

## Legislative Assembly of Alberta

Title: **Monday, May 3, 1999** 8:00 p.m.

Date: 99/05/032

head: Government Bills and Orders  
head: Committee of the Whole  
[Dr. Massey in the chair]

THE ACTING CHAIRMAN: I'd like to call the Committee of the Whole to order.

Before we begin tonight's proceedings, may we have permission to return to Introduction of Guests.

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed?

head: Introduction of Guests

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Strathcona.

DR. PANNU: Thank you, Mr. Chairman. It's my pleasure this evening to introduce to you and through you to the members of the House 29 visitors in total. All of them are sitting in the public gallery. Eighteen are cubs, members of the Rundle 122 Cub group. They are accompanied by group leaders Mr. Steve Stannard, Mrs. Mary Stannard, Mr. Eugene Petruk, Mr. Dave Watkins, and Mr. Jim Trudel, by parents Mr. Mike Thevenot, Mr. Ted Molzan, Mr. Tom Gamble, Mrs. Chris Getschel, Mrs. Diane Buerfeind, and Mrs. Diane Hankewich. I would ask all the visitors to rise and receive the warm welcome of the Assembly.

THE ACTING CHAIRMAN: The hon. Minister of Education.

MR. MAR: Thank you, Mr. Chairman. I'd also like to make an introduction this evening. I note in the gallery Mr. Larry Booi, the president-elect of the Alberta Teachers' Association, and I'd like to invite him to stand and receive the warm welcome of this Assembly.

### Bill 20 School Amendment Act, 1999

THE ACTING CHAIRMAN: Are there questions or comments? The hon. Member for Highwood.

MR. TANNAS: Thank you, Mr. Chairman. I'm delighted this evening to stand before you in Committee of the Whole and address some remarks about Bill 20. I would like to make some comments on various parts of this bill. First of all, I'd like to acknowledge and thank all those constituents of Highwood who phoned and faxed and e-mailed and dropped by to see me and convey their concerns with Bill 20. Those comments were helpful and much appreciated.

Mr. Chairman, Bill 20, the School Amendment Act, 1999, is an important piece of legislation that addresses many issues of concern to students, parents, and all Albertans. For example, the bill attempts to clarify and change the School Act as it relates to student suspension and expulsion, making the act somewhat more fair, if one could butcher the English language that way, and recognizing students' right to an education. Boards will be required to make and consistently apply rules governing suspension and expulsion in their jurisdictions. Parents will have a right to meet with principals over suspensions that are entrenched in legislation. Although it has been

understood that schools would provide an alternative education program for expelled students, that wasn't necessarily always the case, and now they will be required to do so. Expulsion from a school does not mean expulsion from education.

We all acknowledge that schools and boards throughout the province work hard to provide a safe and caring school environment, and for the first time the School Act will make it a school board requirement to ensure as best they can that schools are safe and caring. I know that that's a particular concern to everyone in this Assembly, and the need for that has never been more prominently and, unfortunately, sadly highlighted by recent events.

To support a safe and caring environment, Bill 20 formalizes the duty every school has to support respect for diversity, promote understanding and respect for others. I know that many Alberta schools already do this, but we must ensure that all schools prepare our students for responsible and peaceful citizenship in our diverse society. On page 2 of Bill 20, part 3 of the amending bill and part 2.01(1) and (2) of the School Act, there is mention that "all education programs offered and instructional materials used in schools must reflect the diverse nature and heritage of . . . Alberta." There's been some misunderstanding about this particular section.

It seems clear to me that there are unfortunately among us the neo-Nazis of the world who preach intolerance and thrive on hate and advocate violence to others that don't share their point of view or who are of the selected minorities that they choose to attack. I think this is a perfectly legitimate and important provision to put in there. In no way does this try and say that people like Martin Luther King, Mahatma Gandhi, and others who advocate tolerance and passive resistance to oppressive regimes – it doesn't address that. It really is designed to deal with the kinds of groups like the Aryan Nations and others who would preach something else.

Bill 20 also addresses areas of legal responsibility. For example, passing the bill will allow school boards under freedom of information and protection of privacy legislation to share a student's personal information with another board or with not-for-profit organizations like the Alberta Schools' Athletic Association and ends that kind of confusion that sometimes has intruded upon the education system.

For the first time official trustees or members of a ministerial review will have the same protection from personal liabilities as members of special-needs tribunals or the Attendance Board have.

Bill 20 also proposes the elimination of the requirement that the minister prescribe the amount and form of insurance for boards. Boards already carry insurance that exceeds the amounts set out in the insurance regulation, so it really becomes redundant.

There are a number of minor amendments included in Bill 20. For example, it corrects an omission from 1998, when the School Buildings Act was moved to the School Act, by adding "the building of access roads or site preparation" to the definition of a school building project. If you want to refer to that, it's on page 1. I remember as an MLA being involved in a ping-pong game with regard to what is an educational expense and what is a minister of transportation expense, and the access to a new school was that kind of an issue. So hopefully this little amendment will add to clarity and expedite the construction of schools where they're needed.

To support educational choice, Bill 20 deletes the requirement that a student live in the district or division in which the student is enrolled. That, again, in my constituency has caused some problems where a child may be resident in one area and want to go to school in the other. This will enable that.

Rural bus transportation distances will be measured to the residence roadway access instead of the boundary of the quarter section, which is really a small, little detail, but it's important.

Boards will have to report hours of instruction for the coming school year by grade and school. As a school principal I'm quite familiar with that kind of activity.

Boards will have a one-month extension on their three-year plans and budget report forms. They'll be due on May 31 instead of April 30.

Mr. Chairman, as thorough a piece of legislation as some would like to believe Bill 20 is, it's not perfect. So it's my pleasure at this time to introduce a government House amendment to Bill 20, which I understand has been circulated.

THE ACTING CHAIRMAN: Yes, it has.

MR. TANNAS: Presumably this will be known as A1. It's my pleasure to move amendment A1. The bill will be amended in section 4 in the proposed section 19(5) by striking out "this section" and substituting "subsection (3)." Section B: sections 14 to 21 are struck out. Section 22 is amended in the proposed section 124.2 in subsection (1) by adding "a member of the Board of Reference," after "Attendance Board", adding some protection there, and in subsection (2) by adding "the Board of Reference" again after "Attendance Board." Sections 24 to 26 are struck out.

The government House amendment really offers two changes, one minor and one major. The minor change concerns the area of amendment I raised about student suspensions, and this brings us some clarity there in part A.

8:10

Bill 20 introduced a requirement that the principal report the circumstances of a student suspension to parents in writing. This was intended to cover only a principal's decision to suspend a student from class or from school. However, it is recognized that a teacher may suspend students from a class for one period for minor infractions: passing notes, talking in class, disruptions, whatever. The requirement that principals report to and meet with parents is meant only for principals' decisions to suspend students for serious infractions, so this part of the amendment that I'm proposing will clarify that. I believe this government House amendment makes it clear.

The major change removes from Bill 20 all the sections that referred to the Board of Reference. Now, as a member of this Assembly who is deeply concerned about the approach to this issue, I am, as I said before, honoured to move the amendment that removes the Board of Reference references until a mutual agreement between the parties as to possible changes takes place. This means, then, that the Board of Reference will remain part of the School Act. It also means that teachers will continue to have access to this avenue for appeal. The Minister of Education and the government have listened to the concerns that teachers expressed, especially over the timing.

Teachers voiced some anxiety over the fact that many collective agreements do not contain the clauses necessary to ensure protection under the Labour Relations Code. There are clauses in Bill 20 that may help that, but we recognize that teachers would feel more confident and secure if the appropriate clauses were contained in their collective agreements. By removing all mention of the Board of Reference from Bill 20, this government House amendment responds directly to teachers' concerns that were conveyed so well to us all.

There is a more appropriate time to look back at the Board of Reference. The board offers an appeal over unfair suspension or termination of employment. This is looked upon as a labour issue, not an education issue, but it is a labour issue in an educational setting where minor children are receiving instruction.

Actually, there are a number of sections and clauses in the School Act that deal with issues of employment. The Minister of Education has promised a thorough review, Mr. Chairman, of all sections of the School Act that cover employment issues between teachers and school boards. It's my understanding that the ATA, the Alberta Teachers' Association, has agreed to participate in this review. The minister and his department and we as government may take a look at the Board of Reference as part of this bigger picture. The Minister of Education has confirmed that details on the review process will be released at least by July, and the review will take place over the coming year.

I believe, Mr. Chairman, that this government House amendment makes a good piece of legislation even better than originally presented. I ask for your support for these amendments to Bill 20.

THE ACTING CHAIRMAN: On government amendment A1 are there further comments or questions? The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. I just want to speak on behalf of the amendment put forward by the hon. Member for Highwood and speak in support of this amendment. There has been a long history to this particular issue. The Board of Reference has existed since 1926 as an alternative dispute resolution process for the teachers, and it reduced the number of cases from the education sector that had created a logjam in the regular court system.

