

## Legislative Assembly of Alberta

**Title: Monday, May 1, 2006**

**1:30 p.m.**

Date: 06/05/01

[The Speaker in the chair]

head:

### Prayers

**The Speaker:** Good afternoon. Welcome back.

Let us pray. At the beginning of this week we ask for renewed strength in the awareness of our duty and privilege as members of the Legislature. We ask for the protection of this Assembly and also the province we are elected to serve. Amen.

Hon. members and to the visitors with us today, we'll now participate in the singing of our national anthem, and we'll be led today by Mr. Paul Lorieau. Would you all please participate in the language of your choice.

### Hon. Members:

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

**The Speaker:** Well, I think I can safely say that Mr. Lorieau is pumped.

Please be seated.

head:

### Introduction of Guests

**The Speaker:** The hon. Member for Edmonton-Whitemud.

**Mr. Hancock:** Thank you, Mr. Speaker. It is a pleasure for me today to introduce to you and through you to members of the Assembly Scott and Janice Johnston. They are in your gallery, I believe. Scott and Janice are constituents of mine, living in Edmonton-Whitemud, but members here will know them in their roles as members of the local media, with 630 CHED and CBC respectively. While they're extremely busy reporting on the hot stories of the day, their more important role is in the raising of and being parents to a young leader in this province. Yes, they are parents to none other than our page Samantha Johnston, and the time they share with Samantha is very special to them. I'd ask them to rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. Indeed a pleasure to introduce a constituent of mine. Mr. Karl Ryll is a tireless volunteer with the Caernarvon Community League in Edmonton and pretty soon, probably to our Solicitor General's delight, if things go well will be serving in EPS, protecting us here in Edmonton. I would ask Karl Ryll, who already is standing, to receive the traditional welcome of all members of this Assembly.

**The Speaker:** The hon. Member for Cypress-Medicine Hat.

**Mr. Mitzel:** Thank you, Mr. Speaker. I'm pleased today to introduce to you and through you to the members of this Assembly a group of students from Medicine Hat Christian school. They're with their vice-principal, Mr. Shade Holmes, and his wife, Gail.

This is the first school that I've had an opportunity to introduce since I was elected. This grade 6 class was the lucky winner of a trip to our province's capital to take part in our School at the Legislature. Access: The Education Station and Canadian Learning Television sponsor a school from northern Alberta, north-central Alberta, central and southern Alberta to attend the School at the Leg. program. The school's transportation to the capital as well as accommodation costs during their stay in Edmonton are covered by Access and CLT. The program includes a guided tour of the Legislature, a chance to observe the members of the House in action, as they are doing this afternoon, and much, much more. School at the Leg. is a wonderful program, and I hope these students enjoy their Legislature experience.

Mr. Speaker, I'd like to ask the students and their vice-principal from the Medicine Hat Christian school to rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Member for Drayton Valley-Calmar.

**Rev. Abbott:** Thank you, Mr. Speaker. I rise today on behalf of the hon. Member for Lacombe-Ponoka, who has 67 school visitors today from the Lacombe Christian school. It would be great to have him here. Because of his Dutch heritage he could probably pronounce these names better than I, but I'll do my best. They're led by their teachers Mr. Tim VanDoesburg, Mrs. Stephanie Littel, Mrs. Willeke Kraay, Mrs. Charlene Gallagher, and by parent helpers Mr. Bernie Kolkman, Mr. Andrew Zuidhof, Mrs. Vivian Kooyman, Mrs. Anita Swier, Mr. Troy Ogle, Mrs. Jeanne Ebens, Mrs. Dana Van Gyssel, Mrs. Janet Noordhof, Mrs. Louise Macleod, Mrs. Mirjke Kleinlugtenbeld, Mrs. Lyda Stijter, Ms Gerlinda VanGinkel, and their bus driver, Mr. Nick Den Oudsfen. I'd ask them all to rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Well, thank you very much, Mr. Speaker. I have two sets of introductions today, the first being a group of intelligent and energetic and very inquisitive students from St. Augustine school in my constituency of Edmonton-Rutherford. There are altogether 43 students, I believe, as well as teachers/ leaders Mrs. Lidstone and Mr. Tran and a parent helper, Mrs. Beth Williams. I think they're in either one or both of the galleries. I would ask them all to please rise and receive the traditional welcome of this Assembly.

In my second set of introductions, Mr. Speaker – I don't think I need notes for this one – I'd like to welcome back to the Assembly on a return visit my parents, Art and Barbara Miller. They've been away in Arizona, and they're back now that the snow has gone. Making their first visit to the Alberta Legislature are my dad's brother Ernie Miller and his son Helmut, my uncle and my cousin. I'd ask them all to please rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Member for Edmonton-Glenora.

**Dr. B. Miller:** Thank you, Mr. Speaker. I have two sets of introductions. I'm pleased to introduce to you and through you to all members of the House 18 students from Coronation school in my constituency. They're accompanied by their teacher, Ms Arlyn Belden, and a parent, Mrs. Darlene Elias. They're in the members' gallery, I believe. I would ask them to please stand and receive the traditional warm welcome of the House.

I'm also pleased to introduce to you and through you to all members of the House my wife, Rhea Jansen, who is behind me in the members' gallery. You know, my wife comes from a family of 12 children, and it must be said that the in-laws are really the spice of the family, so it gives me great pleasure to introduce my brother-in-law, Gus Van Soelen, who is from Wellandport, Ontario. I'd invite them to please stand and receive the warm welcome of the House.

**The Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. I have two sets of introductions today. I'm very delighted to introduce to you and through you to members of this Assembly Kelly and Tyra Hennig. Kelly and Tyra are residents of my constituency and have lived in Lauderdale for the past 10 years. Kelly works as a teacher and an administrator for the Head Start program. He remains active in his constituency and the broader Edmonton community through his work as a professional and volunteer. Tyra works with families dealing with domestic violence at the Edmonton Women's Shelter and has been doing so for the past six years. They're both seated in the members' gallery, and I would ask them now to rise and please receive a warm welcome from the Assembly.

Mr. Speaker, I'm also pleased to introduce to you and through you to the members of the Assembly Leith and Kirstin Cardinal. Leith was born and raised here in Alberta and has been working in the financial industry for the past five years. Kirstin is a second-year commerce student at Grant MacEwan College. Together they are the proud parents of their young son, who is going to be an Edmonton Oiler someday. They, too, are seated in the members' gallery, I believe, and I'd ask them to please rise and receive a warm welcome from the Assembly.

head: 1:40

### Oral Question Period

**The Speaker:** First Official Opposition main question. The hon. Leader of the Official Opposition.

#### Sale of Progressive Conservative Party Memberships

**Dr. Taft:** Thank you, Mr. Speaker. Over the weekend the Member for Strathcona attended a walk in St. Albert organized to raise money for the Multiple Sclerosis Society. While there, the Member for Strathcona handed out brochures – I'll table copies of them – urging Albertans with disabilities to buy a \$5 PC Party membership so that they can select the new leader of the PC Party and, I quote from the brochure, "make a difference." The Member for Strathcona is also the chair of the Premier's Council on the Status of Persons with Disabilities. My first question is to the Premier. Does the Premier approve of the chair of the Premier's Council on the Status of Persons with Disabilities using his position to sell Progressive Conservative Party memberships?

**Mr. Klein:** Mr. Speaker, I've spoken to the hon. Member for Strathcona about this issue, and I suspected that it would be raised in the Legislature. His answer at the time was that persons with disabilities ought to be included in the political process, and this is simply a way for them to be included.

**The Speaker:** The hon. leader.

**Dr. Taft:** Well, thank you, Mr. Speaker. This time to the Minister of Seniors and Community Supports: is it the position of this

government that the only way the interests of persons with disabilities will be heard in this province is if they buy memberships in the PC Party, which is what this says?

**Mrs. Fritz:** Absolutely not, Mr. Speaker. As the Premier indicated, the Member for Strathcona is very – well, in fact, he's just outstanding as the chair of the Premier's Council on the Status of Persons with Disabilities. His approach, I would understand, is very much for full inclusion and that people with developmental disabilities should not be left out of any process in any way. I mean, I wasn't at this walk that you're referring to, but I know that whatever did occur at the walk was done in the best interests of persons that were involved.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. Then back to the Premier: will the Premier stop the chair of his council on persons with disabilities from using his position to sell PC Party memberships, and if not, does anything go then, Mr. Premier?

**Mr. Klein:** Well, I don't know if anything goes. You know, Mr. Speaker, I harken back to the last leadership campaign. There were many, many Liberals and NDs who bought memberships. Many, many. As a matter of fact, I recall one Liberal buying a membership for one of my nomination meetings and then ripping it up in front of the person who sold it and saying, "I won't need this anymore" and throwing it back at her.

**The Speaker:** We will have a tabling later.

Second Official Opposition main question. The hon. Leader of the Official Opposition.

### Resource Revenues

**Dr. Taft:** Thank you. Mr. Speaker, the Aon report presented last week portrays a bleak fiscal picture for Alberta's future under this regime. In a report designed to scare Albertans about the sustainability of the public health care system, Aon has confirmed that this government has absolutely no long-term fiscal plan. By 2025 the government is projecting to collect half the current amount of resource revenues and only a fraction of today's investment income. To the Minister of Finance: given that the projections in the Aon report are based on information from Alberta Finance, is it this government's position that resource revenues will decrease by half between now and 2025?

**Mrs. McClellan:** Well, Mr. Speaker, first, let's set the record straight on what the Aon report did say. I read it; I think many of you in this room read it. What it said is that if we continue on the spending track that we're on, we would be in very serious positions.

**Some Hon. Members:** Revenue.

**Mrs. McClellan:** The opposition are saying: "Revenue. Revenue." They haven't figured out yet that there's a correlation between revenue and expenditures, and it's this government's view that you should have more revenue than you have expenditures.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. I'll give the minister a second chance with the same question. Given that the projections in the

Aon report are based on Alberta Finance information, is it this government's position that resource revenues will decrease by half by 2025, which is what the report says?

**Mrs. McClellan:** Mr. Speaker, it is our view that they certainly could, and that is why each year we have a very prudent forecast for energy revenues and why this government under the leadership of this Premier created a sustainability fund that would be there to cushion any variations in that. I'm on record as saying that I believe that the sustainability fund should grow. I'm on record along with my colleagues here as saying that we should increase our savings. Our budget indicated how we are increasing those savings, whether it's through endowments or whether it's through adding to the sustainability fund or to the heritage fund. We also know that the fiscal policies of this government are creating opportunities in this province that will increase our revenue from both corporate and personal taxes without raising those tax rates; in fact, lowering them.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. Again to the Minister of Finance and again drawing on the Aon report: given that the projections in there, based on her department's information, forecast the decline of the heritage fund, is it indeed the expectation of this government that the heritage fund is in long-term decline?

**Mrs. McClellan:** No, it isn't, Mr. Speaker. In fact, we began inflation-proofing the heritage fund two budgets ago. Then in the third quarter of last year we added \$1 billion to the fund, and in the budget this year we added another billion dollars. We've made it clear that when it is possible, we're going to continue to increase that so that it is of benefit to this province over the future.

Mr. Speaker, you can read reports. You can spin out what you want from them. We gave Aon the very best information we had, obviously, not trying to hide absolutely anything. What it speaks to is responsible fiscal management, and this government has a record of that.

**The Speaker:** Third Official Opposition main question. The hon. Member for Edmonton-Manning.

#### Labour Issues

**Mr. Backs:** Thank you, Mr. Speaker. Go, Oilers, go.

Seriously, May 1, May Day, is a traditional day to honour workers world-wide. In Alberta this government has worked to weaken labour laws. It has a poor record of labour support and development. Retention, getting workers to stay longer and put down roots in our Alberta, is a long-lasting and increasing problem. Many things can be done. Many things should be done. My question is to the Minister of Finance. As the Member for Vermilion-Lloydminster said in this House in 2001, "It's a long overdue bill," why has this government not proclaimed Bill 207, the Alberta Personal Income Tax (Tools Credit) Amendment Act, from that year, 2001?

**Mrs. McClellan:** Well, Mr. Speaker, we will proclaim that act in due course, in due time if it's the most appropriate way to reduce taxes for our consumers.

1:50

**The Speaker:** The hon. member.

**Mr. Backs:** Thank you, Mr. Speaker. A supplementary to the minister of human resources: to fix some labour law to stop a replay

of what happened at Lakeside last year, will the minister push for first contract arbitration and impose arbitrated first contracts under existing laws in the meantime?

**The Speaker:** The hon. Minister of Human Resources and Employment.

**Mr. Cardinal:** Thank you very much, Mr. Speaker. Go, Oilers, go.

I've said before, Mr. Speaker, that 99.9 per cent of the collective agreements in Alberta are in place without any labour disruption. As long as that process continues, then why would you want to make changes?

**Mr. Backs:** To the same minister, Mr. Speaker: will you encourage low-income workers to stay in Alberta by mandating a regular annual review of our minimum wage so that these workers can expect an increase sometime before 2012?

**The Speaker:** The hon. minister.

**Mr. Cardinal:** Thank you, Mr. Speaker. That's a very good question. In the hot economy, the thousands of jobs in Alberta there are very, very few people that work for even close to the minimum wage.

**Mr. Renner:** Point of order, Mr. Speaker.

**The Speaker:** Point of order.

The hon. leader of the third party, followed by the hon. Member for Dunvegan-Central Peace.

#### Health Care Spending

**Mr. Mason:** Thank you very much, Mr. Speaker. The Aon report contains very scary scenarios about health spending eating up the provincial budget over the next 20 years, including draining the heritage fund. However, the NDP opposition analysis, based on 20-year actual historical averages, shows that average health spending increases are much lower than those cooked up by Aon Consulting at the behest of this Conservative government. I'll table that at the appropriate time. To the Minister of Health and Wellness: why would Aon project an 8.4 per cent annual increase in health spending over the next 20 years when the actual spending increase in the last 20 years has been a much lower 6 per cent per year if not to scare people into accepting more private health care?

**Ms Evans:** Well, Mr. Speaker, for the last six years the spending has increased by over 9 per cent on average. One year it was over 14 per cent. It's been 13 and a half per cent. The track record in the most recent past has shown that the incredible rises in the costs of technology, new procedures, new ways of doing things, and in the drug costs have inflated much more than they ever have. I should also point out that Aon, unfettered by the views of politicians and the people on this bench, provided their actuarial analysis based on the kinds of work that they do. They're professionals at it. They took the figures that we provided, and they took a look at what we've been doing in health care and the track record not only in Alberta but in other parts of Canada, and they are all very strong indications of increase.

**Mr. Mason:** She who pays the piper calls the tune, Mr. Speaker. Unless this government is prepared to lay all its cards on the table, including tabling the Aon model with its supposed 400 variables,

why shouldn't Albertans dismiss Aon's financial projections as being nothing more than an attempt to frighten Albertans into accepting an expanded role for private delivery of health care service?

**Ms Evans:** You know, Mr. Speaker, I'm really intrigued by the fact that, number one, we chose not to use the information that we had looked at in terms of any kinds of world-wide demonstrations of private/public payer for health. We looked at that through the Aon report, and it said that there was no advice to increase any private insurance. So we said we weren't going to do it. Number two, we invited all members of this Assembly – and the member, thankfully, chose to attend – when Aon presented it. Number three, I think that the real question is this: why are we so afraid to look at this last five- and six-year track record of health care spending and continue to think that this might extend itself over the next five or six years? We are aging; we know that. We are seeing more technology; we know that. So for the hon. members opposite to say, "Well, why are we trying to do something that would appear to be out of the ordinary or frighten people?" – we're not trying to frighten people. We are actually telling people that the reality is that we're spending more, we're growing older, that there are more things to spend our money on, and we'd better be careful.

**The Speaker:** The hon. leader.

**Mr. Mason:** Thank you very much, Mr. Speaker. Why won't the minister admit that the reason the government has spent so much on health care in the last few years is that they're still trying to make up for the cuts of the mid-90s, which devastated our health care system?

**Ms Evans:** Well, Mr. Speaker, if that were the case, you'd have to look at the fact that today we're spending over \$400 more for every man, woman, and child than they are anywhere else in Canada and say: is that the case across all of Canada, that somehow we have all gone into a nosedive on expenses? In fact, our health care, when you get into the system, is doing better than it is in many other parts of Canada. We have had consistent reports that the Capital health authority, for example, has the best health care delivery system in Canada. So for the hon. member opposite to try and suggest otherwise is just not the case.

**The Speaker:** The hon. Member for Dunvegan-Central Peace, followed by the hon. Member for Edmonton-Gold Bar.

#### **Agricultural Income Stabilization Program**

**Mr. Goudreau:** Thank you, Mr. Speaker. The federal government has put in place a \$755 million grains and oilseeds program from which Alberta farm producers can receive funding, but getting that funding means that Ottawa has to receive the CAIS information it needs from this province and other provinces to start processing payments. My understanding is that there has been a delay from Alberta, which means that some producers aren't receiving their money. My first question is to the Minister of Agriculture, Food and Rural Development. Can the minister explain how this delay could have happened and why some producers have received cheques under this program and others are still waiting?

**The Speaker:** The hon. minister.

**Mr. Horner:** Thank you, Mr. Speaker. That's a very good question. There is some good news in this, and that is that roughly 18,000

producers in Alberta have received their funding under the grains and oilseeds payment program, or GOPP. The delay for some producers and all corporation farms in the province – in other words, farms that have been incorporated, not that they're not owned by families or anything – is due to the requirement for supplementary information from files that were held by the Ag Financial Services Corporation. It was very detailed information, and from the time when the original request came in from the federal government to essentially go in and pick this information out of our files, it took a little while, about eight weeks, to get that information together in a format that the federal government payment processing system would be able to recognize and use. I have to say, too, that this was really a very big problem in provinces like ours that manage the CAIS program themselves. Included in that would have been Ontario and Quebec and, potentially, Prince Edward Island as well.

**The Speaker:** The hon. member.

**Mr. Goudreau:** Thank you, Mr. Speaker. My second question is for the same minister. Can producers who didn't participate in CAIS expect to receive a federal payment?

**The Speaker:** The hon. minister.

**Mr. Horner:** Well, thank you, Mr. Speaker. I guess the short answer to that question is yes, they can. If you participated in the CAIS program in 2004, you're automatically going to be involved in the federal program if you had net sales and if you qualified under the criteria which they've set out. But producers who are not participating in CAIS or who began farming in 2005 would have to submit a grains and oilseeds payment program application by the end of May. That application form, as I understand it, is available on the Ag Canada website. Producers should be aware that there are deadlines and there is information that needs to be submitted to the federal government.

**The Speaker:** The hon. member.

**Mr. Goudreau:** Thank you, Mr. Speaker. My final question is also to the Minister of Agriculture, Food and Rural Development. What other supports have been made available to our struggling grains and oilseeds producers?

**Mr. Horner:** Well, Mr. Speaker, we've had that question or a similar question in this House this spring because this spring has shown that we do have a crisis in agriculture, and that's in our grains and oilseeds sector. We're trying to address the short-term needs by doing things like the reference margin pilot project, which we did last fall, which is adding over \$224 million into the farming economy in our province. That's not available anywhere else in Canada, just in Alberta. We've also raised the revenue insurance coverage for prices by 7 per cent to help offset some of those rising input costs. Again, that's not available anywhere else in Canada. Finally, we also did a 20 per cent decrease to the production insurance premiums, again only in Alberta, not anywhere else in Canada. Going forward, we're looking at a number of ways that we might be able to look at the long-term survivability, the long-term profitability of our agricultural sector because it's important for them, but it's also important for rural Alberta.

