

## Legislative Assembly of Alberta

Title: **Wednesday, May 3, 1995**

1:30 p.m.

Date: 95/05/03

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

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

Amen.

head: **Presenting Petitions**

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I'd like to present a petition signed by 20 residents of northwest Calgary – by northwest I mean the quadrant, not necessarily just the constituency – expressing concern about 400 hours of ECS instruction per child per school year.

head: **Reading and Receiving Petitions**

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

MR. DICKSON: Thank you, Mr. Speaker. I'd request now that the petition I had introduced on Monday, May 1, be read and received, please.

CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta school boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

head: **Notices of Motions**

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. In order to save some time this afternoon when the item Motions for Returns is called, I will seek the unanimous consent of the Assembly to facilitate dealing with that process by grouping them into two motions. Since they're all asking for copies of ministerial orders as they relate to various government departments for the dates June 15, 1993, to February 13, 1995, I'll group those into two motions. I've got copies of those motions that will be distributed to all members.

head: **Tabling Returns and Reports**

MRS. McCLELLAN: Mr. Speaker, I'm pleased to file with the Assembly four copies of an information bulletin, Alberta Commu-

nities Recognize Mental Health Week. This is issued today recognizing Mental Health Week, May 1 to 7, 1995.

MR. DINNING: Mr. Speaker, I am filing with the Assembly today the third quarter investment report of the heritage savings trust fund, the Alberta Municipal Financing Corporation '94 annual report, the annual report of the Credit Union Deposit Guarantee Corporation, and the financial statements for Alberta Resources Railway Corporation.

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

MR. SAPERS: Thank you, Mr. Speaker. Today I have two tablings, both pursuant to the fact that this is Mental Health Week in Alberta. The first tabling is a copy for every member of the Assembly of a poster which was produced by the Registered Psychiatric Nurses Association of Alberta with their new logo, The Strong Link, commemorating Mental Health Week. I would ask the pages to distribute a copy to every member in the Assembly.

My second tabling, Mr. Speaker, is a copy of a poster commemorating Mental Health Week from the Calgary region, and the Calgary region has asked for this to be brought to the Premier's attention directly. It is a poster asking for "random acts of kindness" to be done. There are some suggestions for the Premier and government.

MR. WICKMAN: Mr. Speaker, I've been asked by a number of my constituents to table four copies of a card that accompanies cheques received by social service recipients making it mandatory for them to answer the question as to whether their children have been attending school.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to table with the Assembly four copies of a letter dated April 20, 1995, from Dr. Robert Carter to an orthopedic surgeon in Edmonton, Dr. Robert Balyk, outlining the case of Iris McMartin, one of my constituents, and her need for shoulder replacement surgery.

head: **Introduction of Guests**

THE SPEAKER: The hon. minister of science and research.

MRS. MIROSH: Thank you. I'd like to introduce to you and through you to Members of the Legislative Assembly 28 grade 6 students from Calgary. This is a rare treat for me, Mr. Speaker. I understand that you met them earlier this afternoon. There are 28 students and 13 adults. The adults are Carlo Romano, Joseph Lombardo, Serafino Vecchio, Sylvia Leslie, Gloria Tang, Jennifer Kresconaitis, Linda Marchuk, Elsie McCutcheon, Nesta Campus, Al Riendeau, Dennis Makowichuk, and Yurek Tobiasz. I'm sorry if I've mispronounced the names. Would you all rise in the members' gallery to receive the warm welcome of the Legislative Assembly.

MR. MITCHELL: Mr. Speaker, it's with great pleasure that I introduce 40 visitors from Rio Terrace school in my constituency. They are accompanied by teachers Mr. Ron Lucas and Mr. Dave Forbes and by parents Mrs. Barb Green, Mme Micheline Forgues, and Mrs. Cathy Swiffen. I would ask that they stand in the gallery and receive the welcome of the Members of the Legislative Assembly.

MR. TANNAS: Mr. Speaker, I am delighted this afternoon to introduce to you and through you to members of the Assembly 44 active students from Dr. Morris Gibson school in Okotoks. They're accompanied today by teachers Mr. Nugent, Mrs. Martin, and Mr. Hoffart and parents Mrs. Bilawchuk, Mrs. Thomson, Mrs. Foster, Mrs. Spackman, Mrs. Napadajlo, Mrs. Simper, and Mr. Quinton. They're located in both the members' gallery and the public gallery. I'd ask them to stand and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes, Mr. Speaker. I'd like to introduce to you and to the Members of the Legislative Assembly some individuals from the Vermilion-Lloydminster constituency that are representing the Vermilion home schooling program, a very strong component of our educational system in my constituency. They're here today bringing their family members and students to learn more about the democratic process. Here are students and parents Mrs. Debbie Braun, Jonah Braun, Ryan Braun, Simone Braun, Hannah Braun, Blair Jackson, Amanda LaRocque, Rae LaRocque, Jocelyn LaRocque, and Haley Gagnon. They're in the public gallery, and I would ask that they stand and receive the warm welcome of this Assembly.

MR. DOERKSEN: Mr. Speaker, I want to introduce to you and to the members of this Assembly three representatives from the best-run college in Alberta, Red Deer College of course. They are Renée Vaugeois, who's the board of governors' representative from the student association, Doug Wagstaff, who is the past president of the student association, and Sheila Soder, who is the current president of the student association. I would ask them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Leader of the Opposition.

MR. MITCHELL: Thank you, Mr. Speaker. I would also like to introduce two visitors in the gallery today. They are Altaf Ebrahim, a young political activist from Edmonton, and Sophia Jamal, who's visiting here from Vancouver. I would ask that they stand in the gallery and receive the welcome of the Members of the Legislative Assembly.

1:40

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

MR. SAPERS: Yes. Thank you, Mr. Speaker. It is my privilege to introduce to you and to all members of the Assembly two visiting officials from the Registered Psychiatric Nurses Association of Alberta. They are here today in the gallery to watch the proceedings as they observe, as we all do, Mental Health Week. The Registered Psychiatric Nurses Association of Alberta provides key support in dealing with mental health clients. Today joining us in the Assembly are Wendy Robillard, a registered psychiatric nurse, who is the current president of the association, and Mr. Tim Schultz, the executive director of the association. I would ask them to please rise and receive the welcome of this Assembly.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's a great pleasure to introduce to you and through you Iris McMartin, a

constituent from Edmonton-Avonmore who is here today on behalf of herself and many, many other Albertans who sit in pain on orthopedic surgeons' waiting lists as they wait for things like shoulder replacement surgery. I would ask that she rise and receive the warm welcome of this House.

Thank you.

head: **Oral Question Period**

### **Electric Utilities**

MR. MITCHELL: Mr. Speaker, Albertans know that fair competition leads to lower prices. They also know that when Bill 34 restricts the number of power companies competing in this province, they're going to get higher prices and poorer service. This is common sense; it is not ideology. How can the Minister of Energy reasonably cut out the second largest power producer in this province from future power generation projects?

MRS. BLACK: Mr. Speaker, it's very important and I think our government has clearly said that the marketplace must prevail within the economic development of this province. If you take the premise of that, if you believe in the marketplace, you believe in fair competition within that marketplace, and you move into that arena. Surely to goodness, hon. members on both sides of this House could clearly recognize that when governments intrude into that marketplace, it distorts the workings of the natural marketplace. Clearly, that is not the objective of this government. So in order to have fair competition within the marketplace, government does not belong there.

MR. MITCHELL: To the Minister of Energy, who believes in the Alberta marketplace I presume: why would the minister present a Bill inhibiting public power companies in Alberta from selling power into the grid while Saskatchewan Power, a publicly owned firm, and B.C. power, a publicly owned firm, and who knows how many other American power companies are going to be able to sell power into Alberta's grid? She's not just Americanizing the health care system, Mr. Speaker; she's happy to Americanize our power system as well.

MRS. BLACK: Mr. Speaker, I hope that the Leader of the Opposition is not promoting the merits of B.C. Hydro, Ontario Hydro, Quebec Hydro as examples that this province should follow. Surely that's not the case. In this province we have the lowest power rates in all of Canada. We have had an environment that is promoting investment. We have gone forward with a model that will create additional competition. When you have competition, you have prices that are reduced. The Alberta advantage is in fact to have low power rates, and that's what we are trying to create with this new framework, head-on-head competition, which drives rates down.

MR. MITCHELL: How can the minister expect us to get better head-on-head competition when she's cutting out the second largest power producer, one of the most efficient power producers in this entire province? How does she expect to get greater competition and lower prices?

MRS. BLACK: Mr. Speaker, today in Alberta we have two municipal bodies, Medicine Hat and Edmonton, that have their own utility companies. That has been grandfathered in this Bill. They will continue to service their communities, and as their

communities grow, they will be adding to the load growth. I want to make it perfectly clear again that the city of Edmonton, through Edmonton Power, and Medicine Hat have been grandfathered in this piece of legislation. Therefore, they will not experience any negativity in this legislation.

The new future, though, is based on market-driven requirements, which must have a level playing field for competition to occur. [interjections] Mr. Speaker, it's difficult to answer a question over the chirping from the other side.

You must have a market-driven environment if you're going to have head-on-head competition. You cannot have that if governments intrude into that marketplace. Clearly, that is the objective of the brave new future in this Bill. [interjections]

### **Speaker's Ruling Anticipation**

THE SPEAKER: Order. [interjections] Order, hon. members. It's the Leader of the Opposition's second main question. The Chair would only remind hon. members that this legislation is still on the Order Paper for discussion later today and that Bill 34 should not be debated in question period. It should be at the proper stage.

MR. MITCHELL: Mr. Speaker, we're dealing with this at a general level, and who knows if Bill 34 will come up this afternoon or this evening? [interjection] Yeah, well, the House leader changes his mind every 15 seconds.

### **Electric Utilities (continued)**

MR. MITCHELL: Mr. Speaker, Edmonton Power is a \$1.8 billion enterprise. It's the second largest power producer in this province. Edmonton Power in a joint venture . . . [interjections]

### **Speaker's Ruling Decorum**

THE SPEAKER: Order please. [interjections] Order. What does the opposition caucus think it's doing? Its leader is trying to ask a question. [interjections] All the noise wasn't coming from the Member for Grande Prairie-Wapiti. What kind of an operation is being conducted over here? The opposition leader wants to ask a question, and he can't even be heard because of the racket coming from his own members. Absolutely ridiculous. Well, I guess that shows how serious the question of power generation and distribution is.

MR. DECORE: Yes, it is serious.

THE SPEAKER: Well, the hon. Member for Edmonton-Glenarry can say that it's as serious as he likes, but his group isn't acting as if it's serious.

Does the hon. Leader of the Opposition wish to ask a question that can be heard?

MR. MITCHELL: Grande Prairie-Wapiti isn't a member of mine, Mr. Speaker.

### **Electric Utilities (continued)**

MR. MITCHELL: Edmonton Power in a joint venture with Fording Coal has reserves of coal worth \$4.5 billion. These are

huge sums of money, and they are being put in jeopardy by this minister's Bill 34, which is going to restrict competition by municipal power corporations. To the Minister of Energy: why would she exclude Edmonton Power from participating in future power projects when the location of its facilities and the coal reserves that it has make it one of the lowest cost, most efficient producers in this province? How's that going to improve prices?

1:50

MRS. BLACK: Are you going to sit down?

Mr. Speaker, the investment that has been made to create Edmonton Power clearly came from the original mission statement that was laid out by Edmonton Power that they were moving forward to provide for a utility to service the people of the community of Edmonton. It's right in the mission statement. Clearly the process we have had in place to date has been that as generation was constructed, the cost was then shared by all Albertans through a process called EEMA. The reason it existed was so there would not be disparities throughout the province and to attract economic development. There's been a lot of debate over that issue, whether that was the right direction or the wrong direction, and I don't want to readdress that debate. The decision was made in 1982. Clearly, there evolved two major generating facilities, Genesee 1 and Genesee 2, which were pooled. In fact, as recently as last December Genesee 1 went into the rate base, and the costs are being borne by all Albertans, as were the others. So when you look at that position, clearly the people of Alberta have borne the costs for the development.

I don't believe the future, though, is one that is a different philosophy for anyone in this House: that the government should not be in a business position. Business should be left to business, and clearly the direction of this government has been to get government out of business. That's not our role. It should be picked up and carried forward by the private sector. The difficulty you have is that the Liberals don't endorse that philosophy that government should not be in business.

MR. MITCHELL: Mr. Speaker, how can the Minister of Energy be talking about free enterprise, free competition, business to business while her government is sustaining and enhancing Treasury Branches, which have unfair competitive advantages over community-owned . . .

THE SPEAKER: Order. Treasury Branches are not supplemental to this.

MRS. BLACK: This government has gone out and said very openly and very willingly that government does not belong in business.

MR. MITCHELL: Rural Alberta is just about to lose its Treasury Branches, Mr. Speaker.

This Bill 34 is going to depress the value of Edmonton Power, and it's being set up for a sale. Is it the minister's conscious intention to force the sale of Edmonton Power on the cheap to Alberta Power, or is she just going to let it happen by mistake?

MRS. BLACK: Mr. Speaker, the decision as to the future of Edmonton Power does not rest with the Minister of Energy. It clearly rests with the people of Edmonton and the board of Edmonton Power. My role is to create the framework in this province that allows for fair competition and investment within the

community and to provide the consumer with the lowest possible power rate that we can.

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

**MR. DALLA-LONGA:** Thank you, Mr. Speaker. My question is on business being in business and the marketplace and a level playing field. This government is not keeping its commitment of full consultation and consensus among stakeholders in developing electricity policy. The Minister of Energy still refuses a request for a meeting from the Small Power Producers Association of Alberta in advance of the set May 15 date before the standing committee on natural resources and sustainable development. All that the small power producers want is to compete on an open-market basis under the same set of rules, and all Albertans want is the lowest possible power bills. My first question is to the Minister of Energy. Why won't your government allow small independent power producers an opportunity to compete on the same basis as the regulated utilities?

**MRS. BLACK:** Mr. Speaker, just to correct the statement of the hon. Member for Calgary-West, I am a member of the standing policy committee that the small power group is in fact appearing before on the 15th of May. I will be in attendance at that meeting.

Secondly, Mr. Speaker, let's talk about the small power program that's in this province. The program has just ended, but in the legislation that's before the House, that program has been grandfathered because there are 20-year contracts in place between small power players and the utility companies that will in fact be honoured.

Keep in mind what's in those contracts. There is a subsidy in there that Albertans have been paying for and will continue to pay for because there's a contract in place to do just that. So if the hon. Member for Calgary-West is suggesting that we go out and pull apart a contract that has been duly negotiated between two willing players at the table for 20 years, then he is sadly mistaken. Plus – and I'm not too sure if he's asked the question which he brought up last night in debate – what is in exchange for that subsidy? Quite frankly, the small power producers under this legislation will be grandfathered with their existing arrangements, and if they want to go beyond that as private producers, then they go on the market forces that prevail.

**MR. DALLA-LONGA:** If she'd go to the meeting, she'd know what they're asking.

Mr. Speaker, all they're asking is: why is there a different set of rules, a different set of calculations for the small producers than for the large utility companies? Why can't they compete on the same basis?

**MRS. BLACK:** Well, Mr. Speaker, I can hardly believe that the hon. member would ask a question such as that. Clearly, the small power program has been subsidizing the small power participants to the tune of up to 5.2 cents a kilowatt. Now, clearly if they want to give up their 5.2 cents a kilowatt and back off their negotiations with their contract that they have in place, I suggest they go and talk to the utility companies and get onto that level playing field.

