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The Honourable Kenneth R. Kowalski, Speaker

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The 27th Legislature

Second Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, June 1, 2009

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Hon. members, I wish to have unanimous consent to revert to introductions briefly.

[Unanimous consent granted]

Introduction of Guests

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

Mr. Lukaszuk: Well, thank you, Mr. Speaker. Thank you to all members for allowing me to revert to introductions. With us today are two constituents from Edmonton-Castle Downs who are eagerly awaiting the debate on Bill 44 no matter what time of the night it may come. One of them is Mr. John Winslow, owner and operator of JRW Logistics, a safety professional and a very active blogger and a Twitterer as well. Cellphones are not allowed up there, so he won't be twittering, but he'll be listening. His partner, Richard LeSueur, resource development co-ordinator of the Alberta Food Bank Network, is also involved with Kiwanis in Edmonton and with the Heritage Festival. I welcome both of these constituents. They're already standing. I'd ask the Assembly to extend a warm welcome.

Government Bills and Orders

Third Reading

Bill 25

Teachers' Pension Plans Amendment Act, 2009

The Deputy Speaker: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Marz: Thank you, Mr. Speaker. I'm pleased to rise this evening to move third reading of Bill 25.

The Teachers' Pension Plans Amendment Act, 2009, legally transfers the pre-1992 unfunded liability to government effective September 1, 2009. The amendment act will also incorporate changes to the payment and governance arrangements pertaining to the pre-1992 unfunded liability. Under the November 2007 memorandum of agreement the government agreed to pay the teachers' portion of the pre-1992 . . .

The Deputy Speaker: Hon. member, it's procedural that I need to interrupt you here. This is a money bill, so we need a minister to move it.

Ms Evans: I would be pleased to do so and allow my colleague to complete his comments if that would be appropriate.

The Deputy Speaker: The hon. minister of finance has moved Bill 25.

Hon. Member for Olds-Didsbury-Three Hills, please proceed.

Mr. Marz: Well, thank you, Mr. Speaker. I'm almost finished. As I was saying, under the November 2007 memorandum of agreement the government agreed to pay the teachers' portion of the pre-1992 unfunded liability payments till August 31, 2009, then assume the total pre-1992 unfunded liability on September 1, 2009.

I'd encourage all of my colleagues in the Legislature to fully support third reading of Bill 25. Thank you.

The Deputy Speaker: Hon. members, it has just occurred to the chair that this bill is about the teachers' pension. There was a note from the Ethics Commissioner that if whoever is present in the Chamber has a conflict of interest, please declare and absent yourself from the Assembly, from the debate.

Mr. Olson: Mr. Speaker, I have a conflict, and I'll withdraw and not take part in the debate or the vote.

The Deputy Speaker: Okay, hon. Member for Wetaskiwin-Camrose.

The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. As the Ethics Commissioner has made it extremely clear in his ruling to this House that I do not have a conflict of interest even though I am a retired teacher in receipt of a pension, I will proceed. However, I will not vote on this although the Ethics Commissioner has indicated that I have every right to vote on Bill 25. When it first came up, I indicated that I would not be voting on this particular bill, but I will put forward some comments.

I'm extremely supportive of Bill 25. It's the right thing. It should have been done decades ago. [interjections]

The Deputy Speaker: Hon. members, the hon. Member for Calgary-Varsity has the floor.

Please continue.

Mr. Chase: Thank you. As I indicated, Bill 25 is a very good piece of legislation which should have been resolved decades ago. Had it been resolved decades ago, if the government had lived up to its portion of the unfunded liability, the debt associated with the unfunded liability would not be at \$8.6 billion at this particular time.

This bill solved a lot of problems. It created labour peace for five years for students, teachers, and parents. It recognized the value of teachers both in terms of their pensions and also in terms of their right to receive a wage raise equivalent to those that MLAs had been receiving, the difference being that MLAs to a large extent voted for their own increases whereas teachers were subject to the collective bargaining process.

Bill 25 created an environment whereby the major focus for teachers and students was learning because, as I say, with the exception of concerns over working conditions a five-year period of peace was bought. Based on my 34 years of teaching and having served on numerous strike committees, that peace is something that I value to a great extent. Later on this evening we'll be talking about Bill 44, and I'll reserve my comments to that time, but it's the diametric opposite of the value that's being put forward in Bill 25.

