobedience of laws," civil disobedience in other words, those peaceful demonstrations would in fact not be acceptable within the context of this particular bill. That is one huge issue that I think needs to be addressed, needs to be explained, and I believe needs to be changed as well with regards to the context and the wording.

When we look at another issue, under section 19, that deals with suspensions, what I found interesting, Mr. Speaker, was that other than "if the student is 16 years of age or older," there appears to be no reference that the parents should be involved in the process of suspension. If I am reading that incorrectly, I would look forward to the minister advising me of that. But when you look at what happens when a student or principal may suspend a student, the only time that a parent is referred to is at the initial onset of the suspension, when the parent is "forthwith" informed that is going to occur. There is no request, no potentiality in the legislation that suggests that there should be a meeting with the parents other than if the child is 16 or over.

I would have thought that if the child was younger, that would have been part and parcel of the legislation. So, again, it is very strange that parents seem to have been excluded. If you look at it further, "if a student is not to be reinstated within 5 school days from the date of suspension," the board is informed. The board is given the reasons. Again, the parent is never informed, is never brought in for a meeting, and there's no interaction within the legislation as to what the role of the parent is. I find that especially surprising, with this government's emphasis on the family. I'd like to know why parents have been excluded from that whole process or have not even been mentioned as part and parcel of the process to deal with suspensions. If there is no parent, of course, then it should be the guardian of the child. At some point in time you would hope that the adult who was responsible for the child would have the ability to not only be informed but to meet and to be part of the ongoing issue with regards to the behaviour of the child in the school.

Now, we get to the Board of Reference, Mr. Speaker, and this is a puzzling issue, to be kind. What we have seen throughout the five years, six years that I've been in this Legislative Assembly is that there has been a push towards the professionalization of teachers, that there has been a push to move them more and more into a union type of situation, more to being like all the other unionized groups within this province.

9:50

Now, that may well work for the unions that have a proud history of collective bargaining, that have a proud history of grievance, arbitration, and looking at dealing with their employers. The Alberta Teachers' Association also has a proud history that almost overnight has been negated by this government. The rationale that is given is weak. In fact, what we are seeing is that it seems to have been in perhaps the minister's dream one night that this should occur. There has been no consultation with the ATA. There has been no consulta-

tion with teachers in general to see whether this is something they wish.

If I go back to when I was the Labour critic, I remember very well that there was a process in place in the Department of Labour to deal with the difficulties that were evident within the bargaining that was occurring with the ATA and the school boards, and there was a very good process that the Minister of Labour at that time had put into place to try and ensure that all sides were able to deal with the issues at hand. What we now have is interference by the government, again with no consultation at all, that will change the balance of how discipline and therefore also how negotiations will be done within the education sector, again without any solid reason.

You know, I'd like to just let you and maybe all the other Members of the Legislative Assembly have this as well. It's a letter from Bauni Mackay, the president of the ATA. As I said, I'm sure that the other Members of the Legislative Assembly have this letter as well. What she says in the letter is that the Board of Reference is a statutory body that has been there since 1926.

The Alberta Teachers' Association has always been extensively consulted before any legislative or regulatory amendment concerning the Board and has cooperated with government in facilitating the Board's operations.

As a result, as the Member for Medicine Hat had said, the collective agreements are silent when it comes to matters that deal with termination or suspension.

The proposal in Bill 20 to abolish the Board . . . is unacceptable to teachers. Unlike the past, the traditional consultative process has been ignored. The unwritten agreement between teachers and our legislature to preserve a provincial level appeal body will be broken. If adopted, these provisions of Bill 20 will leave thousands of Alberta's teachers without any fair appeal mechanism . . . Finally, the amendments will provoke unnecessary labour strife between school boards and teachers over issues that we have been able to resolve in another arena.

Now, if the government has problems with the Board of Reference, if in its deliberations -- and internal deliberations they must be, because there have been no external consultations on this matter -- the government perceives there to be a problem, why would it not have followed its traditional method of dealing with the teachers within this province? Why would it have broken the commitment? Why would it have broken that trust that was between the government, the Minister of Education, and the ATA? I think that the minister owes this Legislative Assembly and the teachers of this province an explanation that is a lot better than: well, we need to change it because it's been there for a long time. That, quite frankly, is not good enough.

Now, she closes her letter by saying:

We have always been ready to consult with government over issues affecting teachers and we are certainly prepared to continue that practice whenever we are provided with the opportunity. It is imperative that this legislation be the subject of consultation.

If that is not an olive branch to the Minister of Education to in fact look at what this legislation will do to the whole labour relations environment in education, I don't know what is.

I've had a couple of other letters as well from constituents who indicate that

this proposed piece of legislation is truly an ambush of the teachers of Alberta and a betrayal of a 73 year old practice of a consultation of Government with teachers . . . It is my hope that you and your colleagues will press the government to withdraw the legislation and consult with the ATA before proceeding with this bill.

Another indicates as well,

I would urge yourself as Premier, Mr. Mar as Minister of Education, and your government to reconsider this Bill and withdraw the

section which deals with the removal of the Board of Reference . . . and will urge [my MLA],

that's myself,

to vote against this proposed legislation.

He also in his letter says,

Am I correct in assuming that the Alberta Teachers' Association was not consulted before the decision was made to introduce this particular clause as part of Bill 20?

So what we have, Mr. Speaker, is an assault on the bargaining rights, an assault on an established practice for dealing with dismissals and suspensions within the education sector. What we have is a continued disrespect for educators within our education system that has been shown by this government, by members of this government in various ways, whether it is through private members' bills, whether it is through initiatives the government has put forward on their own that have attempted time and time again to weaken the position teachers have within our schools and within our society.

If I can just provide a quote by Gwynne Dyer, that may well explain why some of this is occurring. Gwynne Dyer states that democracy grew out of public education; before mass literacy, no mass society was ever democratic. And without a continuing tradition of public education, democracies tend to behave like spoiled two-year-olds.

What we are seeing, Mr. Speaker, is an example of what a spoiled two year old would do. They try to get their way in any way they can. They stamp their feet. They attempt to have attention drawn to themselves. They do not listen to reason. They continue on with their course of action. Quite frankly, perhaps what's needed with this minister and with this government is a time-out when it comes to looking at this particular bill and when it comes to looking at what they see the role of educators to be in our province and in our society.

Those are the majority of my comments on this particular bill. I look forward to the debate, and perhaps as part of the growing up of this government with regards to this bill what we will see is that there will be a time-out on Bill 20, that in fact there will be the consultation that is required with the ATA to ensure that this section within the bill is deleted, and that the consultation the ATA has requested will in fact occur.

The other section that should probably be amended is the one that deals with, as I'd indicated right at the outset of my comments, the issue of common values and beliefs and particularly with the phrase "disobedience of laws," an explanation of what exactly that is meant to be. Again, I would like to see the wording that would reflect -- or the explanation as to why it is not there -- the issue with the suspensions and the role of parents/guardians: how they are seen with regards to suspensions that may occur within a school setting.

10:00

Those are my comments, and hopefully we will have some informed debate that can explain more clearly what the government's position is with regards to these issues that we have brought forward. Thank you.

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

MRS. BURGNER: Thank you, Mr. Speaker. Before I begin my discussion tonight on my support for this bill, I'd like to adjourn the debate.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie has moved that we adjourn debate on Bill 20. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Carried.

THE DEPUTY SPEAKER: Those opposed, please say no.

[At 10:02 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]

SOME HON. MEMBERS: No.