**MR. DALLA-LONGA:** Mr. Speaker, that's exactly what they want to do: give up their subsidy. Exactly. If you'd gone to the meeting, you'd know.

Mr. Speaker, my question is directed to the chairman of the standing committee on natural resources and sustainable development. Madam Chairman, in your capacity as chairman are you prepared to meet with this committee before the passage of this Bill?

**THE SPEAKER:** The hon. Member for Lesser Slave Lake.

**MS CALAHASEN:** Thank you, Mr. Speaker. I'm so happy that he asked that question because it's been going back and forth that we are not meeting with them. On May 15 at 6 o'clock, room 512, I welcome you to come for a public meeting with this specific committee.

## 2:00 University Research

**MR. DUNFORD:** Mr. Speaker, my questions today are to the Minister of Advanced Education and Career Development. It's my understanding that this minister has hired a consultant to establish new goals and policies to promote excellence in research at our universities. Can the minister elaborate on the mandate of this consultant?

**MR. ADY:** Mr. Speaker, a few months ago I announced a research consultation project, and it was headed by a very well-known and respected individual in the area of research, Dr. Gilles Cloutier. The purpose and mandate of Dr. Cloutier was to assist myself and the department to develop a policy framework so that we do everything we can to ensure that research conducted at our universities is the very best that it can be. At this point Dr. Cloutier is holding meetings and consultations with universities and with administration and top researchers. The faculty and students are also meeting with him, and they want to go over the discussion paper that he has prepared. He'll soon be meeting with other stakeholders to bring that about. So the project is on track, and that's what his purpose is.

**THE SPEAKER:** Supplemental question.

**MR. DUNFORD:** Thank you. Again to the same minister: are the quotes of administrators and faculty at the University of Lethbridge true when they say that this minister's initiatives in promoting excellence in university research are actually going to have the result of stripping programs and research projects from the University of Lethbridge?

**MR. ADY:** Mr. Speaker, from the very start of this process I've said that I'm interested in university research being the very best that it can be in our province, and I want our department to have a policy framework that facilitates this happening. I have no idea what is generating these concerns from the University of Lethbridge. Certainly there is nothing in the discussion paper that Dr. Cloutier has, and I've spoken to him recently about a newscast that carried that concern. I can only draw the conclusion that there's some misunderstanding or some miscommunication on the part of the university, and I'm sure that we can clear it up to their satisfaction.

**THE SPEAKER:** Final supplemental.

**MR. DUNFORD:** Thank you, Mr. Speaker. Again to the minister: when will we see the conclusion of Dr. Cloutier's study?

MR. ADY: Mr. Speaker, as I said earlier, Dr. Cloutier is well on track with his process of bringing forward a report for us, and I expect that he'll have that delivered to my office in very early summer.

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

### Electric Utilities

(continued)

DR. PERCY: Thank you, Mr. Speaker. The city of Edmonton has confirmed its complete willingness to compete for new generation on a level playing field. Edmonton Power has agreed to pay taxes or an equivalent levy on the same basis as investor-owned firms, not have any recourse to taxes to finance expansion or receive any greater preference or subsidy than investor-owned utilities, and to obtain any financing through capital markets at market rates. I'm tabling four copies of the letter of Mayor Reimer to the Minister of Energy. My questions are to the Minister of Energy. In light of the mayor's commitment to a level playing field will you now reverse government policy and permit Edmonton Power to compete for new generation on a level playing field?

MRS. BLACK: Mr. Speaker, I too received, just before I walked into the House for question period, copies of the mayor's letters. This is in response to a meeting I had on Wednesday last week with the stakeholder group from the steering committee and a meeting I had with the mayor of Edmonton on Friday, where I extended an olive branch to them to come back to me with a plan of how that level playing field could in fact be framed, because quite frankly at the previous meetings there was a whole disagreement that it in fact could not be evolved. I said: please don't keep telling me that you can; go back to your shop and show me. I've said that for the last three days because I have not clearly been able to come up with that framework that meets the test.

DR. PERCY: Mr. Speaker, since the rules of the game change day by day, hour by hour, will the minister table in the House the exact criteria that Edmonton Power will have to meet in order to compete, or are we seeing a decision based on ideology and no economic content?

MRS. BLACK: What has to be satisfied clearly, Mr. Speaker, is that there is no distortion or disadvantage to privately owned utilities over government-controlled and -owned utilities. Clearly.

DR. PERCY: I'm pleased to hear that, Mr. Speaker.

Will the Minister of Energy now commit to accepting an amendment to proposed government policy that will confirm that if utilities compete on a level playing field, they will be permitted to compete for future generation?

MRS. BLACK: What I have said and I will repeat again to both Edmonton Power and the mayor of Edmonton is: come back to me with that framework, because I don't know how you . . . [interjections] Mr. Speaker, it's a little difficult to answer a question over the yelling from the members opposite. [interjections] If you want the answer, don't . . .

THE SPEAKER: Order. [interjections] Order. [interjections] Order. This sounds like it's getting awfully close to debating of

the Bill. The Chair will give the hon. minister the chance to reply if the opposition group will let her be heard.

MRS. BLACK: Clearly, Mr. Speaker, I've asked them to come back – they say that they can; we haven't been able to do it – with a framework that can mirror the two. We will have that tested, and I will look at that. I am not going to go out there and say what we'll end up with, because I can't tell you that until I see it. The onus is on the city of Edmonton and Edmonton Power to come back with that framework.

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

### Charter Schools

MRS. BURGNER: Thank you, Mr. Speaker. I appreciate that there are major issues before us, but my question is also of concern to Albertans and particularly in Calgary. My questions are with respect to charter schools and the implementation of that process, and my questions are to the Minister of Education. In the constituency of Calgary-Currie we have the program of the Waldorf school. It is a very unique program which meets a lot of the issues addressed in the charter school process. They have community involvement. Many of the parents reside particularly in the community, and in addition to that they have a high level of commitment from their students. They operate as a private school but are a perfect candidate to move to a charter. My question to the Minister of Education: could the minister please clarify the role of the board and the role of the parent group owning the charter? How will it be affected when that board takes ownership of the charter?

2:10

MR. JONSON: Mr. Speaker, the board that approves the charter agreement is responsible for the provisions of the charter. As a minimum they are responsible for having in place an evaluation process. They are responsible for monitoring or supervising the operation of the school under that charter agreement. They are responsible for establishing and agreeing upon whatever performance measures are mutually agreed on between the two parties. Generally speaking, within the context of the charter they are the supervising board, and that charter school is part, although a special part, of their overall school system.

MRS. BURGNER: My first supplementary question, Mr. Speaker, is with respect to time lines. Could the minister please explain how the schools can put in an application when the regulations have just been released but the deadline for application has already passed?

MR. JONSON: First of all, Mr. Speaker, there was an extension to the deadline that was provided for in the initial discussion handbook. I would like to, though, in answer to the hon. member's question, point out that there have been a number of interested proponents or applicants for charter school status that have been working on their applications for some time. They have been doing the necessary background work in preparation starting with the initial announcement actually that there would be charter schools in the province following the passage of Bill 19.

We have a number of charter school applications ready to go. Some have already been submitted to school boards, and they will be able to reach the first stage in this process this month, as provided for in the recent announcement.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My final question is with respect to evaluation. How can a school such as Waldorf make a commitment to become a charter school when the evaluation of that is resting with the Calgary board of education, and there's nothing beyond a five-year evaluation process outlined within the handbook? What is the process for evaluation, and how can they make that commitment? Is it long term?

MR. JONSON: Mr. Speaker, the outline for the key elements of evaluations are established. First of all, as is the case with all schools, their students will be required to write the provincial achievement tests, the provincial examinations. I'm sure that proponents of charter schools also are aware of the proposals that are currently being considered in our plan for an accountability framework in the province.

In addition to that, Mr. Speaker, it is a matter of discussion between the school board who's receiving the application and the charter school proponents as to what the process for evaluation and what the performance measures will be. I, to this point in time, have not had any concerns raised by charter school organizers with respect to an overall performance evaluation. In fact they're quite eager to be able to show that their particular proposal is going to be very successful.

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

#### **Magnesium Company of Canada**

MR. BRUSEKER: Thank you, Mr. Speaker. The government would like us to believe that the final cost to taxpayers in the MagCan fiasco was stopped at \$169 million. Unfortunately that's not true. By selling MagCan back to the Alberta Natural Gas Company, the tax write-off provisions that are available only to ANG as the result of their being the majority shareholder means that taxpayers across this country – across the country – could lose up to another \$50 million, and one-third of that loss will come from Alberta taxpayers. My question is to the Treasurer: why would you accept a deal of \$4.8 million in the short run when in the long run the additional losses to Alberta taxpayers could be as much as three times that amount?

MR. DINNING: Mr. Speaker, given that Alberta Natural Gas lost \$96 million in this endeavour, they are eligible for the tax write-off associated with that \$96 million regardless of their ownership of the plan.

MR. BRUSEKER: I wonder how the Treasurer can convince Canadians that swallowing up to a \$33 million federal tax loss because of this government's bungling is a good idea.

MR. DINNING: It's not what the provincial government has to do. What Alberta Natural Gas must do is convince Revenue Canada of their eligibility with respect to the write-offs associated with the \$96 million loss they took on MagCan.

MR. BRUSEKER: The fact is that no one else has that eligibility, Mr. Speaker. That's what the Treasurer has missed.

My final question is: when the Treasurer made this deal, selling it back to ANG for \$4 million, was he – I'll make this multiple choice – (a) indifferent to the additional cost that he was inflicting upon Canadians and Albertans or (b) just plain incompetent?

MR. DINNING: Mr. Speaker, I'll do my best to make clear my first answer and try and add to it with Price Waterhouse. The estimated loss by Alberta Natural Gas was \$96 million with respect to their so-called investment in MagCan. They are eligible for a tax write-off if they can convince Revenue Canada of that regardless of their ownership of the plant. So, as the member says, those are some costs. They are eligible to make their case to Revenue Canada for that write-off regardless of their new ownership of this plant.

What we did is we went out and made it clear in December that we had asked Price Waterhouse to be our agent, to cast its net as far and wide as it possibly could, to come back with the very best offer in selling this asset. Clearly that is what members across the way asked us to do. That's what Albertans asked us to do, Mr. Speaker, to get out of the business of financing the magnesium business. Price Waterhouse cast its net, received some 40-plus offers, and in their independent, objective opinion they came back and said that the best offer was from Alberta Natural Gas and the two other land purchasers for a total of \$5.1 million.

I simply believe that what the members across the way would say is: no, now we should not have gotten out of that business. Well, clearly Albertans told us to do so, Mr. Speaker. We did so through an independent, objective process, and now we will have the magnesium facility behind us and in the hands of others, other than the taxpayer.

THE SPEAKER: The hon. Member for Little Bow.

#### **Employment Standards**

MR. McFARLAND: Thank you, Mr. Speaker. My questions today are to the Minister of Labour and have to do with employment standards services provided by the Labour department. The business plan for Alberta Labour for '95-96 to '97-98 indicates: "Employment Standards Services will be reviewed to determine which services currently being provided could be contracted out or privatized." My question to the minister is this: what are you doing or have you taken any action to move ahead with the plan to review employment standards services, as indicated in your business plan?

MR. DAY: Mr. Speaker, I don't know if the member is suggesting some impatience. I guess on the one hand it's understandable, because this goes back a long way, the discussions starting as early as '91 in terms of looking at employment standards and what could be handled out in the community. There were further symposia on that in '92. Of course, the business plan did state that – he is correct – in '93 we would move in that direction, and amendments to the Employment Standards Code were done in '94 to anticipate that.

So I can say that it is continuing to move ahead. The business plan just for employment standards itself is virtually completed, and I know we have publicized it well. I will not disappoint the member. It is moving ahead, and we'll keep him posted in the weeks ahead as far as actual developments go.

2:20

THE SPEAKER: Supplemental question.

MR. McFARLAND: Thank you, Mr. Speaker. Again to the minister: is privatization of employment standards services one of the alternate means of delivery that you're contemplating?

MR. DAY: Well, certainly that's what the public consultation over the last couple of years is all about. That's why we did indicate very clearly in the business plan that the review would be to contemplate what services could indeed move out to individuals. That is definitely the way it is going to move. We've been very clear about that in the business plans and public consultations. So that is one of the alternate delivery systems that you will see happening.

THE SPEAKER: Final supplemental.

MR. McFARLAND: Thank you, Mr. Speaker. If government does not continue to provide the investigative and complaint resolution services directly, who will pay for these services if there's another means of delivery?

MR. DAY: Well, I want to make it very plain that when people bring complaints forward, there are no fees that are going to be assessed there. So we've been very clear on that. Certain services that were provided on the backs of taxpayers, educational services and the like, will be paid for on a user-pay basis. Also, because of the fact that the amended legislation helps us to go after abusers of the system a little more vigorously, those paying penalties will pay greater penalty fees, and those will also go towards offsetting the costs of moving these services out. There will be no increase in terms of existing fees as applied, and certainly related to complaints, there will be no fee.

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

### Surgery Waiting Lists

MR. ZWOZDESKY: Thank you, Mr. Speaker. One of my constituents, Iris McMartin, who is here with us today, lives in constant and severe pain awaiting shoulder replacement surgery. Although she's already waited over three months, her orthopedic surgeon recently told her with regret that because of the cutbacks in health care, she will likely have to wait up to one year or even more for her much-needed surgery. My question is to the Minister of Health. What will the Minister of Health specifically do to reduce the waiting time for these Albertans who are in such constant and severe pain?

MRS. McCLELLAN: Mr. Speaker, I am very concerned to hear of instances where people are waiting for long times for joint replacement surgery. I've heard of instances of up to 17 months, and clearly that's unacceptable. It's unacceptable in this province.

What are we doing about it? Well, Mr. Speaker, the Capital health authority, for example, in this city is consolidating their services, and they are putting in a regional plan whereby we would expect that waiting lists can be reduced significantly. Studies show, for example, that hip replacement in Alberta is lower than the national average. It's still too high for people who are waiting for that. The regional health authorities are working very hard on a plan that will reduce those waiting lists.

There are two things that enter into a waiting list, though, Mr. Speaker, and I think we have to recognize that. First, when a general practitioner, which is usually the referral, refers a patient to a specialist, there can be a waiting period in that case. Again, after the specialist sees the patient then schedules them into their schedule and the OR schedule, there can be another wait. Clearly if this were streamlined, if this were co-ordinated better, we could reduce those lists. I think it shows two things: one, the need for

planning of operating room space, secondly, physician resource planning so that some over 90 orthopedic surgeons that we have in this province can plan their workload. I think we could improve this greatly.

MR. ZWOZDESKY: Mr. Speaker, the minister obviously has the facts, and those studies were done before the health care cuts. It's a shame they weren't rolled into the planning a little more effectively.

My supplemental is also to the Minister of Health. How can the minister allow this type of surgery to then be canceled in Edmonton for three months over the coming summer while people like Iris McMartin and many others wait helplessly in pain?

MRS. McCLELLAN: First of all, Mr. Speaker, this information was available. It was recognized, and it was rolled into the planning. That is exactly why the Capital health authority, for example, is in an intensive planning process right now to ensure that this reduces.