Now, it is my hope that this government recognizes that the longer they delay paying off the unfunded liability, the greater that unfunded liability will climb. I've already stated in previous debates that the government's current deficit has exceeded the \$23 billion that Ralph Klein was so keen on bragging that he had paid down. When it comes to the infrastructure deficit, when you add on this particular \$8.6 billion, when you add on at least another \$1.5 billion in unfunded liabilities of other public-sector groups, when you add on \$4.7 billion worth of debt, you see that we are in worse shape than we were back in 1993, when the government used various draconian methods, basically on the backs of public servants, to defeat the debt at that time. Thanks to the rise in nonrenewable oil and gas prices, some of the harm that was done was softened.

However, in the process we lost half our hospitals in Calgary. It seems that we are, or at least the government is, about to repeat history in terms of driving individuals away.

Bill 25 is a laudable bill. It is something that every Albertan can celebrate. But unless, as I began, the government takes sequential steps in a timely manner to pay off this deficit, it is projected to rise to as high as \$45 billion over the next 40 to 45 years. To date the government has basically been paying the minimum payments, which is the equivalent of just paying what your credit card states is your minimum payment, and of course the interest increases. That amount has been approximately \$83 million a year. Unless the government makes sizable payments over the next series of years despite our recessionary experience, the debt is only going to worsen. The sustainability fund, the stability fund will have been burned through by that time.

I urge the government to not only pass Bill 25 but live up to the payment expectations and remove the unfunded liability so that we can enjoy the fruits of our educational labour now and into the future. Thank you, Mr. Speaker.

7:40

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

Mr. Lukaszuk: Thank you, Mr. Speaker. Just a quick comment on what I have just heard. The member feels and claims that with the passage of this particular piece of legislation addressing the issue of the unfunded pension liability that teachers have had, the government has – and I’m quoting him – bought labour peace. Well, I find that very insulting. I wonder how teachers out there would feel if they knew that this member of the Liberal opposition feels that their peace – their desire to downsize classroom sizes, their desire to have adequate pay, their desire for ongoing professional development, all that – has been bought with dollars, that we bought their peace, that we basically paid them off to be quiet and not strike and not complain for the next number of years because they have received a number of dollars.

Well, Mr. Speaker, I had the pleasure of chairing the committee that dealt with the unfunded pension liability. I can tell you that nothing was bought. Teachers, as professionals who care about the quality of education and our children’s education, would not allow their respect for the profession and their care for the children to be bought simply with dollars for labour peace. The settling of this unfunded pension liability simply was deemed by government to be the right thing to do at that time and not in exchange.

Perhaps the member, if he wanted to rise and talk on the issue, should read the agreement. It is not in exchange for anything. It was deemed to be the right thing to do for Alberta teachers, to attract more teachers in the future, for the teachers of the future, to shift the responsibility from more seasoned teachers that was placed on the younger teachers, and, basically, to bring stability into the education system.

Again, Mr. Speaker, it’s difficult not to rise and address this comment because it’s just insulting to education and to individual teachers.

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

Mr. Mason: Thank you very much, Mr. Speaker. I’d like to just make a few comments with respect to this bill, but before I begin, I’d like to compliment the hon. Member for Edmonton-Castle Downs. This is the nicest thing I’ve ever heard a member of this party say about a union. In fact, it’s almost the only nice thing that I’ve ever heard members of this party say about unions.

We know, Mr. Speaker, that the government had a long-term problem on its hands with respect to that liability, and we also know that the young teachers were being badly hurt and paying exorbitant amounts in order to service the liability, which really was created in the first place by the government.

Just to clarify the situation, this was a negotiation. The teachers had a long-term goal of getting a resolution for the pension liability, which they accomplished. The deal that was reached was for a four-year agreement. You know, perhaps it was a little indelicate the way it was put by one of the previous speakers, but in fact it was a negotiated settlement and, I think, a good one. I think this was all around a good deal. I’d like to commend the Alberta Teachers’ Association for their patience and perseverance because it wasn’t too long ago that a previous Education minister seemed to delight in provoking conflict with the Alberta Teachers’ Association.

There was a very long and successful fight that was waged by the teachers for fairness and justice. I want to mention not just the current president of the Alberta Teachers’ Association but the past president of the Alberta Teachers’ Association, Larry Booi, who led a very successful battle against this government’s intransigence.