2:00

Tomorrow, Mr. Speaker, we have the federal budget, as I understand it. We are waiting to see what is going to be in that budget so that we can react appropriately.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for West Yellowhead.

#### Sale of Surplus Land in Fort McMurray

**Mr. MacDonald:** Thank you, Mr. Speaker. The incompetence of the department of infrastructure regarding the sale of surplus government land continues. The land speculators continue to cash in at the expense of taxpayers. My first question is to the minister of infrastructure. Was the real sale price for 157 acres of surplus land sold in Fort McMurray on May 16, 2005, \$2,800 as listed twice in the *Alberta Gazette*, the official public record of this Progressive Conservative government?

**Mr. Lund:** Well, Mr. Speaker, the information that I have is that the \$2,800 was for 46.33 acres. The fact is that I don't have the information on whether it was serviced land: all of that kind of detail that makes a big difference on the appraised value of a piece of property.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you. Again to the same minister: why was the sale price in the *Alberta Gazette* \$2,800 when documents at the land titles office indicate that this land was sold for \$2,800,000? Why the big difference?

**Mr. Lund:** Well, Mr. Speaker, I don't know whether the member has got the same land and whether there's a mistake in the decimal point. I don't know, but I certainly will take that under advisement, and we'll investigate what the difference is.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. Again, for the record, this \$2,800 number has been in the *Alberta Gazette* since last July. To the same minister. If this land was sold for \$2,800,000, that works out to \$17,800 per acre. Why was that land sold for that amount when the government only weeks later set a \$50,000 per-acre price in Fort McMurray? Why has that land been sold so cheap?

**Mr. Lund:** Mr. Speaker, as I said in my answer to the last question, we'll have to investigate further. I don't have the benefit of the land titles information. I'm not sure that he's talking about the same parcel. We will undertake to investigate, and we will get back to the member on the discrepancy if there is any.

**The Speaker:** The hon. Member for West Yellowhead, followed by the hon. Member for Edmonton-Ellerslie.

#### Softwood Lumber Trade Dispute

**Mr. Strang:** Thank you, Mr. Speaker. Last Thursday the government of Canada announced that an agreement has been reached with the United States on the end of the softwood lumber dispute. For all the positive response from other lumber-producing provinces on the end of a 25-year disagreement the best the Minister of International and Intergovernmental Relations could say is that he is cautiously optimistic. My first question is to the Minister of International and Intergovernmental Relations. Can he explain what he is concerned about?

**Mr. Mar:** Mr. Speaker, there are two concerns that are my chief concerns in the matter regarding softwood lumber. First of all, I want to say that we don't have a deal on softwood lumber yet. What we do have at this point is a framework that will be the basis for creating a deal. So this is just the first step in developing a final legal text that will finally bring this dispute to an end. The second of my concerns is that the agreement that we're working on is not free trade; it is about managed trade. Alberta and Canada still face potential limits on our share of the U.S. market and the possibility that export taxes will be put in place if lumber prices fall and if we exceed our historic market share.

We do need an end to this dispute. This framework, if it moves forward into a final legal text, will give us one. Industry will get back at least \$4 billion of its duty deposits, and there will be no further U.S. trade cases during the time that this agreement is set in place, which is currently set at seven years and can be reopened for an additional two years beyond that. The Alberta government, Mr. Speaker, will continue to work with all parties involved to try and move forward on the final text.

**The Speaker:** The hon. member.

**Mr. Strang:** Thank you, Mr. Speaker. My first and only supplementary question is to the Minister of Sustainable Resource Development. Is this deal good for Alberta lumber producers?

**Mr. Coumts:** Mr. Speaker, the United States is a significant market for Alberta forest product manufacturers, and for many of them it's their biggest single market. Negotiated agreements are not perfect, and this particular proposed settlement is no different. This framework would give certainty of access to the U.S. markets, certainty of the export rules. Alberta has about 7 per cent of the Canadian exports into the United States, so some stability and predictability for that 7 per cent is something that is good for us, on which we can operate. Also, we have stakeholders from small mills to large mills to secondary manufacturers, and this framework agreement would affect each one of them differently. Some of the members of our industry are raising concerns over certain aspects of the agreement and rightly so, given their varied interests.

I met with our industry last week, Mr. Speaker. We're working very, very closely with them to review this agreement and identify some of the areas and address some of the concerns that they have, and we will continue to work with them.

**The Speaker:** The hon. member?

Then the hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Cypress-Medicine Hat.

#### Arts and Culture Funding

**Mr. Agnihotri:** Thank you, Mr. Speaker. The Official Opposition has been very vocal in urging this government to recognize the value of the arts sector in Alberta. Unfortunately, this government's track record is very, very disappointing. Despite being the wealthiest province in Canada, the Alberta government is consistently ranked among the worst supporters of arts and culture in the nation. My question is to the Minister of Community Development. What will the new minister do to improve upon this government's poor history of funding for the arts?

**The Speaker:** The hon. minister.

**Mr. Ducharme:** Thank you, Mr. Speaker. As I indicated during estimates last week in regard to arts funding from the Ministry of Community Development, Alberta's arts community has grown at an incredible rate. Recognizing this, the government of Alberta has allocated an additional \$3 million in funding for the Alberta Foundation for the Arts in this year's budget. The new funding is going to be allocated to priorities outlined in the foundation's strategic plan and will support existing clients and services in arts creation and production, arts promotion, arts participation, and art collection and display. Last week during estimates I also indicated to the member that I was looking very much forward to being able to meet with all the different arts communities within the province in the near future to be able to have further discussions as to what can be done to increase funding for them into the future.

**The Speaker:** The hon. member.

**Mr. Agnihotri:** Thank you, Mr. Speaker. To the same minister: is the minister considering further restricting the sources and types of grants that the arts community can receive?

**Mr. Ducharme:** At this point in time, hon. member, I have not had an opportunity, being new to this ministry. As I indicated, I will be meeting with the groups. As far as the distribution, I know that it's a percentage of the funds that go out to each of the groups. We will be looking forward in terms of meeting with them to have further discussions on the allocations.

**Mr. Agnihotri:** To the same minister: will the minister commit today to once again making arts and culture funding a top priority for this ministry?

**Mr. Ducharme:** Mr. Speaker, funding for the arts and culture, the different departments that are responsible, is always a priority for the government of Alberta. Basically, this year there is a total expenditure going out to the Alberta Foundation for the Arts in the neighbourhood of a little less than \$23 million. It may be not enough dollars in terms of what everyone is asking for, but hopefully we can strike the right balance with all the different communities in Alberta.

**The Speaker:** The hon. Member for Cypress-Medicine Hat, followed by the hon. Member for Edmonton-Glenora.

### Chronic Wasting Disease Control

**Mr. Mitzel:** Thank you, Mr. Speaker. My first question is to the Minister of Sustainable Resource Development. At this time of year many hunters are making plans for the coming season and are getting ready for the hunting draws that take place starting June 1. I'm receiving calls from hunters in my constituency asking about further hunting opportunities. Can the minister tell us if he will be using recreational hunters instead of government resources to control the spread of CWD in southeast Alberta?

**The Speaker:** The hon. minister.

2:10

**Mr. Coutts:** Well, thank you very much, Mr. Speaker. Alberta provides a wide range of outstanding hunting and fishing opportunities across this province. Last year we increased the numbers of resident hunter tags in the chronic wasting disease controlled areas, and that's from Lloydminster all the way down to the hon. member's riding, Cypress-Medicine Hat, and I can guarantee this hon. member that we will be expanding on this program again this year. We find

it a particularly useful technique to deal with wildlife management problems. However, we do need government staff to effectively reduce the deer populations in targeted areas as well. So we're seriously committed to making sure that we can control this disease that could have an effect on 400,000 wild deer in this province.

**The Speaker:** The hon. member.

**Mr. Mitzel:** Mr. Speaker, thank you. Again to the same minister. I understand that the CWD winter management program in southeast Alberta just wrapped up. Can the minister provide more of an update and tell us why this program is so important?

**Mr. Coutts:** Mr. Speaker, the results of the controlled program confirm that our aggressive response is justified. We had collected almost 1,700 wild deer along the Saskatchewan border, nine of which tested positive for chronic wasting disease. That brings the provincial total to 13 since 2005. These positive cases show that we have caught it at an early stage, and that's important. We have to be diligent in our efforts, and we can be successful in eliminating chronic wasting disease from this area. Big game hunting contributes about \$110 million to this province, and that's why we must continue with this aggressive approach.

**The Speaker:** The hon. Member for Edmonton-Glenora, followed by the hon. Member for Edmonton-Calder.

### Highway Traffic Enforcement by Sheriffs

**Dr. B. Miller:** Thank you, Mr. Speaker. At the end of June the six-month pilot project utilizing sheriffs for highway traffic enforcement will be finished, and then supposedly the RCMP and the province will evaluate this program and determine its effectiveness and then decide whether it should be expanded. However, the Solicitor General has recently stated that his department received \$4.6 million to hire more sheriffs to patrol Alberta highways. My questions are to the Solicitor General and Minister of Public Security. Can the minister tell us why he is already planning to hire more sheriffs before the end of the pilot project and before a complete evaluation of the program has been completed?

**The Speaker:** The hon. minister.

**Mr. Cenaiko:** Thank you very much, Mr. Speaker, and go, Flames, go.

The hon. Member for Edmonton-Glenora raises a very good point regarding the provincial sheriffs, regarding the budget allocation that we received in Solicitor General and Public Security this spring and, as well, the estimates that we'll be deliberating this Thursday afternoon. The pilot project is very positive with the results we've seen thus far. The number of summonses that have been written regarding stop signs, speeding, no seat belts – those are issues that we want to deal with, and those have been the major causes of fatal accidents in this province over the last number of years, where we've had 400 fatalities per year. We want to see those numbers go down. When we look at providing this program into Alberta and look at those highways that are killer highways and those hot spots where we have to provide more enforcement, these officers have already proven in the three and a half months, almost four months that they've been involved in the program to be very successful, and we have received numerous e-mails from individuals saying that the program is working very well.

**Dr. B. Miller:** Will this minister assure this House that he will not expand the program unless he has complete endorsement by the RCMP and other municipal police services, and will he release the results of the evaluation publicly?

**Mr. Cenaiko:** Mr. Speaker, as the pilot project moves forward, yes, we are evaluating it. A senior officer from the Calgary Police Service has been seconded to our department to begin the review which, in fact, starts today. He'll be working on that over the next number of weeks. We'll be bringing, obviously, that information back to our ministry to determine what the real effects of the program have been and where we want to look in the future.

The McDermid report, which authored the traffic safety plan and the vision 2010 project, recommended 83 officers, Mr. Speaker. We're looking at adding another 42 officers. The issues are where, when, how, looking at infrastructure issues. But we will be.

**Dr. B. Miller:** Given that this government reads reports of the Fraser Institute as the gospel and that one of their recent reports recommended the replacement of the RCMP by an Alberta police force, will the minister assure this House and all the residents of Alberta who value the RCMP and their dedication to service that he will not replace them with sheriffs?

**Mr. Cenaiko:** Well, Mr. Speaker, I met with Commissioner Zaccardelli Thursday night in Ottawa, and I reassured him as well as every RCMP member across this country that our contract with the RCMP is in place until 2012. We are preparing for negotiations with Canada, as are eight of the other 10 provinces and the three territories in this country. We are doing a value-for-dollar study on the RCMP and the PPSA, the provincial police service agreement, to ensure that when we enter negotiations with Canada, we're going to be fully prepared and look at what the citizens of this province want both municipally and in the rural areas.

So, yes, the RCMP are aware of the sheriff program. They're aware of the sheriff pilot project. They're aware of where we want to move in the future regarding traffic enforcement. They have the opportunity to complement the RCMP by providing this level of service regarding enforcement. Education is required. It is needed. We will work with the RCMP on a partnership.

**The Speaker:** The hon. Member for Edmonton-Calder, followed by the hon. Member for Red Deer-North.

### CO<sub>2</sub> Capture and Sequestration

**Mr. Eggen:** Well, thank you, Mr. Speaker. This province desperately needs to clarify to the public what its intentions are regarding CO<sub>2</sub> capture and sequestration. Shell Canada, with its first-quarter profits in the range of \$447 million, would like to capture and inject CO<sub>2</sub> into geological formations to enhance oil recovery and would like public funds to help them do it. They imply that this is a way to reduce greenhouse gas emissions, even though this is not necessarily true. My first question is to the Minister of Energy. Given that Shell Canada's profits last year exceeded \$2 billion, will the minister rule out the possibility of offering public money to assist in building CO<sub>2</sub> capture and injection systems for this or any other corporation?

**Mr. Melchin:** Mr. Speaker, we have actually been working with industry conceptually on a CO<sub>2</sub> pipeline for enhanced oil recovery. We have challenged industry to bring forward a business case for this, ensuring that we can recover sufficient quantities of oil, that clearly there would be an uptake for the province on royalties.

Those things should be on commercial terms. That's how we approach industry. I find it ironic in some respects that on one side you get the pressure from the same opposition members about climate change and so forth, asking the federal government to continue to put in lots of money, compelling the governments to have to solve the climate change question with government monies, and on other hand saying: keep us out.

**Mr. Eggen:** I didn't say that, Mr. Speaker.

Given that the development of CO<sub>2</sub> capture and sequestration systems would be a huge undertaking costing billions of dollars, wouldn't it make more sense to invest at least as much time, labour, and money in ways to actually conserve fuel and develop renewable energy systems?

**Mr. Melchin:** Mr. Speaker, conservation of energy is always a very good stewardship issue for all of us. As users of all energy we'd be wise to take the best means and time to reduce our consumption of energy and to be efficient in that. So the industry itself is very much proactive in investing in technology and equipment to be more efficient in their use of energy. All of us would be wise to take that approach.

That said, I'm still quite curious, given the pressure that comes from the opposition parties, about their stance on Kyoto. Are they going to continue to push the federal government for us to have to put in all the dollars that he's all of a sudden opposed to?

**Mr. Eggen:** Injection for oil recovery is different from keeping it in the ground for CO<sub>2</sub> storage.

Instead of giving energy corporations a pointless tax break in an otherwise already overheated economy, why wouldn't the minister consider a modest increase in the royalty rates to perhaps help pay for schemes that actually achieve CO<sub>2</sub> reduction?

**Mr. Melchin:** I'm not quite certain of this one. So all of a sudden we're supposed to increase royalties so somehow we can take that money to put into the schemes that he's opposed to our putting it into. I'm not clear on his objectives there. I'd like to know, actually, even with respect to climate change, are they or are they not opposed to the previous federal government's push towards setting aside a billion dollars for things like carbon dioxide sequestration? In our instance we are challenging industry to look at — there's already one commercial pipeline that we were at not that long ago that was put on with no government money. They've captured carbon dioxide off at the Joffre plant, and they're putting it into some oil fields. It's a technology that works, and with the price I think industry will find greater success.

**The Speaker:** The hon. Member for Red Deer-North, followed by the hon. Member for Calgary-Varsity.

### 2:20 Employment Opportunities for Foreign Students

**Mrs. Jablonski:** Thank you, Mr. Speaker. Last week the federal government announced that international postsecondary students in our province will now be allowed to work off campus. With businesses across Alberta in desperate need of workers this is great news for our province. It will not only help fill some of the immediate job vacancies out there; it would also make it more likely that foreign students will decide to stay long-term in our province and put their skills and training to work in our communities. My question is for the Minister of Advanced Education. Why is there a limit of 20 hours per week that international students are allowed to work under this new agreement?

**The Speaker:** The hon. minister.

**Mr. Herard:** Well, thank you very much, Mr. Speaker. I suspect that the first reason is so they have some time to cheer for the Flames.

Seriously, this is going to really help a lot of foreign students in Alberta get employment and get to make relationships with employers because, quite frankly, only about 60 per cent of our foreign students stay here after their studies. Anything that we can do to establish relationships with employers that would last longer than that, the chances are pretty good they'd stay. God knows, we need them all.

**The Speaker:** The hon. member.

**Mrs. Jablonski:** Thank you. To the same minister: why are foreign students who are attending private, nonprofit institutions excluded from this agreement?

**Mr. Herard:** Mr. Speaker, I'm told that this agreement was negotiated under a different regime in Ottawa. As you know, you often have to look at the fine print to find out exactly what Dr. Welby kinds of initiatives were built into those. Certainly, I think that we need some flexibility in all of those things. Although the new agreement largely focuses on international students, there is a stipulation in the agreement that allows foreign students at private, not-for-profit institutions to participate in this program. Unfortunately, none of the seven jewels in our postsecondary system – I'm talking about the private, not-for-profits – currently fit the requirements. I can tell the hon. member that I've actually started a process through my officials to communicate with the federal government because we need them to get out of the way. That's the Conservative way.

**Mrs. Jablonski:** To the same minister: will this agreement take jobs away from Alberta students looking for valuable work experience?

**Mr. Herard:** Well, Mr. Speaker, you know, from what I understand, we can't find enough people to take all of the jobs that are currently vacant in Alberta, so I rather doubt that this will have any impact at all.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Edmonton-Whitemud.

### Highway Safety

**Mr. Chase:** Thank you, Mr. Speaker. Yesterday afternoon at approximately 4 p.m. a bus collided with a pickup pulling a trailer on the QE II south of Leduc. Fortunately, due to a variety of factors, including daylight, good fortune, and a divided highway with a wide, grassy median, this accident was not a repeat of the multiple injuries and loss of life which occurred last spring on highway 28. My concern has to do with the aftermath of no advance warning provided of the accident scene on either side of the highway from at least 6:30 p.m., when I came suddenly upon the multiple-vehicle traffic backlog, to 9 p.m., when my colleague from Calgary-Currie drove by. My question is to the Solicitor General. Given the review of the horrific bus accident last year on highway 28, the density and speed of the traffic on the QE II, and the time it took to remove the vehicles from the median, why was no advance warning provided for several hours for drivers approaching the accident scene?

**Mr. Cenaiko:** Now, Mr. Speaker, it's my understanding that the lineup of vehicles heading into Edmonton especially on a Sunday evening is very, very large. There was advance notice regarding vehicles that there was an accident up ahead, but obviously it wasn't five kilometres down the road to what I'm told was the length of vehicles lined up to get into the city of Edmonton. There were measures taken to ensure that traffic was diverted around. Two lanes of traffic were closed. One was allowed open for southbound travel, and one was allowed open for northbound travel into the city of Edmonton. Obviously, in cases such as this, with the seriousness of an accident of this nature we have to ensure that the scene of the collision is secure so that proper investigation can take place and ensure that those that may be injured can be looked after by emergency personnel attending.

**The Speaker:** The hon. member.

**Mr. Chase:** Thank you, Mr. Speaker. Again to the solicitor general. Will the minister in light of yesterday's bus accident and others, including the horrific crash on highway 28, conduct a thorough review of response and safety protocol following a highway traffic accident?

**Mr. Cenaiko:** Well, Mr. Speaker, this is exactly what we are looking at doing regarding the utilization of Alberta sheriffs on our highways, regarding those dangerous areas on our highways where a sheriff could in fact assist the RCMP. They have done this on highway 21 and 63 right now: assisting the RCMP in providing traffic control at a collision on our highways, assisting them in taking witness statements at a traffic scene as well as assisting them in the investigation, not doing the investigation but assisting and complementing the RCMP in the investigation itself. Whether it be an injury accident or whether it be a fatality, the sheriffs are there, would be there and available to assist them. As we go through our project and we expand that level of service, there may be officers that are placed in the Leduc detachment.