Mr. Speaker, it has been the practice in elective surgeries to reduce, not stop but reduce, the amount of surgery that is done in summer months and over Christmas vacation times. That is the way it has been handled here and in other places for some time.

Mr. Speaker, I think the important point here is that the Capital health authority is dealing with this issue, is dealing with the surgery suites to make sure they're available and that we will find that when we have that consolidation occur and that planning occurring, those waiting lists will indeed come down. As I say, we are below the national average, but it's still of great concern to us that there would have to be waiting lists of such lengths as we might have heard. The normal waiting list is not above an acceptable level, but we do run into periods where it is unacceptable.

MR. ZWOZDESKY: Mr. Speaker, I wonder what the Minister of Health expects these patients to do after hospitals like the Grey Nuns and the Misericordia and even the Sturgeon lose their hospital status shortly, and then orthopaedic surgeons can no longer even admit patients to those hospitals. What do we do then?

MRS. McCLELLAN: Mr. Speaker, what is actually occurring is not that there will be a reduction in surgical suites. It's that the surgical suite planning will occur in a much more co-ordinated way. Instead of having four or five or six institutions, depending on which city you're in, being managed by individual boards with physicians who have privileges only in one facility, we will have one hospital on several sites. The physicians will have privileges to provide their program where that program is offered, a much better system than we've had.

In fairness to the regional health authority, they came into operating the authorities on April 1. Today is May 3. They are working hard to alleviate this situation which has occurred over a period of time.

MR. HENRY: You created it.

MRS. McCLELLAN: Perhaps it was created by us by having some 300 hospital boards and health units and agencies. Mr. Speaker, we could do like the opposition and look in the past forever, but we're saying that we're not going to do that. The status quo is not good enough. We have 17 regions, we have one

board planning, and we will have a consolidated service in this province.

THE SPEAKER: The hon. Member for Highwood.

### School Councils

MR. TANNAS: Thank you, Mr. Speaker. My questions today are to the hon. Minister of Education. Recently introduced amendments to the School Act contained in Bill 37 have brought some welcome clarifications for the important school councils initiative. However, there are still some concerns as parents and teachers and principals prepare to meet the new opportunities presented by this initiative. My first question to the Minister of Education: will the currently existing parent/teacher associations, home and school council associations, parent advisory associations, school advisory councils, and the like be required to disband?

2:30

MR. JONSON: Mr. Speaker, yes, the current school councils or parent advisory committees would have to reorganize in line with the structure provided for school councils, but I certainly would not in any way use the term "disband," because I do not think that is the proper way of looking at what is a very, very significant change and improvement in the role of school councils in this province. There will be a point in time, February 15, by which school councils will have to consider the new guidelines, the new regulations that are being put out and reorganize accordingly.

I think it is important to emphasize that in what we are proposing, we are quite confident that we are providing new opportunities, a more meaningful role for parent councils, for parent advisory committees. I can assure you, Mr. Speaker, that there will be considerable flexibility in the regulations that we put forward so that the particular preferences by way of organizing can be accommodated.

THE SPEAKER: Supplemental question.

MR. TANNAS: Thank you, Mr. Speaker. Again to the Minister of Education: will the new school councils, re-formed and reorganized, be required to change their names to reflect that they are now operating within the new terms of section 17 and the attendant regulations?

MR. JONSON: Mr. Speaker, we recognize that parent advisory councils, school councils across the province have a name, a title with which they identify and which they are proud of. Certainly we'll make every effort to accommodate the name that the school council wishes to carry on under.

MR. TANNAS: Mr. Speaker, again to the Minister of Education: will the minister clarify what is meant by the term "ex officio" as it's applied to the membership of a principal in a school council and, attendant to that, the principal's right to vote?

MR. JONSON: Mr. Speaker, ex officio means, as I understand it from the dictionary, by right of office, and that would be as it would be applied in this particular case. It is planned that a school principal would be a member of the school council. As far as the opportunity to vote, that is something still under consideration, but by the time our policy-making process is finished, we will have that clarified with respect to voting of principals on school councils.

THE SPEAKER: The time for question period has expired.

The hon. the Provincial Treasurer gave indication that he had a point of order he wished to raise.

### Point of Order Factual Accuracy

MR. DINNING: I rise under Standing Orders 23(b)(i) and 23(i) in response to the comments made by the Leader of the Opposition when he said that rural Alberta will be losing their Treasury Branches. Mr. Speaker, first, he was in fact talking at that time about a public power company; he was not talking about a financial institution. Second, under 23(i) he was making comments that I think are irresponsible and dangerous, and I only say this as a cautionary note.

I know that the member was rising on a very important topic, an important topic that relates to the people of Edmonton and power generation, but I fear that the zeal of his argument will get away on him and erode the confidence of thousands of Albertans who have confidence in Alberta Treasury Branches. For him to say that rural Alberta will be losing their Treasury Branches does just that. I know the Edmonton members of the Assembly may not care about rural Alberta, but unfortunately they are talking to rural Albertans who do have confidence in that important institution. Mr. Speaker, your own constituents are of the same mind.

So I only raise it to ask that the zeal of debate not get away on us and erode the confidence of Albertans in an important financial institution such as the Treasury Branches.

MR. BRUSEKER: Mr. Speaker, just in responding to the purported point of order mentioned by the hon. Provincial Treasurer, what the Leader of the Opposition was attempting to do was highlight the difference in direction on one hand of Bill 34, that is preventing some competition from occurring, and then Bill 39 on the other hand, which in fact proposes some changes to the Treasury Branches. It's a clear contradiction in government policy, so what the Leader of the Opposition was attempting to do was show the difference in the policies of the government with respect to these particular issues. That deals with 23(b)(i). Clearly what the leader was trying to do was show the differences here.

With respect to the second point that the Treasurer uses, 23(i), "imputes false or unavowed motives to another member," I guess what the Treasurer has just admitted by saying that is that the Treasurer is directly involved with the Treasury Branches, which is why we support creating an arm's-length board, as Bill 39 proposes to do, and which in fact is why the Treasury critic for the Liberal opposition and the Liberal Party in fact support Bill 39, but we do not support Bill 34.

THE SPEAKER: Well, this is another example where the rules allow hon. members to clarify their respective positions, and no doubt the debate will roll on.

Might there be unanimous consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. the Minister of Education.

### Introduction of Guests (reversion)

MR. JONSON: Yes, Mr. Speaker. This afternoon it's my pleasure to be able to introduce to you and to members of the



Assembly two individuals that are here I think in eager anticipation of viewing and hearing the debate on Bill 210, should we in due course get to debating that Bill. They are Bauni Mackay, president of the Alberta Teachers' Association – I would congratulate her on her re-election recently – and Julius Buski, executive director of the Alberta Teachers' Association. Would you please stand and receive the welcome of the House.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their positions.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their positions with the exception of motions 207, 208, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, and 222.

[Motion carried]

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask the unanimous consent of the Legislative Assembly to – in order to facilitate the discussion on these motions for returns, a motion has been circulated to all members I believe. All of those motions for returns in the first group are virtually identical in wording with the exception of the name of the department. They read that "an order of the Assembly do issue returns to the individuals listed below" – and their names are listed there – "showing copies of all ministerial orders" in the respective departments "issued between June 15, 1993, and February 13, 1995, in the departments listed below."

I'm looking at motion 1 on the sheet as circulated, Mr. Speaker. Perhaps we could deal with all of those together.

THE SPEAKER: The Chair will ask if there's unanimous consent for these.

MR. BRUSEKER: Yes, I'm requesting unanimous consent that motion 1 be accepted as printed.

THE SPEAKER: Does the Assembly grant leave to the hon. Opposition House Leader to move motion 1 as circulated?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

Mr. Bruseker moved that an order of the Assembly do issue returns to the individuals listed below showing copies of all ministerial orders issued between June 15, 1993, and February 13, 1995, in the departments listed below:

Motion for a Return 207, Dr. Massey, Department of Advanced Education and Career Development; Motion for a Return 208, Dr. Nicol, Department of Agriculture, Food and Rural Development; Motion for a Return 211, Mr.

Germain, Department of Economic Development and Tourism; Motion for a Return 212, Mr. Collingwood, Department of Environmental Protection; Motion for a Return 213, Mr. Dalla-Longa, Department of Energy; Motion for a Return 214, Ms Hanson, Department of Family and Social Services; Motion for a Return 215, Mr. Decore, Department of Federal and Intergovernmental Affairs; Motion for a Return 216, Mr. Sapers, Department of Health; Motion for a Return 217, Mr. Zariwny, Department of Justice; Motion for a Return 218, Ms Leibovici, Department of Labour; Motion for a Return 220, Mrs. Abdurahman, Department of Public Works, Supply and Services; Motion for a Return 221, Dr. Percy, Treasury Department; and Motion for a Return 222, Mr. White, Department of Transportation and Utilities.

MRS. BLACK: Mr. Speaker, I appreciate the hon. Opposition House Leader coming forward with this motion because I know that he is interested in not only having an answer but also getting on with private members' day, which is very important in this Legislature. So I do appreciate you coming forward and, as such, have supported it.

Mr. Speaker, in dealing with all of these motions at one time, I think it would be fair to ask hon. members to refer to *Beauchesne* 446. I think they will understand the comments that I'm going to be making. The motions as they pertain in this grouping pertain to departments filing all ministerial orders for the time period of June 15, 1993, through February 13, 1995.

2:40

We're going to have to reject motion 1, and we're going to have to reject it for a number of reasons. When we looked at this – and we did look at this very carefully, because we believe that information should be made available to members – we realized that there was a large majority of ministerial orders that were listed in the *Gazette* and available to the public. To go and recapture all of that and file them, as would be a requirement if we accepted these motions, would take an awful lot of time and manpower that I think can better be spent by talking about what they in fact are when they're already available.

The second thing that's important is that there are a number of those motions that are not in the *Gazette*, and for reasons mentioned under *Beauchesne* 446, a number of those things are not available to the public or are not any more than requests for things like to have permission to have a bicycle race on a secondary road because of a special event. So a ministerial order normally is reflected through a newspaper advertisement or through a news release or gazetted properly or is not in there because of either confidential privacy information or things that would not be in the best interests of the province to have released.

What I would rather like to suggest – and I have had discussion with my colleagues. We do believe you should come and give us a listing of what it is you're asking for. If there's an area, come to our office and sit down with our EAs and ask us for information. But to go and create all of this when a good part of it is gazetted and some that isn't is for other reasons – because sometimes, as I say, it can be anything from permission to have a bicycle race on a side road, which we have to do that for, to confidential information which we wouldn't be able to give you. Come into our ministers' offices, talk to our EAs, and give us the information or a listing of what you're looking for. We would not be able to give you things that are confidential because, according to even our own rules under *Beauchesne* 446, we could

not put the government in a position of jeopardy on that. I don't think you want every request that has come through from a community for an event, but you would rather have specific information.

So we are going to have to reject this motion and ask hon. members opposite to come to our offices.

MR. HENRY: Mr. Speaker, the government rejecting this motion indicates very clearly and is typical of how this government likes to do business: behind closed doors. The point here is not that opposition members want the information; the point is that the public should have access to the information.

One would think, Mr. Speaker, that in any one of these departments you could go to a central place in that department and be able to find all the ministerial orders. These are orders that affect Albertans. These are orders that have an impact on policy and on permission for certain events or alterations to existing regulations or other things of that nature. Albertans have the right to know what their government is doing.

One would think you could go to the Department of Energy and say "Let me see all the ministerial orders" just because you have an interest in what happens in Energy and be able to go to one binder or one bookshelf and be able to find them all. This is not asking a lot. We're not asking the government to create a big bureaucracy; we're asking the government to do the job that they should have done. I would ask hon. government members and certainly members on the front bench who issue ministerial orders: what do they do? Do they take those ministerial orders and simply shred them after they're finished with them, or do they keep some sort of record? Do they have a filing system?

Mr. Speaker, if these are not available in a department library, they surely should be available in the Legislature Library, because they do affect the laws and the governing of our province. Part of the point being made here is that the government has no one system. Taxpayers are paying the hon. minister of transportation to do a job, and part of that job is to keep accurate records. I would suggest that part of that accurate records would be a file where all of the orders he has signed are kept, and we're simply asking for access to that.

We don't know what this government does behind closed doors, and given the history of this government with ministerial orders and other orders of the like and agreements, the public has a right to feel that they need to scrutinize what the government is doing behind those closed doors. I would suggest that if we had a uniform system whereby each department was being required to keep a registry of all the ministerial orders, or indeed if they were the same rules for every department, or in fact the reality is that if they're the same rules within one department – some pieces of legislation require ministerial orders to be put in a particular place, a department library or the Legislature Library. Other pieces of legislation covered by the same department don't require that.

What we have here is total mismanagement of information. We hopefully within this calendar year will see our Freedom of Information and Protection of Privacy Act actually proclaimed and implemented and an Information Commissioner established. Well, that Information Commissioner needs to be able to go to one place in each department or one place centrally to be able to access information for individuals. The public has a right to know exactly what these cabinet ministers, these ministers of the Crown, are doing behind closed doors. This is not asking for confidential files on individuals. It is not asking for personnel files. It's not asking for Health files. It's not asking for the Department of Education's files in terms of marking diploma

exams. It is asking for ministerial orders that affect the general public and that should be available. The record should be very, very clear: this government doesn't have an information management system. They don't have a consistent way of keeping that information from department to department. Sometimes it's in the *Gazette*; sometimes it isn't. Sometimes it's in the Library; sometimes it isn't. Sometimes it's in the department library; sometimes it isn't. Mr. Speaker, this is a mess, and the government should clean it up and get this information to Albertans.

Thank you.

THE SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

THE SPEAKER: All those in favour of the motion proposed by the hon. Opposition House Leader, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: The motion fails.

[Several members rose calling for a division. The division bell was rung at 2:49 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Hewes	Soetaert
Beniuk	Kirkland	Taylor, N.
Bruseker	Leibovici	Van Binsbergen
Chadi	Massey	Vasseur
Collingwood	Mitchell	Wickman
Dickson	Percy	Zariwny
Hanson	Sapers	Zwozdesky
Henry	Sekulic	

3:00

Against the motion:

Ady	Gordon	Mirosh
Amery	Haley	Oberg
Black	Havelock	Renner
Brassard	Herard	Rostad
Burgener	Hierath	Severtson
Calahasen	Hlady	Smith
Cardinal	Jacques	Stelmach
Coutts	Jonson	Tannas
Day	Laing	Taylor, L.
Doerksen	Langevin	Thurber
Dunford	Magnus	West
Evan	Mar	Woloshyn
Forsyth	McClellan	Yankowsky
Friedel	McFarland	

Totals: For – 23 Against – 41

[Motion lost]

Mr. Bruseker moved that an order of the Assembly do issue returns to the individuals listed below showing copies of all ministerial orders issued between June 15, 1993, and February 13, 1995, in the departments listed below which have not been published in the *Alberta Gazette*:

Motion for a Return 209, Mr. Zwozdesky, Department of Community Development; Motion for a Return 210, Mr. Henry, Department of Education; and Motion for a Return 219, Mr. Bracko, Department of Municipal Affairs.

THE SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I'd like to move motion 2, which I've distributed, and request unanimous consent of the Legislature to deal with this now.

THE SPEAKER: The Chair interpreted the first consent to cover both motions. So the hon. member has moved that motion.

MR. BRUSEKER: Yes. Thank you, Mr. Speaker.