Ultimately, the government did reach an agreement that I think is balanced and provides benefits for both sides, which is the essence of reaching an agreement under collective bargaining. That’s what you strive for, and I would say, Mr. Speaker, that 80 or 90 per cent of the time that is actually accomplished. It’s more easily accomplished when there is a fair and balanced playing field, but notwithstanding the lack of such in this province, there was, in fact, a decent agreement. I think that it will provide a good security for the future and fairness to those younger members who are entering the teaching profession.

I am pleased to support this bill, and I’m happy to do so on behalf of my caucus. Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions.

Seeing none, the hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Speaker. It is my pleasure to rise and join debate on Bill 25 at third reading. Okay. Let’s just acknowledge that the government brought this bill forward because it was the right thing to do, and the Alberta Teachers’ Association, immediately after this all was worked out, negotiated an unprecedented five-year collective agreement because it was the right thing to do. Now we’ve taken the partisanship out of it, and we get back to the business of talking about the bill.

I want to reiterate and agree with the comments from my colleague from Calgary-Varsity regarding the need, now that this bill is about to become law, to get down to the business of funding the unfunded liability, paying down the debt, if you will. The faster we do that, the better.

There are a couple of reasons for that. I know the minister of finance can very much relate to the first reason because I know that this has been an important issue to her in recent months, perhaps even years, the notion that there are a whole bunch of Albertans and a whole bunch of Canadians who do not have the savings anymore – if they ever did, they certainly don’t anymore given the stock market meltdown – to fund their own retirements. The leading edge of the baby boom is coming up on retirement age pretty quick, and there are a whole bunch of us to follow. I believe, if I remember my population demographics correctly, it was either the year that I was born or the year immediately after that the baby boom hit its biggest bulge. We’ve got 10 years to go, those of us who are my age, before we hit the traditional retirement age of 65.

You know, some of the experts, the actuaries and investment professionals, say that that might just about be enough, 10 years, to make back what people lost on their retirement savings plans, might just be enough time. It's going to take that long, they think, because of the nature of this economic meltdown, because of the nature of the credit crunch, because of the nature of the housing meltdown in the United States. There are a lot of fundamental and systemic things wrong with our economy. The chickens came home to roost, if you will, starting a couple of years ago down in the United States. When a global economy unwinds with the speed and the ferocity that this one did, you need to take some time to put the pieces back together again. So we are looking at perhaps a 10-year time frame, perhaps a little bit shorter, perhaps even longer, but it's going to be a while. That's just talking, Mr. Speaker, about individual Canadians' retirement savings plans.

I was shocked and appalled to read today that of the Canadians who are in the 60th to 80th percentile of income level, those who are still working and who have not yet retired, the median RSP is only worth \$35,000. That's all. I know the minister of finance has been talking with her provincial counterparts and with her federal counterpart about options around some kind of government pension plan or pension supplements, however it may come down in the next several months that they work on this, to help make sure that when baby boomers do retire, they're not a horrendous drain on the taxpaying workforce that follows them. I know that's a great concern to her.

I look at a bill like Bill 25, and I say, "Well, that hardly solves the problem across the board, but it does solve a good chunk of the problem," again provided the minister and her counterpart the President of the Treasury Board and the rest of cabinet commit to paying down this unfunded liability in as timely a fashion as they can afford to.

7:50

The other thing was a personal experience, and it happened over the weekend in two different places. On Saturday morning I attended the Western Canada high school graduation. I was a platform guest there. That is a phenomenally enjoyable annual event, to see students from arguably one of the best high schools in the province, if not the known universe, graduating and about to take on their adult lives.

When you're a platform guest at the Western Canada high school graduation, of course, the first couple of rows that you look out on before you look at the graduands are the teaching faculty. I should have done some research on this. I didn't think to until this struck me as I was listening to the Member for Calgary-Varsity speak to this. I know that I was looking around at the teachers and trying to guess their ages. Now, teaching can be a stressful profession, especially at this time of the year when every single sports team in your school but one is still advancing to the city-wide finals and when exams are coming up and you've got a graduation ceremony to prepare, and all the rest of that. But I swear, Mr. Speaker, there were not a whole lot of teachers of the Western Canada faculty who looked to be under the age of 30. There weren't a lot who looked to be under the age of 40. I think that that's a problem.