**The Speaker:** The hon. member.

**Mr. Chase:** Thank you, Mr. Speaker. My final question is to the Minister of Infrastructure and Transportation. How much longer will Albertans' lives and well-being be compromised before this government fully implements the recommendations of the McDermid highway safety report?

**Mr. Lund:** Mr. Speaker, as you know, we've been working on the report with some 35 organizations and cross-ministry. The people have met. They've come up with a number of recommendations. We've implemented some of them. There are some that have to go out for further consultation, and we're currently in that process, so we will be implementing many of them very shortly.

**The Speaker:** The hon. Member for Edmonton-Whitemud, followed by the hon. Member for Edmonton-Centre.

### Residential Tenancy Dispute Resolution Process

**Mr. Hancock:** Thank you, Mr. Speaker. Each year about 5,000 cases go to the Provincial Court of Alberta to resolve landlord and tenant disputes. With the claims limit for Provincial Court having gone up, quite appropriately so, and with more and more issues in civil, criminal, and family law going to family court, the court is getting very busy. With a growing recognition that a better way of



resolving issues and disputes includes alternative dispute resolution processes such as mediation, I was absolutely delighted to hear today that the new residential tenancy dispute resolution service started in Edmonton. My questions are for the Minister of Government Services. Can the Minister of Government Services enlighten this House and Albertans as to how that dispute resolution process will work for landlords and tenants in Alberta?

**The Speaker:** The hon. minister.

**Mr. VanderBurg:** Thank you, Mr. Speaker. I'd like to thank the previous ministers both of Justice and Government Services, who had such an impact on getting this thing moving. Yes, this morning I did have the opportunity to open the office. You know, Mr. Speaker, like the question raised, there are 5,000 of these disputes that end up in our courts each and every year. We expect about 1,500 of those to be taken care of through this dispute mechanism. Simply, landlords or residents will have an opportunity through the Ministry of Government Services to pay a \$75 fee, sit down at a table, work out the dispute, and when they leave that table, a binding agreement will be had.

**The Speaker:** The hon. member.

**Mr. Hancock:** Well, thank you, Mr. Speaker. I'm very supportive of this process. I think it's going to be an excellent process for landlords and tenants. I'm wondering if the minister can tell us when it will be available to other Albertans outside of Edmonton.

**Mr. VanderBurg:** Again, Mr. Speaker, this is a one-year pilot project, and like all projects at the end of that time we'll evaluate the success of this project. It's my intention, though, Mr. Speaker, that upon the one-year completion of this program we do a quick evaluation. If there's a need for this across Alberta, we'll put it in place.

**The Speaker:** The hon. Member for Edmonton-Centre.

### 2:30 Midwifery Services

**Ms Blakeman:** Thank you very much, Mr. Speaker. May 7 marks the International Day of the Midwife, but midwives in Alberta are finding it increasingly difficult to operate because of a lack of recognition and support. In 1991 and 1993 the Midwifery Regulations Advisory Committee recommended that midwifery be a service funded by government. Thirteen years later funding is still being denied. My questions are to the Minister of Health and Wellness. Given that the lack of public funding has led to an exodus of midwives from Alberta, when is the minister going to put incentives into place to ensure that midwives don't leave the province?

**Ms Evans:** Mr. Speaker, we have had many conversations with the people that are negotiating primary care agreements. The physicians presently in most of these networks have not taken advantage of an opportunity to have the support of midwives. It has been something that the midwives have raised with me. We've had conversations about it. Some additional financial supports have been provided to the midwives for a number of different activities, but at this stage I can promise nothing, only that we'll continue to try and advance their case when we talk about primary care networks. I indicated the same thing for chiropractors, another group that wants to be involved with primary care networks, and I think it's just because of the newness of this that we haven't advanced the case to the extent that we should have.

**Ms Blakeman:** Thirteen years is new?

Again to the Minister of Health and Wellness: given that the evidence shows that midwifery services are more cost effective than hospital deliveries, why is the minister ignoring this evidence and avoiding the opportunity to save money?

**Ms Evans:** Mr. Speaker, what is new, just to clarify for the hon. member opposite, is the work that we're doing with primary care networks. This year we have doubled the funds. There is some \$70 million there to facilitate that expansion, and I'm optimistic there will be something.

In terms of the evidence of cost it is not strictly on the basis of cost alone that we have been told that there has been less embracing of this. In some parts of rural Alberta they've cited a number of reasons. The physicians have raised everything from liabilities in deliveries to other ways in which they are hoping to facilitate, but we understand rather recently that some of the urban authorities are looking at the possibility of integrating midwife services within the hospital setting in order to take advantage not only of the reduced cost but of the opportunity to have a very caring and nurturing environment, especially where deliveries are uncomplicated and are able to be managed very effectively in this context.

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you. The final question, again to the Minister of Health and Wellness: given that the health regions have not been as supportive of midwifery services as the minister had hoped, will the minister mandate that funding be available in each health region to fund midwifery services? They need a bit more encouragement from the top.

**Ms Evans:** Well, Mr. Speaker, I would look at that. Clearly, there's an opportunity, but one of the reasons that regional health authorities have opportunities to make choices is the very nature of the governance model, which has enabled them to make those choices in consultation with their health care providers. So it's not a matter of simply mandating either; it's an opportunity to work with our partners. I think that in the total what is most crucial in this issue is to respect the rights of families that would have preferred to have had midwives and have questioned why, when they are saving the system that amount of money for a physician by paying their own midwife experience, they can't have some consideration for the support. So I think that both the hon. member opposite and I are on the same page. It's a matter of continuing to work to see if we can advance that not only in the context of the regional authorities' responsibility but because of some of the resistance that we have encountered from some of the other providers.

**The Speaker:** Hon. members, today 15 different members participated, and that was 84 questions and answers, which is very good.

### Vignettes from the Assembly's History

**The Speaker:** Now to our historical vignette of the day reflecting 100 years of democracy in the province of Alberta. Four different political parties have formed the government of Alberta in Alberta's first 100 years. The Liberal Party was the government in the first four Legislatures. In the election of 1905 it received 57.56 per cent of the votes and held 22 of 25 seats. In the election of 1909 it received 59.26 per cent of the votes and held 36 of 41 seats. In the election of 1913 it received 49.23 per cent of the votes and held 39 of 56 seats. In the election of 1917 it received 48.14 per cent of the

votes and held 34 of 56 seats. In these first four Legislatures the Conservative Party held the second largest number of seats: three out of 25 in 1905, two out of 41 in 1909, 17 out of 56 in 1913, 19 out of 56 in 1917.

In the election of 1921 the United Farmers of Alberta formed the government with 28.92 per cent of the votes but with 38 of the 61 seats. The Liberal Party received more votes, 34.07 per cent of the votes, but elected only 15 of 61 MLAs. In the election of 1926 the United Farmers of Alberta elected 43 of 61 MLAs with 39.68 per cent of the votes. The Liberals won seven seats with 26.17 per cent of the votes. In the election of 1930 the United Farmers of Alberta won 39 of 63 seats with 39.41 per cent of the votes, and the Liberals came in second with 24.59 per cent of the votes and 11 MLAs. The election was held on June 19, 1930.

Alberta's next election was held five years and two months later, on August 22, 1935. The election of 1935 saw the highest number of candidates, 240, and the highest number of political parties to date, 12. The turnout of voters was massive, with 81.8 per cent of eligible voters voting: 95.4 per cent of the electorate voted in the constituency of Cardston, 91.6 per cent voted in the Olds constituency, and 90.3 per cent was the turnout in Acadia. When the results were in, Alberta had a new political party governing them. The Social Credit Party won 56 of 63 seats with 54.25 per cent of the votes. The Liberals received 23.14 per cent of the votes and won five seats. The United Farmers of Alberta, the government in the previous three terms, received 11 per cent of the vote, and it was completely shut out with no seats.

Tomorrow, part two.

Hon. members, before I call on the first of hon. members to participate in Members' Statements, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Speaker:** The hon. Member for Foothills-Rocky View.

**Dr. Morton:** Thank you, Mr. Speaker. Today I have the privilege of introducing to you and through you to the Assembly a number of active Alberta citizens. These include Judy Johnson, Verne Johnson, and Gerard Liston, all directors of Campaign Life; Mary Lou Veeken, Jill Cahoon, Michele Dow of United Mothers, Knights of Columbus, United Families of Canada; Reverend Terence Chang, Reverend Garry Rohr, Ray Wiens and his wife, Katherine, and Reverend Eve Bassett, all partners in the Edmonton Faith Coalition for Natural Marriage; Robert Picard, member of the Knights of Columbus of Edmonton; and Therese Gervais, representative of REAL Women of Alberta. Our guests are seated in both the members' and the public galleries, and I would ask them now to stand up and be recognized and invite the members of the Assembly to join me in extending a warm welcome.

Thank you.

head: **Members' Statements**

**The Speaker:** The hon. Member for Red Deer-North.

### **Protection of Children Abusing Drugs Act**

**Mrs. Jablonski:** Thank you, Mr. Speaker. Every member in this Legislature understands how hard and how painful it is for parents to stand by and watch their children destroy their lives. Sometimes

it is important for children to suffer the consequences of their actions, and other times it's a matter of life and death.

2:40

The Protection of Children Abusing Drugs Act, which will be proclaimed on July 1, will give parents a very important tool to help them help their drug-addicted child to avoid death and to re-embrace life. This legislation, known as PCHAD, is the result of addicted youth asking for help; of parents asking for help; of all the members of this Legislature, government, and opposition working together to pass this legislation; of ministers and deputy ministers of five departments working together; and of AADAC counsellors and administrators putting in long hours to ensure that this legislation would be ready for proclamation. This legislation, thanks to this team of caring people, is a gift of hope to parents who love their children and who will do whatever it takes to save them from a life of dark streets, cold jails, hospital wards, and early graves.

PCHAD will give parents and guardians a new option to apply to the court for an apprehension and confinement order to have their child placed in a protective safe house for a maximum of five days. During this confinement period AADAC will work with the child and the family to engage them in developing a voluntary treatment plan. Parents will be able to call AADAC for help after July 1.

Mr. Speaker, we do not have the research to show how effective this intervention will be; however, some believe that it will be 50 per cent. The Alberta Adolescent Recovery Centre in Calgary has an 80 per cent success rate after five years. We should strive to make the 80 per cent rate of success our goal in all treatment and healing programs.

Mr. Speaker, PCHAD, thanks to the many long hours and hard work of dedicated people, will give parents a new hope to lead their children to a new life.

**The Speaker:** The hon. Member for Edmonton-Whitemud.

**Samantha Johnston**

**Mr. Hancock:** Thank you, Mr. Speaker. I rise today to recognize an intelligent and talented young lady from my constituency who recently competed against girls from across Alberta and on March 31 was crowned Miss Alberta at the provincial Job's Daughters pageant.

Job's Daughters International is a youth leadership organization for young women between the ages of 10 and 20. The Alberta chapter is very active, with bethels in Edmonton, Calgary, St. Albert, and Red Deer. Building on a rich tradition and heritage, it teaches important skills for life such as leadership, organization, teamwork, and self-reliance.

Throughout the year Job's Daughters plan and share many activities, including serving the community by visiting hospitals and homes for the elderly to offer friendship to people who may be lonely or sad. I met the new Alberta queen at a Remembrance Day ceremony, where she was participating in the remembrance by laying a wreath.

Every spring the Alberta members of Job's Daughters get together for the grand session, where the pageant takes place. This year it was held in Edmonton. All contestants in the pageant competed in written tests, ritual, and interviews. They were also subjected to impromptu questions on stage.

Our contestant won a trophy for the highest written test score and went on to score the highest overall mark and be crowned Miss Alberta. It's been almost 10 years since Miss Alberta has been an Edmonton representative. Miss Alberta will represent the province at the Miss International Job's Daughters pageant, to be held at the

supreme session in August in Vancouver, and for the next year she'll travel the province acting as an ambassador for Job's Daughters, promoting the interests, welfare, and growth of the organization.

Mr. Speaker, our new Job's Daughter Miss Alberta is none other than our own Legislature page, Samantha Johnston. Samantha is currently a 16-year-old honours student at Strathcona composite high school. She enjoys softball and canoeing and is a member of the high school's students' union. Her leadership skills and work ethic have been recognized in her selection as a page, and I think it's safe to say that she is definitely a strong leader for our province now and into the future.

On behalf of all residents of Edmonton-Whitemud and all members of this Legislature I congratulate our page Samantha Johnston, the new Job's Daughters Miss Alberta. We look forward to her success in the coming years.

**The Speaker:** Samantha, why don't you take a bow. [applause]

The hon. Member for Edmonton-Mill Woods.

### Action against Poverty

**Mrs. Mather:** Thank you, Mr. Speaker. I wish to report on the Calgary round-table on child care I attended with three colleagues on Saturday. One thing that emerged from the discussion was a recognition that child care is not an issue of public versus private or parents versus programs. Child care is often an issue of people and poverty, poverty in the midst of plenty.

If you think you've heard that last line before, you're right. That was the slogan on which William Aberhart ran to victory in 1935. Aberhart's successor and our longest-serving Premier, Ernest Manning, knew about the effects of poverty. He toured Latin American countries that were being bled of their oil as people lived in poverty. He determined that the wealth from Alberta's oil boom would be shared with the people and not all siphoned off in corporate profits. In an online discussion three weeks ago *Globe and Mail* columnist Jeffrey Simpson wrote of Alberta's capacity to lead the country socially as well as economically. He suggested that this is one province that can effectively abolish poverty and lead other provinces to do the same. Simpson's suggestion is a good one.

U.S. President Franklin D. Roosevelt was the first North American leader to link economic, political, and social rights: the freedom from want and freedom from fear to the traditional freedom of speech and freedom of religion. Roosevelt mentored Lyndon Johnson, whom we remember for Vietnam. Johnson did not want to get involved in a foreign war at all. His focus was his war on poverty, part of the program he built on John F. Kennedy's new frontier.

I end with a quote from Kennedy's inaugural speech of my youth.

To those . . . in the huts and villages across the globe struggling to break the bonds of . . . misery, we pledge our best efforts to help them help themselves, for whatever period is required – not because the Communists [are] doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

Let us make that resolve our own and start with those who live in poverty among us.

**The Speaker:** The hon. Member for Strathcona.

### National Mental Health Week

**Mr. Lougheed:** Thank you, Mr. Speaker. I'm pleased to rise in recognition of Mental Health Week, which occurs during the first week of May. About one in every five Canadians will experience

some form of mental illness in their lifetime. More and more people are becoming aware of mental health issues and recognize the importance of mental health to one's overall wellness. Mental Health Week allows us an opportunity to learn more about and increase awareness of mental health issues.

This year the Alberta Mental Health Board's campaign theme for Mental Health Week is Stress: It's What You Do about It. Specifically, it targets youth ages 13 to 18. The Alberta Mental Health Board says that stress is a normal part of life and some situations are more stressful than others. It's what you do about it that makes a difference to your well-being.

Mr. Speaker, it's important to recognize that youth are also subject to both stress and mental illness. Another positive initiative that the Alberta Mental Health Board has taken regarding youth and mental health is the launch of a new magazine called *Grip*, written for youth by youth. The magazine is intended to be a source of information for young people that will help youth to better cope and understand issues relevant to young people.

Mr. Speaker, we're fortunate to have a greater awareness of the importance and value of positive mental health. Mental Health Week is a prime time to encourage people across Alberta and across Canada to learn more about ways to maintain and improve mental health.

Thank you.

**The Speaker:** The hon. Member for Leduc-Beaumont-Devon.

### Education Week

**Mr. Rogers:** Thank you, Mr. Speaker. April 30 to May 6 is Education Week in Alberta. All across our great province schools will celebrate this occasion through events and activities involving staff, students, and members of our schools' communities. This year's Education Week theme is Learning: It's Yours for Life. The theme is fitting because the mission of Alberta Education is to ensure that students obtain the knowledge and skills required for lifelong learning. Examples of our education system's commitment to lifelong learning are abundant every day in Alberta's elementary and secondary schools, colleges, and universities. From top marks in academics to pursuit of fine arts, trades, and athletics Alberta's K to 12 students are gaining valuable life skills and a knowledge base that will prepare them for a great future.

Mr. Speaker, I want to acknowledge our great teachers and the innovation shown by school administrators and school board staffs in support of Alberta's students. We are blessed in this province to have a dedicated community of education stakeholders who hold in high regard the value of education and the well-being of our students. In keeping with this year's theme, Alberta will continue to promote the importance of lifelong learning as a way for each Alberta student to maximize his or her true potential. Excellence in learning outcomes means that all students are well prepared for lifelong learning, work, and citizenship and have the skills and knowledge to be successful.

Mr. Speaker, I would like to salute all of the nominees for the excellence in teaching awards, which will be awarded this coming weekend in Calgary. In particular I would like to recognize Mo Brenneis and Jim Nahrebeski from my constituency.

I invite all Albertans to acknowledge and recognize Education Week, and I sincerely commend and thank those who contribute to our education system and the future potential of the students in classrooms all across Alberta. Thank you.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood.

2:50

**Health Care Spending**

**Mr. Mason:** Thank you very much, Mr. Speaker. Today I'll be tabling New Democrat projections about health care spending and its impact on our future budgets. Our analysis shows that the doomsday predictions contained in last week's Aon report are off the mark at best and trumped up political calculations at worst. In fact, they are the latest in this government's continuing attempts to frighten Albertans into accepting privatization of our health care system.

Just a few years ago this government was using predictions based on the Mazankowski report to convince Albertans that radical changes and privatization were needed to stop out-of-control health care costs. In March I released information showing that instead of taking up to half of all spending by 2005, as Mr. Mazankowski predicated, health spending has stayed at approximately 35 per cent of overall program spending since 2000. But like a dog with a bone the government has now released numbers from a \$1.2 million report that are just as cooked up as the guesswork contained in the Mazankowski report. The Aon report predicts that by 2016 health care spending will garner 50 per cent of the provincial budget and that by 2017 total provincial expenses will exceed revenues, causing a budgetary deficit. Mr. Speaker, their numbers are just plain wrong.

Our analysis, which is based on actual 20-year trends, shows that average health spending is lower than what Aon is predicting and that our average revenue growth is much higher than Aon's numbers. The sky is not falling, Mr. Speaker. It is true that there are significant cost drivers in health care, but it is also true that these can be managed. Many European countries have already dealt with aging populations and still manage to control health care spending, keeping it below the spending per capita that we do in Canada. More importantly, there are real opportunities to innovate within the public system to maintain a health care system for future generations. The NDP's plan to create an Alberta pharmaceutical savings agency and rein in escalating drug costs is just one example.

Health care costs are a legitimate concern but are manageable with innovation and planning. Unsubstantiated 20-year projections do a disservice to public debate on health care policy.

Thank you.

head:

**Notices of Motions**

**The Speaker:** The hon. Member for Edmonton-Strathcona.

**Dr. Pannu:** Thank you, Mr. Speaker. I rise to advise you that I'll be requesting leave to adjourn the ordinary business of the Assembly to discuss a matter of urgent public importance; namely, the future of Alberta's five-point plan for child care in the wake of the federal budget which will be presented in Ottawa tomorrow.

Thank you, Mr. Speaker.

head:

**Tabling Returns and Reports**

**The Speaker:** The hon. Member for Foothills-Rocky View.

**Dr. Morton:** Thank you, Mr. Speaker. I rise today to table the requisite number of copies of a document that is relevant to those interested in this afternoon's debate on Bill 208. This document outlines the parallel in wording between the federal Bill C-38 and Bill 208, which will be debated in this Assembly this afternoon.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have three tablings this afternoon. These tablings are to back up my information from question period earlier today. The first tabling I have is a copy of the *Alberta Gazette* from July 15, 2005, page 1736, and it indicates that 157-plus acres of land were purchased for \$2,800 from the Alberta government by Fort McMurray Housing Inc.