MRS. BLACK: Again, Mr. Speaker, I commend the hon. Opposition House Leader for coming forward with the original motion to deal with these together because I do think it's important that we respect private members' day within this House.

Mr. Speaker, we've spent an awful lot of time going over these motions. Clearly, I'll say again that I would really ask hon. members from both sides of the House: if there's information that you're looking for, please come to our offices and go through that.

I'm going to give you an example just so you know the types of things that are not gazetted that pertain to a particular department. I can tell you that I had the honour of being asked to perform a marriage ceremony for a friend of mine. I applied to have a marriage commissioner's licence for one day. Well, that prompted a ministerial order, and there are hundreds of those. But that does not appear in the *Gazette*, Mr. Speaker, and I don't know whether that would have any interest to anyone in the government. It was not a paying job; I did this as a friend.

Now, Mr. Speaker, I don't believe that is what the hon. members opposite are looking for. I've looked at one department, and quite clearly things such as we've gone through – and we've actually spent a lot of time on this – the way those motions are written, with "all ministerial orders," would require from one department alone over 30,000 copies of things to come forward.

Again we would really sincerely extend the invitation to all members of this Legislature to walk into our offices, our offices that are right here in this building, and ask us for that information. If it's information that according to *Beauchesne* is confidential, we'll tell you. We'll tell you that. If it isn't, we'll pull it and you can have it. But please don't ask us to go and make a copy of something that I'm sure is of no interest to anyone except the bride and groom that I had the privilege of marrying. It was good for one day, and that was it. Those are the things that are included in this.

So please think about motions when you put them on the Order Paper. If there's something you're looking for, ask for it. Come and see our office. We're right here in this building. Walk in the door and ask the minister or their executive assistant for that information. If we can't give it to you because we're precluded from doing so, we'll tell you that. If we can, you've got it.

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

MR. HENRY: Thank you, Mr. Speaker. I'm not going to repeat the arguments that I made under motion 1 with regard to the sloppy record keeping of this government and the inadequate provisions with regard to preparing for . . . [interjections] If a government minister is making ministerial orders and they are not filed in a central place, the way any other business would do, that is sloppy record keeping in my view. The public has a right to know. Whether it be the hon. minister who likes to trivialize the issue and say, "Oh, a one-day marriage commissioner's licence," the public has a right to know.

MRS. BLACK: Point of order, Mr. Speaker.

THE SPEAKER: The hon. Minister of Energy rising on a point of order.

#### Point of Order Imputing Motives

MRS. BLACK: Performing the marriage for the young couple was not trivial. In fact, it was very important.

AN HON. MEMBER: Citation.

MRS. BLACK: Section 23(h), (i), and (j).

So I would ask the hon. member, please don't ever trivialize the ceremony of matrimony.

#### Debate Continued

MR. HENRY: Mr. Speaker, the minister trivialized it when she used it as an example when she led the Assembly to believe it was a typical kind of ministerial order that would be given. I didn't intend to trivialize the institution or that particular act, but very clearly the public has a right to know what its government does behind the closed doors. If the government cannot – and one of the problems we have with the government is that department by department . . . [interjection] Some from Lesser Slave Lake may find this tiresome, but very clearly people in this province have a right to know what their government is doing, and they have a right to be able to go to a department to seek information.

Mr. Speaker, if the government had an adequate record-keeping system with public access to that system, we wouldn't need to have these motions for returns on the Order Paper. If I could walk into the library of the Department of Education or the Department of Energy and see them all on one shelf – but instead, typical of this government, the minister wants an individual, whether it be an MLA or a constituent, to come into the minister's office, and the minister has raised this.

Two points, Mr. Speaker. Number one, not imputing motives at all but talking about perceptions, perception of an individual in my constituency to have to go to a minister and ask for ministerial orders in the minister's office rather than being able to access them publicly. We are in the information age. Some might perceive – and I'm not imputing motives here – that the minister was trying to intimidate the individual, that the individual would have to come to the Legislature and walk into the minister's office cap in hand and say, "Please, please, can I find out what my government is doing behind closed doors?"

The second point, Mr. Speaker. The minister has made it crystal clear, crystal clear – and I do impute motives that are avowed – that the government wishes to retain the decision-making about which kinds of information it chooses to give its citizens and what kinds of information it determines is confidential

or is not suited for the public to see. How condescending. How paternalistic can this government get? How gratuitous.

### 3:10

Mr. Speaker, the minister can shake her head all she wants, but the bottom line is that members of the public and members of the opposition representing the public have a right to information. The government not only doesn't want to provide it but can't provide it, because again they do not have an adequate record-keeping system.

A piece of advice, albeit unsolicited, to the government: perhaps if they want to be an open government, what they should do, Mr. Speaker, is take one copy of each ministerial order and file them by department perhaps in the Legislature Library – what a novel thought – or perhaps in the department library or perhaps on a database where public libraries could subscribe to that. The technology is there; the institutions are there. The government doesn't want to use it because the government doesn't want public scrutiny of its actions.

I urge all hon. members to support this motion and send a very clear message to Albertans. I urge all members of the government side, whether they be on the front bench or the backbench, to think about whether their constituents should have to go hat in hand to a minister and ask permission – permission – to see documents that affect the lives of Albertans. Whether it directly or indirectly affects every Albertan, anything a government does with the powers that the government has affects all Albertans.

Thank you, Mr. Speaker.

[Motion lost]

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

### **Bill 210 Teaching Profession Amendment Act, 1995**

[Debate adjourned May 2: Dr. Massey speaking]

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

DR. MASSEY: Thank you, Mr. Speaker. Yesterday when debate concluded, I'd had the opportunity to briefly look at the history of the Alberta Teachers' Association, to look at the reasons historically why that association came into being, and to rather briefly outline some of the things that that association, I believe with public support, has been able to accomplish in the province. I believe it's necessary for us to look at those historical roots if we're to fully understand the motion that's before the Assembly, because those historical roots are extremely important to members of that association, as they should be to any Albertan who is interested in education.

I think if you look at that history and as you read this Bill, it leaves us really with two questions that have to be answered. The first is: has public interest been served by the actions of the Alberta Teachers' Association? There's some evidence, Mr. Speaker, to say that, yes, public interest has been served. For evidence I think you need only look, for instance, at an analysis of trustee election brochures as they appear across this province and have appeared over the past number of years. If you look at those brochures, you'll find trustees calling for better qualified teachers, you'll find trustees historically calling for better salaries for teachers, and you'll find trustees calling for better equipped

schools. You'll find those same trustees in those brochures calling for lower teacher/pupil ratios. Those coincide exactly, I think, with the kinds of aims, the kinds of goals that this association has worked for.

I think that often we are caught up with the momentary disputes, and as a school trustee I can attest to that, having found myself, as a rookie trustee, in the middle of a teacher dispute. But I think that if you look at the actual number of days that have been lost in instruction, they are infinitesimal. In terms of the interests that have been served, they really don't count for much. I think in any of those disputes it's imperative that we all keep a look at the long haul and what is being accomplished. I know that's easy to say right now and in the midst of a dispute it's more difficult, but I do think we have to look at what we want for children in this province, what we want for our schools, and how that has been furthered.

I think that if you look elsewhere, if we look south of the border to those states where a number of teacher associations exist in one jurisdiction – and I think it's states like Kansas – you can find that teachers there aren't able to make teaching a career, that many of them have to maintain part-time jobs in order to bring home an adequate income to support their families, that many of the boards south of the border have had no need to negotiate decent salaries. They are able to arbitrarily declare what the salary will be and then tell teachers to either take it or leave it.

So I think that if you look back over the years since the association began in 1917 and ask yourself, "Has the public interest been served by the actions of the association?" the answer is clearly yes.

There's a second question, and that is: have the interests of teachers been served well by the association? That has its roots in the mover of this motion's anecdote about a teacher who was complaining about this association, who had indicated that somehow or other his rights were being infringed upon by being a member of the association. If you look at how the ATA is structured – and I've never been to an annual general meeting, but I've looked at reports of those meetings – I think the notion that this is an association without a wide and divergent membership would be a mistake. It is the right and indeed the obligation of members of that association who feel that there are certain directions the association should take, through the democratic process that governs their operation, to bring forward their concerns. Like any democratic group, if they get 50 percent plus one, they are able to make changes in policy. So a teacher who is unhappy with the association and thinks that somehow or other they are being hurt by membership in that association I think has a very clear route in terms of the actions that he or she may take to have those ills addressed.

In concluding, Mr. Speaker, I would urge all members of the Assembly to remember the history of the association, to remember what we want for schools and for children and for adolescents in this province, and to vote against this motion. Thank you very much.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I'm pleased to be able to stand today and speak to Bill 210. This is a Bill which, from my understanding, has come a long way, and I believe the hon. Member for Innisfail-Sylvan Lake has put considerable time, effort, and thought into this legislation. It has evolved from a controversial Bill to one which is much more acceptable to the relevant stakeholders.

This Bill will address the concerns of some teachers while continuing to maintain the integrity of the teaching profession and the Alberta Teachers' Association. This Bill changes the antiquated laws instituted a long time ago regarding mandatory membership in the ATA and will allow Alberta teachers the fundamental individual right of freedom of association.

In 1936 the Teaching Profession Act put mandatory membership into effect. This law, borne of the idea that teachers could not survive without a union, has not changed since 1936. That was a long time ago, Mr. Speaker, and a lot of things have changed since then, but the law is still on our books.

Why is this the case? Well, I believe it is due to the interests of some teachers and the ATA. But are all teachers in favour of maintaining mandatory membership? The answer is simply no. There are many teachers, some in my own constituency, who do not think that mandatory membership is good for them nor relevant to the education of their students. Some teachers believe the way to go is to have voluntary membership in the union. The reason that they want this is because of the power that presently exists within the ATA. At present the ATA can revoke anyone's membership in the union, and that's their right. I do not disagree with the right of an organization to revoke the membership of a member. The problem is that losing your membership in the union causes you to lose your right to teach in Alberta. This is because of the antiquated laws I was speaking of earlier, namely mandatory membership, mandatory membership which is unneeded and unwanted by some teachers. The big problem for those teachers who do not want to belong to the union is that without membership in the union you just cannot teach in the public or separate schools.

3:20

Under Bill 210 teachers who wish to teach or tutor during a strike will be provided the capability to do so. Not allowing someone to work because they don't have the qualifications is fine. Not hiring someone or firing someone on the basis of a lack of merit is fine, but depriving someone of the right to work and their livelihood just because that person doesn't belong to a labour organization is incongruent with our democracy. Legislating this power is oppressive to some, and the laws need to change. This Bill, Mr. Speaker, puts the right not to join a union on par with the right to join a union. Requiring our skilled professional teachers to join a union just to be able to teach is unfair and wrong.

One concern I hear is that this will harm the teachers' professional union, but I don't believe it will. The union will continue to maintain its resource base by requiring the continuance of dues to be paid.

Another concern I heard was that standards and quality might be lost if we remove mandatory membership, but I think this Bill addresses these concerns while still allowing for the flexibility of teachers to choose whether or not they want to belong to the ATA. The way this Bill addresses that is through maintaining disciplinary power within the ATA and by requiring all public and separate schoolteachers who are not part of the ATA to have a certificate of qualification issued by the province. In addition, the ATA will continue to be the body which oversees the ethical and professional conduct aspects of the teaching profession, a job they have done and done very well. After all, they know the profession the best, so keeping disciplinary control over all teachers is logical. In addition, the quality of nonunion teachers will be maintained due to the fact that they will require a valid certificate of qualification issued by the province in order to teach.

On top of that, I believe that the ATA can keep all teachers updated on current issues and innovative teaching methods through its usual method of seminars and conventions. I see no reason why concerned teachers who are nonunion would not want to attend these information seminars and no reason why the ATA would block their access, given that they still receive union dues from these teachers. So since these teachers should be able to keep informed about important issues and should attend these seminars, the quality of teaching in Alberta will remain high and the innovation which drives the system should be accessible to all public and separate schoolteachers.

What matters here, Mr. Speaker, is the quality of education the children of Alberta are receiving. I'm certain that our children will continue to be taught well by motivated, hardworking, and encouraging teachers, whether they be union or nonunion. The bottom line is quality. If a person can teach well, why does that person have to belong to a labour organization? He or she is already a good teacher. Being a skilled doctor or a skilled lawyer is contingent upon having good training in both the classroom and in the working world, not belonging to a union. The same applies to teachers. They acquire excellence not by virtue of their ATA membership card but because of their skill and knowledge. Whatever a person can do to enhance that is great, but does it necessarily have to come from the ATA? Could it come from somewhere else? This Bill is not an attempt to break the union, as membership dues or fees will still be required to be paid by nonmembers.

The situation in B.C. with the separate schools is what I would like to see here. Their teachers in the separate school system need only to have a valid teaching certificate issued by the Ministry of Education in order to be allowed to teach in the separate school system. Teachers in that system have the option to join or not to join the Federation of Independent School Associations. Membership in this federation is not required, much like Bill 210. The system there seems to work just fine. There remains a high level of education quality in their schools. Numerous provinces have this type of legislation, Mr. Speaker, so instituting this in Alberta would be merely allowing our teachers similar opportunities, opportunities that are now held by their counterparts in other provinces.

Changing and updating our Teaching Profession Act is important. We must do it for the benefit of teachers, for the benefit of education. I encourage all members of this Assembly to vote for Bill 210.

Thank you.

MR. MITCHELL: Mr. Speaker, I encourage all members of this Assembly to vote against this piece of legislation. This legislation is not designed to enhance education in this province. It is not related in any way, shape, or form to the quality of education in this province, except that if it were implemented, it would in fact reduce the quality of education in this province.

The intention underlying this Bill is to break the Alberta Teachers' Association, to render it less influential than it is in our society today. The intention is based upon a desire of this government to fashion this society in keeping with its ideological view of how Alberta should look. Many people happen to disagree with it, and many people fundamentally disagree with a government that is driven not by common sense but is driven more and more by ideology. The question that is raised, that is begged by this Bill is: why would somebody across on that side of the House want to, quote, fix, unquote, the Alberta Teacher's

Association? Why would they want to fix the Alberta Teachers' Association when the Alberta Teachers' Association is not broken?

What I feel, Mr. Speaker, is that this drive to fix it comes from ideology, yes. It also comes from a basis in prejudice in many respects. I can remember speaking to people and not being able to fully analyze their arguments before Teresa and I had children and before our children were in school. There was this idea somehow that, well, teachers weren't teaching like they used to teach and they weren't as good as they used to be. Look at those children. They're acting worse than they acted years ago when all of us were in school.

Then I had this revelation. My children began to go to school. I would walk through the doors of that school, I would meet the teachers who worked with my children and who taught my children, and I was immensely impressed. Almost without exception, practically without exception I have been impressed with every teacher that I have seen in that school and with every teacher that I have seen across this province teaching our children. They are a remarkable group of people, remarkably dedicated with remarkable energy.

We have three children. By the end of an evening, those evenings that I'm able to be home – and I know each of us in politics has this problem – I am tired, exhausted, having played with them, having worked with them on their homework. Teachers summon up the energy day after day to work with each of our children, treat them as individuals, deal with their learning potentials and their learning problems, each and every one of them as individuals. I believe this Bill, among other things, is a direct affront to that kind of dedication and that kind of commitment, Mr. Speaker.