No matter whether you're talking about teaching, nursing, politics, broadcasting, sanitation engineers, bus drivers, grocery clerks, no matter what endeavour you want to talk about, the profession, the job, the skill, and all the people in it are reinvigorated by the addition of new, young, fresh, eager talent, and that talent has been missing relative to, I think, the desired potential for hiring new teachers. That's been missing both in the hiring and especially in the retention of teachers in this province because absent Bill 25, far too

high a percentage of Alberta teachers' paycheques goes to their pension plan. They can get a better deal teaching in British Columbia, teaching in Vancouver, teaching in Saskatoon, probably even teaching in Toronto, and that becomes over time a real problem.

The passage of this bill and the serious attention to the prompt paydown of the unfunded liability by this government stand to turn that around and reverse it and attract a lot of new talent to the teaching profession in Alberta at just the time when it's needed because the baby-boom teachers are starting to retire in droves – well, they may be putting it off a little bit given what's happened to the economy, but they're looking forward to retiring as soon as they possibly can – and certainly retain those younger teachers once they're into the system.

Now, the other experience I had on the weekend, Mr. Speaker, was at the Lilac Festival on 4th Street SW in my wonderful constituency, in my fantastic – what do you call your constituency, hon. member?

Ms Blakeman: Fabulous.

Mr. Taylor: Fabulous. Okay. Mine is wonderful. Mine is terrific. Mine is rock 'n' rolling. The constituency of Calgary-Currie.

It's one of the most awesome annual events anywhere, I think, in this province, certainly one of the most awesome one-day events, where a hundred thousand people or more turn out to attend the Lilac Festival. The Member for Calgary-Buffalo and I had a booth there, and we talked to an awful lot of people – an awful lot of people – quite a number of whom were teachers. Based on what the teachers told us – most of the rest, you know, had a variety of things to say – you may have some damage control to undertake a little later on tonight when we get around to third reading debate of Bill 44 because they certainly are not happy with that. But we take our victories where we can, Mr. Speaker, and Bill 25 will certainly ease the pressure on the classroom and incent new teachers to teach here in Alberta rather than going somewhere else. Once they're in the classroom, hopefully, it will help to incent them to stay.

I'm going to support this bill, and I would urge all other members in the House to do the same. Thank you, Mr. Speaker.

The Deputy Speaker: We have five minutes for comments or questions.

Seeing none, now the chair shall call the question on Bill 25.

[Motion carried; Bill 25 read a third time]

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The chair shall now call the Committee of the Whole to order.

Bill 32

Alberta Public Agencies Governance Act

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Rutherford.

Mr. Horne: Thank you very much, Mr. Chair. As hon. members will recall, we commenced Committee of the Whole on this bill last week but only had three or four minutes, I believe, so I'd like to take just a few moments now to complete answering some of the

questions that were raised in second reading debate on the bill. Last time I addressed questions regarding potential implications for the trade, investment, and labour mobility agreement with British Columbia and, as well, the question around the role of stakeholders under the review of agencies, boards, and commissions that is mandated through the proposed legislation.

There are a few other points I'd just like to quickly mention, Mr. Chair. One hon. member raised the question: why does Bill 32 give ministers the ability to waive maximum years of service for agency appointees? As I think most members know, Bill 32 allows for a person to be appointed to an agency in excess of the maximum years of service when the responsible minister believes that to be necessary to ensure effective operation of the public agency. This sets a strict standard to be met before there can be a deviation from a general rule of 10- and 12-year maximums. The flexibility is necessary to ensure that there is always adequate succession planning and staggering of appointments – in other words, good governance practice – and to address the situation of agencies whose members have such highly specialized expertise that recruitment of new and fully qualified replacement members is not always possible. Again, as we discussed in second reading, the bill has significant flexibility built into it to support the governance practices that are proposed in the legislation.

Another question was raised with respect to the appointment and re-appointment of senior and elected officials to agencies, boards, and commissions. Just on that point, Mr. Chair, I wanted to say that it's certainly true that the task force recognized that there can be good reasons in specific situations to appoint senior and elected officials to an agency, board, or commission. Indeed, there are certain circumstances where it is vital to have the specific knowledge and expertise of a department's representative. Consistent with this the framework provided that elected or senior officials should only be appointed to agencies when their input is important for the agency to achieve its mandate and when that input cannot be provided by any other member of the agency, board, or commission who is not a senior or elected official.