The next tabling I have is a transfer of land from the Land Titles Act, and this is from the Alberta Government Services land titles office. It indicates that there were not 46 acres, but there were 157-plus acres in total transferred from the ministry of infrastructure to this corporation on May 16, 2005, for \$2,800,000.

The third document is also in regard to that land sale as well.

Thank you very much.

**The Speaker:** The hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you, Mr. Speaker. I rise today on behalf of the hon. Leader of the Official Opposition to table the appropriate number of copies of the PC Party membership application handouts distributed over the weekend by the hon. Member for Strathcona, referred to by the leader in his first question this afternoon.

**The Speaker:** The hon. leader of the third party.

**Mr. Mason:** Thanks very much, Mr. Speaker. I'm tabling copies of a news release and background issued by the NDP opposition today. They contain our calculation of yearly budget deficits and surpluses based on 20-year averages in growth in revenue and health spending. They show that the predictions of the Aon report are well off the mark and also demonstrate the savings potential of innovations such as the Alberta pharmaceutical savings agency proposed by the NDP opposition.

Thank you.

**The Speaker:** Hon. members, before dealing with the application for Standing Order 30 – it's presented by the hon. Member for Edmonton-Strathcona – we will first of all deal with a point of order that the hon. Deputy Government House Leader caught our eye with during the question period. Following that, I intend to make a statement with respect to a motion and a private member's bill.

The hon. Deputy Government House Leader.

**Point of Order  
Oral Question Period Rules**

**Mr. Renner:** Thank you, Mr. Speaker. I would like to bring to your attention some concerns that I have with respect to a question that was asked specifically today by the Member for Edmonton-Manning. As you know, we have a tradition in this House of members asking a question followed by two supplementary questions, and there's been an increasing tendency in the House of late, and I think witnessed today by the series of questions from the Member for Edmonton-Manning, where instead of having one question with two supplementaries, we are in fact getting to the point of each member asking three sometimes totally independent questions, sometimes not even of the same minister.

I would like to bring to your attention *Beauchesne* 410(8), where it says that "Preambles to questions should be brief and supplementary questions require no preambles." Mr. Speaker, you have reinforced that on many occasions. Then it goes on to say, "Supplementary questions should flow from the answers of Ministers."

I also refer you to *Beauchesne* 414, where it actually then goes on to make further reference to supplementary questions and, in fact, refers us to *Erskine May*, so I'll now move to *Erskine May*, page

354. Under Oral Answers and Supplementary Questions it reads: "An answer should be confined to the points contained . . ." This is talking about ministers. "The Speaker has stressed that the length of both ministerial replies and of supplementary questions should be curbed. The Speaker has suggested that lengthy answers should be circulated." There's a section here that I had read earlier. It refers here to supplementary questions and suggests that supplementary questions should follow out of the original question.

In the case of today's question the Member for Edmonton-Manning had a rather lengthy preamble, in which he made reference to the government having labour laws that were, in his opinion, unsatisfactory and talked at quite some length about labour laws and issues related to labour. Then his first question, the only question according to our tradition in this House, was to the Minister of Finance, and it was related to tax policy. His question was: when will the minister be proclaiming Bill 207, which would bring about a tax deduction for tools for an apprentice?

3:00

Now, had the supplementary questions been leading out of that question, then he should have been asking the minister for some further clarification, perhaps on how the minister was proposing to implement this proclamation, but instead his first supplementary question was totally unrelated to his question. It was referred to the Minister of Human Resources and Employment, in which he asked the minister when he was going to be introducing first contract legislation. His second supplementary question, increasingly referred to by members in this House as "my third question," was again to the Minister of Human Resources and Employment, referring to minimum wage legislation.

Mr. Speaker, I simply ask that you clarify with members of the House what questions and supplementary questions should entail and call members to order when they stray too far from the general definition of supplementary questions.

**The Speaker:** The hon. Opposition House Leader.

**Ms Blakeman:** Thank you very much, Mr. Speaker, for the opportunity to address the point of order that has been raised by the new Deputy Government House Leader and, indeed, to assert that there is no point of order here.

When we look at *Beauchesne* 410(8), it does indeed say, as the new Deputy Government House Leader has said, "Supplementary questions should flow from the answers of Ministers." Well, as the Speaker himself and many, many members opposite have often underlined to me, this is question period, not answer period. In fact, there is no obligation on behalf of ministers, as has been well pointed out by the Speaker himself and many members opposite, to provide answers in response to the questions that we've asked. In fact, I would maintain that it's a contest to see how ministers cannot answer the questions that have been put before them. So it is an impossibility in this particular House and certainly during my time here to in fact craft the supplementary questions in direct response to the answers received from the ministers. I would argue that we would be delighted to do so should we, in fact, receive answers that respond to the questions that have been asked, which is not the current state of this question period.

There was one other point that he had made, on 414. The same thing: that the following supplementary question would flow from "the answers that have been given." Well, once again, the same problem, Mr. Speaker. The answers aren't given, nor are they required to be given. The tradition in this House has been to have a preamble with a main question followed by two supplementary questions.

Now, what we actually had in the preamble today, Mr. Speaker – and I'm looking at the Member for Edmonton-Manning's notes. He covered a number of topics in his preamble, including the fact that it was May Day, a day to traditionally acknowledge workers, that the government had weakened labour laws, that it had a poor record of labour support and development and retention, that it was important to get workers to stay longer and put down roots in Alberta, and it was a long-lasting and increasing problem.

When I look at the cluster of questions, they do indeed flow directly from the preamble that the member laid out. The first question, about the proclamation of the Alberta Personal Income Tax (Tools Deduction) Amendment Act, 2001, is flowing from his statement in the preamble around retention. It's harder for us to get workers to stay in the province when they can't be recognized in that simple way by a bill that, in fact, was passed by this Assembly but has never been proclaimed. The question was a direct question. It did not seek an opinion. It did not discuss a matter before the courts. It did not refer to something in the media. It didn't do any of the other long list of things that are not to be done in questions. It did seek information: why it hadn't happened. It was not frivolous. It's a perfectly reasonable question to ask. It was urgent and timely; today is the traditional day of labour. It was within the administrative competence of the minister to whom it was directed. It was not sub judice, et cetera, et cetera.

The second question was asking about first contract arbitration, Mr. Speaker, and that reflects directly back on the earlier comment in the preamble around labour laws, labour support and development.

The third question, again on workers, refers back to both the retention issues that were raised in the preamble and the labour laws and labour support. Everything that flowed from those three questions related directly back to the preamble, which, Mr. Speaker, in this House is the very best we can do seeing as we don't get answers from ministers from which we could craft supplementary questions.

I argue that despite raising 410(8) and 414, there is no point of order. I do note that we have an agreement in this House that's generally put together by the House leaders and endorsed by the Assembly that if there cannot be agreement reached by the House leaders, the decision is rendered by the Speaker on, in fact, the order and number of the questions that we have as a tradition in this House.

So I argue that there is no point of order. Thank you so much for your time, Mr. Speaker.

**The Speaker:** Anybody else want to participate? The hon. Member for Edmonton-Manning.

**Mr. Backs:** Thank you, Mr. Speaker. I'm very pleased to rise here on this point of order, and I thank the Member for Edmonton-Centre for her very thorough explanation of how that question should be dealt with.

Just to add a couple of things. You know, in *Marleau and Montpetit* on page 425 it states that "members should be given the greatest possible freedom in the putting of questions that is consistent with the other principles." On page 430 it also goes on to talk about some changes in the 36th Parliament in 1997, and this is in the second paragraph: "Speaker Parent allowed the practice [of supplementary questions] to be modified by not insisting that an additional question be, strictly speaking, supplementary to the main question."

Now, the questions that were involved here did actually follow from the preamble and actually did follow from the answers of the minister. The preamble did say: issues regarding May Day. It did

say: issues regarding labour issues, labour law and how, specifically, worker retention is a growing and important problem in Alberta.

The tax cuts for tools, if it was implemented and proclaimed, would be something that would work to maintain workers in Alberta. The question on retaining workers by having first contract arbitration would also be something that would reduce labour conflict and would work to hold workers in Alberta by having labour laws that would not scare them away. The Lakeside Packers thing had world-wide media and was very difficult for Alberta's reputation, and I hope that that would not happen again. Even the minister of human resources said that there would be some good cause to look to implementing such a law, and even the Premier said such a thing.

The question of the minimum wage is also an important law. If we are to attract workers to Alberta, it would be something that would be well received by people who are unskilled and people who are students coming out of university.

Thank you, Mr. Speaker.

**The Speaker:** Well, I think we'll come to a ruling on this very important matter. Now, listen everybody. For more than a billion-plus people in the world today is one of their most important days. It's May 1. It's called May Day. The whole history of the 20th century itself surrounded May Day for, as I said, 1 billion or more people in the world.

Today the hon. Member for Edmonton-Manning – and I can't believe, in fact, that all questions weren't dealing with labour as this is the one day – gets up, and he says in the first part of his preamble, "Seriously, May 1, May Day, is a traditional day to honour workers world-wide." In the supplementary he talks about labour laws. In the third one he talks about workers. Well, as far as I'm concerned, if any day of the year there should be some latitude given by the chair with respect to the connection of questions, this should be the one if it's on the subject of labour or anything else.

Now, the citations that have been cited here: fine; they could be applied. I'm not sure if I understand from the hon. Deputy Government House Leader that the chair should now insist that ministers should actually give answers to questions or not, but that has already been dealt with by the chair, and he's already agreed that there was some latitude with respect to that and that we probably would not be proceeding in that way.

3:10

Of all the research that was done, actually the hon. Member for Edmonton-Manning has found the paragraph that sums it up best, and it's located in the book *House of Commons Procedure and Practice*, edited by Robert Marleau and Camille Montpetit. In addition to allowing flexibility with a lack of connect between questions, it has been a recent practice in the country of Canada that, in fact, will go the same way that we allow splitting the questions as well. It would not be normal to basically have three different questions on three different subject matters, but there was enough connection with respect to May Day, labour workers to make sure that this happened.

So thank you very much for that discussion for 20 minutes. By the way, there was no point of order.

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

**The Speaker:** The chair would like to make a statement pertaining to a matter of business that will be addressed by the Assembly this evening, namely Motion Other than Government Motion 508, standing in the name of the Member for Foothills-Rocky View. The issue of anticipation may arise as Motion 508 deals with the subject of fixed election dates, as does Bill 210, which is sponsored by the Leader of the Official Opposition.

Under *Beauchesne's* paragraph 566(7) "a motion dealing with the same subject-matter as a bill . . . on the Order Paper for second reading [should not] be considered." This rule of parliamentary practice is based on the principle that an Assembly should not consider the same matter twice. Under the rule stated in *Beauchesne's* paragraphs 512 and 513, a matter must not be anticipated if it is contained in a more effective form of proceeding based on the descending scale of values where bills have priority over motions, which in turn have priority over amendments.

Even in the House of Commons this principle is applied in a more lenient manner when it comes to private members' business. After stating the basis for this ancient rule against anticipation, Marleau and Montpetit in *House of Commons Procedure and Practice* say this at page 477:

An exception has been allowed, however, in the case of an opposition motion on a Supply day related to the subject matter of a bill already before the House. Under the normal application of the rule, the Chair would refuse the motion because it ranks as inferior to a bill. The Speaker has nonetheless ruled that the opposition prerogative in the use of an allotted day is very broad and ought to be interfered with only on the clearest and most certain procedural grounds.

This tendency not to rule private members' business out of order on the basis of the rule against anticipation is reflected in the 24th edition of *Erskine May* at page 389, where it is stated that because of the limited opportunities that exist for members in the British House of Commons to raise matters with ministers, "the rule is therefore enforced much less strictly than before."

Hon. members, the chair and the table officers have researched this issue and believe that this is the first time that the issue of anticipation has been raised with respect to a private member's motion and a private member's bill. It differs from a March 28, 1995, situation reported at page 872 of the *Alberta Hansard* for that day, when a private member's motion was struck out because it was on the same subject as a government bill. The alleged conflict here is between a private member's motion and a private member's bill.

Given the process for arriving at the order of motions other than government motions and private members' bills, a member proposing a motion would not necessarily know what was in such a bill until it was given first reading. The chair would also note that Motion 508 may have a similar subject, but it is not identical to Bill 210. The debate would not necessarily be the same.

The chair has always given the widest latitude possible to private members' business consistent with the rules and practices of the Assembly, which are in large part derived from the 1993 reforms which made Alberta a leader in private members' business. The chair will whenever possible allow debate to proceed. Given that there are differences between Motion 508 and Bill 210 and that one cannot say with certainty when Bill 210 will be considered by the Assembly, the chair does not find the motion out of order, so the debate can proceed.

I am providing this ruling at this time in anticipation of the possibility of such a motion being raised later in the day or at 8 o'clock tonight. The bottom line is that both Motion 508 and Bill 210 can proceed.

#### **head: Request for Emergency Debate**

**The Speaker:** The hon. Member for Edmonton-Strathcona on a Standing Order 30 application.

#### **National Child Care Agreement**

**Dr. Pannu:** Thank you, Mr. Speaker. In accordance with that order, Standing Order 30, I rise to request leave to propose the following motion.

Be it resolved that this Assembly adjourn the ordinary business of

the [House] to discuss a matter of urgent public importance, specifically that cancellation of the child care agreement concluded and signed by Alberta and the federal government in 2005 puts into jeopardy the funding that makes possible Alberta's five-point plan for child care,

which enjoys vast popular support in the province.

With your permission, Mr. Speaker, if I may make a brief argument for urgency. As we are all aware, the federal Conservative government will bring down its first budget tomorrow afternoon, in perhaps less than 24 hours from now. In that budget we expect to see the first steps towards implementation of Conservative policies in various areas, including Canadian child care. One casualty of the changes Ottawa is going to announce in tomorrow's budget is the likely cancellation of the bilateral federal/provincial agreements on child care signed last year. Albertans overwhelmingly oppose such cancellation and strongly support Alberta's five-point plan made possible by this bilateral federal/provincial agreement. These proposed changes are of serious consequence, and a thorough debate on the implications of tomorrow's federal budget is urgently required.

Alberta's parents are worried, Mr. Speaker, because the Minister of Children's Services in the House has still not been able to provide Albertans with clear commitments and details about the future of Alberta's five-point plan should Ottawa announce tomorrow the cancellation of its agreement with Alberta. It's urgent that Ottawa hear the views of this Assembly on this very, very important issue.

Last week I challenged the minister to table correspondence between herself and the federal minister, and I hope that she will do so shortly. Until that happens, Albertans won't know whether the minister is following in her Quebec counterpart's footsteps and is, in fact, able to negotiate a side deal to ensure the continuation of the funding for Alberta's five-point plan and the improvements to quality child care services promised in it. In fact, Quebec offers an important insight into why a broad-based debate on this issue is urgent and important. Quebec has replaced Alberta as a leader in encouraging women to enter the job market due mainly to its highly accessible and affordable quality child care system. Alberta, once a leader just 10 years ago, has now fallen behind.

This Assembly has not had the opportunity to debate thoroughly Alberta's response to our child care needs and how changes as proposed by the Conservative government policies in Ottawa will impact Alberta families. We have had heated debates in this Assembly about the so-called labour crunch, and if women are not participating fully in the labour market, then it can only make this crunch worse.

There's something fundamentally wrong when a government such as this prefers to exploit temporary foreign workers rather than encouraging full participation . . .

**The Speaker:** I think, hon. member, you should stick to the urgency of the argument, not give your argument. If you win, you'll have a chance, but we'll never get to know if you're going to win unless you give us the urgency argument.

**Dr. Pannu:** I will, Mr. Speaker. Returning to the issue of urgency, this matter is urgent not only because it will have consequences for our very young children and their ability to take advantage of quality child care facilities but also because it will have larger implications for our economy. That's why I thought I should perhaps raise that issue. But I will take your direction.

I would strongly urge this Assembly to undertake an immediate debate on the future of child care, and I would hope that such a debate would result in a unified commitment to the so-called QUAD

principles in child care – quality, universality, accessibility, and development programming – a desirable framework for further development of Alberta's child care system.

Thank you, Mr. Speaker.

3:20

**The Speaker:** Standing Order 30(2) reads the following:

The member may briefly state the arguments in favour of the request for leave and the Speaker may allow such debate as he considers relevant to the question of urgency of debate and shall then rule on whether or not the request for leave is in order.

It would it be appropriate to hear two additional speakers, one perhaps the Government House Leader, one perhaps the Opposition House Leader. That would be enough, then, before we come to deal with this matter. The hon. Minister of Children's Services, do you wish to proceed first?

**Mrs. Forsyth:** Well, thank you, Mr. Speaker. I'm pleased to rise on the debate on Standing Order 30, I believe it is, on urgency. You know this very well. You've led us for the last several years in regard to what is in Standing Order 30.

I have to stand up and say that I don't believe that this is a matter of urgency. We have had many, many discussions in regard to this five-point child care. The hon. member across the way talks about the likely cancellation of the five-point plan in regard to the federal budget tomorrow. We have not heard that budget. I can tell the member that we've had lots of opportunity to discuss this topic in the House, in Committee of Supply during the debate of my budget. In fact, Mr. Speaker, at that point in time I encouraged the hon. member to write the federal minister, to send their letters of concern.

I can tell this House, Mr. Speaker, that we received \$70 million from the federal government last year. We got \$66 million this year. It's business as usual for the parents, families, and the daycare workers in this province.

I have also made it clear on numerous occasions what I have done in regard to our conversations with the federal minister. Forty-eight hours after she was appointed, we called. We have sent two letters. I have also had a meeting, and, if I may, we have another meeting planned with my federal colleague at the end of May.

I think it's important that the hon. member understand that there are many issues to be discussed about this particular initiative. It's just not the cancellation, but we're looking at the seats that are available, the number of daycare spaces that are going to be created. The money that is in that particular budget we need to discuss. I think we have to meet with the federal minister, which I told you we were going to do. I understand that the details may – may, I may say – be provided in the federal budget tomorrow.

To summarize, Mr. Speaker, our five-point plan that's in place right now is working, and it's working very well. I will continue to lobby on behalf of Albertans and their families and the daycare workers. I've made that very clear in this House on many occasions. We have made our commitment about the importance of choice for Albertans.

Given all of these facts, I cannot understand why the hon. member suddenly suggests that there is a need for an emergency debate.

**The Speaker:** The hon. Opposition House Leader.

**Ms Blakeman:** Thank you very much for the opportunity to speak in support of the motion that has been brought forward by my hon. colleague the Member for Edmonton-Strathcona. Speaking to urgency, there are a number of tests that are offered to us.

Standing Order 30(1), matters must be of "urgent public importance": I would certainly argue that children are of public impor-

tance and of a wider public importance as well, aside from the urgency.

The emergency is that the federal budget comes down tomorrow. This is our last opportunity to make any differing resolutions if we would choose to do so prior to that decision that would be rendered by them.

We have no bills on the Order Paper that would allow a specific discussion on this point during a debate of a bill.

We did have a budget debate on Children's Services, but that was on April 13. Again, we have no opportunity in a budget debate to argue what is before us specifically.

There are no opportunities for motions other than government motions to come forward. Those, of course, were set last September.

Any written questions or motions for returns submitted specific to this question as of today would not be heard for a matter of many weeks, which would not be addressing the urgency of what is put before us.