I don't see where it is that the Alberta Teachers' Association is in any way, shape, or form broken. Teachers have the right to unionize. They have the right to deunionize if they choose to do so. If they felt that association was broken, they could do it. Why does government have to impose that decision upon that group of teachers? I don't see . . .

MR. TANNAS: A point of order.

THE SPEAKER: Order please. The hon. Member for Highwood is rising on a point of order.

#### Point of Order Allegations against Members

MR. TANNAS: Mr. Speaker, I would beg leave to make a point of order similar to the one yesterday. If the hon. member reads *Hansard* on page 1464, he would see that I pleaded mercy on behalf of 23(h) and (i) of Standing Orders in that we are speaking to a private member's public Bill, not a government Bill, and that I find it offensive to characterize it in any way as a government Bill. It is not.

MR. MITCHELL: It's a Conservative Bill, Mr. Speaker.

#### 3:30 Debate Continued

MR. MITCHELL: The fact is, Mr. Speaker, that teachers in this province have never abused their right to associate in this way, quite the contrary. Do we see anything other than a very successful collective bargaining process across this province? Do we see anything other than responsible association presidents and executive members across this province? Do we see anything other than responsible teachers acting responsibly across this

province? Do we see anything other than professional teachers operating professionally across this province? We do not, Mr. Speaker.

This association, the Alberta Teachers' Association, works and there is no need to fix it. But if that private member and caucus colleagues who are likely to support that private member want a problem, if they want something broken, then they should simply pass this Bill, because history tells us – and it was very well outlined by my colleague for Edmonton-Mill Woods, the historical precedence of the Alberta Teachers' Association. He described very clearly what was the status and the state of the teaching profession prior to the establishment of the Alberta Teachers' Association. One of the most compelling arguments he made was that teachers were not treated as professionals, they were often abused by the system, and they were not given status and stature commensurate with the job they performed in our society.

I believe that there are few values in our society more important than education. I believe that it has been established as an important value and sustained as an important value for one important reason among many reasons: because of the quality of the teachers who have delivered it to our children. I believe very strongly, Mr. Speaker, that were this government to break this collection of private members, to break that association, we would see a deterioration in the status and stature and the professionalism of teachers in this province. The costs of having that occur are simply incalculable, and they are far, far too high.

There are of course reasons, we would presume, for why this government, why this group of private members want to bring in this Bill. They've mentioned some of them. The most entertaining reason that I have seen mentioned is that the ATA is responsible for teachers losing their jobs. It's hard to believe a member would actually say that, but it is here in *Hansard* that the ATA is responsible for teachers losing their jobs. No, no, Mr. Speaker. You know who's responsible for teachers losing their jobs? A government that has diminished the importance of education in this province and has taken hundreds of millions of dollars out of funding for education. That's why teachers are losing their jobs, and that's why the quality of education in this province is in jeopardy of deterioration.

They've said that somehow the quality of education would improve if the ATA didn't exist or if membership were open and not mandatory. Well, Mr. Speaker, again history proves that not to be the case. As I said earlier, it will deteriorate the professionalism and the stature of teachers in this province. It will not improve that stature. They have argued that somehow freedoms – freedoms – are jeopardized because of the structure of the ATA today. Freedom is an extremely important value in our society, and in every society there are balances. I argue very strenuously that the freedoms, the privileges, and the rights that are achieved, enhanced, sustained, and supported by the ATA far outweigh any suggestion – and it is simply that – on the part of this government that somehow a teacher's freedoms are diminished because they belong to the Alberta Teachers' Association.

So when we add up these reasons and we scour *Hansard* to try to discover why it is that this group would want to change the Alberta Teachers' Association in the way suggested by this Bill, there is no logical, no empirical, no proper reason for that suggestion. What we have to conclude, Mr. Speaker, is that there is some other agenda and there is some other reason. I said it earlier: there is an ideological agenda. We saw it emerge in an earlier motion in this Legislature that was passed by the Conservative members which called for right-to-work legislation. Again, a direct affront to associations, to unions in this province. We see

it in a government that simply doesn't like associations or unions that have power and influence in this society and that disagree with what the government might want to do in one area or another. We see it much more broadly in how the government is centralizing power away from individuals, away from their associations, and away from their communities.

This isn't a single front, Mr. Speaker. This is a broad, multifront assault on rights and democratic privileges of the people in this province. They've taken the power from school boards by taking away the tax base. They have refused to allow regional health authorities to be elected, despite the fact that they spend 25 percent of our budget. They are diminishing the importance and the significance of municipalities. We see it all the time. We see it today with respect to Edmonton Power. They are trying to take away the strength and the influence of health care associations with their rebalancing task force and the recommendations that came from that. They are undermining and trying to break unions with their right-to-work motion. Now, consistent with all of that – this is not a surprise and it is not a coincidence – they are trying to break the Alberta Teachers' Association with this ill-conceived Bill 210.

Mr. Speaker, this government has a very clear pattern. They always find somebody to blame for everything that they think isn't quite right in Alberta. If it isn't teachers, it's nurses. If it isn't nurses, it's Edmonton Power. If it isn't Edmonton Power, it's five year olds who are just burdening down the education system because they want to have kindergarten. And if it isn't them, it is somebody else, over and over and over again. What this government is creating is division and confrontation in our society. What they are doing is imposing a very specific ideological view of the world on people in this province, and what they are doing with this Bill is breaking the Alberta Teachers' Association in a way that is . . .

THE SPEAKER: The hon. Member for Calgary-Shaw is rising on a point of order?

#### Point of Order

##### Allegations against Members

MR. HAVELOCK: Thank you, Mr. Speaker. I understand this has already been raised. I'm sure the Leader of the Opposition understands this is a private member's Bill, and to be linking it to government action I think is inappropriate. It's not this government bringing this forward. It's the Member for Innisfail-Sylvan Lake who's brought it forward. So perhaps the Leader of the Opposition could stay on topic. I'm sure he understands that.

#### Debate Continued

MR. MITCHELL: What this Bill does, Mr. Speaker, is erode and corrode the right of the Alberta Teachers' Association to exist as it chooses to exist and to continue in the way it has done in promoting quality, world-class education in this province and in providing our children with quality, world-class education in this province, because it has sustained and promoted some of the best, most professional teachers in this country and, literally, in the world.

THE SPEAKER: The hon. Minister of Education.

MR. JONSON: Yes, Mr. Speaker. I would like to speak briefly this afternoon in opposition to Bill 210.

Mr. Speaker, this afternoon – and this may be a break in the action – I do wish to focus on the Bill. First of all, I would like to comment briefly on the opening arguments put forward by the Member for Innisfail-Sylvan Lake, specifically with respect to his concern over the use or misuse of the professional discipline procedures provided for in current legislation. The hon. member had a concern that there was a potential within existing legislation for discipline procedures to be used to enforce union discipline, and I believe this is one of the key reasons for this particular piece of legislation coming forward.

I would like to just comment, Mr. Speaker, that it is some years since I was active in the schools of the province and active with the Alberta Teachers' Association and perhaps active as an employee in the schools of this province.

3:40

MR. HENRY: Granted.

MR. JONSON: Yes, hon. Member for Edmonton-Centre.

I would like to indicate that over the decades of the existence and operation of the Alberta Teachers' Association their record in terms of using their discipline powers responsibly is very commendable. Secondly, their operation under the labour code or the previous labour legislation of the province has always been very much focused on following the laws as they exist and the laws that they operated under.

I do acknowledge that during the Battle River school authority's strike in central Alberta there was, I think we have to recognize, a great deal of anger as the strike stretched on. Certainly there were charges and comments and stories coming from both sides of the dispute to the effect that such and such a teacher had already been fined under the discipline bylaws and such and such a board member had heard this, and on it went. It was a long strike, it was very real, and I can understand these particular comments being made. However, to my knowledge during that particular dispute there was no such action in terms of actually invoking the discipline bylaws that was taken by the Alberta Teachers' Association in any concrete way.

As I've indicated, Mr. Speaker, I may be out of touch, although I do continue to have an interest in the Alberta Teachers' Association as a very important stakeholder in education in this province. I know of only two cases over the years where there has been a possible or a seemingly obvious relationship between the use of the discipline procedures and the whole bargaining process. So I think we have to look at the history and the use of the discipline process and the use of the bargaining rights in this particular context.

However, having made those introductory comments, I'd like to just make three points in opposition to the Bill, and these deal with I think the three key elements or principles of the Bill. First of all, Mr. Speaker, I think it should be recognized and understood that the Alberta Teachers' Association in this province bargains under the Alberta labour code. The Alberta Teachers' Association has the bargaining certificates, duly arrived at, for all of the ATA locals, all of the teachers in this province working within the scope of their contracts in the separate and public schools of this province. Under our legislation they have the right and the opportunity to bargain for the teachers of this province in their best interests, as any other organization in that particular category. I think it should also be recognized that as part of that overall process there may be put into place a system of organization which might be called, quote, union discipline to bring about in difficult situations the successful conclusion of contracts.

The point that I want to make on this first item, Mr. Speaker, is that this particular Bill does not accomplish, if that is the goal – it does not and should not prevent the teachers of the province being represented in collective bargaining by their duly established bargaining agent.

The second thing that I would like to comment upon, Mr. Speaker, is the second major feature, I think, of the Bill. That is that there is a provision which would indicate that the discipline procedures, the discipline bylaws currently held by the ATA as a professional organization could be applied to certificated teachers practising in the province who had opted out of membership in the Alberta Teachers' Association. Now, that is a very difficult thing to visualize quite frankly. It is a characteristic of this type of arrangement that it is the members of a professional organization who are disciplined by that professional organization. To conceive of or to propose it, they would have a sort of outreach program of professional discipline to perhaps private schoolteachers, teachers who had opted out who were employed by separate and public school boards. It is very hard to envision or to see how it would apply and how it would work. So I think that major feature of the Bill is something that is not workable as well.

The third thing, Mr. Speaker. I'd like to emphasize this: I've said that I am in opposition to this particular Bill, and I make that very clear. But I would also like to comment on a third point, and that is that in its collective wisdom the Legislative Assembly some days past chose to approve a private member's motion which provided for a review of right-to-work legislation in this province. Now, I won't go into the alleged merits of that particular motion at this time; that is not the subject of our debate. However, given that that is the case, if that has to be, then I think the Assembly has already established an overall approach to what seems to be the main goal of this particular Bill, and that is that there would be a review of compulsory union membership in this particular province. Given that that is the case, I strongly oppose the Alberta Teachers' Association being singled out for attention through a particular specific piece of legislation when that overall review, as I understand it, is now being prepared and going forward. This afternoon I will not, as I said, get into my preferences with respect to that Bill or speculate on how it might turn out. But to me it would be very, very unwise to move ahead and consider approving this particular piece of legislation when there is what is supposed to be an overall review which deals with this overall matter across all organized labour in the province.

In conclusion, Mr. Speaker, I think the Alberta Teachers' Association has over the years served under its mandate well. When any legislation or change in legislation is contemplated which deals with key matters with respect to the professional structure or for that matter the bargaining structure of an organization, then I think it's very important to bring those concerns to their attention, to have meetings to discuss and to try and develop some mutual solutions to these problems before we would ever contemplate going to this particular step.

Therefore, I respect the hon. Member for Innisfail-Sylvan Lake's right to introduce this legislation in the Legislature, but I will not and cannot support it.

3:50

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

MS LEIBOVICI: Thank you, Mr. Speaker. I'd like to, first of all, start off by applauding the Minister of Education for standing up for his principles with regards to this particular Bill. I wasn't sure, though, in terms of his expressions around the whole right-

to-work issue whether he was for or against that particular issue. Unfortunately, he did not express his views in debate on that. It's also unfortunate that this afternoon it's unlikely we're going to hear the views of the Minister of Labour with regards to the right-to-work issue and with regards to this particular issue. As the Minister of Education rightly pointed out, the onus in terms of bargaining and the various provisions under the labour code sits within the mandate of the Minister of Labour.

One of the things that I've been trying to figure out in terms of this particular Bill from the hon. Member for Innisfail-Sylvan Lake is what exactly the member's problem is. We've seen a very similar rendition of the Bill introduced in 1993. We're seeing Bill 210 introduced at this point in time, and then in case Bill 210 happens to fail, the hon. member once again has a very similar motion on the Order Paper: Motion 564. In addition, in order to back up his position, he's had the Conservative constituency association propose a resolution to the Progressive Conservative annual convention as well. I keep getting back to the point that I don't understand: why the obsessiveness with attacking the teachers within this province? I'm not sure what the member's problem is.

Now, in reading through *Hansard* of the debate which began yesterday and listening very carefully to the comments made by the Member for Lacombe-Stettler, there's a theme that seems to crop up. This theme is related to: why do we need to change the way the association is now configured? The theme seemed to address issues such as: well, we're just trying to make things better for our children; this is an old piece of legislation and therefore it needs to be changed; there are teachers who don't agree with the mandatory membership; and there's a tyranny that exists within the ATA. Now, when looking very carefully again at *Hansard* and listening very carefully to the statements from the Member for Lacombe-Stettler, I've yet to see one iota of evidence that supports any of those arguments that have been put forward by the hon. members. I look at the claims that it will produce a better quality of education and benefits for all, and I sit and I wait to see how that will occur. There isn't one shred of evidence, there wasn't one example provided that says: yes, this is what it's all about. So I've got to put that argument aside, and say: well, it doesn't make any sense. That argument does not support the position that's been put forward in Bill 210.

So then what happens is that during a strike, teachers cannot tutor. That was an issue that was brought up during the debate on 503. The ATA was quick to respond to the MLA for Taber-Warner, who brought up that very issue, and said – this was with regards to a statement that I had made during debate on that motion. This was a statement from the Member for Taber-Warner: "I challenge her to tell her tale of democracy," meaning myself, "to any teacher who fears losing her job because she wants to tutor while the union is holding a strike."

The reply – and it's unfortunate that the Member for Taber-Warner has not provided that reply to the Member for Innisfail-Sylvan Lake because if he had, I'm sure he wouldn't have used that argument in support of Bill 210 – is that there is no evidence that any teacher has lost her job due to tutoring during a strike, and you will not find any such evidence because no teacher has lost her job due to tutoring during a strike.

Other issues have been brought up with regards to why this legislation is important. This is the one that I find very interesting. It's been repeated on a number of occasions. It is that since the legislation was put in place in 1936 – and what the hon. members failed to mention is that there was a 96 percent vote in



favour of mandatory membership within the ATA – it's old legislation, that it's an outdated concept, that it's something that we no longer need. Then I think about, well, antiquated laws. Just because they're old, does that mean they're not any good? Do we say that the Ten Commandments are not any good? That's as antiquated as we get; isn't it? Isn't it? Should we just throw those out because they're over 2,000-plus years old? I can't buy that as an argument, that because a piece of legislation was put in place in 1936, it's antiquated and it's no good. So I would hope that the basis on which the members are focusing their intentions, their votes will be other than that the legislation has been in place since 1936.

As yet I've found no reason for a member to vote other than against this particular piece of legislation other than on an ideological basis that says that there's no place in this province for memberships within unions, that there is no place in this province for unions or professional associations, and that if there is an association such as the ATA that is able to express very adequately its position with regards to government policy and sometimes against certain government policy, that is an organization that especially should be singled out.