8:00

The task force report based its recommendation on potential conflicts of interest and undermining of the role of the chair. These are issues which can be fully addressed through codes of conduct and mandate and roles documents as provided for in the act. I'd just add, Mr. Chair, that both of those, the codes of conduct and the mandate and roles documents, are public documents which will be available on the Agency Governance Secretariat website for all to review and to raise questions with respect to if necessary.

Another area that was questioned in second reading. Actually, I believe it was a question raised by the Member for Edmonton-Highlands-Norwood, who was concerned about the possibility that the bill could restrain the independence of the local authorities pension plan board of trustees. Again, to answer this, Mr. Chair, we have to go back to the basic intent of the bill, which is to provide a general set of governance principles that will be applicable to all agencies, boards, and commissions, approximately 250, as we discussed last time.

Key principles underlying the bill include the principle of agency accountability to government and ministerial accountability to the Legislative Assembly and the public. These principles apply to all agencies, including the local authorities pension plan board of trustees. Once authority has been delegated to an agency, it is responsible to government for how it carries out that responsibility. Of course, Mr. Chair, we have to remember that the delegation of responsibility is through other legislation, enabling legislation for the particular agency, board, or commission in question.

Bill 32 reflects the fact that in order to be held properly accountable, an agency must have sufficient autonomy in carrying out its responsibilities. The bill does not propose to improperly restrict any agency's autonomy, especially its autonomy with respect to its day-to-day operations. The bill's requirement for competence-based appointments applies to all appointees to public agencies whether they are appointed directly by stakeholder groups or appointed by government in response to a nomination by stakeholders. Mr. Chair, I would find it hard to envision anyone making an argument that in some way a move to competency-based appointments is not in the public interest or is not in the interests of better functioning of any agency, board, or commission. Surely there can be no serious objection to that.

Another question that was raised, Mr. Chair, had to do with the mandatory review of agencies as proposed in the legislation. A suggestion was made that every seven years is not long enough. Just in response to that, briefly, the reviews include a thorough evaluation of the agency's mandate and operations. Reviewing every seven years provides a better balance between the extensive costs of undertaking reviews for the almost 250 agencies and the importance of monitoring ongoing agency effectiveness. Seven years is the maximum time between reviews. Individual ministers may choose under the legislation to conduct the review at shorter intervals. So, again, the flexibility is there.

Finally, I'd just like to talk briefly about the question that was raised, I believe, by the Member for Edmonton-Gold Bar about policy field committees. The member questioned whether those committees should have a role under this bill. As members will know, Mr. Chair, under the standing orders, I believe specifically 52.07, the annual reports of each agency, board, and commission are permanently referred to their respective policy field committees. Further, "A Policy Field Committee may on its own initiative . . . inquire into any matter concerned with the structure, organization, operation, efficiency or service delivery of any sector of public policy within its mandate." Given this broad jurisdiction, I would submit that the mechanism already exists for the policy field committees to make inquiries into any agency, board, or commission. It is not necessary and really not consistent with the intent of the legislation for them to be given any further specific role under this bill.

I hope, Mr. Chair, that I've addressed at least the major questions that were raised in second reading debate. I will take my place and await to hear from other members.

Thank you.

The Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chair. Well, this is a very, very important piece of legislation, Bill 32, the Alberta Public Agencies Governance Act, 2009. It will codify a framework and processes that have been developed to improve the management and accountability of agencies, boards, and commissions. Those bodies deal with 50 per cent of the provincial budget, showing the importance of the issue.

There are, as my colleague from Edmonton-Rutherford pointed out, a couple of hundred of these boards, agencies, and commissions in this province. The list just goes on and on and on. It fills one, two, three, four, five full pages of fairly small print in the Agency Governance Secretariat inventory. Like I said, this represents half our provincial budget. This represents half our provincial spending. This represents half the government's annual operating expenditures, for which this government must be accountable to the taxpayers.

We're in an interesting position, a bit of a dichotomy, I guess, where, on one hand, these agencies, boards, and commissions need

to be able to operate at arm's length from government, and on the other hand they need to be accountable to the minister to whom they ultimately report, especially if there's money involved. Now, that doesn't mean that the minister has to sit there and hold their hand. That doesn't mean that the minister has to attend every meeting. I wouldn't for a moment suggest that the minister should do anything close to that. But as we're setting up the way things are supposed to work under Bill 32, we need to make sure that we're setting things up in such a way that the boards and agencies and commissions are accountable through the minister to whom they ultimately report, through the government to the people, the taxpayers of Alberta, since they do spend so much of our money: spend it, invest it, are responsible for the expenditure of it, are responsible for the role that our tax dollars are put to by this government through the agencies, boards, and commissions that report to it.