I think that when we look at Montpetit and Marleau, at 585 it sets out before us an argument that the issue has to be "immediately relevant and of attention and concern throughout the nation." That is certainly the case. It is, I would argue, not a chronic issue like unemployment rates, for example. It would I think fit under some of the occasions that have been set out in M and M 585 to admit that it is of urgency; for example, work stoppages, strikes, international crises. This certainly is a crisis if we're not able to care for our children appropriately.

With those arguments, Mr. Speaker, I would argue that in fact this is urgent. We have no other opportunity to be raising this issue and giving it any kind of satisfactory hearing. Given that, I would ask that the Speaker find in favour of the urgency of the matter.

Thank you.

**The Speaker:** Hon. members, thank you very much for that participation. We are prepared to deal with this matter. First of all, to the hon. Member for Edmonton-Strathcona, proper notice was given of the intent to bring forward the motion under Standing Order 30, and that's appreciated. That notice was received in my office at 11 o'clock this morning so that it did provide some opportunity to do some study and some research with respect to the matter and also to anticipate the arguments that might be forthcoming here in the Assembly this afternoon.

The key thing here is dealing with a genuine emergency calling for immediate and urgent consideration. In essence, the member's proposed motion is to hold an emergency debate on the cancellation of the child care agreement concluded and signed by Alberta and the federal government in 2005, which according to the member's motion puts into jeopardy the funding that would give effect to Alberta's five-point plan for child care. The chair has not heard conclusively whether or not such an agreement has been cancelled, but the chair did hear conclusively from the hon. Minister of Children's Services, who participated in this particular motion, that basically this five-point plan is proceeding and is going.

The relevant parliamentary authorities on the topic of emergency debates are *Beauchesne*, paragraphs 387 to 398, and the *House of Commons Procedure and Practice*, pages 587 to 589.

The chair has also listened to the lack of opportunity alluded to by the hon. Opposition House Leader with respect to this matter, but did not hear the hon. Opposition House Leader indicate that an appropriation bill with respect to all of the budgets of the province of Alberta still has to be dealt with by this Assembly. That certainly would afford an opportunity. Although the estimates for the Ministry of Children's Services were considered and approved by this Assembly on April 13, 2006, there is opportunity, in the eyes of the chair, with

respect to even the bill process with respect to this, in addition to question period.

Secondly, I don't know: can anybody in the House tell me what's going to be in the federal budget tomorrow? I have no idea how you can anticipate that. It may very well be that we have brilliant people here who all have read it conclusively and know exactly what's in it. That being the case, you could probably do quite well as consultants outside of this Assembly. From a speculative point of view I don't know whether or not the federal budget will do it.

There's no doubt in my mind that this would appear to some to be a matter of considerable interest, but whether or not it's a matter of such urgency to warrant postponing the business of the Assembly this afternoon is really the question. The conclusion of the chair in reviewing this matter since mid-morning and hearing the arguments today is that the request for leave is not in order.

head: **Orders of the Day**

head: **Written Questions**

**The Speaker:** The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 27, it is my pleasure to move that written questions appearing on today's Order Paper do stand and retain their places with the exception of Written Question 14.

[Motion carried]

**The Speaker:** The hon. Opposition House Leader.

#### **Investment in Tobacco-based Companies**

Q14. Ms Blakeman moved on behalf of Mr. Miller that the following question be accepted.  
How much money in total did the Alberta heritage savings trust fund invest in tobacco-based companies in the fiscal year 2004-05 broken down by individual company and amount invested in each?

**Ms Blakeman:** Thank you very much, Mr. Speaker. We are seeking the information because we are concerned that there is a contradiction in the government's policies regarding tobacco use and tobacco reduction. On the one hand, we have the Minister of Health and Wellness identifying tobacco reduction as a means of achieving better health and wellness for our population, but then on the other side of it, we saw during a budget debate recently that the amount of money for the tobacco reduction program has in fact been reduced. So right there one very small exchange shows you the contradictions that we're dealing with when we look at what the government is doing, and we are seeking clarification. We believe that the Alberta heritage savings trust fund has chosen to invest in vehicles that include tobacco-based companies, and we are seeking specific information on which companies those are and exactly how much money has been invested in each.

Thank you very much.

3:30

**The Speaker:** The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. On behalf of the Minister of Finance I am pleased to report that the government is prepared to accept Written Question 14.

**The Speaker:** To conclude debate.



**Ms Blakeman:** Excellent. Thank you very much.

[Written Question 14 carried]

head: **Motions for Returns**

**The Speaker:** The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 27, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions for returns 23, 24, and 25.

[Motion carried]

**Margaret Kool Marketing Inc.**

M23. Mr. Martin moved on behalf of Mr. Mason that an order of the Assembly do issue for a return showing a copy of the contract between the Ministry of Health and Wellness and Margaret Kool Marketing, mkm, awarded following request for proposal 05-243.

**The Speaker:** The hon. Minister of Health and Wellness.

**Ms Evans:** Thank you, Mr. Speaker. The government will be rejecting Motion for a Return 23. When the public body is considering giving access to a record that may contain third-party business or personal information, the public body must provide written notice to the third party and/or individuals prior to disclosure in accordance with the Freedom of Information and Protection of Privacy Act. Therefore, a request for this information must be made under the FOIP Act.

**The Speaker:** The hon. member to conclude the debate.

**Mr. Martin:** That's a real winner, trying to go through the FOIP Act, as we found out just recently from this minister's department, Mr. Speaker. They ignore that, the same as they do the rest. It was 10 or 15 days late, and you pay money.

I would remind the minister that this idea of the third party – Margaret Kool Marketing was contracted to develop a communications strategy to sell the government's third-way scheme. Again, Mr. Speaker, it was taxpayers' money. Now, the government may decide not to proceed with the third way. I doubt that they're getting a refund from this particular group. We know that it was a pretty ineffectual strategy. Maybe the government should be demanding their money back. The point is that it's not the government's money. They contracted it out. They were hired with taxpayers' money to provide this information to the government.

Again I would say that the minister often talks about being transparent, Mr. Speaker. Well, for those who contract with government – I don't care if it's third party or not – that should be part of it. If you contract with government, you should be prepared to be transparent in terms of your dealings with the government. Making a copy of this contract would be a way to ensure transparency in contracting. This is always going to be a loophole, this third-party business. Then we try the FOIP, and we notice that FOIP is cutting back in what we can do there. It takes forever to get it. They don't follow it the way they're supposed to. How are we supposed to get information from this government? That's the point we're making.

This contract is not two private companies out there working together. This is taxpayers' money being put together to sell a program for the government, yet the taxpayers, who foot the bill, aren't allowed to see what's going on, Mr. Speaker. I'm certainly

not surprised by this reaction, but obviously transparency with this government doesn't mean anything.

Thank you.

[Motion for a Return 23 lost]

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Margaret Kool Marketing Inc.**

M24. Mr. Martin moved on behalf of Mr. Mason that an order of the Assembly do issue for a return showing copies of all documents produced for the Ministry of Health and Wellness by Margaret Kool Marketing, mkm, under the contract awarded following request for proposal 05-243.

**Mr. Martin:** Thank you, Mr. Speaker. On behalf of the leader of the NDP we'll try again. In this case we're not asking about the contract. We're asking for the information that was given to the government from taxpayers' money.

**The Speaker:** The hon. Minister of Health and Wellness.

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Motion for a Return 24. When the public body is considering access to a record that may contain third-party business or personal information, the public body must provide written notice to the third party and/or individuals prior to disclosure in accordance with the FOIP Act. Therefore, a request for this information must be made under the FOIP Act.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview to conclude debate.

**Mr. Martin:** Here we go again. The minister – I've known her for many years – must be embarrassed by this, Mr. Speaker. Given the fact that the government has decided not to proceed with its third-way reforms, it makes it all the more important that all the reports and other documents prepared by Margaret Kool Marketing be made public. Surely this Legislative Assembly and through this Legislative Assembly the people of Alberta have a right to know what their money didn't buy. We understand that they did focus groups. We should know what those focus groups had to say. They must have produced a strategy for the government with recommendations for direct communications, brochures, leaflets as well as recommendations for print, radio, and TV advertising.

Mr. Speaker, it seems to me that if the government wants to be transparent and open – and, again, I know that the minister has talked about it – surely this would be seen as something the public should know. Otherwise, Albertans can only conclude that the government has something to hide, maybe keeping these documents secret so that they can be pulled off the shelf in the future when the government once again tries to make another run at selling Albertans on privatized, two-tier health care.

Again, Mr. Speaker, the minister keeps talking about FOIP. She knows the problems that we've had just recently with FOIP, with getting information from her department, and how this is an alternative. How else do we get information from this government? FOIP doesn't work. We can't get it through the Legislature. I mean, I guess this is just the way this government operates and intends to keep operating.

Thank you.

[Motion for a Return 24 lost]

**3:40 Northeast Calgary Ring Road**

M25. Mr. Martin moved that an order of the Assembly do issue for a return showing a copy of the public-sector comparator done for the northeast Calgary ring road project, which was announced as a public/private partnership on February 24, 2006.

**Mr. Martin:** Try, try again, Mr. Speaker. This is a major, major project, and surely we have a right to know what we're looking at in terms of the public-sector comparator as compared to what comes in from private companies, whether we're in the ballpark or not.

Thank you.

**The Speaker:** The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. On behalf of the Minister of Infrastructure and Transportation I would like to advise the House that the government finds it necessary to reject this motion. A public-sector comparator was prepared for the northeast Stoney Trail and formed part of the business case. When the northeast Stoney Trail was announced, it was also stated that the cost estimate for the project would not be released so that it would not prejudice the tendering process. The public-sector comparator cannot be made public before bids come in from the P3 proponents as that could affect the bidding process. The public-sector comparator, once finalized, will be sealed and provided to Alberta Justice. It will be opened only after all bids are received from the P3 proponents. This will ensure against any suggestion or perception that the public-sector comparator could be adjusted after bids come in. The public-sector comparator can be made public at that time.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview to close the debate.

**Mr. Martin:** Yes, Mr. Speaker. I anticipated that answer, and it is unusual. Public-sector comparators have been done before. It seems to me that if they're saying that that could influence the bid, well, maybe we should be looking at the whole of P3 proposals if that's the case. The public-sector comparator is exactly what we should be paying, and I don't see that having it out there ahead, as has been done in the past, would influence that. But seeing that that's the case, I'll take the minister at his word that the government is committing here, I understand, to make the comparator public after the fact as soon as the bids have been received. I'll certainly take them at their word on that.

Thank you.

[Motion for a Return 25 lost]

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

**Bill 208  
Protection of Fundamental Freedoms  
(Marriage) Statutes Amendment Act, 2006**

**The Speaker:** The hon. Member for Foothills-Rocky View.

**Dr. Morton:** Thank you, Mr. Speaker. I'm honoured to open debate today on Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006. The most important right in a free society is the right to disagree and criticize government policy. For this reason it has been protected in every major rights document

in Canada's illustrious political lineage: the Magna Carta, the English Bill of Rights, the American Bill of Rights, the preamble to the British North America Act, the Diefenbaker Bill of Rights, and most recently the Canadian Charter of Rights and Freedoms.

Despite this noble pedigree of freedom, this most fundamental right, the right to disagree with and criticize government policy, is under attack across our country. In British Columbia a teacher, Dr. Chris Kempling, was suspended without pay because he publicly disagreed with the Liberal government's same-sex marriage law. Also in British Columbia the Knights of Columbus have been sued and fined because they refused to rent their hall to a same-sex wedding party. In Ontario a leading gay rights activist has called on the government to cut off funding to the Catholic separate schools and all other private schools that don't include same-sex marriage in their curriculum. Right here in Alberta the respected Bishop Fred Henry of Calgary has been charged not once but twice with so-called hate speech crimes for publicly advocating the defeat of the federal Liberals' same-sex marriage bill. These incidents are all clear violations of Canadians' rights of freedom of speech, press, religion, and conscience.

Mr. Speaker, Bill 208 would prevent these types of rights abuses. Bill 208 would ensure that when it comes to public discussion of the same-sex marriage issue, no individual will be punished, no community group will be sued, no school will lose their funding, and no student or teacher will be coerced or punished for publicly disagreeing with same-sex marriage. What Bill 208 does not do is interfere with the legal right of gay people to get married. This is the law of Canada, a federal law, and there is little that this Assembly can do about it.

There is something that we can do about the use or, rather, the abuse of courts and human rights commissions to silence and punish public disagreement with same-sex marriage as a matter of public policy. This is precisely what Bill 208 does. Bill 208 consists of a preamble and amendments to three different Alberta statutes: the human rights act, the Marriage Act, and the School Act. In the drafting of Bill 208 I followed as closely as possible the wording of similar rights protection provisions in federal legislation as evidenced by the documents that I tabled earlier this afternoon.

When the Liberal government of the day embarked upon the mission to redefine marriage, they were warned that there was a risk that the new same-sex marriage law could come into conflict with the traditional rights of freedom of speech, religion, and conscience. To remedy this, the Liberals initially sought to add specific protections in their own bill to address this conflict. However, in 2004 the Supreme Court of Canada ruled that protecting these rights against provincial infringement could only be done through provincial legislation. If you imagine the protection of fundamental freedoms in this context as a circle, what the Supreme Court did was draw a line through the middle of the circle and say that half is federal and half is provincial. The feds have filled in their half. Bill 208 would fill in Alberta's half, using the identical wording to the extent possible. Mr. Speaker, Bill 208 merely completes what Parliament wanted to do but was prevented from doing by its jurisdictional limitations. It ensures that extending the rights to one group does not restrict the rights of other groups.

The preamble to Bill 208 declares three things. It affirms the fundamental right of freedom of conscience and religion. It declares that these freedoms protect any church official from being forced to perform a same-sex marriage contrary to his or her religious beliefs or conscience. It also declares in straightforward, clear language that "it is not against the public interest to hold and publicly express diverse views on marriage." The wording of this preamble is virtually identical to the preamble of federal Bill C-38.

The first section of Bill 208 amends the Alberta human rights act. It states that no person or organization shall be deprived of any benefit or be subject to any other obligation or sanction under this or any other law of Alberta solely because of their publicly stated views on same-sex marriage, whether they oppose or support same-sex marriage; that is, it protects both sides of this debate. This protection would be added to section 11 of the existing Alberta human rights act, which is the section that provides a number of legal defences against complaints of discrimination. In layman's terms this means, at least in Alberta, that there would be no more hate speech prosecutions like the Bishop Fred Henry case, no Knights of Columbus incidents, no Chris Kempling job loss incidents, and no cutting off of funding to separate or private schools that exclude same-sex marriage from their curriculum.

Mr. Speaker, the second section of Bill 208 proposes an amendment to the Alberta Marriage Act. Again, it has the same intent as the corresponding federal provision in Bill C-38. It protects church officials from being forced to perform same-sex marriage against their religious conscience. It also protects marriage commissioners from losing their jobs for refusing to perform same-sex marriages. Notwithstanding the federal protections the Supreme Court has clearly stated that since solemnization of marriage is an exclusive provincial power, only provinces can protect this right. Bill 208 provides such protection.

The third and final section of Bill 208 proposes an amendment to the Alberta School Act. As education is an exclusive provincial jurisdiction, there is no parallel provision in C-38. While the amendments to the human rights act also extend to the School Act, for further clarity this amendment ensures that the freedoms of conscience, expression, and religion are explicitly protected in the context of Alberta's public, separate, and private education.

3:50

Mr. Speaker, good public policy is often a question of striking the right balance between competing claims and interests. Bill 208 strikes such a balance. It would ensure that creating the new right to same-sex marriage does not lead to restrictions on the rights and freedoms of those who disagree with same-sex marriage. Bill 208 completes what Parliament wanted to do but was prevented from doing by its jurisdictional limitations: to ensure that extending rights does not restrict the rights of other groups.

Mr. Speaker, if this Assembly fails to enact Bill 208, we will have provided less protection for the fundamental freedoms of Albertans than the Liberal government of Paul Martin provided for the rights of Canadians. Surely Albertans expect and deserve better than this. Accordingly, I would ask all members of this Assembly to support Bill 208.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, I'm getting quite a list here. I'm going to sort this out in just a second or two, but first of all, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Speaker:** The hon. Member for Dunvegan-Central Peace.

**Mr. Goudreau:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the rest of the Assembly four individuals that are sitting in the members' gallery. They come from quite a long ways away; they're from my constituency of Dunvegan-

Central Peace. The first is Greg Radstaak. He's the CEO for the Smoky River economic development organization that we have there. The other individual is Charles Doyle. Charles is the mayor of the village of Donnelly and also a teacher. Gary Doran is a businessperson in the Falher community. Last but certainly not least is Réal Garand, also a businessperson in the MD of Smoky? River. They are here to meet later on with the Minister of Infrastructure and Transportation. I'd like them to stand and receive the warm welcome of the Assembly.

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

**Bill 208**  
**Protection of Fundamental Freedoms**  
**(Marriage) Statutes Amendment Act, 2006**  
(*continued*)

**The Speaker:** I'm now going to call on the hon. Member for Edmonton-Glenora, to be followed by the hon. Member for Drayton Valley-Calmar, to be followed by the hon. Member for Edmonton-Centre, to be followed by the hon. Member for Calgary-Lougheed, to be followed by the hon. Member for Edmonton-Calder, to be followed by the hon. Member for Dunvegan-Central Peace, to be followed by the hon. Member for Calgary-Varsity, and I will continue on the list momentarily.

**Dr. B. Miller:** Thank you, Mr. Speaker. I rise to enter this debate on Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006. There are three parts to this bill, and I know that I'm not going to get beyond the first part because my main concern is to deal with the tone and content of this bill as a whole, which I feel is in opposition to the Canadian Charter of Rights and Freedoms.

While it begins in its preamble to refer to section 2 of the Charter of Rights and Freedoms, such as freedom of religion, Bill 208 conveniently overlooked section 15 on equality rights; namely, that every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination . . . based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

It has been assumed that this list of the grounds of nondiscrimination is not exhaustive and that courts will recognize new grounds when necessary. As a matter of fact, that has occurred. The Supreme Court of Canada, in dealing with the case of the Crown versus Vriend, read into Alberta's Individual's Rights Protection Act sexual orientation as a nondiscriminatory ground. So when we read Alberta's Human Rights, Citizenship and Multiculturalism Act, for example section 3, where the grounds for nondiscrimination are listed – race, religious beliefs, colour, gender, and so on – we can assume that sexual orientation is now understood to be included even if it is not mentioned. That's the way the law of the Supreme Court of Canada would interpret our human rights legislation.

The legislation passed by the House of Commons, the Marriage for Civil Purposes Act, affirmed at the outset that the Parliament of Canada is committed to upholding section 15 of the Charter. On that basis it enacted the following: "Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others." That is the law of the land. The right to have a civil marriage – underline that: civil marriage – must not exclude same-sex couples.

The House of Commons legislation did recognize the importance of section 2 of the Charter, especially the guarantee of freedom of conscience and religion, and on that basis enacted the following: "It

is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs.” So that leaves churches and synagogues and mosques to pursue their own religious beliefs. Some will perform same-sex marriages; others will not.