In fact, this particular process, the process governing the Board of Reference, is one of the most expeditious legal processes. The vast majority of appeals are decided within a year. That expeditiousness demands sacrifice from both parties in terms of narrowness of scope, speed of preparation, and ensuing risks. All appeals are initiated by teachers on an individual basis, and the burden of proof rests with the school board to demonstrate that it acted reasonably under the circumstances.

[Mr. Tannas in the chair]

With that, Mr. Chairman, as I said, I think there's been a lot of discussion on this amendment. The hon. Minister of Education has received a tremendous amount of correspondence and in fact finally met with the Alberta Teachers' Association. We're pleased to see this particular amendment being brought forward that will leave the Board of Reference in place as a tremendous tool in support of labour relations for the Alberta Teachers' Association and the teachers in this province.

Thank you.

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

DR. PANNU: Thank you, Mr. Chairman. I rise to speak in support of the House amendment. I think it's amendment A1. Is this what it's called? The amendment certainly I think addresses the profound and very widespread concern among teachers to those sections of this bill that was designed to remove the Board of Reference from the School Act. The teachers have spoken and spoken very strongly about it. I have heard not only from teachers but also from concerned parents. The point has already been made that the Board of Reference has served teachers, school boards, parents, students, everyone exceedingly well over the last 73 years, so I'm pleased to support this amendment. I want to certainly compliment the Minister of Education and of course, sir, you yourself for bringing forward this amendment which removes any reference to the Board of Reference in this act. I am delighted that this change has been

brought forward from that side of the House, and I'm pleased to support it.

Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Edmonton-Gold Bar.

MRS. SLOAN: Thank you, Mr. Chairman. Well, I think the previous members have been altogether too nice this evening. I was struck by the introductory comments that were made with respect to this amendment. I see in the handout before us this evening that we have a total of 11 amendments being made to this bill. In fact the majority of them are deleting amendments the government just introduced in this session to this bill. So in total, when the bill was introduced – and I'm attempting to establish the date of when that occurred – we had 26 amendments proposed, and as of this evening the government is deleting 11 of those amendments, if my count is correct.

But what struck me is that the government member in his introductory remarks this evening really makes no apologies, and I doubt that we'll hear any apologies when we come to the debate of subsequent amendments, no acknowledgment that what we're doing this evening is rehashing something that really and truly could've been addressed in the consultations before the bill was ever drafted, if this government in fact performed true consultations, but because the government did not consult, we find ourselves in a position this evening where we're going through and making amendments on amendments to this bill.

I guess the overall message, Mr. Chairman, is that our time is valuable collectively, individually. Certainly school boards' and teachers' time is valuable, and all the angst that was caused – and I certainly received numerous letters of concern from residents of my constituency about this bill and the initial amendments proposed. All of that could have been prevented if this government had taken the time to consult with the people directly affected and configure their amendments in such a way that it satisfied the interests and perspectives of those individuals.

8:20

But I think really what we intended in the beginning – and I say "we" meaning the government. What the government intended in the beginning was really to embark on a different purpose by including these sections in the School Amendment Act, a purpose that was really not rooted in the best interests of students or in the best interests of school boards or in the best interests of teachers. It was intended to serve an ideology of deprofessionalization and a reduction of entitlements to professions even when those entitlements have proven themselves over long periods of time.

I want to just reflect for a moment in the debate this evening on the introductory remarks that were made when this bill was introduced. The Minister of Education spoke about

the policies contained in the legislation can be summarized easily as protection, fairness, respect, and operational efficiency that respects the other principles of fairness and protection. Arguably, the first purpose of any piece of legislation is to provide protection, and Bill 20 is no different.

Then the minister went on to talk about specific sections of the act: the desire to ensure a safe and caring environment and promoting respect for others, preparing our students for responsible citizenship, a guaranteed access to an educational program, and curbing unacceptable student behaviour.

Specifically in speaking about the proviso to remove the Board of Reference, which is proposed in the House amendments before us

this evening, to rescind that amendment, the Minister of Education talked about Alberta having

clear and fair legislation to protect every Albertan from unfair actions by their employers. That legislation [being] the Alberta Labour Relations Code . . . is an arbitration process to settle disputes . . . In addition, some teachers in Alberta have a grievance procedure in their collective agreements that provides further protection from unfair actions . . . Almost every other province in this country and both territories rely on labour relations legislation or . . . collective agreements as avenues of appeal.

In justification for why such a section should be removed from the act, the minister said that these amendments "are geared to ensure the efficient, effective, and fair administration of education."

I recite those because this evening the remarks in withdrawing those amendments – and I believe I'm correct in saying that the opposition supports the withdrawal of these amendments – is not done with any apology, any acknowledgment that time was wasted, that we could have adopted a more in-depth process of consultation and, in fact, not had anywhere near the controversy in this bill had all of those things been taken into account in the initial constructions of the bill. But those things did not occur, Mr. Chairman, and I think at the very least this evening what members in this Assembly deserve, in addition to the citizens and teachers and parents and students in this province deserve, is for the hon. Minister of Education to get up in this Assembly and acknowledge that a mistake was made, that consultation was not fair, was not impartial, and that the government has learned a lesson from this and in the future they will take consultation more seriously and conduct it in a more in-depth fashion in the future.

Thank you.

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

MR. MacDONALD: Thank you, Mr. Chairman. It's a pleasure to rise this evening and say a few words regarding amendment A1 to Bill 20. I listened with interest to the remarks made by the hon. Member for Highwood, and I was pleased to see this amendment come forward. We all know the difficult relationship that is developing between schoolteachers; their professional organization, the ATA, the Alberta Teachers' Association; and this government. It's not two years ago when thousands of teachers on a Saturday came from all across this province to stage a rally to express their dissatisfaction with this government's attitude toward public education.

The Board of Reference is needed now more than ever. In this province the teachers again are suspicious because of the use of the disputes inquiry board in the Calgary board of education negotiations for a new contract. They do not have in any proposed collective agreements or any past collective agreements a disputes resolution mechanism other than this Board of Reference and to remove it would, I think, further jeopardize the delicate relationship that exists between the Alberta Teachers' Association, their teachers, and this government.

If for no other reason than to ensure that we have smoother labour relations in this province, then this amendment A1 is a step in the right direction. I realize that the consultation process, whenever this bill was drafted, may have collapsed, but it is fine to see a mistake and correct it, and I believe this is a correction of a serious problem.

I thank you, Mr. Chairman.

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

MR. WHITE: Thank you, Mr. Chairman. I'd like to rise to speak in favour of this motion also but different than my colleagues that have

added their voices to this debate. The effect of this amendment is to reverse a portion of the bill that so grievously offended so many teachers in that it did something – well, first of all, let's set the setting here. They feel exceedingly vulnerable right now. As those that have been teachers in the past will know, it's not always a cherished position. This giant ogre of an employer is – and it's darned difficult to feel valued in that kind of a system.

This particular amendment may or may not have had a real effect when it came into play by doing away with an institution that had been in effect for some 80 years or so. It was that that I think set most teachers off. Quite frankly, this member hadn't received for quite some time the number of phone calls and the number of faxes and other means of messages on any other bill or any other piece of legislation here for quite some time. It's affected people in a very special way. It did something to their honour, I assume. It took away something that they may not have valued, but in a Pete Seeger song, you don't know what you've got until it's gone – that was the effect. It put the teachers into the same position as a labour union or a trade union, which hurt a lot of these people. By necessity they have to collectively bargain just simply because they have one employer and, therefore, must have some manner of addressing the needs of their employment standards and their remuneration. This particular part of the bill offended them so much that they rose up to that extent. Now, I would think that a responsive government would have gone out and asked these people beforehand and got their collective view. That was not done, but this in large measure corrects that error, and therefore this member is happy to see that the government has moved as it has with this amendment A1.

Thank you for your time, sir.

[Motion on amendment A1 carried]

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

8:30

DR. PANNU: Thank you, Mr. Chairman. I have an amendment to propose to Bill 20. I wonder if it's A2.

THE CHAIRMAN: Yes.

DR. PANNU: Mr. Chairman, when you were in the other seat and introduced the amendment that we just voted on, in the introduction to that amendment you made some general references to different sections of the bill and in the process referred to section 2 and the two subamendments that are add-ons to the existing section 2 of the School Act. You drew our attention to the substance of those amendments and then proceeded to assure the House that it is essential that we keep the wording of the second of the two subamendments there; that is, 2.01(2). You assured us that that wording is needed in order to make sure that those people like the neo-Nazis, some of whom unfortunately are still around and among us, are not allowed to abuse the opportunities the school setting provides in order to promote ideas that all of us disapprove of and reject.