Which gets me again back to my original point: why are we doing this over and over and over again? There's an obsessiveness within this particular compulsion. Perhaps it's that the hon. member who is putting it forward has only one issue he wishes to debate in the Legislative Assembly. But this compulsiveness to bring this issue up over and over and over again I think requires some explanation other than what we have seen, because the explanation that has been put forward is inadequate and is illogical.

Because a lot of the other points that I would have made have been made before me by the hon. members for Edmonton-Centre and Edmonton-Mill Woods and by our leader, and I know that there are many members who wish to speak to this particular piece of legislation, I will not hog the floor, so to speak.

One other issue that I'd like to bring up is that if one of the arguments is that there are problems within the collective bargaining system with the ATA, that is a fallacy. In 1992 the then Minister of Labour, the hon. Elaine McCoy, had set together a process that would look at bargaining within the education sectors, and as a result of that process it was concluded that existing collective bargaining laws allow the negotiation process to work. If the reason for bringing forward this Bill is to better the collective bargaining process, again it is redundant and it is unnecessary.

To summarize, there was a comment that was made by the hon. Member for Innisfail-Sylvan Lake, and that was that there needs to be some room for the little guy to ensure that the little guy is not stepped on. When I first heard that, I thought: oh, well, he is standing up for the children. But then when I looked at it, that's not what he meant. He meant that we need to look at the minority of teachers who may wish to be nonmembers within the ATA. Though the Member for Lacombe-Stettler indicated that there were "many teachers" – and she used those words: "many teachers" – that don't agree, I again ask: where's the evidence with regards to that?

4:00

Now, I thought that perhaps one way to bring this whole issue closer to home – and I'm not quite sure if this comparison works, but I think it's worth a try – is to take the comments that the Member for Peace River made with regards to the Bill and the merit of the Bill. What he indicated was that being able to get or

keep a job as a teacher should be contingent on that person's ability, not because of what they belong to. I thought: well, okay; let's take that in our situation. I'll just read with a slight alteration the words from the hon. Member for Peace River:

Mr. Speaker, this Bill is about merit. Being able to get or keep a job as a [government member] should be contingent on the person's ability to [govern], not because they belong to the [Conservative Party]. I think that [our members] ought to be given that option . . . Many Albertans want to see the long-standing tradition of the right to join a [political party] put on an equal level with the right not to join.

Then I think you can let your fantasies wander in terms of what would happen if one of you said: "Fine. I'd like to sit on the government side, but I don't want to be a member of the Conservative Party. I'd like to enjoy some of the privileges and perks that come with sitting on the government side, but I don't want to join the party." I think then you begin to see what perhaps you're asking with regards to this particular piece of legislation.

What I'd like to end with and reiterate is that the claims that this will produce a better quality of education, that it will produce benefits for children, that it will enhance our education system are nothing but unfounded claims, and I urge all members to vote against Bill 210.

Thank you very much.

THE SPEAKER: Order please. Before recognizing the next speaker, might there be consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Member for Olds-Didsbury.

head: **Introduction of Guests**  
(*reversion*)

MR. BRASSARD: Thank you, Mr. Speaker. It gives me a great deal of pleasure to introduce to you and through you to the members of this Assembly members of the Chinook's Edge school division who just happen to be in the area today. Very timely, I might add. I'd ask Chairman Earl Kinsella, Vice-Chairman John Grimstead, Joe Henze, Val Steinbach, Ken Fulton, Maurice Lewis, Wayne Reis, Herman De Wolde, Linda Yargeau, and Susan Denischuk to stand and receive the warm welcome of this Assembly.

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

MRS. LAING: Thank you, Mr. Speaker. There are many people vying . . .

THE SPEAKER: Order please. There's another guest or guests to be introduced.

MR. BRASSARD: I apologize. I missed Superintendent Altha Nielsen. I apologize, Altha. Please stand up.

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

MR. HENRY: Thank you, Mr. Speaker. I notice in the public gallery the president of the Edmonton Catholic local of the ATA, Mr. Robert Bisson. I would ask that he rise and receive the warm welcome of the Assembly.

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

**Bill 210**  
**Teaching Profession Amendment Act, 1995**  
*(continued)*

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

MRS. LAING: Thank you, Mr. Speaker. There are several concerns which I have with Bill 210, and therefore I cannot support it. The first concern raised by this Bill is how the ATA relates to the teaching profession. The association is primarily a professional organization. Teachers identify with the ATA as it being their professional organization much like the College of Physicians and Surgeons for doctors or the Bar Association for lawyers.

Not requiring teachers to be members of this organization would be seen as an attack against the profession. Most teachers in Alberta feel that the ATA is helpful, and it provides a valuable service to its membership, ranging from seminars to workshops to the service of the professional institution for teachers. In the face of rapid changes to the educational system many teachers will see this attack on their profession as actually only the ATA being singled out by this Bill. Other professions have been able to determine their own fate. If these changes are deemed to be necessary, then it should be the teachers of Alberta who make the decisions about their own professional body.

Alberta teachers are very proud of the ATA, the way it works and has strived to improve educational standards. In general, it has worked to enhance the profession. This has come about through many ways, such as urging all teachers to have at least one university degree and through working with the provincial government to enhance education in Alberta. I can recall there was a time when actually people required a six-week crash summer course to become a teacher, for a very short period of time. We've come a long, long way. The quality of education has always been a priority for the ATA and Alberta teachers. I'm concerned that Bill 210, by not requiring membership in the ATA in order to teach in Alberta, will reduce the standards of education and the high degree of quality we now have.

Another problem that I see is that change could cause a split between teachers in the school. The energies and the focus of teachers on their students could be taxed if they have to contend with the divisiveness of this legislation as well. We need the best teachers to run our schools, be they members of the ATA or not. We need what is the very best in education. This Bill may prevent that from occurring.

I'm having difficulty with the reason why someone would want to opt out of membership in the ATA. The teacher does not gain monetarily, because salaries, benefits, and dues are paid the same for all teachers, and the teacher loses his or her right to vote at ATA meetings and therefore loses her or his participation to make a difference in the association and the future of the teaching profession in Alberta. It's like opting out of an election because you don't like the way the government is run. If you see a problem, don't leave it alone. Try to fix it; get involved. That's the way to effect real change.

Another problem that I see is that the ATA may be permitted with this legislation in Bill 210 to investigate the professional or ethical conduct of any individual who holds a teaching certificate, even if that person is not employed by a school board. The ATA

has not asked for this power and indeed would not want it, I'm sure.

The problems I have touched on are by no means all-inclusive, but they alone are enough to urge me to urge you to defeat this Bill. I urge all members of this Assembly to defeat Bill 210, a private member's Bill, for the future stability of the educational system, in the spirit of co-operation with teachers in the ATA, and for the future of education in this province.

Thank you.

THE SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I would like to speak against Bill 210, which is yet another attempt by the Member for Innisfail-Sylvan Lake to emasculate the teaching profession in Alberta. I think we all know what happened last year when the member came out with another Bill – I think it was Bill 220 – which aimed at a split in the organization, the Alberta Teachers' Association. Luckily there were saner minds on the other side of the House that made him pull the Bill off the Order Paper, which I thought was a good move, but somehow he's back again this time. The Member for Lacombe-Stettler indicated that this Bill was a vast improvement over the last one. Well, I tend to disagree with her. There's no improvement whatsoever; it's still the same old thing.

Bill 210 will make membership in the ATA voluntary. It is right-to-work legislation. I think we're all in agreement on that. The question is, however: why is it that the Member for Innisfail-Sylvan Lake is so insistent on doing harm to the Alberta Teachers' Association? It probably had something to do with a strike that took place in his area many, many years ago. Certainly the teaching profession, including the ATA, has been remarkably unimilitant in the last few years, even though they have suffered the slings and arrows of such government policies as a 5 percent decrease in their salary, larger class sizes, a decrease in funding for the moderately handicapped, and of course not to forget the halving of the kindergarten program. In spite of all that, Mr. Speaker, they have been remarkably compliant, if I may use that word, seeing that there were indeed reasons to trim our budgets, even though they disagree, as I do, with many of those particular measures.

I suspect that there are members on the other side – we've heard several already – who, I'm very pleased, will oppose this Bill. I thought at first that it might be a stalking horse for the government, sort of in the line of the right-to-work motion that was passed a little while earlier, but I don't believe that anymore, especially after the Minister of Education waded in with a clear tone and a clear message that he will oppose this particular Bill. I hope of course that Motion 564 in the near future will suffer the same fate.

**4:10**

The question is: does the ATA suffer this kind of persecution? They've certainly done a tremendous job over the years trying to improve professional development, trying to improve the professional ethics, trying to improve the conduct of the teachers. Consequently, in order to be of greater benefit to the children of this province, they've done a great amount of work over the years. I'd like to point out that in their efforts to improve professional development and improve the fate of education in general, they have come out with conventions focusing on professional development. I think there are some 16 in the province each year. They've got some 26 specialist councils, of

which most teachers are members. All in all, a great deal is being done in that regard, and I think we should not lose sight of that.

Next, Mr. Speaker, I'd like to comment to some extent on an item that was said by the sponsor and also by the Member for Peace River, I think. Perhaps it might have been reiterated by the Member for Lacombe-Stettler. It is that teachers want the freedom to choose. I don't know where they get the idea that 30,000 members of the ATA feel that they're hamstrung, that they're slavishly tied to the ATA. Why do they think the majority of those teachers wish to be freed from the ATA, from mandatory membership? Since when do we allow a minority to rule a majority? That certainly does not apply at the government level. If that were the case, then certainly this government . . . [interjections]

Furthermore, the Member for Innisfail-Sylvan Lake had the audacity to state categorically that this Bill would be for the good of Alberta. He didn't mention for the good of the kids, but he said Alberta. I'm glad he didn't go across the border and pronounce that it would be for the good of Canada and the whole world. I think he suffers from megalomania, in any event, to come up with this kind of a thing. To think that this Bill would truly be good for 30,000 teachers and would improve the education of, I don't know, 200,000 students or whatever we have doesn't make any sense, Mr. Speaker.

I would like to end – and I'm cutting my remarks short, Mr. Speaker, because I know that many, many people would like to speak to this – by urging all members of this Assembly on both sides of the aisle to vote on this Bill as quickly as possible.

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

MRS. BURGNER: Thank you, Mr. Speaker. Not as quickly as possible; this Bill deserves serious attention.

I am standing in support of the Member for Innisfail-Sylvan Lake and in favour of Bill 210. [interjections] Surprise, surprise.

Mr. Speaker, one of the key elements that has not been debated this afternoon and I think requires absolute focus and attention is that we are restructuring education in all facets. We are putting exceptional demands on our students, on our teachers, on our parents, on our boards. We are asking the community to take on more responsibility to become involved in the education of our young people. This is not something that is taken lightly.

I find it very difficult to accept the fact that when an issue comes forward that involves restructuring but involves the union of the ATA it becomes a negative battle. We are talking about a concept here of restructuring, and I personally don't think any discussion of restructuring that is focused on the negativism that is coming out of the opposition and from some of the colleagues on my side is appropriate to the reform of education. Mr. Speaker, the only people who will not be well served by negative comments are our students, because the frustration that will be demonstrated in the classroom is not going to impact the profession as such. It is going to impact the students, and that disturbs me.

A few months ago we had a presentation in our standing policy committee by the Alberta Teachers' Association. At that time a number of questions were asked about the future of education. I want to give one example that I find is going to be germane to this debate, and that has to do with the introduction of technology into the classroom and into the workplace as it affects education. It is a major initiative of this government. It has been called for by the Auditor General; it has been demanded by parents and students. When I asked the president of the ATA what was the

position of that association with respect to technology and how were they restructuring to that . . .

MS LEIBOVICI: Point of order.

THE SPEAKER: Order please. The hon. Member for Edmonton-Meadowlark is rising on a point of order.

#### Point of Order Relevance

MS LEIBOVICI: Yes, I am. Relevance under *Beauchesne*. This has absolutely no relevance to the Bill at hand.

MRS. BURGNER: Mr. Speaker, we are spending close to two hours discussing the professional relationship of the ATA versus the teaching and the union side of the ATA. Quite frankly, the discussion I would like to bring forward will demonstrate my concern on that, and it is relevant.

#### Debate Continued

MRS. BURGNER: Mr. Speaker, in that discussion, clearly when that question was asked, "What is the role of the ATA and what is their position with respect to technology? – the comment was: we say that no teacher can be replaced by technology. Full stop, end of the discussion. Now, the reason I mention this issue is that the question was never whether or not a teacher could be replaced by technology. The question was: what was going to be the activity of the ATA with respect to the introduction of technology into the teaching system? They don't have one; they oppose it. Now, Mr. Speaker . . .

MR. VAN BINSBERGEN: Point of order, Mr. Speaker.

THE SPEAKER: The hon. Member for West Yellowhead is rising on a point of order.

#### Point of Order Imputing Motives

MR. VAN BINSBERGEN: *Beauchesne* 481(e). It's imputing bad motives. These people can't defend themselves if they don't know what is being said here.

THE SPEAKER: Order please. The Chair has to rule that that is not a valid point of order.

MRS. BURGNER: Thank you, Mr. Speaker. It was a public meeting, so there's nothing here that hasn't been heard before.

#### Debate Continued

MRS. BURGNER: Mr. Speaker, the reason I raise this issue is that we are in the middle of this restructuring. We are going to have teachers who, because of the school boards that they operate under, are going to have innovations and technologies introduced in the classroom system, and we need the ability of those teachers to be free to offer those types of programs in that way. As it currently stands, if they oppose the ATA position on this, they could be compromised in their ability to remain in the teaching profession. That disturbs me.

I would also like to ask a question about the concern on the professional side and the quality of education. Mr. Speaker, I was in attendance at the apprenticeship awards for carpenters. We had a situation where across western Canada we had a

competition and some of the carpenters were union and some of them were not. Now, the quality of work, the level of expertise, the ability to apply their trade in the marketplace were never questioned. The only difference was: some were shop; some were not. Nobody questions the ability of someone to hire a registered and ticketed carpenter because they choose not to belong to a union. I urge every member in this House to realize what they're saying when they say, "You can't teach if you don't belong to the ATA." That implies that anyone who has those kinds of skills in a profession or in a trade who doesn't belong to their union is a standard less of professionalism. I don't think that's a reasonable position for anyone to take.

Mr. Speaker, it is very difficult to have a debate when the only way that the discussion proceeds is for and against, for and against. That is not going to meet the concerns of the Bill that's been raised or the future of education. I would like to suggest that rather than take it as a shot or a negative, that someone has made this recommendation, they go back to the roots of where this occurs. I think it's at the heart of a lot of our concern, the negative position that people do take about the ATA, and I've shared it with many of my colleagues. When the only discussion time you have with the ATA is when there's a bargaining issue, sure, that's a tense position and, sure, it's a negative. Everybody's trying to come to terms with it. The positions can be hard and the discussion can be difficult and the results can be very, very – well, I guess it carries a long feeling of uncertainty and perhaps negativism.

4:20

Mr. Speaker, if we refer to what the hon. Leader of the Opposition was talking about, the role of the teacher in the classroom, and if we reflect either as parents or people who volunteer in the school system and look at the positive aspects of the teaching profession, I think we will see that there's every reason to support how teachers teach and where they teach. That is why I go back to this concern: when we focus on the fact that it's government bashing or trying to dismantle or whatever, it puts words and language on the table that are inappropriate for the debate. The hon. member of the opposition raised that as a point, that there's an incredible amount of value offered throughout the classroom. There's incredible expertise that is brought to bear not only on the students within the classroom but within the school system and innovations that come through from team teaching or from peer counseling and a whole variety of opportunities that teachers involve themselves in. It has nothing to do with whether they belong to a shop or don't belong to a shop.