In contrast to the federal legislation Bill 208 proceeds in the opposite direction. On the basis of its appeal to section 2 of the Charter – that’s where it begins; freedom of conscience and religion – it proposes to limit or amend three different acts: the Human Rights, Citizenship and Multiculturalism Act; the Marriage Act; and the School Act. I think it does so in a way that the grounds for nondiscrimination are compromised. The proposed amendment to the human rights act, for example, purports to be defending the rights of persons or groups to express their opposition to same-sex marriage. But this point I think is recognized over and over again in interpretations of section 2 of the Charter, that freedoms such as freedom of religion and freedom of expression are finite, limited freedoms. Freedom of religion is not an unlimited right, and it’s easy to argue that freedom of religion is actually limited by such basic democratic principles as the equality rights outlined in section 15 of the Charter. Freedom of expression is obviously limited if such expression willfully promotes hatred against an identifiable group. In that respect, the Supreme Court decision of the Crown versus Keegstra is still important reading for all Albertans and Canadians.

We must ask, concerning the persons or organizations mentioned in Bill 208 – namely, those who wish to oppose same-sex marriage – why they are singled out for special treatment. Religion is already a protected ground for nondiscrimination, and I think it would be a big mistake to identify particular religious groups or interest groups and include them in human rights legislation. We can ask: are such persons or groups disadvantaged? Is Bill 208 referring to recognized disadvantaged groups which have been deprived of benefits because of discrimination?

Human rights legislation, Mr. Speaker, has been adopted in Canada to protect groups of people in our society who are disadvantaged and have been subject to discrimination. The Supreme Court made it clear that when a particular group such as gays and lesbians are singled out, the effect is that a burden or disadvantage is imposed on them and not on others. Benefits are withheld from them which are available to others. To withhold civil marriage from same-sex couples is to withhold a benefit which is available to others.

Bill 208 wishes to ensure that groups who are opposed to same-sex marriage are not excluded or subject to discrimination, but the question which is all important is: what burdens are imposed on such groups, and what benefits are withheld from them? Such groups are in no way to be considered as disadvantaged groups. It is a misinterpretation of the human rights acts to place this kind of limiting clause in the act. A parallel example: many people, including myself, have very strong views against gambling. To be sure, there are limits to my freedom. My conscience will not allow me to participate in gambling or to work in a casino, but I’m still able to express those views. I still have freedom of expression, freedom to express my religious views. I think that that’s really important. Whether you’re in the pulpit of a church or whether you’re in the Legislature, I can express my religious convictions against gambling.

I see that there’s nothing preventing people from expressing their religiously based views on same-sex marriage, regardless of what their views are. Whether they’re against same-sex marriage or for it, they can express their views in their churches, in their communities, and those religious-based views can be expressed here in the Legislature. So I find it very difficult to try to kind of narrow the

scope of the human rights act by making reference to a specific group which is not in any way disadvantaged.

In terms of marriage commissioners I have problems there too. We’re talking about civil marriage. Marriage commissioners, if they want to be marriage commissioners, should follow the law of the land and perform the marriages of same-sex couples. If they don’t like that, if they can’t uphold the law of the land, they should consider not working as a marriage commissioner. After all, Mr. Speaker, we’re all limited in our freedom of expression. We have to make choices, and it seems to me that if they want to be marriage commissioners, such people should make the appropriate choices.

4:00

Under section 2 of the Charter it is important to recognize the pluralism of religious beliefs in Canadian society. There are a variety of religious beliefs about same-sex marriage. Some religious groups oppose it; others support it. I encourage people in the community rooted in their religious beliefs to express their views. We as legislators should hear those views. But when it comes to the secular, civil sphere of society, I think that there’s no room for discrimination on the basis of sexual orientation. Bill 208 intends to establish a limit, an exception to this, but in so doing, it in effect fudges the distinction between church and state and allows for limiting clauses, which goes contrary to the expressed goal of our human rights act.

Bill 208 makes it possible for a certain group of people to express discriminatory opinions in the secular, civil sphere of society, promoting the refusal of benefits to same-sex couples and promoting the refusal to participate in or teach parts of a curriculum which deals with same-sex marriage. Mr. Speaker, the effect of such limits or exceptions placed in these various acts is to send the message to all Albertans that it is permissible and perhaps even acceptable to discriminate against individuals on the basis of sexual orientation, and I find that totally unacceptable and contrary to section 15 of the Charter. So I would recommend voting against this bill.

For me personally it is morally and religiously offensive, but putting aside my own religious beliefs, I think that in the context of a legislative debate we have to deal with the issue of the nature of human rights legislation and what is in our Charter. It seems to me that this bill flies in the face of our Canadian Charter of Rights and Freedoms. What we should be dealing with is a government bill, such as Bill 171, passed by the Ontario Legislature to amend various statutes, removing all references to exclusively opposite-sex spouses, so that same-sex couples are not excluded from all of the statutes in Alberta. The wording of marriage ceremonies for civil marriages that marriage commissioners are to carry out should also be changed so that same-sex couples are not excluded.

Mr. Speaker, those are my remarks, and I recommend voting against this bill.

**The Speaker:** The next four speakers will be the hon. Member for Drayton Valley-Calmar, the hon. Member for Edmonton-Centre, followed by the hon. Member for Calgary-Lougheed, then Edmonton-Calder.

**Rev. Abbott:** Thank you, Mr. Speaker. I can’t express how pleased I am to be given this opportunity to rise and address this Assembly on the very important issues brought forward by Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006. I commend the Member for Foothills-Rocky View for bringing this bill forward.

Mr. Speaker, I’d like to begin by stating that I have above all else a deep and abiding faith in God and a very, very strong commitment

to upholding traditional family values. As a husband and a father my beliefs form the foundation of my life and guide me in every decision that I make. I'm also proud to serve God in my capacity as an ordained minister. It's been one of the greatest honours of my life to bring the teachings of Christianity to others in my community. I've seen time and time again the positive benefits that result from a strong faith and a deep commitment to the family.

A cornerstone of my religious beliefs is the ceremony of marriage, a union that is defined as being between one man and one woman. I have performed many, many marriages, and it never ceases to fill me with wonder and joy when a man and a woman become one in the eyes of God. Mr. Speaker, I don't agree with homosexual marriage. I don't believe that it is in accordance with Christian teachings. It goes against my entire system of beliefs, and I could never perform such a marriage in my capacity as a reverend. My faith simply does not permit it.

This is a province of wide diversity. Many Albertans share my viewpoints on this subject, but some do not. I am vocal about my position. Some are equally vocal in opposing it. Do I agree with them? No. Do I celebrate the choices they make? No. Do I accept them as equals with the absolute right to state their opinion without fear of persecution or punishment? Absolutely. That brings us to Bill 208, a bill which provides an ultimate and final guarantee that the freedoms of expression and religion that Albertans enjoy will have definitive, legislated protection.

I support freedom of conscience and freedom of religion absolutely and always, not selectively or when it's convenient. I will not support the legislative suppression of anyone's belief system, even when it's contrary in every way to my own. A relationship with God and a Christian belief system are individual choices, but laws are universal. They apply to every member of society regardless of sexual orientation, race, or religion. If they do not, we cannot consider our legislative structure to be either fair or just. Laws must protect everyone equally, not just selected groups of people.

Bill 208 provides through a series of amendments to existing acts guarantees that defend the rights of religious officials, organizations, parents, and teachers to act in accordance with their beliefs on same-sex marriage without fear of retribution. Why should anyone face negative consequences for expressing their beliefs? Why should any member of our society be punished for refusing to act, teach, or raise their children in a fashion contrary to their faith or personal morality? Does legally enshrining one position on an issue and silencing public opposition protect anyone's rights? No, it doesn't. Despite the best of intentions categorical protection does nothing but fuel the engine of hatred. Bill 208 recognizes the rights of all groups to enjoy freedom of expression and freedom of religion. It gives back to the individual the autonomy to make decisions based on a nonimposed moral code.

Mr. Speaker, as I said earlier, I'm a parent. Do I want my children to be taught in school that same-sex marriage is a positive thing? No, I don't. No way. Do the parents of the other children in my class share those convictions? Maybe not. Does the teacher support same-sex marriage? Maybe, maybe not. It doesn't matter, and it shouldn't matter. Taking the position that the teaching in favour of same-sex marriage should be mandatory is hateful. Requiring a child to learn that same-sex marriage is positive is hateful. Punishing someone for not wanting to teach or learn that same-sex marriage is positive is contrary to every principle of a free and democratic society. That's the issue we're debating today, not whether same-sex marriage is right or wrong, not whether it should or shouldn't be allowed.

Bill 208 addresses the deeper and more fundamental rights behind the issue, the rights that transcend boundaries of politics and

religion. What the bill does is that it gives back to the individual the right to decide, without interference or sanction, whether they oppose or support same-sex marriage. Its purpose is to reinforce rights, not to take them away.

There is a lot of division over this issue. I think that a great deal of it comes from a sense of uncertainty. Those of us with strong religious convictions against same-sex marriage are becoming increasingly concerned with the possibility that we might one day be forced to accept a position that our religious beliefs do not allow us to. As a minister I'm especially concerned that a refusal to perform a marriage ceremony could result in legal repercussions or human rights complaints being levied against me. Bill 208 would protect me in this regard, and it would protect all religious officials and marriage commissioners who also don't agree with same-sex marriage on moral grounds.

Mr. Speaker, I make my beliefs public, and I share them with others. This is what a minister does. I do not, however, require my beliefs to be practised by those who don't agree with them. I don't force teachers to teach them in our schools. So should we have laws that make church attendance on Sunday mandatory? No. Alberta does not have the Lord's Day Act any longer. No, we don't because forcing a business to close on Sunday was seen as discriminatory on religious grounds. In the interests of fairness and freedom, the law makes no distinctions and leaves the choice to attend church or to open a business up to the individuals. But there are those who would refer to my beliefs as hate speech. I'm shocked and saddened by these comments. The promotion of hatred is disgusting, and it's one of the last things that I would ever do. I support the traditional definition of marriage. How is this hateful?

According to a 2005 Ipsos-Reid poll 56 per cent of Albertans opposed gay marriage. Does this mean that over half the people we interact with on a daily basis are hatemongers, that they should be open to the same sanctions as white supremacists and skinheads? Absolutely not. I would never promote hate against anyone, nor would any of my former parishioners or any of the other decent, hard-working Albertans it is my pleasure and honour to currently represent. Because we disagree with or don't celebrate an activity does not mean that we are hateful. Mr. Speaker, disagreement is the basis of democracy. Its presence is the sign of a healthy society. Its absence is the sign of tyranny, a tyranny that Bill 208 will prevent once and for all.

The pioneers who built this province came here from around the world. They fled persecution and war to make a new home where the principles of co-operation and peace were practised instead of just dreamed about. Today we enjoy an incredible diversity of ideas and culture, and Albertans would have it no other way. Mr. Speaker, I would have it no other way.

#### 4:10

Our ancestors have fought and died to defend the freedoms that we take for granted: our freedoms to think, act, and believe what we want, our freedom to raise our children as we want, our freedom to worship the god of our choice and abide by his principles. Bill 208 guarantees these freedoms, and it does so without discrimination. It affirms the principles of religious freedoms set down by the federal Liberals in Bill C-38. It upholds section 2 of the Charter of Rights and Freedoms, which guarantees the freedom of conscience and religion. It enshrines with legislation a concept that is integral to the health, diversity, and continued well-being of our society and the dignity of Albertans.

It is, in short, a bill that guarantees mutual respect. It allows individuals to address without fear of censure or reprisal a contentious issue according to their own moral beliefs. It will go a long

away toward alleviating the fear, mistrust, and anger that have been so regrettably prevalent in the debate on same-sex marriage and will hopefully be accepted as a universal proposal that transcends party lines.

Mr. Speaker, I am proud to give this bill my enthusiastic support, and I strongly urge every member of this Assembly to join me in doing so. Thank you.

**The Speaker:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. In speaking in second reading to Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006, I first want to underline – I know there were notes coming from the sponsoring member: would members of this particular opposition caucus have a free vote? I want to underline again that in this Assembly for this caucus reaction to private members' bills is always a free vote. Always. So although I've heard one of my colleagues speak and I have a pretty good idea of how he might be voting on this, how other members of my caucus will be voting has not been discussed. We don't do that. It's a private member's bill. It's always a free vote.

I also note that we are working with a duty caucus today, so there may well be members who would wish to be in their place and are unable to be and have commitments in other places or perhaps are on their way back here and hoping to get here in time for a vote. I don't know. We're dealing with a duty caucus today.

What I see contemplated and somewhat laid out by the proposals in Bill 208 are competing or contradictory rights. I think we have to be very clear about our arguments here. Essentially, Mr. Speaker, all provinces signed onto the Charter of Rights and Freedoms, as did this province. It voted and passed it and agreed to abide by what was set forth in the Charter of Rights and Freedoms, so we all signed onto this. I'm always saddened when I hear people somehow believing or putting out there that we had nothing to do with this. Well, we did. It was a Canadian venture, and we were all involved in it. Through our elected representatives, yes, indeed, but that's the way many of our laws are passed. There was certainly opportunity for people to give input as this was being debated across the country.

[Mr. Shariff in the chair]

My interpretation of this is that we have one identifiable group that would like to have the right to have a certain group adhere to certain principles. They're looking for protection that takes them outside of what exists now. In my reading of it it appears to say: "We'd like the protection to be able to discriminate. We want to be able to say that our rights are above another group's rights." We try very hard in Canada not to do that. There's an old description of the law in which it says that my right to swing my arm around with a fist at the end of it ends at your nose. So what I choose to do in my sphere is acceptable, but it's not if I impose it onto you in a way that is particularly harmful or discriminatory.

That's what the Charter is trying to do: to set out where that inequality has historically been in our culture and to try and address that. I'll note that section 15(2) of the Charter goes – my colleague from Edmonton-Glenora has already talked about section 15(1), in which the equality rights are laid out, that "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination." Then it lists all of those that were specifically written in at the time this was passed in 1982. It came into effect in 1985. Since then, we have had other decisions that in fact write it in, so it doesn't appear here, but it has been written in and accepted that way.

I note that what we anticipated at the time was the attempt to right

the wrongs that had gone before us. Thus you get 15(2), which says:

Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of,

and then we get the same list again,

race, national or ethnic origin, colour, religion, sex [which includes sexual orientation], age or mental or physical disability.

So not only did we contemplate that we wished to structure a society in which everyone is equal before and under the law and has the right to equal protection and benefit of the law, but we recognized that some groups historically had not, and we wished to correct that. We would allow groups that were there to ameliorate conditions to continue with their work.

What I see here is an argument that religious rights should trump the rights extended under section 15, and nothing in the Charter sets that out. No right is higher or lower than any other right. There is some distinguishing language that's used in the Charter. In some cases it speaks about every citizen, which is different from every person in the country. There are those kinds of distinctions, but at no place does it say: this group has more rights than the other group. The point of it was to try and achieve equality there.

What is interesting is that we have always upheld any faith community's ability to enforce their beliefs or tenets on their own members. For example, we have the Catholic faith, which does not believe in divorce or does not encourage that, and they are able to say to their own members: this is what we believe, and we will not give you a second marriage in our church; we choose not to do that. Now, that's fine. That's taking their religious beliefs and holding it inside of their church to their own community, but they cannot go further than that and say: no other person would be allowed to divorce and remarry. They hold that religious freedom inside of their religious community.

I've heard an argument this afternoon that somehow criticizing public policy is what is being promoted inside of this legislation. I would argue against that. Criticizing public policy is not the same as promoting unequal treatment, an attempt to limit the rights and privileges of any other identifiable group. Again, I'm back to the pitting of one set of rights above another. That is not what we have in the Charter.

It seems to me that we are mistaking religious freedoms and the protection of those religious freedoms and the ability to act out the beliefs of one's faith community as somehow being an override of all the laws of the land. In fact, they must all exist, somewhat uncomfortably I'll admit, but they must exist side by side.

When I actually look at what is being proposed in this bill, section 1 is amending the Human Rights, Citizenship and Multiculturalism Act. My colleague from Edmonton-Glenora has already spoken about that. Essentially, I see it as attempting to protect those groups who choose to provide unequal treatment to others. In other words, they choose to discriminate against others, and they wish protection in doing that. It's the absolute opposite of what is anticipated in the Charter under section 15(2). I don't believe in that, and I can't uphold it.

I think that part of what we need to do here is what I often do when I'm trying to figure something out to see whether it's fair or not or equal treatment or not. I'll often take another group and substitute them into there. If you take what's being put forward in this bill and substitute, for example, mixed race or people of different faiths becoming married, does this still read as a reasonable attempt to limit the freedom of others? I would say: no, it doesn't. At that point it becomes clear that this is a religious grouping that is trying to limit the powers and the privileges and the rights of another group of people based on very identifiable characteristics.

4:20

Section 2 of the bill is amending the Marriage Act, and it is proposing that a public servant, such as a marriage commissioner, would be allowed to refuse to solemnize a marriage. Again, we have to remember here that there is a separation of this. Not all clergy are automatically marriage commissioners, and not all marriage commissioners are members of a faith community. Certainly, within faith communities they are entitled to do as they need to with their own members but not to impose that on others.

Thank you for the opportunity. I will not be supporting this.

**The Acting Speaker:** The hon. Member for Calgary-Lougheed.

**Mr. Rodney:** Thank you, Mr. Speaker. It gives me great pleasure to rise today to join debate on Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act. I believe that in implementing this bill, we can ensure that Albertans' rights as enshrined in the Canadian Charter are further built upon and protected. Albertans' freedom of religion, freedom of conscience, and freedom of expression would be protected by the implementation of Bill 208.

I can tell you, Mr. Speaker, that in over a dozen years as an educator and administrator at each division level in various disciplines, including religious education, I've learned that the citizens of this province place a great deal of importance on our education system. Now, it's well recognized that parents are the primary educators in their children's lives, and their role is pivotal in their education. They choose what schools to send their children to. They choose whether to home-school their children, and they choose whether to place them in a private institution. Parents are to do what is in the best interests of their child, and they have the right – I'll repeat that, the right – to be informed regarding what their children are being taught in school. That allows them to be an active participant in their child's life, and it helps them to make good decisions with respect to determining the best course of action for their child. That is exactly what Bill 208 is designed to do.

The proposed modifications to the Alberta School Act would help support parents and students in ensuring that parents are notified that same-sex marriages and relationships will be discussed in the classroom, and it will provide students with the option to not attend a course when this is discussed. It would further ensure that students are not penalized if they don't attend, and it would make certain that no teacher shall be required to teach students about same-sex relationships. Thus the changes to the School Act as proposed in Bill 208 would serve to protect teachers as well.

Mr. Speaker, I think that this is a good bill. It will enhance the rights and freedoms of all Albertans. I think that it's imperative to stress the value of the proposed amendments to the School Act. This important aspect of the issue has the possibility for far-reaching consequences in the future.

Mr. Speaker, under the United Nations universal declaration of human rights, article 26(3), it explicitly states that parents have the "right to choose the kind of education that shall be given to their children." Under the United Nations declaration of the rights of the child, principle 7, paragraph 2, it's stated that "the best interests of the child shall be the guiding principle of those responsible [when it comes to] education and guidance." That responsibility lies first and foremost with their parents. In other words, a child's parents have the right to express what they believe to be in the best interests of their own child.

Our very own School Act agrees with this. It states in the preamble that, indeed, "parents have a right and a responsibility to make decisions respecting the education of their children." The

involvement of parents in the life and education of their child helps ensure that the best possible choices are being made for the child. So parents need to be notified when same-sex relationships are going to be discussed in school so that they can be involved in the child's schooling and determine whether or not it would be beneficial for the child to attend such a discussion.