Mr. Chairman, I have drawn attention earlier on, several weeks ago, to my serious concerns about the wording of the second part of the amendment there, 2.01(2). I want to read it into the record and then draw attention to the section I object to, and I would like to amend that particular section. Maybe I should propose the amendment first.

THE CHAIRMAN: Hon. member, if I understand what you're saying, you're proposing the amendment A2 and then proposing a subamendment to your own amendment.

DR. PANNU: No, no.

THE CHAIRMAN: The amendment that you're proposing, A2, is an amendment to this bill which is before us.

DR. PANNU: Yes.

THE CHAIRMAN: Okay.

DR. PANNU: I want to move the amendment and then speak to it. I move that Bill 20 be amended in section 3, in the proposed section 2.01(2), by striking out "social change through violent action or disobedience of laws." That's the section that I want struck out, Mr. Chairman.

Mr. Chairman, there's a bit too much noise here. I wonder if you could help me a little bit.

Mr. Chairman, having moved the amendment, let me draw the attention of the House to sub (2) as proposed here on page 2. It says as follows:

For greater certainty, education programs and instructional materials referred to in subsection (1) must not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action or disobedience of laws.

My amendment proposes to strike out the very last part of this statement. That is, it proposes to strike out "social change through violent action or disobedience of laws."

I want to make very clear that I have no objection to the rest of the amendment to sub (2) on page 2. I think it's clearly stated, but the very last part, which I've just referred to and proposed be struck out, in my view is far too restrictive. It threatens to put teachers in an extremely difficult and vulnerable situation in the classroom trying to figure out, in dealing with the materials they must deal with as part of the curriculum in social studies or history or current events, whether they are simply bringing information to the students and helping them to develop an understanding of historical events, social events, social movements, or whether in so doing – in informing, in promoting understanding, in educating – they are also in fact promoting and fostering social change through violent action or disobedience of laws.

When writing these laws, we not only have to worry about a few neo-Nazis who may be still around, even in our schools, but we need to be concerned about the freedom and the assurance of the over 30,000 teachers who teach in the classrooms of this province. They need to enjoy and feel that they have both the freedom and the certainty that their obligation as teachers is to inform, to educate, and to help students understand the context as well as the particular actions or events that may have taken place in history. That is their obligation, and in order to exercise their duties as teachers, they must have the due freedom and freedom from fear that they'll be challenged, they could be disciplined, and they could be perhaps punished for doing the very work that we expect them to do.

In my view, these last words, "social change through violent action or disobedience of laws," if retained in this bill will do precisely that. It will send a chilling message to teachers that when they are doing what they are duly expected to do in the classroom, they run the risk of being accused of promoting and fostering, when in fact all they are doing is teaching about social movements, some of which may have used disobedience of laws and rightly so, and violent actions in history, some of which many of us in this House may be proud of and may find quite legitimate.

When I asked the minister last time in the House as to why these words cannot be deleted or dropped from the bill, he said: look, we

don't mean ill; our intentions are good, but we want to keep them here. I say that if your intentions are good, then why have the words here? Your actions must match your intentions. If these words are retained as they are here, it is highly likely that they will send the wrong message to teachers, that they will be interpreted by teachers as a severe restriction on their ability to engage in open and free exploration of ideas related to historical events, related to social movements in which the disobedience of laws may be used. I gave an example, I think, talking about the civil rights movement in the U.S. Certainly that was disobedience of laws, but the laws can be unjust, and laws that are unjust and immoral have in history been opposed, opposed by the best of democrats in history.

8:40

I think in a democratic society it is unacceptable that because we fear there may be a few neo-Nazis around, we should therefore also put the severe restrictions that we want to put on neo-Nazis on the other 30,000 or so individuals whom we expect to perform, to the best of their ability, their teaching duties without fear of any reprisals, without fear of official disapproval, state disapproval of what they are talking about in the classrooms. So I think the motion that's before the House, the amendment that I proposed, would help improve this part of the bill that is under discussion right now.

I'm happy that the second part of the amendment proposed here in the bill on page 2 very clearly states that

education programs and instructional materials referred to in subsection (1) must not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution.

I think that's great, that's fine. But we need to stop right there and delete the rest of the statement from this bill if this bill and this particular change in the School Act are to make the School Act better, are to make the School Act state very clearly that which is unacceptable in the classroom and also not state that which I think should be unacceptable in a democratic society: to impose on teachers conditions that will limit their freedom to fully explore and help their students learn history, learn about social movements, and learn when and where the disobedience of laws or other action taken for social change was taken and why, under what circumstances. This is undue restriction on the freedom of teachers. It's undue restriction, in my view, also on the freedom of students to learn about their world, the world for which they are preparing.

So it's not only a potential assault on the freedom of teachers to do the work they must do, but also it puts undue restrictions on the right of students to learn about history and learn about all kinds of events they must learn about in order to develop into responsible, active, and engaged citizens. I would therefore ask members of this House to vote for this amendment, which will lead to deletion of the very last part of that statement I've been speaking to.

Thank you.

MRS. SLOAN: Just a few remarks, Mr. Chairman, briefly. The opportunity that the hon. Member for Edmonton-Strathcona has provided with respect to his amendment this evening is a timely one in light of the incidents over this past weekend where we saw a very senior member of this government attack the judiciary and an individual who is providing legal counsel to a client in this province. I thought what a conflict in fact that reality is in the context of what the government's proposing the education system should operate under.

The intent, it would seem, in sections 2.01(1) and (2) is to provide an environment of tolerance and diversity and understanding, a respect for laws, some of the fundamental values that we hold very dear in Canadian society. Those values, I would suggest, are

damaged when we see a senior member of this government challenge and discredit the judiciary for providing counsel to a citizen, regardless of what that citizen's crime might be. In that respect, I expect the government is planning to oppose the amendments made by the hon. Member for Edmonton-Strathcona. I think that perhaps before they pass judgment on the amendment proposed, they should be examining the actions of the members of their own ranks and the public statements made by those members, which very much influence the values and the understanding our citizens have of the judiciary, which is one of our fundamental pillars in Alberta as a free and democratic society.

So with those remarks, Mr. Chairman, I would conclude my thoughts. Thank you.

THE CHAIRMAN: Hon. members, we still are trying to endeavour to have only one hon. member standing and talking at a time.

[Motion on amendment A2 lost]

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

DR. MASSEY: Thank you, Mr. Chairman. I would like to propose an amendment to Bill 20. I think the amendment has been distributed. It would amend Bill 20 in section 3 and section 2.01(1) by adding "or in home schooling" after "used in schools." The intent of the motion is to apply to home schooling . . .

THE CHAIRMAN: We'll call this amendment that you have moved amendment A3.

DR. MASSEY: It's to apply to programs taught in the homes the same requirements as are expected of children being educated in the public schools and private schools of the province. So the amended section would read:

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

I think it's a necessary amendment. The Minister of Energy is going to support this, I know. The concern with home schooling, that that schooling does conform with the Alberta programs of studies, I think has been voiced in a variety of parts of the province. I think it only fitting that we make reference to home schooling in this very important amendment to the School Act.

Thank you very much.

8:50

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

MR. DICKSON: Thank you very much, Mr. Chairman. I'm anxious to speak in support of the amendment. One would hope that given the representations that have been made by the Minister of Education and government members around the purpose of the new proposed section 2.01(1) and (2), it seems what we've got is some very loose wording that may admit interpretations that are very different from what the Minister of Education intended. So the short answer to that is: let's do something to tighten up the wording so that it's still consistent with what the Minister of Education said he's about.

I note this, Mr. Chairman. If there's anybody in this Chamber who should be confident with this amendment, it would be the current Minister of Education, who formerly had been the minister responsible for the Human Rights Commission. The minister understands what the proscribed grounds of discrimination are in the

Human Rights, Citizenship and Multiculturalism Act, and one would think he would be anxious to see those values carried forward and represented in this section.

Now, one might have looked at the Charter of Rights and Freedoms, because I remember suggesting that in debate at second reading, but I think our colleague who so ably fills the role as Education critic has convinced me that perhaps a better route to go may be to recognize the kinds of practices that are already identified for the most part in the Alberta Human Rights, Citizenship and Multiculturalism Act.

One would have to ask: why wouldn't we want to incorporate the one human rights piece of legislation we have in this province? You could do the Bill of Rights, but I think doing it in this respect makes it very clear what kinds of things are proscribed, and it certainly gets past the problematic wording, the civil disobedience kinds of arguments. Every time I heard an opposition member raise those, I heard the minister or someone supporting him saying: "Well, that's not what was intended. We never intended to prevent Mahatma Gandhi." In fact you, Mr. Chairman, a few minutes ago made a similar representation.

So I think this is actually a very helpful and constructive amendment. Then one would hope – if for some reason the Minister of Education chose to oppose it, we would sure want some very cogent reasons why he would oppose this. Is it something in the Human Rights, Citizenship and Multiculturalism Act? Is it that in fact the other things that would be excised from section 2.01(2) in the government bill maybe mean something more? Maybe some of that opposition suspicion may have been better founded than we realized.