We are about to set forward on charter schools, and we are going to look at how they apply unique, innovative, effective methods of education. They are set aside in a way so that we can observe them, learn from them, evaluate them. We are going to have possibly some teachers who have different working relationships with the ATA. I don't believe for a minute that those school systems are going to fall apart if that's the status of those teachers. So, Mr. Speaker, if we've been able to embrace that innovation, then I have to suggest that we are not going to fall apart if this Bill passes.

We have private schools and independent schools operating throughout this province. Their working conditions are different, and they have a different relationship than the traditional larger school boards that we see in operation. We have phenomenal support for that movement. The question I keep asking: are these children any less well served? Are those teachers working in those communities any less well served by the parents, in the

classroom, and by their peers in their ability to professionally draw out the best in any of those young people? Mr. Speaker, the answer is no. We know it, and they know it, and that's what distresses me.

MR. HENRY: Point of order, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Centre is rising on a point of order.

#### Point of Order Allegations against Members

MR. HENRY: This has been raised several times. The hon. member is very clearly referring to a private member's Bill debate to this side of the House and that side of the House. I just heard her say: when we embraced the concept of charter schools. Very specifically, Mr. Speaker, the record will show that only the government members embraced the charter school concept. Members on this side of the House did not embrace. This is a private member's Bill. If she is speaking on behalf of the government, then I would suggest that she put a motion on the floor to move this Bill to the Order Paper under Government Bills and Orders. Otherwise, she should limit her comments to perhaps her perceptions and what she embraced and not try to imply that members on this side of the House embraced anything like charter schools or any other dismantling of our public education system.

Thank you.

MRS. BURGNER: I stand corrected. The public embraces the fact that we allow this innovation to occur. [interjections] Mr. Speaker, I withdrew my comments. I apologized.

#### Debate Continued

MRS. BURGNER: Mr. Speaker, in concluding my comments, I would just like to urge all our colleagues debating this afternoon to recognize that the ones most impacted by this debate, not just by the legislation but by this debate, are the children. The reason they are is: when the rhetoric and the negativity is what we focus on rather than the need and the opportunity to provide some innovation in education, that hampers the future of education for our young people.

For those reasons, Mr. Speaker, I would encourage everyone to support Bill 210.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I have to say that I'm truly disappointed with the Member for Innisfail-Sylvan Lake for bringing this up, but I kind of understand it. There have been a lot of issues there that maybe he's been in the midst of, and he hasn't found a better way of dealing with it obviously, so he keeps repeatedly bringing it back here. But I am truly disappointed with the Member for Calgary-Currie, who supposedly knows so much about education. She's missed the boat here; she truly has. If she doesn't understand that the Alberta Teachers' Association works for the betterment of students, better programs, and better education in this province, she's truly missed it.

I want to point out just a few short things for that member and for other members here that maybe don't understand the function of the association. Unless they'd like the association to go back to the days when they had to tote the wood into the teacherage and start the old stove burning before they could actually start the class – my mother remembers those days, Mr. Speaker.

Now, may I just point out some of the things that the ATA is aware of and does work for so the Member for Innisfail-Sylvan Lake can get this through his head, get this Bill off the Table, get it out of this House, and deal with this problem another way. For example, the ATA does deal with disciplining teachers for unprofessional conduct. Is that the issue, member? If it is, there are other ways that the ATA does deal with unprofessional conduct.

Another thing that the ATA deals with: is there a way to improve educational standards? They've worked very hard at that. They police the profession in the public interest and improve the practice of teaching. Nearly all Alberta teachers now possess at least one university degree, if not two or three. They're continually concerned with raising the education standards of teachers, and I would wish that the member would acknowledge that. The ATA is not concerned only with what they do as an association but all education for our students, and they've worked very hard to make teaching standards higher than any other province in Canada.

I'd like to point out some of the things that the association does. They put on several conventions, several workshops that teachers attend. Last year, in fact, 13,000 teachers attended different association events. I'd like to point out that professional development is a very important part of the ATA. There's a committee responsible for co-ordinating professional development activities according to the needs of local teachers, so they deal with the different issues that affect different areas of this province.

This proposed legislation to remove mandatory membership I think would neutralize the obligation to attend in-servicing, to upgrade classroom skills, and to share ideas to benefit our students. You know, at a time when the best thing we can offer our children is an education to meet the challenges of a changing workforce, we have to simply ensure that teachers remain committed to upgrading their own skills, and that is something that the association does.

Now, the association does not certify teachers, but it does exercise professional discipline of its members. In fact, last year the association recommended to the minister the cancellation of 10 teaching certificates, levied fines on three teachers, and reprimanded nine others for engaging in unprofessional conduct. The association is credible in its self-discipline, and all teachers should be a part of that structure in order to maintain that.

A final point. The association does not control competence, but it has on many occasions expressed an interest in this aspect of policing the profession. In fact, the association at one time did amend some of its discipline bylaws to include incompetence as grounds for disciplinary action, an amendment that was rejected by the Lieutenant Governor in Council. So if that's your issue, Member for Innisfail-Sylvan Lake, try approaching it from another angle.

4:30

I just feel that democracy is crumbling as Bills like this continue to come to the Legislature. When you talk about teacher-bashing and union-busting, sometimes you can't help but look at the Member for Innisfail-Sylvan Lake.

Mr. Speaker, I know other people would like a chance to speak to this Bill and we are limited in time today, so with that I would urge all members not to support this ill-conceived piece of legislation. Thank you.

THE SPEAKER: The rules require that the last five minutes be allotted to the sponsor of the Bill to sum up debate.

The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Speaker. It's been interesting, listening to the debate today. I would like to start off, since I spoke on it yesterday – in my opening remarks I had nothing but praise and admiration for the teachers in this province and the job they're doing. I did not run down the teachers. The other thing I did not do: I did not say the ATA wasn't necessary and that it isn't doing a good job. What I did say was that I wanted to give the teachers in this province the ability to practise their profession whether they belong to the ATA or not.

Members in this debate have talked about me killing the ATA. Well, there are five other provinces in this country that have the same type of legislation that I'm proposing today, and I don't think we've got five other provinces that haven't got an education system in this country. They've still got an education system, and they're doing a good job. So are Alberta's teachers doing a good job.

I'd like to make a few comments in reference to the Member for Edmonton-Centre talking yesterday about freedom in our caucus and the Whip being on. Well, Mr. Speaker, that could happen. It doesn't happen very often, but I do have the choice. I'd just like to reiterate: I have the choice. I can leave the caucus, and I'm still a member of this Assembly. We've got a prime example. We have two members that have left their party. They didn't lose their right to sit in this Assembly. They're still in this Assembly, but they happened to join our party. They have freedoms, and we have the same choice as their members. I could sit as an independent. I could, heaven forbid, think of joining them.

Mr. Speaker, again, if I believed half of what was said today, that if we had volunteer membership in the ATA we wouldn't have any students in our universities because they wouldn't be getting an education – I have a hard time believing that. As I said, in other provinces experience has been that the vast majority have maintained their membership in their association.

I would like to make some comments in reference to the Minister of Education, who made some discussion on the Bill. I respect the Minister of Education a great deal.

MR. HENRY: Gary, you didn't say that about me.

MR. SEVERTSON: Mr. Speaker, on that side remark, I'm not supposed to lie in this Assembly either.

Mr. Speaker, the first point that the Minister of Education mentioned was our labour laws. As in my discussion yesterday, this Bill will not affect the bargaining rights of the ATA for the teachers. It simply changes section 5 in the Teaching Profession Act, which states now that to be able to teach in public and separate schools you have to be a member of the ATA. This does not change the legal bargaining right that the ATA has.

The other part is in reference to discipline of its members. This Bill amends it in section 16(1), where the discipline committee that the ATA presently has for its members would still have an effect on nonmembers teaching in the public and separate schools. The minister questioned whether they would have the legal right to discipline when they're not a member. I'd just like to use the example of the College of Physicians and Surgeons, who can discipline doctors even though they don't belong to the Alberta Medical Association. They don't have to be a member of the Alberta Medical Association. [interjection] Sorry; I didn't hear. We'll have that discussion after the debate.

Before my time runs out, several members asked why I keep bringing this up over and over again. I'd like to remind the members of this Assembly that this is the first time this issue has

come up for debate in the Assembly. It's been on the Order Paper, but it has not come up for debate, and I'm glad it's had time.

Thank you.

THE SPEAKER: The question before the Assembly is the motion for second reading of Bill 210, Teaching Profession Amendment Act, 1995. Those in favour of this measure, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE SPEAKER: It would appear that the motion fails.

[Several members rose calling for a division. The division bell was rung at 4:36 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Brassard	Gordon	Mirosh
Burgener	Hierath	Severtson
Doerksen	Hlady	Thurber
Friedel	McFarland	West

Against the motion:

Abdurahman	Hanson	Renner
Ady	Havelock	Rostad
Amery	Henry	Sapers
Beniuk	Herard	Sekulic
Black	Hewes	Smith
Bracko	Jacques	Soetaert
Bruseker	Jonson	Stelmach
Calahasen	Kirkland	Tannas
Cardinal	Kowalski	Taylor, L.
Carlson	Laing	Taylor, N.
Chadi	Langevin	Van Binsbergen
Collingwood	Leibovici	Vasseur
Coutts	Magnus	White
Decore	Mar	Wickman
Dickson	Massey	Woloshyn
Dunford	Mitchell	Yankowsky
Evans	Nicol	Zariwny
Forsyth	Oberg	Zwozdesky
Haley	Percy	

Totals: For - 12 Against - 56

[Motion lost]

4:50

**Bill 211  
Protection for Persons in Care Act**

THE SPEAKER: The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Speaker. I trust that I'll have the support of Lethbridge-West in this Bill regardless of what name he goes under.

Mr. Speaker, it's a pleasure for me to rise before the House and have an opportunity to speak to Bill 211, Protection for

Persons in Care Act. The main purpose of this Bill is to oblige caregivers, careworkers to report incidents of abuse of persons who are in care and to provide comprehensive protection from any type of retaliation to every person who reports in good faith and without malicious intent the abuse or neglect of a person receiving care or services from an agency or an organization within the province of Alberta.

Those people who have mental or physical disabilities as well as those elderly who can no longer take care of themselves and who must depend on others for their daily care often reside in facilities to receive the attention they need for daily living. The tragic fact is that these people are the ones who often fall victim to sexual, financial, emotional, physical, and/or psychological abuse. The sad irony, Mr. Speaker, is that the abuse is often committed by the very caregivers who are entrusted to protect and care for them in their institutions. This is a most unfortunate and regrettable form of abuse as the victims are often unable to protect themselves or indeed even to be heard or understood if they were to try and report or indicate that such abuse had occurred. That isn't to go without saying that some of these very people may be very trying to the caregivers at a variety of times.

Mr. Speaker, some statistics would indicate that senior citizens and people with disabilities are in fact at greater risk of being assaulted or abused than almost any other member in our society, and it's a sad fact that the majority of abuse cases go unreported. Many caregivers are often afraid or reluctant to report cases of abuse because they fear for their jobs, and they may fear the disapproval of their fellow workers. Even when reports are initiated, they are sometimes hidden by the agency, members of staff, supervisors, or even family in trying to cover up the issue. At the same time, people who depend upon caregivers for the services they need are themselves, if they're capable, afraid to report instances of abuse because they fear that the services they need will be denied if they complain.

Bill 211 aims to rectify in some small way this situation. The purpose of this Bill is to provide protection to persons who are in facilities of care, who are themselves virtually defenceless against abuse. The Bill also acknowledges the need to provide clear protection from any type of retaliation to every person who reports in good faith cases of abuse.

This has been an ongoing concern for many people. In fact, there are many people who have contributed enormously to the development of this Bill as it stands today, many of them far greater contributions than myself as sponsor. I'd like to make mention, Mr. Speaker, of a number of people and thank them.

Professor Dick Sobsey and Mr. Gary McPherson, who are on the Premier's Council on the Status of Persons with Disabilities, have dedicated a tremendous amount of their personal time and energy toward the development of this Bill. Without their efforts Bill 211 would not be the important and comprehensive Bill it is today. I'd also like to thank our researchers, Ivonne and Greg, and acknowledge the important role of the hon. Member for Red Deer-North, who originally started the process of this private member's public Bill. I need to acknowledge Susan Rankin from the Family and Social Services department, who was instrumental in guiding us in the right direction. I'd like to thank Barbara Stewart from the Autism Society, Louis and Ruth Adria and indeed all of the people who have contributed to this Bill, who kept asking the difficult questions and gave this issue a human face. To them, the contributions of the good that is in the Bill, and if there are any limitations, they are as a result of the sponsor.

Mr. Speaker, this Bill has gone through many changes to get to the stage that it's at today. We have consulted extensively with various departments such as Health and Municipal Affairs,

councils like the Premier's Council on the Status of Persons with Disabilities, and other societies. Most importantly, we've talked to Albertans with disabilities affected by this problem and their families as well as advocates for the elderly. After these many consultations we've come up with what I think is a solid beginning to what would be an ongoing process.

Mr. Speaker, I'd be remiss without recognizing the contributions to this by the hon. Member for Calgary-Buffalo, who has come forward with a number of suggestions and I believe later on, if this gets to committee stage, will come forward with some positive ideas.

This Bill in fact is only a beginning. Many people have approached me about this Bill. Their main concern is that the Bill covers only those people who are in a care facility. They would like to see the Bill cover other things such as home care, facilities which are not currently licensed by the province, ambulance service, and the list goes on. There are all kinds of things that one could expand this Bill to take in. Mr. Speaker, while I agree with them in terms of the intentions they have, good that they are, these issues will be, I believe, addressed by the government in the years to come.

However, the problem exists in that there's no process in place now to deal with the issues, and that's what we need to do first: introduce legislation that will address some of these concerns. We need to start somewhere. Once a means of dealing with these issues has been established, then we'll be able to do something about them. As it stands right now, we can't. Bill 211 is a beginning.

Mr. Speaker, it's like building a house. You can't begin to build it until you have a good, solid foundation. After you have the first building block in place, the rest of the house can be built upon that, block by block, brick by brick, board by board, et cetera. By establishing a secure and stable footing, any structure can be developed and built upon, and that's what we're talking about here. This Bill can be the foundation on which we can build and begin to address the concerns that many Albertans have regarding the abuse of persons in care.

Manitoba introduced and passed legislation regarding the protection of vulnerable persons several years ago. This Bill is enormous as it attempts to cover every single issue all at one time. Mr. Speaker, they haven't yet been able to proclaim it because of all of the problems that they're encountering because it's just simply too complicated. That's not what I want. I want to be given the opportunity to have a Bill passed that is not so cumbersome, that won't be overshadowed by all the problems that it poses, a Bill that will be an effective tool for protecting those who need it. So it seems to me to be useful and helpful to pass a Bill that will be limited in its scope but a beginning rather than a Bill that would sit in the middle of a bureaucracy – not to characterize people of the legal profession unduly – while they debate all of the different ramifications of far too many provisions. In other words, if we start simply, we can move from there rather than going to the complex at the beginning.