Mr. Speaker, parents have the right to teach their children their religious and moral values and the right to be notified when topics within the educational system, such as same-sex marriage, are not in line with such beliefs. Now, as a province we already allow for parental exemptions from human sexuality education. I can tell you that the process is that parents are notified that this content will be discussed as part of the child's curriculum in grades 4 through 9 and as part of the high school curriculum in career and life management courses. They're then given the option to have the child exempted from these discussions. So I ask then: why can we not do the same for discussions on same-sex relationships? Parents should be given notification that their children's curriculum will include discussions on such matters and then given the option to remove their child from such deliberations if they choose.

Now, I realize that at this time schools in Alberta are not covering same-sex marriage and sexual orientation as part of the curriculum. Even so, I think it's important that we add such provisions to the School Act now to ensure that in the future of our province we don't run into the same problems that other jurisdictions have.

Other members have mentioned, at least in passing, British Columbia with numerous and serious problems related to these issues. Just to give you a little background, Mr. Speaker, most of the independent schools in B.C. are actually considered religious institutions. They're publicly funded, and therefore they're required to follow the curriculum in B.C. Now, the B.C. Human Rights Tribunal at the present time is challenging the B.C. curriculum as it feels that the curriculum does not portray a positive view of those of a different sexual orientation. Apparently, it is not enough to simply refrain from discussing the issue or avoid negative portrayals. They feel that positive portrayals must be included in the curriculum. Some individuals feel that because these independent schools receive government funding, they should follow the decisions of the tribunal, whatever they happen to be. Now, I expect that all hon. members of this Legislature can appreciate the tension that such a state of events must produce. This is a situation that I would hope to avoid in Alberta by amending our School Act before such issues arise.

I know that teachers in B.C. are also feeling pressure in this climate. The example has been raised of Mr. Chris Kempling, a B.C. teacher and counsellor suspended twice, as a matter of fact, by the B.C. College of Teachers for expressing his thoughts on these issues. In 2001 he wrote to his local paper expressing his concern regarding health risks from teaching same-sex relationships in the school curriculum. In 2005 he was suspended a second time for testifying in the parliamentary hearings on Bill C-38, the federal government's bill changing the definition of marriage. I find this extremely unfortunate, and I hope that we can avoid that here with the implementation of this act.

Mr. Speaker, I'm not basing this argument on the experience of one person or one province. It has happened in other places, including Ontario, where activists for same-sex rights have actually lobbied the government to sever funding to private schools, including Catholic separate schools, which opt to not include discussions on same-sex marriage in curriculums. This is problematic and, again, can be avoided by explicitly simply stating in the School Act how teachers, parents, and children's rights will be protected by amending this legislation as well as by the implementation of the

Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act.

Mr. Speaker, we need to ensure that the problems in B.C. and Ontario do not happen here. In amending the School Act, we protect students, parents, and teachers by ensuring that they're given due notification of same-sex marriage content within the curriculum and by granting the option to parents for their children to opt out of discussions.

Truly, it comes down to this. This is not about taking away people's rights. It's about protecting people's rights. The freedom of conscience, expression, and religion of all Albertans would be protected by Bill 208. Therefore, I'm proud to stand today to give my support for this bill, and I trust that other members of the Legislature will do the same.

Thank you very much.

**The Acting Speaker:** The hon. Member for Edmonton-Calder.

4:30

**Mr. Eggen:** Thank you, Mr. Speaker. I rise with pleasure and interest to speak on the bill for this afternoon, Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act. In my view this bill seeks to strengthen or change three areas. First of all, as the hon. member who brought forward this bill said in his first reading: "Mr. Speaker, the most important right in a free society is the right to disagree with and to criticize government policy. Bill 208 would strengthen this right." As well, this bill seeks to amend three other pieces of legislation: the Human Rights, Citizenship and Multiculturalism Act as well as the Marriage Act and, finally, the School Act as well. So it's a very sweeping piece of legislation which crosses over to many areas of provincial jurisdiction, but also, I think, has some interference with federal jurisdiction of which I think we need to take note.

The School Act, in particular, is amended to allow for teachers to opt out of teaching curriculum that mentions same-sex marriage, to allow for students to not attend classes or courses where same-sex marriage is taught, and to require the school to notify parents if the same-sex curriculum is being taught. Finally, the last amendment, which I find certainly problematic and certainly on constitutional grounds may strike the other two amendments, but this one is otherwise certainly problematic.

Mr. Speaker, in 1929 Canada's highest court of appeal ruled that women were in fact included in the category of persons. Five Alberta women lead the charge, and this Legislature celebrates them today with displays throughout the visitors' centre. The Persons Case, as it became known, established that social definitions can and must change as society does. The fight for civil human rights for women was long and difficult and is ongoing here today. A similar fight for equal recognition of rights has been going on in Canada's gay and lesbian communities for quite some time now, and since the late 1990s a lot of progress has been made.

In April 1998 Alberta's Individual's Rights Protection Act was determined to include sexual orientation as prohibited grounds for discrimination. In January 2001 a pension plan decision recognized that same-sex couples must be recognized as full partners in claimant's benefits packages. In April 2001 the Intestate Succession Act was made to recognize same-sex partners inheritance rights. In December 2004 the Supreme Court of Canada recognized in its historical reference that same-sex couples could marry as marriage was the lawful union of two persons to the exclusion of all others. Finally, in June 2005 the Canadian Parliament voted for Bill C-38, which recognized same-sex marriage. This bill also recognized, on the advice of the Supreme Court, that religious officials would not be forced to perform same-sex marriages.

When Bill C-38 was voted in, only Alberta, Prince Edward Island, the Northwest Territories, and Nunavut had yet to recognize this right. Realizing that pursuing an article 33 Charter challenge was impossible, the Alberta government since July 20 of last year recognized the right of same-sex couples to marry. So here we are today. Life goes on just as it always has except that the lives of a marginalized group have been made more equal to the rest of the population by being accorded these rights that all heterosexual individuals in Alberta have fought for for so long and enjoyed exclusively.

The proposed amendments before the House today, I believe, are running in contravention to this movement towards equality, and we must identify each section for the problematic areas that it does identify.

First of all, in regard to human rights this bill is confusing, not the least of which by using Alberta's own human rights legislation to deny human rights by permitting discrimination. The amendments to our Marriage Act propose to allow marriage commissioners to refuse to marry same-sex couples while the proposed amendments to our human rights legislation would deny these same-sex couples the right to sue for discrimination.

While the wording of the human rights amendments may be read as attempting to narrow such discrimination to only those areas in respect to marriage between persons of the same sex, this could also be used to discriminate in other areas. This amendment is so broadly written that it includes everyone and everything. No organization or person is to be deprived of any benefits nor be subject to any sanction, based on the right to express and exercise their freedom of conscience or religion. This exercise could quite easily include denying services based on moral grounds. I find it quite ironic that the human rights prohibition against denying people's benefits could be used to do just that: deny people's benefits. While these amendments would not stand up, Mr. Speaker, to a Charter challenge, I find it remarkable that this bill is proposing to subject Albertans to such difficult and trying litigation just simply to try to regain the rights that are already awarded to them through our highest law, the Constitution, and upheld in our highest court, the Supreme Court.

The second category is, of course, in regard to marriage. We are certainly not as a caucus or, I think, anyone else here contesting the rights of religious figures in religious institutions to refuse to marry same-sex couples on religious or moral grounds. The Supreme Court has already pronounced itself in favour of clergy retaining that right to refuse such marriages. Rather, the attempt to include under such exemptions civil commissioners is what we are in fact opposed to. The Supreme Court decision and Bill C-38 both recognize the right of religious officials to refuse performing same-sex marriage, but neither extend this exemption to civil marriage commissioners. The House must not attempt to legislate around our highest courts and our highest law, and in fact to do so is merely spurious and otherwise will be struck down later.

Finally, the School Act. As ironic as using human rights law to deny human rights might be, this proposed amendment to the School Act seeks to include in the diversity in shared values section of the School Act, which upholds that all educational and instructional material must reflect the diversity of our society and honour and respect and promote that diversity, and is saying that teachers and students may not be subjected to material that "marriage may be a union between persons of the same sex." I find that difficult and, certainly, ironic to see placed in the inclusive and diversity promoting section of the School Act an amendment that means the denying the very spirit of the section which it's meant to amend.

Not only are these proposed amendments to the School Act difficult to accept and inherently discriminatory; they amount to a



degree of censorship that would be very much impossible to administer. Given the broadly inclusive definition of what may be excluded from teaching, the amendment requiring that “where part of the curriculum . . . consists of teaching that marriage may be between persons of the same sex, the school must advise the parents . . . prior to the material being taught,” would be next to impossible to administer, Mr. Speaker, given the vagaries of teaching and the textbooks and the breadth of curriculum and whatnot. It certainly is problematic at best.

If the purpose of our education system is to prepare students for citizenship, I believe that we’re doing them a disservice by restricting their access to materials that reflect the diversity of our society and the diversity of social options available to our citizens. It is the mandate of parents to look after their children, to decide those things, and to enforce those values in their own children.

Thank you.

4:40

**The Acting Speaker:** The hon. Member for Lacombe-Ponoka.

**Mr. Prins:** Thank you, Mr. Speaker. I am pleased to rise today as well and join the debate on Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006. The issue of same-sex marriage is an important matter to many Canadians. It has inspired passionate debate from both proponents of the issue of same-sex marriage and its detractors alike. I strongly believe that it is in the best interest of this Assembly and of the electorate that we represent to engage in informed debate. With that said, I think that there are some general misconceptions regarding the intent of this bill that must be cleared up.

Bill 208 is not about limiting or taking away rights. It is about protecting and enhancing rights. Frankly, this bill is not even about same-sex marriage at all. It is about protecting existing freedoms. It is about protecting our fundamental rights to freedom of conscience, freedom of religion, and freedom of speech. It is about protecting parental input regarding the education received by their children. As a Christian, I believe very strongly in the traditional definition of marriage, the union of one man and one woman. The idea of homosexual marriage flies completely contrary to my religious and moral beliefs.

I have heard from many, many individuals in this matter, and I am confident that the majority of my constituents in Lacombe-Ponoka feel the same way. They’re disappointed and frustrated with the federal government’s decision to legalize same-sex marriage. But whether we like it or not, same-sex marriage is the law of the land in Canada. The definition of marriage falls within federal jurisdiction, and last year the federal government passed legislation, Bill C-38, the Civil Marriage Act, on the matter and effectively legalized same-sex marriages across the country.

Bill 208 will do nothing to change that. This legislation will not prevent the marriage of same-sex couples. It will, however, build on what the then Liberal federal government tried to do when they passed Bill C-38. It will protect existing freedoms that may be affected by the creation of the new right to gay marriage.

The federal government recognized some of the potential conflicts that may arise from the legalization of same-sex marriage and addressed them in their legislation. C-38 originally included provisions to protect religious officials from being forced to perform marriage ceremonies for same-sex couples, to protect marriage commissioners from losing their jobs for refusing to perform same-sex marriages, and to protect the freedom of individuals to speak out against homosexual marriage. However, in the Supreme Court’s ruling on the issue of same-sex marriage our high court indicated

that several areas relevant to the protection of certain rights included in the federal legislation, the rights addressed in Bill 208, fall under the jurisdiction of the provinces. Because of this, the federal government was forced to remove these protections from the text of the act over to the preamble of the act, where they do not carry the force of law.

Bill 208 simply mirrors the provisions that the federal Liberals included in Bill C-38 that were ruled to fall under the domain of the provinces. In fact, the wording of the pertinent portions of the two pieces of legislation is almost identical.

One important part of Bill 208 is the proposed amendment to the Human Rights, Citizenship and Multiculturalism Act. The amendment would unambiguously protect the freedoms of conscience and religion as specified under section 2 of the Canadian Charter of Rights and Freedoms and the Alberta Bill of Rights. The amendment to the act, the addition of section 11.1, would protect individuals or organizations who expressed their views based on freedom of conscience or religion contrary to gay marriage or in favour of the traditional definition of marriage and family values. This would protect Albertans’ democratic right to free speech.

This is one of the fundamental freedoms necessary to any strong democracy as a healthy democracy thrives on the dissenting opinions and informed debate of its citizenry. Shutting down one side of the debate on an issue is undemocratic and un-Canadian. Currently, that is exactly what is happening to individuals who speak out against a same-sex marriage. As other members of this Assembly have illustrated previously during the course of this debate, individuals who speak out against gay marriage or the homosexual lifestyle for religious reasons have been faced with charges of discrimination in several Canadian jurisdictions, including right here in Alberta. This is precisely why these protections are necessary.

As other members have highlighted, the protection of religious officials and marriage commissioners is also necessary. Currently individuals in other jurisdictions are facing negative repercussions for refusing to perform same-sex marriages, that are contrary to their religious beliefs or moral values. We must ensure that their rights are also protected. Bill 208 would amend the Marriage Act to do just that by allowing members of the clergy or marriage commissioners the right to refuse to solemnize marriages that are not in accordance with their religious or moral practices without the fear of negative reprisal.

Mr. Speaker, I’m also pleased to see the inclusion of the amendments to the School Act in this legislation. It is important and necessary for parents to take an active role in the education of their children. The provisions regarding the School Act contained in Bill 208 would mandate the prior notification of parents and students when material pertaining to same-sex marriage is to be included as part of a course’s curriculum and allow students and teachers the option of opting out of attending or teaching courses containing such material without penalty. This opt-out arrangement would be similar to the existing provision regarding sexual education in Alberta. I think it is important for children and teachers to be free of coercion and to not be forced to learn or teach subject matter that is contrary to their moral or religious principles.

As a parent and as a Christian I believe that these protections are essential. My wife and I have taken our right and responsibility to make decisions regarding our children’s education very seriously. Our four children grew up in a Christian household, and we made the decision to send them to independent Christian schools that reflect the values and beliefs important to our family.

Mr. Speaker, the protections included in Bill 208 are of vital importance in guarding the freedoms of Albertans. The right to free speech and expression, freedom of religion, and freedom of

conscience are an essential part of our identity as Canadians and Albertans. It is important to ensure that these pre-existing rights are not eroded by inclusion of new rights.

Mr. Speaker, I would like to take a moment to thank the hon. Member for Foothills-Rocky View for sponsoring this thoughtful piece of legislation. This moderate, well-reasoned legislation is designed to protect our fundamental freedoms. Because of this, I'll be voting in favour of Bill 208, and I urge the rest of this Assembly to see its passage through second reading.

Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Speaker. I realize that there are a number of members who wish to participate in this debate. Therefore, I'll keep my comments uncharacteristically brief.

It is said that politics and religion, like oil and water, don't mix. I disagree. Both our religious or agnostic and political beliefs underlie and guide our actions. Inclusion is an extremely important tenet of both my faith and political views. While I was raised in the Christian faith, the god to whom I swear allegiance goes by a variety of interchangeable names: Allah, Yahweh, Krishna, Manitou, Buddha. Regardless of the creator's name or the follower's religious affiliation, at the heart of all religions are the guiding principles of love and acceptance, universally expressed as the golden rule of do unto others as you would have them do unto you.

As a child in Sunday school I heard frequently the participation plea, "Suffer the little children to come unto me." There wasn't an accompanying list of disqualifiers or restricters as to which children were welcome or under what conditions. Bill 208, I believe, speaks more to rejection than acceptance. It seeks to build walls and barriers rather than tearing them down. I am opposed to exclusivity which claims that certain people's secular or religious priorities are more important than others. I believe that Bill 208, rather than enshrining and protecting universal rights, is very selective of which rights will be protected.

I am opposed to Bill 208.

**The Acting Speaker:** The hon. Member for Highwood.

**Mr. Groeneveld:** Thank you, Mr. Speaker. It is my pleasure to rise and speak in support of Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006, sponsored by the hon. Member for Foothills-Rocky View. We are fortunate to live in a country where we are afforded certain rights by virtue of being Canadian. We are free to live our lives in accordance with the faith of our choosing. We are guaranteed the right to live our lives free of discrimination. We are free to speak out against government policy that we disagree with.

These fundamental rights are enshrined in the Canadian Charter of Rights and Freedoms and are a significant element of our identity as a nation. These freedoms are an important symbol of what it means to be Canadian. They are a primary tenet of our strong democracy and represent the importance of respect for both the individual and society. These rights allow us as individuals to go about our lives with dignity and self-respect.

Balancing the competing rights of individuals or groups is often an arduous task for legislators and the judiciary alike. The guaranteed freedoms of one person or group are often in conflict with the freedoms of another. For example, freedom of religion also means freedom from religion. Free press often conflicts with personal privacy.

4:50

The legalization of same-sex marriage offers a vivid illustration of conflicting freedoms. The creation of a new right for members of the same sex to marry has strained other pre-existing rights, including freedom of expression, freedom of religion, and freedom of conscience. Mr. Speaker, while it pains me to speak about the federal Liberals in a positive light, it must be said that they actually did a pretty good job of recognizing these conflicts. They included in the federal legislation that legalized gay marriage, provisions that would address the tension of conflicting freedoms and protect certain pre-existing rights affected by the legalization of same-sex marriage. In its decision on the matter, the Supreme Court of Canada ruled that several of these protections fall under provincial jurisdiction and that those sections of the federal legislation do not carry the force of the law. Bill 208 simply does what the federal government intended and fills the jurisdictional gaps noted by the Supreme Court.

Mr. Speaker, Bill 208 is comprehensive and well-thought-out legislation designed to protect the rights of individuals and groups that may be affected by the legalization of same-sex marriage. The scope of this private member's bill is fairly broad, proposing amendments to three separate pieces of legislation: the Human Rights, Citizenship and Multiculturalism Act, the Marriage Act, and the School Act. Each of the amendments will entrench legal protection of specific fundamental freedoms that could be adversely affected by the legalization of homosexual marriage. While the definition of marriage falls under the federal authority, the solemnization of unions is within the jurisdiction of the provinces. It is the responsibility of the province to take into account how the legalization of marriage of same-sex couples would affect marriage commissioners and religious officials and act to ensure that their rights are not eroded.

It is our responsibility to make certain that the proper balance is struck between the rights of homosexual couples and the rights of the clergy and marriage commissioners in matters pertaining to the solemnization of same-sex unions. If a marriage commissioner or a priest is forced by law to solemnize a union that is contrary to his religious beliefs, then his fundamental right of freedom of religion and conscience has obviously been compromised. Does this sound like an adequate balance for all parties involved, Mr. Speaker? No, it does not. Bill 208 seeks to rectify this problem. Alberta's Marriage Act would be amended to allow religious officials and marriage commissioners the right to refuse to solemnize the marriage of same-sex couples if to do so would be contrary to their religious or moral beliefs. Additionally, they would be able to do so without the fear of prosecution or persecution.

It must be stressed that no one's rights will be diminished or removed by such a provision. This will not take away from the ability of same-sex couples to wed. They will still be able to find other marriage commissioners or religious officials whose personal, religious, or moral beliefs would not compromise their ability to solemnize such unions, but it would better protect the rights of other affected individuals.

Bill 208 also includes amendments to the Human Rights, Citizenship and Multiculturalism Act that would serve to preserve and enhance existing rights of individuals to free speech, thought, and expression regarding the issue of same-sex marriage as well as freedom of religion and conscience. This would protect individuals from facing human rights complaints for espousing the views of the Catholic church or speaking out against the legalization of same-sex marriage. Some may argue that the Charter of Rights and Freedoms already offers these protections, but Bishop Fred Henry from Calgary may beg to differ. Bishop Henry has been charged with so-called hate speech for espousing the views of the Catholic church

and speaking out against the legalization of same-sex marriage not only once but twice. Mr. Speaker, I'm as Protestant as they come, but I find this absolutely abhorrent.