So I'm looking forward to the minister accepting this amendment. What he would then be doing is scoring 100 percent. He's halfway there with the House amendment that came in on the Board of Reference, so that's a 50 percent improvement over where he was before. If he were to accept this amendment, we could all close our briefcases and go home, Mr. Chairman. We'd have very little else to do on this bill, and we'd be happy to vote the bill straightaway. I hope he's going to accept it. If he will not accept it, I sure want him to explain why he will not.

Thanks very much, Mr. Chairman.

[Motion on amendment A3 lost]

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

DR. MASSEY: Thank you, Mr. Chairman. I'd like to make a further amendment to Bill 20. This amendment I think is being distributed and will become A4, if my numbering is correct. It addresses section 3 in the proposed section 2.01 and would strike out subsection (2) and, in the place of subsection (2), put in the following:

For greater certainty, education programs and instructional materials referred to in subsection (1) must not promote or foster doctrines of superiority, persecution or discrimination on the basis of the prohibited grounds of discrimination in the Human Rights, Citizenship and Multiculturalism Act.

Mr. Chairman, as we spoke to the bill in second reading, one of the concerns that had been raised by those interested in this section was the chill that section (2) might have on program developers and teachers in classrooms as they look at social change through violent action or the disobedience of laws and the attempt in section (2) to delineate doctrines that must not be fostered in the classroom. Once you start down that road of trying to define the words, those things that will be prohibited, it becomes very, very difficult and raises the kinds of alarms that subsection (2) has raised across the province.

So our solution in terms of not trying to reword that section or

come up with better wording – because I think anything we propose might be subjected to the same criticism that the current legislation or the current section outlines – was to refer to an Alberta act that is already in place and widely accepted. The grounds that have been identified in the Human Rights, Citizenship and Multiculturalism Act would be the grounds that would be replaced in section (2).

I think there is some safety in referring to legislation in the province that's already in place by the fact that it has been debated widely in the legislature and amended and it's legislation that addresses persecution on religious grounds or racial or ethnic grounds. It outlines those prohibitions clearly and rather extensively. I think there's comfort to others that it's, as I said before, legislation that's already in place in the province and has been widely debated and accepted.

So with those comments I would move amendment A4, Mr. Chairman.

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

9:00

MS OLSEN: Thank you, Mr. Chairman. I just wanted to rise in support of this amendment. Adding home schooling into this particular section is absolutely an important thing to do. Aren't we on this one? Okay. Well, that was a good thing to do, too, but the other amendment is even better. Thank you. [interjection] Excuse me, Mr. Chairman.

I rise in support of the amendment moved by Dr. Massey in relation to amending section 3, section 2.01, by striking out subsection (2) and substituting basically the same wording that's in the Human Rights, Citizenship and Multiculturalism Act. That specific information reads:

race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status, source of income or family status of that person or class of persons or of any other person or class of persons.

Now, Mr. Chairman, we know and the Supreme Court has also said that sexual orientation belongs in there as well. So we're adding a whole number of different discriminatory adjectives, if you will, and that is absolutely what we should do. Everything that we do in creating legislation should align with the appropriate bills.

Mr. Chairman, I'm going to adjourn debate, and I'm going to have a caucus here. Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Norwood has moved that we adjourn debate now on amendment A4 and on Bill 20. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

The hon. Deputy Government House Leader.

MR. RENNER: Thank you, Mr. Chairman. I would like to move that progress be reported on this bill when the committee rises to report.

THE CHAIRMAN: The hon. Deputy Government House Leader has moved that when the committee rises and reports, we report progress on Bill 20. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. Carried.

**Bill 24**  
**Traffic Safety Act**

THE CHAIRMAN: Are there any questions, comments, or amendments to be offered with respect to this act? The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. I have a number of amendments. If you could just hold for a second.

Yes, we are on Bill 24, and we are on a number of amendments. I have on behalf of my colleague from Spruce Grove-Sturgeon-St. Albert a number of amendments to introduce. Mr. Chairman, I will forward all of these amendments to you. I have four amendments to put forward, and I have put three up to start.

Mr. Chairman, while the pages are bringing those amendments to you, I will read in the first amendment that I would like to move on behalf of the hon. Member for Spruce Grove-Sturgeon-St. Albert. I move that Bill 24 be amended as follows, by adding the following after section 115: "115.1(1) No person shall operate a bicycle unless that person is wearing an approved bicycle safety helmet."

THE CHAIRMAN: Hon. member, just so that everybody can follow it, the amendment that you're in the process of moving, the one that's adding after section 115, is amendment A1 to Bill 24.

Would you just give it first to the people who are actually here. Thank you. We'll wait until the Minister of Transportation at least has a copy.

MS OLSEN: I've marked that A1. I'll continue to read that into the record. "(2) No person shall ride as a passenger on a bicycle unless that person is wearing an approved bicycle safety helmet."

In B, section 116 is amended by adding the following after sub (1): "(m) respecting standards for approved bicycle safety helmets."

In C, section 157(1)(a) is amended by adding "115.1," after "115(2)."

In D, section 158 is amended by adding the following after subsection (4): "(5) A person who is guilty of an offence under section 115.1(1) or (2) is liable to a fine of not more than \$100."

I'll just wait for the distribution of that.

Mr. Chairman, if I might ask, you should have another amendment up there as well in relation to bicycle helmets, that I had brought up earlier.

THE CHAIRMAN: One at a time, hon. member.

MS OLSEN: Yes. I realize that.

THE CHAIRMAN: Hon. minister, you've got a copy? Okay.

Hon. Member for Edmonton-Norwood, please proceed with amendment A1.

MS OLSEN: Thank you, Mr. Chairman. The act that is put before us, Bill 24, has been worked on for a long time. It has a number of amendments actually combining the Motor Vehicle Administration Act, the Highway Traffic Act, and a bunch of other acts together. In fact, most of what's in that particular piece of legislation I support. However, the one thing that I believe is absent from that is the Alberta government moving towards mandatory helmet use.

Now, I'd just like to say, Mr. Chairman, that the minister has received a letter from Neil Wilkinson, the chair of the Capital health authority, and in that letter they state that there's support for using bicycle helmets. If I can, I'd like to table five copies of that letter. That letter speaks from the Capital health authority's perspective on

helmet support. I can tell you that as a police officer I have worked many, many summers, when we have a number of youngsters riding bicycles in the community and putting themselves at risk when they don't have the appropriate equipment.

I'd like to just reflect on how the government took the big step by making seat belts mandatory. There was the anti seat belt lobby that said: you know, we shouldn't have to wear seat belts, because if we want to get hurt in an accident, that's up to us; we'll make that decision. Well, active enforcement of that law sees most people wearing a seat belt, one, because they're law-abiding citizens, two, because we see the preventative work a seat belt does. So I look at that, and I also look at the use of car seats, baby seats. That is now legislated and mandated. I liken this helmet law to those two particular statutes. I see no difference in that. We're asking people to put their children for their own safety in a child car seat. Those child car seats in fact have saved many lives of infants. In fact, I've been at accident scenes where an infant that has been buckled in has been out on the pavement but buckled into the car seat, with no injuries. In accidents, at many scenes that I've been to, seat belts have prevented many, many people from receiving more serious injuries.

9:10

I think that this helmet amendment is an amendment that will also contribute to a reduced number of injuries and types of injuries that we see from cyclists. More and more we see people riding on the street. People are using that as a secondary form of transportation. Bicycles range in the area from \$400 to \$5,700 or \$6,000. Quite frankly, there is a serious group of people who commute and ride. I think that injuries related to bicycle accidents will in fact be reduced if somebody has a helmet on.

I happened to purchase my son a new Bell helmet with a visor on the weekend. It has a strap at the back of the head. Also, because of the form of the helmet, if he falls off his bicycle, it will allow the back of the helmet to hit the pavement before his noggin hits the pavement, actually thus preventing his head from hitting the pavement. The helmet also has a strap on the back that will hold that helmet in place, even though the helmet may move as he falls off and knocks his head.

These are unique designs. They're safety features. From the very first helmet I bought to what's available on the market now, at a reasonable price I might add, you can pick up a Snell-rated Bell bicycle helmet, the latest design, for about \$30 to \$40. Those helmets are approved. They have obviously passed all of the standards in this . . .

**Chairman's Ruling**  
**Decorum**

THE CHAIRMAN: Hon. members, if some of you now can't hear the hon. Member for Edmonton-Norwood, imagine what it was like when you were all talking. I wonder if those who are so inclined to engage in lively conversation would please leave the Chamber, with permission of the whip, and go into the Confederation Room or your lobbies. That includes all hon. members within the sound of my voice. We're going to continue to try and honour the practice of only one member standing and talking at a time. Those who wish to talk, in addition to the one standing, may do so outside the Chamber.