How to attack this. You know, on one level I'm tempted to say, "Well, we'll have to see how this works out" because in regard to the mandate and roles documents, for instance, Bill 32 will require agencies to have a mandate and roles document developed within three months, and those documents will be developed between the agency and the minister responsible. That's good. There's a three-year limit on the document. At the end of three years it has to be reviewed and updated. I think that's good.

There are transitional issues addressed around mandate and roles documents. Say, for instance, an agency, board, or commission already has a document drawn up that meets the requirements of this act. It can carry over. That's good, I think.

The section regarding codes of conduct requires agencies, boards, and commissions to implement and make public a code of conduct governing members and employees. This is an important issue, Mr. Chair, because agencies, boards, and commissions are working for the public, yet they are not directly accountable to the public in the same way that elected officials are. This makes the code of conduct a key way for the public to have some checks on these bodies. I think that's pretty key when they're responsible for spending 50 cents out of every tax dollar that we fork over to the government of Alberta.

What's crucial here, Mr. Chair, is that there is monitoring of these bodies to ensure that the codes of conduct are being followed. Now, the Member for Edmonton-Rutherford said that mandate and roles documents and codes of conduct are to be public documents and that they will be available on the Agency Governance Secretariat directory. He didn't say when. I'm going to assume – and perhaps he wants to add a little bit of clarification here – that they're going to be ready and available within three months of the passage of this bill. If not, I'm hoping that he can give us some sense of when they will be.

8:10

You know, while just making the mandates and roles documents and the codes of conduct public and accessible and available to the public – please, don't get me wrong here – is vitally important, and I don't want to downplay the importance, in and of itself it's not enough.

One of the things, I think, in terms of codes of conduct, that is going to be of vital importance is whether the minutes of the meetings of agencies, boards, and commissions are taken and made public and posted so that we the people and we the people's representatives, the elected officials in this Assembly, can know when conflicts of interest arise and can see that these codes of conduct are being adhered to.

I bring this up, Mr. Chair, because it came to my attention about a month ago that potential or perceived conflicts of interest are not

always perceived by the people who find themselves in that position. Case in point: the decision by AIMCo to, depending on who you are and on which side of the fence you sit on this issue, bail out or make a wise investment of our dollars in the heritage fund, or perhaps a bit of both, in Precision Drilling. The issue became public, and then we raised the further issue in this House that the vice-chair of AIMCo, George Gosbee, is a very good and long-time friend of the founder of Precision Drilling, Hank Swartout.

Now, Hank Swartout has not had anything directly to do with Precision Drilling for I think it's a couple of years now. He stepped down as chair or chief executive of Precision Drilling and sold his shares, retired in essence, from his role as founder – well, if you can retire as founder; I don't know if you can – as the guy who is running the business he started, and divested himself of his shares. Mr. Gosbee has no direct involvement in Precision Drilling. However, Mr. Gosbee and Mr. Swartout, who have a long-standing business and, it seems, personal relationship, co-own a business which, admittedly, has nothing directly to do with either the energy industry or the decision by AIMCo to invest in an energy company.

Quite apart from the optics of that, which, as I think all members of this House who have any oil and gas or oil field servicing businesses in their constituency know very well, was widely interpreted across the industry to be a situation of the government deciding to pick winners and losers in the business, they do co-own a heliskiing operation. When I last checked – and that was very recently – unless there's been something that changed in the last few days, they are both directors of North West Upgrading. They both sit on the board of North West Upgrading.

While nothing official has been announced or even hinted at by the government officially and publicly, the word on the street, the buzz on the street, is that North West Upgrading is widely speculated to be in line for a contract from the government that involves the upgrading of bitumen in kind. Now, whether that comes to be or not remains to be seen. Again let me stress, Mr. Chairman, that what I am putting on the record here, if you will, is what the buzz on the street is. And the buzz on the street can be horribly wrong or devastatingly accurate or anything in between, I suppose.

What it comes down to is that it is not best practice for a person who sits on the board of AIMCo – whether they hold the title of vice-chair or not is, I think, not the most relevant factor here – to be involved in discussions of and finally by his own admission voting on whether to invest public dollars in a company that was founded by a good friend and long-time business associate. This is probably going to get some people mad at me, which doesn't bother me because that happens on a regular basis and has for years predated my getting elected. One of the things about being a talk show host is to get people mad at you on a regular basis.