Mr. Speaker, this Bill, then, is a step, albeit one small step, in the right direction. We have left many windows open so in the future through amendments and regulation we can begin to build on and add on to it and keep up with the ever changing faces of abuse and our recognition of it. Section 1(v) of this Bill, for example, has been left open so that such issues as home care or other areas of concern may be added to this Act after its passage.

**5:00**

Mr. Speaker, no citizen, with or without a disability, can be assured of absolute protection from crimes that interfere with

personal security. However, every individual has the right of the same standard of protection provided to other members of our society. Where there is a demonstrated inequality, it is the government's responsibility to take the appropriate legislative and administrative action to eliminate this inequality to the greatest extent possible within the means at their disposal. One of the basic reasons we agree to be governed is to achieve protection of our person. Bill 211 rectifies many of the inequalities or attempts to rectify many of the inequalities that currently deprive people with disabilities of their equal rights to personal security, protection, and the benefit of law in accordance with our Charter of Rights and Freedoms and the Alberta Individual's Rights Protection Act.

As I mentioned earlier, the majority of cases go unreported as employees believe that they will be harassed by their fellow employees or by their supervisors or by the agency and perhaps even punished by the agency that employs them. Clients are afraid of saying anything as they fear they will be retaliated against by the agencies or by the staff for interrupting the services. So they're afraid to have those services interrupted. Bill 211 places a duty to report abuse on employees as well as anyone else who has reasonable grounds and believes abuse has taken place.

Mr. Speaker, there were a lot of people in the profession that we spoke about earlier today who felt a great relief when the duty to report child abuse was made into legislation, because it freed a lot of people to report such abuse. As a schoolteacher and as a principal I felt that that was a great help, because there was that problem of interference or harassment or malicious intent which might be thrown at anybody making such a report. But after it was obligatory to report when you had due cause, then that took away all of that. That's what we're trying to achieve in another kind of setting here with Bill 211. It places a duty to report abuse on employees as well as anyone else – casual passersby, fellow people in the institution, or relatives – who believe and have reason to believe that abuse is taking place or has taken place. Anyone who does not comply will be guilty of an offence and liable to a fine of up to \$2,000 or a jail term of up to eight months. So, clearly, if they have to make a report, they can say: I'm obliged to.

At the same time, Mr. Speaker, this Bill provides clear and comprehensive protection for any employee who reports abuse. The Bill also protects the client who reports abuse from interruption of services or "a client, or a client's spouse, child or parent who receives services from an agency because the client is a complainant." This Bill makes the agencies more responsible and accountable for their actions. An agency will "have a duty to protect the clients it serves from abuse and to maintain a reasonable level of safety for its clients." Perhaps one of the most important parts of this Bill is that it will require that "every agency must require that every applicant for employment provide a criminal records check." This would prevent criminals from obtaining positions where they could easily be in contact with people who could easily fall prey to them. Remember, I did mention that financial abuse can also occur by the larcenous among the population.

Mr. Speaker, even though I'm an optimist, I think I'm also a realist. I know that this Bill is not perfect, and that is why I'm looking forward to the comments and suggestions from other members of the House. I want to hear their views and recommendations so that perhaps we together can deal with them during the committee stage. I feel this is a crucial step for this province to take. We can continue to work on this Bill for years until

everyone can agree that it's absolutely perfect. I don't think there's much chance of that, but in the meantime the abuse will go on without us being able to do anything about it. It would be a shame for us not to pass this Bill, because there are a few problems that can be addressed with everyone's co-operation.

Mr. Speaker, in a perfect world legislative protection of persons in care would not be necessary. Unfortunately, this is not the case. Reality says that this is not a perfect world. This is subject matter that many of us would perhaps prefer not to discuss; however, not talking about it will not make the problem go away. I've met with so many people and heard compelling stories about abuse. I've been shown pictures that depict horrors that no one in the House can even begin to imagine, and I certainly couldn't before seeing them. Yet none of the abuse that I was shown or told about has ever been officially reported.

Mr. Speaker and members of this Assembly, together we can help to change this situation. We want people to feel that they can report abuse without retaliation. I ask all hon. members to do something to help curb this abuse. I know that this Bill will not stop abuse from happening. I don't think any type of legislation can do that, but we can start by putting a process in place so that we can begin to deal with this insidious type of crime. Let us not delay the process.

Mr. Speaker, since the Bill was printed, a number of amendments have been considered which, when instituted, will make this indeed a better Bill. I look forward, then, to the comments of all hon. colleagues in the House in debate, and I urge the Assembly to join me in supporting Bill 211.

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

MRS. HEWES: Thanks, Mr. Speaker, and I want to thank the Member for Highwood for bringing this Bill forward. I will support it and hope that all members will support it so that we can get it to the committee stage. I think it has merit, but I think it could benefit by some adjustments.

As the sponsor said to us a few seconds ago, in a perfect world we wouldn't need this, but it isn't a perfect world, and it's rather a sad commentary on our society that we are today considering such a Bill. In fact, to some extent it could be described as whistle-blower legislation. We've talked about that before on a number of occasions in this House, the need for people who work in certain settings to have the protection of legislation so that when they see infractions, when they see breaches of the regulations and the standards, they can in fact do something about it without fear of retaliation. It is sad, too, when we see the need for a Bill of this kind to try to protect those who are the most vulnerable, the victims of behaviour that is unacceptable in our society.

[The Deputy Speaker in the Chair]

Mr. Speaker, I have looked carefully at the Bill that was here before us at an earlier time, and one of my suggestions to the sponsor is that I would have liked to have seen a clearer definition of abuse, neglect, abandonment, vulnerable, and a clearer definition of the facility. Perhaps that's something that we can talk about and build into the Bill or into the preamble. The former Bill did contain this, and I think this one is deficient in that.

Mr. Speaker, there are some things that are happening in our current environment that are no doubt contributing to the concern in our communities about the need for this Bill. One of them is the consistent deregulation that this government has proposed,

whether we're talking about deregulation in lodges, whether we're talking about deregulation in institutions such as the Michener Centre, the increase in support for community living, the increase in support for the notion that seniors should be maintained in their homes as independently as possible and as long as possible. So we have an environment in health care and in social services that has made considerable changes in how we approach people who are vulnerable in our society, people who stand to be neglected or in fact abused and abandoned.

5:10

Mr. Speaker, we're talking about seniors certainly, the disabled, those who are physically and mentally challenged, children, those who have or have suffered from mental illness. There's a tremendous amount of fear in these groups of people and in those who care for them and the advocates who speak on their behalf of speaking out for fear of retaliation, not so much retaliation against the advocate but retaliation against the individual, who may be powerless and helpless in their own situation.

Another contributing factor to our concern, Mr. Speaker, is the current moves to de-skill in our institutions where we have reduced the requirements for training and for the professional background that people have to have to work in many of our institutions and in group homes. This ends up meaning that there are untrained people in caregiver positions, probably very good, well-intentioned people who are pleased to have employment in this field of practice but who perhaps don't have the background in training and the skills that are necessary.

We have to recognize that there is a tremendous amount of stress in many of these group homes and institutions and lodges where vulnerable people live and find their home. These are not easy constituents. Whether we're talking about the elderly – seniors are often cranky. They're frightened. They perhaps don't intend to be, but they sometimes are very difficult to manage. They're difficult with their caregivers and with their family. In many cases where we have group homes with disabled people, they have behaviour problems and create a great deal of disturbance. So there are hazards to the caregivers. There are emotional hazards. There are physical hazards to the caregivers. I submit to you, Mr. Speaker, that for that reason, they need to be people of training, certainly of a personality that has that openness and that caring and compassion that understands that often vulnerable people strike out or act without really any sense of who they are hurting. We have to be aware that the de-skilling, the deregulation that is currently part of our health care environment and our caring environment in our communities is contributing to the problem that this Bill is meant to deal with.

Mr. Speaker, in many cases we have either the absence of family or no family, so we find many people who are in these positions in institutions who don't have anyone to speak for them. We're grateful for the advocates for people who have mental health problems, for children, for the elderly in our communities. The advocates, I think, serve a very useful purpose.

I'm reminded too, Mr. Speaker, that now in our communities we have many new constituents, new Canadians, people for whom language and culture is another visible barrier to their ability to speak out for themselves and to determine their own future. In a lot of cases we have people who are victimized under these circumstances who have problems with speech, who have problems with credibility, who cannot make themselves understood, or whose credibility is such that they are not taken seriously. Most of us don't want to believe that this kind of thing happens, and the sponsor spoke to this. We don't want to believe



that it occurs. It's not a subject that we want to talk about or are comfortable talking about.

I have recently been attending meetings of a group in the city of Edmonton who are concerned and are attempting to deal with elder abuse. It's a wide group, very active, and they bring forward a tremendous amount of information about what's happening with elder abuse.

The most critical part of elder abuse is abuse of their finances. This is how the greatest number of elders are abused. Certainly there is some incidence of physical and emotional abuse and neglect of the elderly, but financial abuse is not uncommon and it's something that I think we need to address. One would hope that as we discuss this Bill in more detail, we will find some ways to build that in, if not into the legislation, into the regulations for monitoring. It isn't always an easy one to spot, and it's one where an elder living perhaps with family or friends is often abused and fearful.

They're fearful in all cases, Mr. Speaker, the professionals and the staff people who work in these situations, of loss of their job. They're fearful that "if I blow the whistle on a colleague, I'll be called on the carpet and I'll be fired." They have homes and families and mortgages just as the people they serve. They're fearful of retaliation.

People call me, Mr. Speaker, about loved ones in nursing homes or in group homes, people who are worried about their care and keeping. If I ask, "Give me the details; give me the name; give me the account of what is happening there," they are frightened to tell me. They want something done about it, but they're frightened to tell me because they may lose their job and also because there may be retaliation against the resident. They can perhaps in very subtle ways be mistreated or abused.

Family are frightened, Mr. Speaker. They're frightened that "if I blow the whistle or if I find a staff person who's willing to tell on another staff person, they'll terminate Mother's residency here and we'll be forced to find another place for our loved one to live."

So, Mr. Speaker, it all ends up with well-meaning staff wanting to deal with the problem rather than reporting it, and you can see why. I mean, it's quite understandable and quite natural that they would want the problem (a) to go away and (b) to be dealt with at a very straightforward and personal level rather than have it come to a business of a hearing, a disciplinary hearing, or in fact termination of a position. So we find staff reluctant always to support these kinds of things.

I've said that I will support the Bill as it exists, and I hope other members will as well, but I do believe there are some things here that we need to put our attention to. I think the Bill as the sponsor has presented it, Mr. Speaker, is a valid attempt to protect employees who report abuse, to protect them from retaliation from the management of such an institution or from other fellow employees.

As well, Mr. Speaker, I'm pleased that it calls for criminal checks to be done on every applicant that wants to be employed. This is something that's been necessary in child care institutions for some time, and I'm grateful that it's here in this legislation.

The Bill, in my view, acknowledges the four primary problems that exist for vulnerable persons who are in care. The first one is that children and adults with disabilities are, in fact, frequent victims of abuse, of emotional or physical abuse, and I think there's a far greater possibility for Albertans in these circumstances to be abused.

The second one, Mr. Speaker, is that caregivers are all too often the perpetrators. As I mentioned before, these aren't easy constituents. They are not people who, in many cases, are easy

to deal with, so we need very special kinds of training and understanding. Even the most compassionate of caregivers can become very abrupt and can fly off the handle if things don't go quite right for them.

5:20

Another problem, Mr. Speaker, is that caregiving agencies, even the best of those in our communities, often don't report abuse because they're afraid of the negative pressure in their community. They're afraid of litigation. They're afraid of lawsuits. They're afraid of loss of funding, of public exposure and probably with good reason. So they do not as a routine give reports of where they see abusive behaviour, and this Bill would help to correct that, would make it, in my view, more possible.

The other one, Mr. Speaker, the fourth problem, that I've mentioned before, is that we do find that sometimes victims of abuse don't have the abilities that are required to fully report or describe what has happened to them, or they are easily intimidated by others not to do so. Often those mentally challenged or those who have been mentally ill, mentally disabled are the least credible. Unfortunate but it is in fact true.

Mr. Speaker, I believe the Bill should look more closely at the victim. I think the Bill focuses almost exclusively on the complainant. I understand what we're trying to do here, that it is whistle-blower, but I think it needs to focus more clearly on the victim. The rights and protection of the victim are stated very simply in section 4(1) of the Bill, and it says, "Every agency shall have a duty to protect the clients . . . reasonable level of safety." Well, I don't think that goes far enough, and I think we need to review that.

I think the legislation should go further, Mr. Speaker, to empower the victims, to prevent further abuse of vulnerable people. I don't know what a reasonable level of safety is. I don't have a good definition of that. I would hope that there would be more than a "reasonable level of safety." I think "reasonable" sounds as though it's the level of safety on a construction site or something of that kind. I don't think it speaks to the interpersonal actions and reactions of people in group homes or institutions or lodges. Perhaps abuse, neglect, and abandonment should be more clearly defined in this Bill and certainly in the regulations.

Surrounding section 1, the things that are described there which would have to comply with the legislation are those that are already under provincial jurisdiction or designated as an agency, and I think it probably should be expanded - you mentioned this, Mr. Speaker - to include unlicensed facilities with less than three people. I have expressed concern in the House on recent occasions about the proliferation of boarding homes for seniors that we have seen with the deregulation of lodges and with the early discharge programs and so on. I believe that we need to look very carefully at those because I think seniors are often encouraged to move into a situation from which they find it difficult to extricate themselves. These places in many cases are not licensed and are not monitored or evaluated.

Another major issue for me, Mr. Speaker, is the role of the Social Care Facilities Review Committee in reporting the case to a law enforcement agency. The Bill specifies: only after an investigation has occurred and only if the offence in their opinion constitutes an "offence under the Criminal Code." I think a time period of 30 days is way too long. The idea that it is the opinion of the social care facilities committee to determine if it's an offence pending investigation should be changed to read something like: if the reported abuse would constitute a criminal offence if confirmed, it must also be reported to an appropriate law enforce-

ment authority immediately. I think nothing less than that would be adequate. Perhaps when a report is deemed warranted, an immediate oral report should be made to the law enforcement agency, and I'll be attempting to bring forward amendments in this regard.

As well, Mr. Speaker, I think the 30-day guideline is way too long and should perhaps be changed to: commence an investigation within 24 hours. Certainly if the Social Care Facilities Review Committee finds an infraction, I would think it would be incumbent upon them to report it immediately because someone is victimized, someone is at risk, in jeopardy. I would think it would be important for them to know that they not only had the right but the responsibility to report, to commence an investigation immediately. Then the local prosecutor or whoever could seek a restraining order to prevent anything further. So I'd like to see those kinds of things built in.

Mr. Speaker, in the last few minutes that I have available to me, children with disabilities are also frequent victims of abuse. They are in fact at higher risk and they have more chances. The information from the Premier's Council on the Status of Persons with Disabilities that was provided by Professor Sobsey at the

University of Alberta – and I have the document here. It's an excellent one with good statistics in it. It tells us that abuse by paid caregivers is 45 percent more likely to go unreported to law enforcement authorities than abuse by other persons, a frightening statistic but there it is.

Mr. Speaker, I hope that we'll have an opportunity to discuss this Bill further in committee and that it will be passed by the Legislature.

Would you like under the circumstances, Mr. Speaker, to have me move adjournment? I'll move that.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Gold Bar has moved that we now adjourn debate on Bill 211. All those in favour, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.

[The Assembly adjourned at 5:29 p.m.]