Hon. Member for Edmonton-Norwood.

**Debate Continued**

MS OLSEN: Thank you, Mr. Chairman. I just want to go back to the issue of helmet standards and safety. On the other aspect of helmet use I would say this. A friend of mine who is an avid cyclist,

who owns one of these highfalutin bicycles, was out for a ride in the backwoods of Alberta, if you will. He chose that day not to wear his helmet, and he crashed and hurt himself. He's fortunate that the injury was not more serious. In fact to this day he's stated that that will be the last time he doesn't wear a helmet, that every ride since then he will have his helmet on. That's the other part of this, that bicycle riding is not just hopping on a bicycle that has one gear or no gears, just a standard bike, and riding off to the store. Bikes are very complex. They have 21 gears. They have wide tires that allow for driving on rough terrain. They in fact have expensive components to them. They're made of aluminum, and they have these highfalutin tires. This is a whole different ball game, this bike riding. It's not like when we had bikes as kids; I can guarantee you that.

In fact, Mr. Chairman, I'm going to attempt to break into that particular sport myself. I just spent about \$1,300 on a bicycle, and I'm going to try and figure out how to ride a bike. It's not the same as that old saying that, you know, once you learn how to ride a bike, you can always ride a bike. Not where I'm planning on going.

We also have to remember the history of our previous leader in this House, who's an avid cyclist, a triathlete, who has the bike that every cycling kid wants, a highfalutin bike with all these shocks on it. He was wearing a helmet when he crashed at Terwillegar Park. He was wearing a helmet and he still received 27 stitches. I think that speaks to the safety issue as well. I hear they've renamed the park after Grant Mitchell. He had some serious injuries to his face as a result of the visor, but his head received no injury, so we can look at that.

There was also a policeman who was taking a bike course, Constable Ron Gamble. One of the things they do in the bike course is they ride the stairs at Commonwealth Stadium. I don't know if you've been to Commonwealth Stadium, Mr. Chairman, but one of the exercises is to ride those stairs. This constable was doing that, and he crashed. In fact, his helmet came off his head, and he received a very serious head injury. He is certainly the Edmonton police department's poster boy on head injuries and cycling.

#### **Chairman's Ruling Decorum**

THE CHAIRMAN: Order. Hon. members, those who wish to talk, please do so outside the Chamber; then those of us who are attempting to listen or to work may do those. It's a compromise.

The hon. Member for Edmonton-Norwood.

#### **Debate Continued**

MS OLSEN: Thank you, Mr. Chairman. So we have some very good examples of why helmet use should be mandatory.

The other end of the question as well for me is: what about those kids that can't afford bicycle helmets? Those are the kids who maybe would be a little less fortunate, who have maybe in some instances less supervision than other kids, and those are the kids that are really at risk. Those are the little gaffers who don't have a parent riding with them, who are darting in and out of traffic, and their little legs are going faster than the pedals and the wheels. Those are the little gaffers that are going to put themselves at risk for a serious accident, and those kids don't have bicycle helmets. In fact, those kids probably don't have bikes that are functioning properly in many instances.

For that aspect of it I would expect that if we pass an amendment like this, we would need to see a drive of a similar nature as we have seen for car seats in a motor vehicle, where we have contributors from the community contributing to the safety of these youth by holding a particular drive or event to raise money for bicycle

helmets. I know that in the past social services for those kids – at one time they had the option of going to camp or getting a new bicycle. I don't know if that option still exists – the hon. minister of social services could enlighten me – but for those kids that choose the bicycle option, then along with the bicycle should come the helmet. That should come anyway. I'm sure there would be people in this community who would participate in ensuring that those who can't afford bicycle helmets in fact receive one.

9:20

I guess the other argument on this is: well, how do you make a child ride with a helmet? I had that problem with my own son a couple of years ago. He would carry his baseball hat and put on his helmet. He'd go out the door, he'd get in the river valley, and then he'd take his helmet off and put his baseball hat on because he wasn't cool with the helmet on. So what we need are role models in communities to ensure that the wearing of helmets is perceived to be a cool thing as opposed to an uncool thing. The style and design of helmets that are on the market contribute to that sort of high-tech cyclist vision, if you will, where these kids have these cool helmets, and I think we need to be promoting that. I see this as no more intrusive than I do some of the other pieces of legislation in this House. In fact, I see this as a lot less intrusive than I do some of the lack of forward thinking on other bills in this Legislature that are currently on the table.

This amendment deserves full debate in this House. It deserves consideration. We have to listen to the professionals, the Capital health authority. Many of the emergency room physicians that I know and have known through my policing career would love to make comments on this type of initiative. In fact, they have a bicycle tour that originated with the Royal Alex hospital. There was an emergency room physician who got the kids in the inner city together. I wish I could remember his name right now; I only know that he's working in California. He got the kids together, and they have a little bike rally based on the Tour de France notion. These kids ride through the city. One of the things they do is teach rider safety, and part of that safety component is using helmets and the common sense of using helmets.

I think there's plenty of argument out there that says that everybody on a bicycle should have a helmet. The other aspect of this is that as a police officer I've given tickets to any individuals who break the law. They go through a red light; they're not riding in the right lane; they go through a stop sign because they're going so fast. If those people had to stop suddenly on their bicycles, it would create some serious injuries and problems for them.

With that, Mr. Chairman, I will take my seat, and I hope everybody gets up and speaks in support of this helmet amendment. Thank you.

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

MR. SAPERS: Thank you, Mr. Chairman. This amendment I think has been a controversial one, with certainly lots of discussion in our caucus and I know lots of discussion with the government caucus. I know that it's generated some debate. In fact, I think there was one of these popular Videotron, or whatever it was, polls about bicycle helmets that I recall seeing. I think the results were equivocal, pretty close to half and half in terms of support.

On my way home when we adjourned at 5:30, I was driving through the neighbourhood and came across a couple of young girls that I know, children in the neighbourhood, and they were riding their bikes past the playground. They had bike helmets, but they had their helmets strapped to their handlebars as they were pedaling their



bikes down the street on the way to the playground. I stopped – it was a four-way stop at the intersection – and I called them over and asked them how come they went to all the trouble of having the helmets, but they weren't wearing them. They said that, well, their mom made them take the helmets; like, they're not allowed to ride their bikes without the helmets. But one of the young girls said: "But she didn't specifically say we had to wear it. I mean, she said: you can't ride your bike without your helmet." She said that she was doing as she was told. I suggested to her that maybe there was an implied instruction there, that maybe it included actually putting it on her head and strapping it up across her chin.

It reminded me, Mr. Chairman, of the distance we've come on this. I know my own children won't let me out of the house on my bike without my helmet. I was thinking about these two young girls and having their helmets, but I guess they didn't think it was cool or that it would mess up their hair or something if they actually put these helmets on. Attitudes and the work that we can do to change attitudes and setting the standard high enough to change attitudes. It made me think about how far we've come in this country in terms of impaired driving.

It wasn't that long ago that it probably was considered cool or the appropriate thing to do or anyway not a problem if you were driving from one party to another, you happened to have an open bottle of beer in the car, and you were driving down the highway with the stereo on and the window open and maybe wetting your whistle. But look at how attitudes have changed there. It would not be acceptable behaviour in anybody's books now, and it's probably our young people in this province that have taken the biggest leadership role in that. I think we now have an opportunity to begin to do the same thing with this very important public safety and public health issue.

It's been argued that it would be useless to bring in a bicycle helmet law because it wouldn't be enforceable. But you know, Mr. Chairman, if that was the test of a good law, I would argue that our Criminal Code, for example, would be one heck of a lot thinner. I mean, ask any lawyer you know about how easy it is to properly investigate and then prosecute a conspiracy or a complex fraud. The laws are on the books, and they give us a tool. Certainly they also set a standard and an expectation of behaviour, and those reasons are just as important as the success of any potential prosecution. So I would submit that the fact that it would be difficult to enforce is not a reasonable argument for suggesting that we don't have the law.

I know that bicycle helmet use will help save lives. I know that bicycle helmet use will help minimize suffering and misery, and I know, from a public policy standpoint, that bicycle helmet use will help cut down on expenses. So I would argue that this is an idea whose time has come, and it is up to us to seize the moment and to raise that bar and set that standard of behaviour, that expectation, not just for young people but for all of us.

You know, Mr. Chairman, just like there was debate about drinking and driving and there was debate about seat belt use and motorcycle helmets, at some future point people will be standing in this Assembly and moving on to yet other public safety issues, and they'll be wondering out loud what the debate was about when it came to bicycle helmets. They'll be saying: but you see how far we've come. That of course is a debate for some future Assembly.

Our task before us today is to deal with this amendment, which I believe is A1. I would urge its speedy acceptance by the Chamber.