Mr. Speaker, it is important to note that the proposed amendments to the Human Rights, Citizenship and Multiculturalism Act would also explicitly enshrine the rights of same-sex couples in provincial legislation. The beginning of the proposed section 11.1 reads:

No person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under this or any law of Alberta, solely by reason of their exercise, in respect of marriage between persons of the same sex.

Again, this amendment would not weaken or eliminate anyone's rights or freedoms. It would fairly balance conflicting freedoms by legislating for clarity the protection of existing freedoms and the protection of the new freedoms created for homosexual couples by the federal legalization of marriage.

Mr. Speaker, this legislation will also amend the School Act for further clarity to ensure the explicit protection of conscience, religion, and expression in our schools. Bill 208 would allow teachers and students to opt out of portions of courses related to the teaching of same-sex marriage without penalty, much like the opt-out provision in place for sexual education. Also, the amendment would make it necessary for students and parents to be informed in advance prior to the teaching of material regarding same-sex marriage. These provisions recognize the importance of parental involvement in a child's education and that some families may wish to address certain sensitive topics in their own homes in accordance with their personal religious and moral beliefs.

I have heard from many Albertans on this matter, and many of my constituents are concerned about the legalization of same-sex marriage. Many are concerned about how their existing rights will be affected. These are serious concerns that need to be addressed in a thorough and considerate manner. When granting new freedoms, it is also important to protect and preserve the existing fundamental freedoms that are essential to our identity as Albertans. That is the very purpose of this legislation, Mr. Speaker. This bill truly would protect and enhance the rights of all Albertans regardless of sexual orientation or religious affiliation.

I am most pleased to support Bill 208 and urge the other members of this Assembly to do so as well. Thank you, Mr. Speaker.

**The Acting Speaker:** The hon. Member for Calgary-Currie.

**Mr. Taylor:** Thank you, Mr. Speaker. I find myself in a curious position here in a couple of senses in that on Sunday, June 11, the annual Pride parade will take place in Calgary. I've been asked to take part, which I normally would be quite willing to do except that I have a previous commitment that day. I will be at church helping in the dedication of our new sanctuary, so I won't be taking part. That's on a very person level.

On a more general level I see the merit in a number of points made in Bill 208, yet when I take Bill 208 in total, I see that the whole is more than the sum of its parts. It goes too far, in my view, in my reading of it. Rather than merely enshrining and protecting everybody's right to be everybody that they are and believe everything that they believe and swing their arms without hitting the guy next to them, as my colleague for Edmonton-Centre put it a few minutes ago, I believe from my reading of this that this, in fact, will create a situation that will get in the way of other people's rights, and I don't think we need to go there.

You know, I might be prepared to support Bill 208 if it were amended or if certain clauses were taken out or if certain things were rewritten, and, you know, I suspect that what we're really going to

need here is a rewrite of the bill in order for me to support it. But I can't support it in the fashion in which it stands because it does go too far, and I'll give you a couple of examples of that. For one, the issue of amending the Marriage Act to allow religious officials and marriage commissioners to refuse to solemnize a marriage where the marriage is between two persons of the same sex if solemnizing that marriage would violate the person's religious or moral beliefs.

5:00

You know, I think the Supreme Court made it pretty clear in its ruling that the right of a same-sex couple to be married in this country did not extend to religious groups that oppose this very notion because of their particular religious beliefs, and I think the Supreme Court made it very clear that if a church or a synagogue or a mosque elected not to perform same-sex marriages, they were absolutely within their rights to do that.

Now, I happen to consider myself a Christian, and I happen to consider, by the way, that there is a much broader scope of Christianity and definition of the term Christian than is sometimes applied when people stand up and identify themselves as Christian. I'm a Christian that belongs to a Christian church that does perform same-sex marriages from time to time. That's left up to individual congregations, individual churches to decide. Not every church in my denomination will perform same-sex marriages. Some will; some will not. That should be their choice. The Supreme Court allows them to make that choice, just as it would allow an entire denomination, an entire faith group to make the decision, if it so wished, that it was not going to perform same-sex marriage. I support that utterly. The rights of some should not trample on the rights of others. But that street goes both ways.

Where I have a problem with this – and it's a huge problem – is the fact that along with allegedly taking steps to ensure that here in the province of Alberta what the Supreme Court said really stands, we've included marriage commissioners. Marriage commissioners are not priests. They're not ministers. They're not pastors. They're not rabbis. They're not imams. They are provincial agents, provincial civil servants, employees, in essence, of the government of Alberta. While I will defend to my death the right of a minister or a rabbi or a priest or any other man or woman of the cloth to refuse to marry Adam and Steve or Liz and Joan because it goes against his or her religious beliefs or the beliefs of his or her faith community, I will not support the right of what I see as essentially a government employee to duck out of doing their job, doing the job that their employer tells them to do, because they don't happen to agree with that part of it.

That's not in the employment contract the way I see it. It's not in the employment contract for anybody. If you work for a company that asks you to do something that you have a problem with, as long as it's not something that they're asking you to do that is blatantly illegal or unethical, but you've just got a problem with it because of your own belief system, then, you know, to quote so many free enterprisers: find another job. Gosh knows we spend enough time in this House talking about how easy that is in Alberta because there's such a labour shortage that crosses all fields of endeavour these days.

So I've got a problem with the fact that this bill would amend the Marriage Act in such a way as to extend to marriage commissioners the right to refuse to perform a marriage of a same-sex couple. Federal legislation I think was very clear although it does get a little muddled when you go to the application province by province of the federal right to decide who gets married and you try to put that against the provincial right to decide what the ceremony is going to look like. But I think it's pretty clear in this case that federal law

would be supreme, and if the feds say that same-sex couples can get married in a civil ceremony, then it's pretty clear that it's up to marriage commissioners, who are provincially appointed and anointed, to perform those ceremonies.

Much the same argument I would make has to do with the School Act amendment, that would allow students and teachers to opt out of attending or teaching any part of a course that references that marriage may be between persons of the same sex. It also has provisions for notification of parents if such curriculum is being taught. As well, students and teachers cannot be penalized for not attending or teaching that part of a course that references that marriage may be between persons of the same sex.

Well, methinks the lady or the man or two men and two ladies or, you know, one of each protests too much in this case. I mean, gosh, I've had two kids come through the public school system, and the sex education of any description that they have gotten since they entered grade 4 has been pretty minimal. We've signed them up for every course every year, but there's just not a lot of sex education that happens within the public school system in the province of Alberta. That goes even though we are one of the better provinces at tackling the issue. But we still like to dance around the issues. We like to avoid talking about the elephant in the room whenever we can when it comes to sex education. We do allow parents to opt their children out of taking sex education. We already do that.

No teacher – no teacher – is going to be forced by their principal in the public school system to go down a road that they are personally uncomfortable with when it comes to talking about sex education. A principal that I know recently said to me that you can always find somebody else in the school. If that particular teacher has a problem with teaching that particular part of the sex education curriculum, you can always find somebody else who won't have a problem with it and will step up to the plate on that issue. Sometimes it's the school nurse, where the school nurse is available. You know, what we really ought to be aiming at here is generally elevating the level and the amount of sex education in our public school systems in any event.

I could, I think, support this if it focused exclusively on teachers in faith-based private schools, but again it doesn't. It crosses over, in my reading of this, to the public school system, and I don't think that we should be catching up public school teachers, who are, again, employees of the state ultimately, in any measure that we would seek to take to protect the religious rights and freedoms of people and faith-based organizations within the context of this issue.

Those are my remarks. Thank you, Mr. Speaker. I will not be supporting Bill 208 in its current form.

**The Acting Speaker:** The hon. Member for Cypress-Medicine Hat.

**Mr. Mitzel:** Thank you, Mr. Speaker. It's a privilege to stand before you and the entire Assembly and join the debate on Bill 208, the Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006. I certainly appreciate the insight and thoughts that have been shared by my colleagues here today. I'd like to take a moment to recognize the courage and judgment of the Member for Foothills-Rocky View, who's brought this legislation forward.

Having the strength and determination to approach controversial subjects is truly important for any government. Mr. Speaker, the discussion of this topic both inside and outside of this Assembly has been quite passionate. Having an issue or a piece of legislation conjure up strong feelings and opinions is not a bad thing. It simply shows that the situation needs our attention.

The concept of ensuring that the rights afforded to same-sex

marriage will not infringe upon the rights and freedoms of those who disagree with same-sex marriage is not a groundbreaking idea. In fact, it was first included as part of Bill C-38 by the same federal government that legalized same-sex marriage in Canada. While Parliament wanted to act on this front, they were unable to do so because of jurisdictional issues. The Supreme Court determined that certain matters pertaining to the protection of rights were to be addressed by the provinces. That's why Bill 208 has been brought before us in the Legislative Assembly of Alberta.

This is not an act of defiance against the federal government, and it is in no way a tool to deconstruct the rights of same-sex couples to wed. Mr. Speaker, this may come as a surprise to many people who view our province as, shall I say, less forward thinking. However, just as the economy of our province has shown the ingenuity of our citizens, so too does our legislation.

The controversy of same-sex marriage has received a lot of attention in the recent past. Now it seems as if most of the comments surrounding it are whispered by many and addressed by few. There remains a definite split in Alberta regarding the views of our citizens on the issue of same-sex marriage. Rather than cause further division, this bill takes steps to mend the situation. The proposed Protection of Fundamental Freedoms (Marriage) Statutes Amendment Act, 2006, gives Albertans the protection of rights they deserve regardless of religious affiliation or sexual orientation.

**5:10**

Mr. Speaker, in particular it is worth pointing to the wording of section 11.1, which, if passed, would markedly strengthen the rights of same-sex couples while protecting the religious freedom of others. By entrenching these rights, we are giving Albertans the opportunity to be free to do as they choose in terms of marriage and religious practices. To me, this is a true example of multiculturalism, a concept which the entire country is built upon.

The policy of multiculturalism in Canada is meant to protect the identities and ancestry of all our citizens. It is on this belief that I base my stand in support of Bill 208. Just as those who believe in the right of same-sex marriage should be entitled to that right, those who choose to uphold their religious beliefs should be able to exercise their faith. The protection and enhancement of religious rights are important to me on a personal level, and I know that many Albertans share my sentiments.

Mr. Speaker, to better illustrate the purpose of Bill 208, I would like to use a valid example from our neighbouring province to the west. In British Columbia a lesbian couple entered into an agreement to rent a hall from a Knights of Columbus organization. When the Knights were later informed that the facility was to be used to permit a same-sex marriage ceremony, they proceeded to cancel the contract. This action was seen as unjust by the couple, and as a result, they filed a human rights complaint against the Knights of Columbus.

While some of you may already be familiar with these events, I wanted to bring it to the attention of the Assembly because it clearly shows why this bill is needed. The same-sex couple who wished to be married legally had the right to do so. The couple also had the right to celebrate the occasion with their friends, family, and community through a ceremony and gathering of their choice. It is also the right of the Knights of Columbus to deny the request of the couple to hold the wedding service in their facility. This is not because of a personal vendetta the organization holds or its desire to persecute or discriminate against the couple. They had the right to cancel the contract for the wedding because same-sex marriage goes against the religion the organization represents.

Mr. Speaker, this is not a case where one board member or one

Knights group decided to fight something without grounds. The religion in which the Knights of Columbus believe is openly and clearly against same-sex marriage. By denying the use of their hall for the performing of the couple's marriage ceremony, they are simply acting in accordance with their long-standing faith and moral beliefs. It's also worth pointing out that to my knowledge the couple in question were not abused in any way by the Knights of Columbus.

Bill 208 is not calling for the protection of those who want to act maliciously towards people partaking in same-sex marriage. In fact, by entrenching the rights of same-sex couples, it is ensuring that this does not occur. By giving religious organizations the choice to opt out of the dealings of same-sex marriage, we're not saying that such places should slam the door in the faces of these couples. Instead, it would be great to see organizations and people who feel that they cannot be a part of the marriage of two people of the same sex sharing information on alternative venues and service providers who would partake in the event.

The fact that cases involving same-sex marriage can and will continue to be brought before courts is also an important aspect to discuss in relation to Bill 208. It is my understanding that Bill 208 will provide some much-needed clarification in terms of the rights of our citizens. Legislation that sets out parameters and clearly defines rights that reflect beliefs and wishes is needed now more than ever. With more and more issues being decided by our courts, it's about time that we stepped up to the plate as the legislators of our province. The people of this province do not choose us to serve them because they want us to sit idle; they've put their power into our hands so that we can make laws and regulations that support what they believe in as Albertans.

Standing by as our courts become the creators of quasi-legislation is a failure of our mandate as members of the Assembly of this province. The courts have and will continue to have their place in ensuring that we are not abusing our powers; however, they are not designated to replace us.

As an MLA I have tried my very best to determine what my constituents want. I've also listened with open ears to what I've heard outside of my riding and in this Assembly. Taking all of this into account, I firmly believe that supporting Bill 208 is the right thing for Alberta.

**The Acting Speaker:** The hon. Member for Cardston-Taber-Warner.

**Mr. Hinman:** Thank you, Mr. Speaker. It's a true privilege to be able to stand up this afternoon to discuss Bill 208. I thank the member for bringing forward this private member's bill. It's a very critical one. There have been some excellent points brought forward from both sides, and I hope that we can continue to learn and discuss and that as legislators we'll be able to pass this bill because it will be for our benefit and the future benefit of Albertans. I'm going to go on a little bit of a different tangent because many different things have already been discussed. We don't need to be repetitive, and I know that there are other people who want to speak.

It's very sad when we look back in history and we see the discrimination and the different injustices that have occurred in the past. We have tried as legislators to correct that whether it's internment from war, whether it's suffrage, or whether it's the homosexual persecution that has gone on. The way that they have been treated in the past, there's no question that as we look back, we can see the injustices that have occurred. What we're trying to do is to balance those out and see that we live in a just society, one where we're all protected equally under the law.

This bill being brought forth is trying to tip back the scales again

because so often when we get something out of balance, as it was in the past, we overcorrect, and it's out of balance. I see Bill 208 as a balancing bill, one that will bring justice back in and yet protect our rights, which is what we're trying to do here in the province. As is so eloquently put out, we don't want to chase around in a circle. It has been cut in half, and the provincial area now needs to be balanced so that we have that.

There are many issues when it comes to religious freedoms under section 2 of the Charter of Rights and Freedoms. We need to realize that religious freedoms are critical to the prosperity, the freedom, the happiness, and the peace that has gone on here in this province. In order to continue with that, we must recognize religious freedoms and realize the benefit of the diverse religious beliefs in this country and how we can and should get along as opposed to religious countries and their oppression against other freedoms and, specifically, religions.

I want to give a few examples. One, if a person's religion does not allow him to eat pork, does that mean, because we've given him the permission to have a store, that I can go in there and demand that I want pork, and this person has to bring it in so I can buy it because that's the closest store? No. He has that religious right to not bring in those things. Perhaps he doesn't like cigarettes though it's a legal substance. We cannot pass a law that, if people with religious beliefs don't want to promote these things, says: "No, it's the law. It's legal. You have to have it."

The current situation is very much such that religious persecution is taking place again, and it has been mentioned many times. Bishop Fred Henry has been taking the frontal attack on this, trying to protect the religious rights, so this is an area that we desperately need to look at and address in order to help those religious leaders who are trying to teach and share the value with their flock. They're not allowed to have freedom of expression as has been brought out by both sides of this argument. We need to take a calming look and realize that there isn't freedom of expression on both sides with the current bill or with Bill C-38 at the federal level. Like I say, we need to balance that out.

It's been brought up many times about the rights of parents to teach our children their religious rights, their values, and their principles. Once again, this bill will work on allowing parents to have that right again. There are many cases. I don't believe the case in Massachusetts has been brought up yet. A father of a kindergarten student wants to take his son out of that, and the Massachusetts courts have said, no, he has to be there, and they've banned the father from coming onto school property. So there's no question that this discrimination is taking place now on the other side, and it's critical that we balance this scale.

**5:20**

This is an excellent first step that needs to be taken to rebalance that scale, but there's still the question on the publishing of religious thoughts, as Bishop Henry has, that I'm not sure this bill protects. That would be another area that I feel we'd need to go forward and look at. I don't know that this bill gives protection to churches or societies, as was being mentioned, that don't want those activities going on there. It still is possible to sue them.

Back in the spring of 2002, with the Durham Catholic district school board in Ontario, they ruled there that that student was allowed to bring his boyfriend to the prom in contradiction of their religious beliefs.

There's no question that there are many, many examples to show us that justice is not being served again, that there is an imbalance of the scales, and it is the provincial jurisdiction to see that we balance these things out.

I would like to specifically thank the Member for Calgary-Foothills for bringing this bill forward so that we can have this debate. We can continue to learn, to study, and to understand the problems so that both sides can be protected and that we can benefit here in Alberta to continue with our freedoms and to go forward.

In conclusion, what I feel is most important is that we take a look at Bill 208, read it for what it is, and realize that this is a balancing bill, one that will protect rights here in Alberta. Albertans want this bill. There's no question. The people that I represent have been very forthright in coming forward and telling me that they're very nervous about their religious freedoms and their beliefs and that this is a good balancing bill.

I'll very much be supporting this. Thanks once again to the member for bringing this forward.

Thank you.

**The Acting Speaker:** Are there others?

The hon. Member for Foothills-Rocky View to close debate.

**Dr. Morton:** Thank you, Mr. Speaker, for the opportunity to speak to the proposed bill once again and conclude this afternoon's debate. I'd like to thank all of the colleagues here who've provided thoughtful and constructive criticism of Bill 208. I understood most of the speakers on our side and the hon. Member for Cardston-Taber-Warner to support the goals of Bill 208 but perhaps suggested better ways to that end. In terms of criticisms from my friends to the left here: why is this necessary if the Charter is already there? Well, it's for the same reasons that your federal friends thought it was necessary. It's a question of balancing rights as so many other speakers have pointed out. The question of interpreting the Charter and balancing rights is not a monopoly of judges. All the leading constitutional scholars in Canada talk about Charter dialogue and a shared responsibility between Legislatures and judges to both take responsibility in saying what rights mean and, also, how they should be balanced. This is clearly a question, Mr. Speaker, of balancing rights.

The hon. members for Edmonton-Glenora and Edmonton-Centre

showed the usual Liberal proclivity for running off to the courts and trying to suggest that Alberta would be better governed by courts in Ottawa than by their own people here. I was also a bit curious to hear the recommendation that we should adopt the Ontario legislation that's been passed in that jurisdiction. I'll be eager to see the Liberal Party campaign in the next election on the platform of deleting the words "mother" and father" and "husband and wife" from the statutes of Alberta. Good luck. This is Alberta, not Ontario.

There was some serious concern that I'd like to address that was brought up both by the Member for Highwood and also the Member for Calgary-Currie, a question that perhaps Bill 208 is overbroad in the sense that it attempts to deal with three different statutes. It may well be that the amendment to the human rights act, which is the first section of my bill, is sufficient to achieve these objectives in the sense that it applies its rights protections to itself and the wording of that amendment is "any [other] law of Alberta." Obviously, any other law of Alberta includes both the Marriage Act and the School Act. I would suggest that this is something we could pursue in Committee of the Whole.

Again, Mr. Speaker, I'd like to thank all the members for their thoughtful criticisms. There may well be a better way to achieve these same ends. I look forward to discussing alternatives during Committee of the Whole, and I will be supportive of constructive amendments to address these concerns. With this in mind, I'd ask everybody here today to support Bill 208.

I now call the question.

[Motion carried; Bill 208 read a second time]

**The Acting Speaker:** The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. Given the hour, I would move that we call it 5:30 and adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 5:26 p.m.]