9:30

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

MR. DICKSON: Thanks very much, Mr. Chairman. Just a couple of observations. I have to tell you that I'm enough of a libertarian

that the prospect of all adults being required to wear bike helmets was something I didn't enthusiastically embrace. It was the subject of some vigorous discussion in our caucus.

My starting point was recognizing that adults also have the right to do dumb things. We make choices. When you're over 18, my sense is that you should be entitled to do some things that may not always be in your best interest if you are prepared to accept the consequences. It was my initial thinking that those under 18 should have to wear bike helmets, but I was not initially persuaded that it was important that adults also should be legally required to wear bike helmets. I think one of the most compelling arguments is the huge public interest and the health care costs involved for people who have head fractures and a host of problems from not wearing helmets.

I just say, looking at it selfishly, that I don't have a \$1,300 mountain bike, but my old bike usually gets me the 12 kilometres from my house to my office in jig time. Although I wear a helmet on an irregular basis, I think I've learned something from the debate in our caucus around this issue. I may start wearing my helmet on a more consistent and less sporadic basis.

I just wanted to make the observation about the argument about adults being able to make their own dumb decisions. There are some health care consequences and there are some public cost consequences that I think I've come to appreciate.

So I'm supporting the amendment too, Mr. Chairman. I hope it will receive unanimous support at this stage.

Thanks very much.

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

MRS. SLOAN: Thank you, Mr. Chairman. I also would like to rise this evening in support of the amendments proposed to Bill 24, specifically to require that anyone of any age operating a bicycle in Alberta would be required to wear an approved bicycle safety helmet.

We've had many discussions both inside and outside this Assembly about our commitment to try and reduce injuries in this province. I have had the opportunity on a number of occasions to hear and speak with Dr. Louis Francescutti about the steps that could be taken by Alberta to reduce our incidence of injury. Certainly we have an opportunity before us this evening by passing this amendment to substantively reduce head injuries by making bicycle helmets compulsory.

In the city of Edmonton alone in 1997 965 children and youths under the age of 20 were admitted to emergency departments within the Capital health authority as a result of bicycle-related injury. Apparently it has also been documented that 80 percent of the head injuries in the capital region occurring as a result of a bicycle crash involved children between the ages of 5 and 14.

I would submit, Mr. Chairman, that there is no reason for this government to delay enacting compulsory helmet legislation. There is no reason why we should have to wait and have this matter deliberated or decided by regulation in private. [interjection] The hon. Minister of Energy is asking whether or not . . .

THE CHAIRMAN: Hon. minister, you'll have your opportunity when Edmonton-Riverview finishes her comments.

MRS. SLOAN: Thank you, Mr. Chairman. The hon. Minister of Energy seems to be questioning whether or not members on this side of the House actually wear bicycle helmets, and I'm proud to say that I do. I do, but I regret to say that I have seen many, many Albertans of a variety of ages that do not wear helmets. In fact my

children, who are also faithful helmet wearers, and I have had this discussion as we've either driven or ridden on our own bicycles past these individuals. It's usually my children that prompt the discussion: "Mom, look at that stupid person that doesn't wear a helmet. What if they had an accident with a car, or what if the car hit them? What would happen to them?" So at a very young age we've certainly been able in my household to model and achieve compliance that I believe is something we should strive for provincially and in doing so reduce the strain on our system, our emergency departments, reduce expenditures, and overall reduce the injuries and mortalities that result as a consequence of not wearing helmets.

I do hope we will have the government's support for this amendment. I see no rational reason why, if they are alive to injury prevention – and I've heard the minister speak about this – the amendment should be opposed. If there is a reason, I'd like to hear it from the government side this evening.

Thank you.

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

MRS. SOETAERT: Thank you very much, Mr. Chairman. I just want to make a few comments about this amendment that has been presented in my name. I said in second reading that I think this is a pretty good bill and it addresses a lot of things that I think need to be addressed, and I think it is very important for the opposition to bring forward amendments and issues that need to be addressed. I think it's a brave person in Alberta who dares to stand up and say: "You know what? We need bicycle helmets." People say: "No, no, no. They're not ready for that. You know what? They're not ready for that. It took us 12 years to get seat belt legislation." Well, thankfully we do have seat belt legislation, and I would venture to say that a lot of lives have been saved because of that. That's what this amendment would do. This would save lives. This would save health care costs.

I'm one of those out in the country that just hops on my bike and away I go. That's wrong, but something like this would make me say: "You know what? We need helmets." There's no reason why we aren't wearing them. And that gravel. You never know what that gravel could do to your face, Minister of Energy. It would be sad, sad. [interjection] Well, that's true, but the helmet might protect you from sliding on your face. Certainly it would protect that brain of yours, which I'm sure we would all be grateful for.

Mr. Chairman, seriously, I would ask members to support this amendment. I know that we've all had calls and letters from different groups with different opinions. We have. I know there are different opinions across this province on the issue of bicycle helmets, but when I look at the cost of one life, just one life, that a bicycle helmet might save, then I've got to go with this amendment. It may not be passed tonight, but I certainly in my heart of hearts, doing my job as a legislator and as a person who cares about the people in my community and as a mom, want this amendment to pass. I want people to support it. You know what? If they don't, then I hope those people sign their donor cards. Now, I hope that isn't a motive for not voting for this, as some members are strong supporters of that, as we all are. If they don't wear their bicycle helmets, then they will be organ donors, because when you're in an accident without a helmet, it's considered a good bet that you won't fare well.

9:40

Just with those few comments, Mr. Chairman, I would encourage all members to support this. I know there are different feelings

across the province, but I daresay it's time for some leadership in this Assembly, to be ahead of our time. It took 12 years to convince people that seat belts are a good thing. Are we going to wait 12 years to convince people it's a good thing now? I guess so. I hope not. I would ask that all members please support this amendment.

Thank you.

[Motion on amendment A1 lost]

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

MRS. SOETAERT: Thank you very much, Mr. Chairman. I would like to move another amendment, which I believe has been passed out. I don't know what this one would be called. It's the one on pickup trucks. This is A2, I believe. You may assign it A2. Is that correct? Thank you.

I'd like to move that Bill 24 be amended in section 115(2) by adding the following after clause (s): "(t) subject to a regulation under section 116, allow a person to ride in the unenclosed box of a truck."

Mr. Chairman, I know that the minister has spoken in here about this issue going to regulation.

THE CHAIRMAN: We'll call this amendment A2 to Bill 24.

MRS. SOETAERT: Thank you, Mr. Chairman. I know the minister has committed that this will go to regulation and that they will have consultation throughout the province, and I appreciate that. But the reality is that when kids are riding in the back of a pickup truck, riding down the road, they're actually legally okay. I find that rather appalling: here we've legislated seat belts, yet we don't legislate riding in the back of a pickup truck.

I realize there are situations when a community may not want this legislation, and therefore under regulations within this amendment they could change that. Those regulations could address the issue of a parade or the issue of a case when there's a fire. Regulations could address that. The regulations would state the amendments, but the law would state that you don't ride in the back of an unenclosed truck. I would truly like to see some support for this amendment.

One of the most significant people in Canada I would say is Rick Hansen. That's an example of someone who went on a spree after school, fell out of the truck, and became a paraplegic. This is what I want addressed. I don't want to wait for the regulations. The reality that any minister can change those regulations at a whim is what scares me. I'm not saying that about this present minister. I appreciate that this minister is serious about safety, but if a different minister comes into Transportation and decides: ah, gee, it's kind of inconvenient that a few of us can't ride in the back of a pickup truck to go out to the golf course . . .

DR. WEST: A combine.

MRS. SOETAERT: Not a combine. That's private property. That's different. That's your own property, and you know that, Mr. Minister. [interjection]

THE CHAIRMAN: Order. Hon. minister, this is not a lively discussion. You may hold that outside. We're having a debate, and your turn will come as soon as the hon. member completes her comments.

MRS. SOETAERT: That's right. Thank you very much, Mr. Chairman. I've been encouraged to take my time.

In my riding there were some young people killed in an accident because they were riding in the back of a truck. It flipped over and some young people were killed and some will forever suffer from that. I just think it would be wrong for us to ignore this issue and say that we'll deal with it in regulations with a thousand and one different amendments to this and that.

I'm asking in this amendment that we make it law that you don't ride in the back of a pickup truck and that the regulations address the exceptions. To me that's a better way of looking at it. It also will protect it from a minister who doesn't value the same things that this present minister does. We can't always be sure. Regulations are changed behind closed doors, done quickly. Suddenly they're in effect, and then we find out about them. One such regulation that changed was that suddenly we could have open alcohol in a vehicle. Within three days, because of public pressure, that one was reversed. There were lots of concerns about that one, and I was one of those who expressed that. That's why I want this to be legislated. We will regulate the exceptions.

I would ask for every member's support on this. I know there are several others who would like to speak to this, probably the Minister of Energy. I thank you for this opportunity, and I encourage all members to support this. Just to clarify: this would say, "No riding in the back of a pickup truck," with regulations stating the exceptions to follow.

Thank you, Mr. Chairman.

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

MS OLSEN: Thank you, Mr. Chairman. I rise to support this amendment to ensure that people do not ride in the back of an unenclosed pickup truck. One might think that's an okay thing to do, and it may be. It may be that on a farm, where you have to move your fence posts and all the other stuff that goes with it, it is okay to have some people in the back of the pickup truck for that kind of work. It may be that on a jobsite that's what you want, although I think industry has moved a long way in terms of occupational health and safety standards. Very few crews are transported anywhere off private property in the back of a pickup truck. I can see a need at a forest fire site for a crew to pile in the back of a truck to get to a spot with their equipment. Things like that. However, I see no need for anybody to be riding in the back of a pickup truck on highway 16, on the streets of a city or town. I see no necessity for that. In fact, that puts people at a tremendous amount of risk.

I see no problem with having a regulation that says: look, there's a need out in a farming community. In fact, maybe the Minister of Energy in his veterinarian practice would need to have some sort of ability to have some latitude. In an environment where people are traveling on a highway at 120 kilometres an hour, 110, when they're in the city at 70 kilometres an hour, I just think it is the most irresponsible act to actually occur. Many people have their children in the back of pickup trucks, and I sit back and wonder: well, what about their safety?

It will start happening very soon here, when the kids are out of school, down on Jasper Avenue. You're going to have kids cruising up and down Jasper Avenue, as they do every year, every summer, in the back of pickup trucks, all sorts of little games going on, stunting. Inevitably some kid is going to get hurt, because they always do. So if we're talking about the big picture here, if we're talking about prevention, this is one way to reduce the health care costs in this province: let's start acting responsibly in some of these things that actually in fact cause a serious injury or death.

9:50

In fact, I can think a few years back out in Vegreville where a young boy was run over at a house party. He was run over because

a pile of kids were in the back of a pickup truck, and they had all been drinking and having a merry old time. Buddies were playing in the back, and one of them flew out and got run over by the truck. That happens, and they don't necessarily have to have been drinking, Mr. Chairman. Young people do silly things, and sometimes they pay the price for it, but when we can prevent that, then we should do so.

This is a reasonable amendment, and I urge all members of this House to support this, even though I'm having difficulty hearing over the other discussions. I think it's something we should take seriously, and I think it's something people should take a good second look at.

Thank you.

THE CHAIRMAN: We have, then, for our consideration amendment A2 to Bill 24 as proposed by the hon. Member for Spruce Grove-Sturgeon-St. Albert. All those in support of amendment A2, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

[Several members rose calling for a division. The division bell was rung at 9:52 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Dickson	Olsen	Soetaert
Leibovici	Sapers	White
MacDonald	Sloan	

Against the motion:

Boutilier	Havelock	Pham
Calahasen	Jonson	Renner
Cao	Klapstein	Severson
Cardinal	Kryczka	Stelmach
Clegg	Lund	Stevens
Doerksen	Magnus	Strang
Fischer	Mar	Tarchuk
Forsyth	Oberg	Thurber
Fritz	Paszkowski	West

Totals	For – 8	Against – 27
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[Motion on amendment A2 lost]

THE CHAIRMAN: The hon. Deputy Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. I move that we adjourn debate and that we report progress on Bill 24 when the committee rises and reports.

THE CHAIRMAN: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 24 and that when the committee rises, we report progress on the same bill. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

**Bill 26**  
**Family Law Statutes Amendment Act, 1999**

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with regard to this bill?

The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. I would like to take the opportunity at this time to move an amendment to the Family Law Statutes Amendment Act, 1999. I believe you have the amendment. The amendment reads that I move that Bill 26 be amended in section 1(3) in the proposed section 61.1(1) by striking out subclause (h)(i) and substituting:

- (i) an employee of the Department of Family and Social Services as designated by the Minister of Family and Social Services.

I'll just wait.

THE CHAIRMAN: Right. This will be called amendment A1 to Bill 26, and we'll wait a moment, hon. member, until a number of people receive a copy of this proposed amendment A1.

Hon. Member for Edmonton-Norwood, I think sufficient people have received a copy that we can proceed with your explanation of amendment A1. You have moved it.

MS OLSEN: Thank you, Mr. Chairman. The reason I put forward this amendment is that the definitions section of this particular act defines an enforcement officer. An enforcement officer means "(i) a police officer as defined in section 1 of the Police Act." Under the Police Act, section 1, the definitions section,

"police officer" means an individual who

- (i) is appointed under section 36 as a police officer or a chief of police,
- (i.1) is a member of the Royal Canadian Mounted Police who is engaged in providing policing services to a municipality under an agreement entered into under section 22(3)(a), or
- (ii) is a member of the provincial police service.

Well, Mr. Chairman, it's all fine and dandy that we keep bringing forward the tremendous numbers of legislation that impact policing, and they impact policing in a way that the government has no control over. I hearken back to my days when in fact I attended custody and access disputes as a police officer, and they were one of the last things I wanted to be involved in. In fact, the role of a police officer is to enforce all the laws that exist within this province and federal, provincial, and municipal bylaws where deemed necessary.

One of the things this bill does that concerns me is that it takes the whole family court legislation, if you will, or a piece of it, and puts the police smack in the middle of domestic relations problems. Not only does it make the police responsible for enforcing this act. There's the issue of giving police the power to barge into a home where there's a problem with access and then to take a child from that home and also then proceed with an enforcement provision under this act. I find that rather distasteful. I can guarantee you that the bulk of the work done by policemen will now fall under this act because everybody that's having difficulty will be calling the police to deal with this. They're not going to go to mediation, because

there's no mediation component in this bill. They're not going to seek out alternative dispute resolutions, because they're not in this bill.

**10:10**

What is in this bill? It makes the police the reliant factor. Quite frankly, I'm not sure that's what we want to do. I see that already with the Child Welfare Act. It's often the police that accompany the social worker to apprehend a child when there's a risk. Well, what we're going to end up doing now is interfere in an environment that may not be violent. There may be some struggles in terms of agreement on access. There may be some control issues with the parents. Once the police become involved, this is going to escalate all these particular situations.

Like it or not, it is probably the ugliest area of law there is in this province, and you're going to put the police smack in the middle of it. That uniform is going to go to the door. If mommy or daddy isn't going to open that door, this bill gives them the power to break the door down to get the child. You know what for? For not abiding by an access order. This isn't because there's a domestic dispute. This isn't because there's child abuse. It's not because of any of those things, Mr. Chairman. It's because somebody might not have brought little Johnny home on time. That is a problem. You're asking the police to interfere in a domestic relations situation where in fact that responsibility should fall into the hands of others. I don't think a uniformed police officer is particularly the appropriate person.

The other aspect of it is: so the policeman breaks the door down and gets the child. He says, "Okay, little Johnny, we're going to go back to mommy's house or daddy's house, and then I'm going to scoot the parent off to jail or what have you." So now what do you think the youngster thinks of the police and the police involvement in the already troubled dispute?

We introduced a bill, Mr. Chairman, last year. That bill called for an access enforcement co-ordinator set up similar to the Maintenance Enforcement Act. It also had a mediation focus. It also used the court system, where it had to, on behalf of one party. It also set out responsibilities for both parties to ensure that the access is complied with on both sides. So that means that if mom or dad doesn't exercise their right of access, that's as big a problem as somebody who doesn't allow that to happen. I think that's a much better process.

I'm concerned that the police become the heavy hand in yet another domestic relations issue. They really shouldn't be there unless there is a domestic dispute or some reason to believe the children are at risk or some other variables such as that. To strictly act as the enforcement power: I really have questions about where we're headed. It seems to me those responsibilities lie with a less authoritarian individual, and I'm all for looking at taking all the family law and bringing it under one umbrella in a unified family court. I'm all for family law reform, and I support the notion of an access enforcement co-ordinator, but I don't support the notion of having the police act as that co-ordinator.

I think that if the government is serious, it would set up an environment where it's a little more giving, it's a little more civil, and it meets the needs of the parties better. Certainly in this act I would like to see some form of mediation occur as a result, all those kinds of things. The alternative dispute mechanisms aren't part of this, and I think it needs to be far more comprehensive than what this particular act does.

I'm disappointed that we create yet another piece of family law. I think that brings these separate pieces to about 21 or 22 in this province. The better objective is not piecemealing family law; it's

bringing in true family law reform and working with all the partners involved in that process and not trying to bring in one small form of what's happened. I recognize the report done by the hon. Member for Calgary-Lougheed and that specific need, but I also recognize that she spoke in great detail to the notion of a unified family court and greater reform. This just doesn't cut the mustard, and I quite frankly am disappointed.

Again, I think we're walking down the wrong road by having the police be the big bad guy in this whole thing. You know, we don't fund policing agencies in this province like we should, and I can also tell you that by the time the policemen are done dealing with this, you're going to have taken a tremendous number of man-hours and you're going to be using them for a particular job that doesn't allow for them to respond to the more emergent calls in the field, that will leave other calls not answered. In fact another issue that comes to my mind is the issue of having justices of the peace now centralized. There's a much broader problem with all of this. It's not just in relation to merely having the police there.

We're talking about police funding across this province. I can tell you that many police officers in this province are volunteering their time to meet their community policing commitments right now, and quite frankly I think this is going to be more of a task than the minister might think. In fact, policemen will go out and will in fact enforce what they have to because they are dedicated to law enforcement in this province, but quite frankly the responsibilities that are in a criminal realm, Mr. Chairman, can hardly be dealt with, never mind introducing a large component of family law to the policing environment.

So with that, at this stage, Mr. Chairman, those are my comments, and I would hope that we spread the wealth. They've got Family and Social Services or create an access enforcement division or department, but I think something that offers a little more reform than this is in order.

Thank you.

THE CHAIRMAN: The hon. Member for Red Deer-South.

10:20

MR. DOERKSEN: Mr. Chairman, I just want to make a few comments with respect to the amendment before us which proposes to change the definition of enforcement officer from "police officer" to "an employee of the Department of Family and Social Services as designated by the Minister of Family and Social Services." I appreciate the amendment that's before us and the intent with which it's brought forward, and I think probably it's best to say there will be a difference of opinion as to which is the best individual or person in the enforcement of a court order.

I would just want to point out a few elements that the hon. member raised in her comments whereby she indicated that people are going to now always just run to the police to enforce orders. Well, clearly that is not the case in this legislation, because when you go to the court to make an application where there has been a pattern of denial of access, you have to make an application to the court for a number of remedies to enforce access. Having the court decide to ask an enforcement officer to assist in making sure that order is to happen is clearly only going to happen in exceptional cases. So it's not going to cause a whole raft of applications or calls to the police for this to happen. There has to be a specific order granted for that to happen.

In the legislation, Mr. Chairman, under section 61.7 it's quite clear that we give discretion to the police officer, who by the way received training in domestic disputes. This is something they deal with on a regular basis, and they receive training with respect to how to

handle these situations. Without question, the potential of entering into a very difficult situation is very real. Hence under that particular section, 61.7, we give the enforcement officer, in this case the police, the discretion to use some discretion "in the best interest of the child." It says there that

the enforcement officer is not required to bring the child to the applicant if the enforcement officer determines that, in the circumstances, it is not in the best interest of the child.

So in this bill, while we may disagree on who should be the enforcement officer, we set out the remedies available quite clearly in the legislation. There are a number of remedies, and the use of an enforcement officer would probably be one of the last ones a court would use. When it is used, we appoint a police officer to be that enforcement officer and give them the discretion to make sure it is handled very properly within that particular domestic situation.

So, Mr. Chairman, while there's a disagreement, I'm going to encourage my colleagues to oppose this amendment.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo on amendment A1.

MR. DICKSON: Thanks, Mr. Chairman. I was going to speak even before the sponsor of the bill stood up. You know, I just have to register a real concern. We heard some discussion when the bill came in, talking about winners and losers and trying to get away from the adversarial nature of custody access litigation. Well, there's no better way of reinforcing that notion of winners and losers than involving police in terms of trying to resolve this whole business of custody and access.

The reason I support this amendment is that when you have a warrant for somebody's arrest, it's a very simple matter for a constable to show up at the door and execute the warrant. If you're apprehending somebody who you have reasonable and probable grounds for thinking has committed a criminal offence, it's a relatively straightforward thing for a police officer to do. When we talk about enforcing access orders, rarely is there not some intervening circumstance that complicates the situation. I think police officers may well have had training in terms of domestic disputes, police officers may have excellent judgment, but I don't think we want to have uniforms showing up at the front door to enforce access orders save and except for those extraordinary times when you have children being removed from the jurisdiction or being apprehended, taken out of the province, taken to another province, and that sort of thing. I think what the amendment speaks to is a need to address these issues with some sensitivity. Often we're dealing with young children, emotions are running high, and you've got two maybe adversarial parents in a highly charged emotional context. Frankly, I don't think it's appropriate that children see somebody with a side arm and some handcuffs on their belt marching into the house and enforcing an order.

I'd just say, as I had suggested before around this bill, that I think we're missing the boat by not looking at having an access enforcement co-ordinator. I know that's not part of the amendment, but I just have to make the observation that if we don't accept this amendment, we're reinforcing the very kind of dynamics that engender further problems in these domestic situations. I think the amendment put forward by Edmonton-Norwood is an excellent one. I think it warrants the support of every member.

This isn't stolen chattels. We're talking about children often two, three, four, five, six years of age. Do we expect or want that police officers would be the means by which we have to enforce the order? I'd frankly much sooner have somebody not in a uniform, a social worker, show up at the house to make sure an order is enforced in

the best interests of the child. I don't think police officers, no matter what training they have to deal with domestic disputes, have the kind of specialized training in best interests of the child that would be warranted.

I think it's a great amendment, and I encourage members to support it. Thanks, Mr. Chairman.

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

MR. SAPERS: Thank you very much, Mr. Chairman. I want to speak in support of the amendment on Bill 26, the Family Law Statutes Amendment Act, as put forward by my colleague from Edmonton-Norwood. I want to reflect for just a moment on an experience I had when I was in university. At the time I was in university I had an opportunity to work with the New Westminster city police. One of the very first calls for service that I had to respond to was a domestic dispute that involved an estranged husband and wife, and it had to do with the wife refusing some visiting privileges to the husband. What really struck me in that whole circumstance – and it was very tense and very emotional, as you can imagine – was the fear in the eyes of the two children when the two uniformed constables, the one that I was with and another response unit, showed up and separated the husband and wife, as they are wont to do, and took them into different rooms. Being a civilian, they had me just stay with the kids. The fear in the eyes of the children, not knowing what was going on, the uncertainty they felt about what was happening with their parents – it struck me right then and there that we're often not sensitive to how the police role is viewed.

This is not in any way a comment about the professionalism of the police, but when you're dealing with families in crisis, sometimes the introduction of a uniformed law enforcement officer who is armed and comes into a situation is not going to de-escalate it. In fact, there are scientific studies that have been done, many of them out of California. I remember one in particular in Menlo Park, California, where after taking a look at the psychological impact of the uniform and the stimulus for aggression that that provided, they went to the decision that they took all of their sworn personnel out of uniforms and issued them instead slacks and blazers. There were no visible signs that they were armed, even though they were. You know, their radios and their handcuffs and all those accoutrements were on their belt but under their jacket. They felt that this gave a much better opportunity for the police to establish good police/community relations.

So that experience that I had early in my career in criminal justice seemed to be substantiated by some of the studies that were done by modern police forces, particularly in the United States. I can't separate that knowledge from what's happening in this amendment. For that reason, amongst others, I would support this amendment.

10:30

The other thing, you know, is that the police are rapidly becoming all things to all people. In large urban police departments in particular there's a move towards specialized response teams for various reasons. Some of these specialized response teams are the family matter response units that the Member for Red Deer-North was speaking of. That's a very good initiative. It's been very helpful, but again, they can't do it all. They especially can't do it all

when they're faced with their own funding issues. Specialization costs money. It costs money because of the allocation of personnel. It costs money because of training. It costs money because of the additional strain that it puts on the police department to have flexibility.

So if we're asking the police to take on this particular role, I think we also have to look at the resource issue and try to then come to a determination about whether we're getting the most value for the dollar spent. Do we want police resources spent on something that, based on some of the research and some of the experiences that I've had in the past, (a) may be a little counterproductive and (b) may be better served by other professionals who may be able to go in and may also be able to do so at a lower cost to the taxpayer and accomplish a better result?

Mr. Chairman, I would encourage the government to seriously consider this amendment. I know that the minister of family services has been paying rapt attention to this entire debate. I would ask that in order to give the government members time to fully reflect on and appreciate the power and strength of this amendment, in order to give the minister a chance to liaise with his colleagues and deal with this amendment, I would move that we now adjourn debate on Bill 26, on the amendment, and that we report progress when we rise and report.

THE CHAIRMAN: The hon. Member for Edmonton-Glenora has moved that we adjourn debate on Bill 26 and that when the committee rises, we report progress on same. All those in support of this motion, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no. Carried.

The hon. Deputy Government House Leader.

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

[Motion carried]

[Mr. Clegg in the chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports progress on the following: Bill 20, Bill 24, Bill 26. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly. I would also like to table copies of documents tabled during Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: All those in favour of the report, please say aye.

HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any? Carried.

[At 10:37 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]