You know, saying that Mr. Swartout has no fiduciary, no pecuniary interest in Precision Drilling is certainly one thing, Mr. Chairman, and the facts are that he doesn't. But walking away completely from the company that you founded, a company that you started from scratch and built into the biggest driller in North America now, I believe, and then watching the company get into trouble, which Precision Drilling did do with its purchase of – oh, boy, the name escapes me – the drilling firm down in Texas that prompted the need for, again depending on which side of the fence you sit, the bail-out/wise investment of public money on behalf of the people of Alberta, you know, asking a guy to completely step away from that, from what has been his baby, is a bit like asking a parent, once their flesh-and-blood baby celebrates his or her 18th birthday and officially in the eyes of the law becomes an adult, to walk completely away and wash their hands totally of anything they ever had to do with the parenting of that child. It doesn't happen.

Yes, your child is now an adult, seen by the law to be fully capable of getting married, getting drunk, going off to war, signing contracts, going into debt, making investments, buying lottery tickets, getting divorced, now even getting married to same-sex partners, whatever that person wants. In the eyes of the law that person is an adult and can go ahead and do that, and that includes making bad decisions of the sort that adults make and, you know, having to live with the consequences of those decisions. But, of course, Mr. Chair, when parents get involved or when parents are involved – and they are; there are no two ways around that – it's just not as easy as walking away and washing your hands of it. If your adult-age kid gets himself or herself into a jackpot, you bleed inside for them, and your instinct is to go to bat for them, and your instinct is to talk to people, to seek out people who may be able to help get them out of trouble, ameliorate the situation, whatever. I don't think that it's all that different in business.

I'm not for a moment suggesting that Mr. Swartout did anything improper. I'm not for a moment suggesting that Mr. Gosbee had anything but the purest of intentions when he voted in favour of that investment. He looked at it, I'm going to suggest to this House, and thought that it was a wise investment to make on behalf of the people of Alberta. Certainly, in the first few weeks after the investment it appeared that that's the way it had turned out, but the fact that he voted, given his prior direct relationship with Mr. Swartout and given that their paths do still cross on a regular basis in other areas, doesn't really pass the smell test. It's a perceived or potential, or perhaps both, conflict of interest, and I don't believe that this bill adequately addresses that.

8:20

When I start to see the mandates and roles document for AIMCo and the code of conduct for AIMCo, perhaps I'll change my opinion and perhaps not. I think that this bill falls at least a little bit and perhaps a lot short of actually achieving best practice around the issue of conflict of interest. I would strongly suggest that there's some work that we could do on this bill that would improve those sections. I think I'll leave it at that, Mr. Chair, and let others join the debate.

Thank you.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Yeah. Thanks very much, Mr. Chairman. I'm pleased to join debate in Committee of the Whole on Bill 32, the Alberta Public Agencies Governance Act. I was pleased to see the introduction of this bill because over my now 13 years in the Assembly there's been a sort of ebb and flow of whether the government chooses to take responsibility for what the public agencies that it creates are actually doing. I can remember being in Public Accounts and questioning the Auditor General on, you know, how responsible, on what kind of procedures and policies these various delegated administrative organizations – that's the other terminology for them – had. How did the government keep track of them? Which were the best ones? Who was on the board? How were they chosen?

The response from the Auditor General at the time was that it was very uneven, and actually the ministry that was the best at it was the then ministry of – oh, boy. It's changed names so many times. I'm going to guess it was called community development then. Of course, they were responsible for a lot of the foundations that gave away lottery-money grants. A number of other agencies were under them. So I have watched this progression for some time.

Of course, with the creation of the regional health authorities that was another way of the government being able to step back and say:

well, we're not responsible. We actually had ministers of the Crown saying: "Don't ask me that question. I'm not responsible for that. Go and ask the regional health authorities." Well, we couldn't ask the regional health authorities. They don't sit in this House. We went through a period of time when the government ministers would not respond to any questions on health care because the regional health authorities were delegated to do this work, so the minister wasn't going to respond, or the Premier wouldn't respond to it. You know, we went back and did some digging and looked through the legislation and went: "You know what? Yes, you are. You're listed in the act as the minister that's responsible for this act. You set their budget and allocate it. You have to answer the questions about it. We have no other ability to question anybody else."

Fine. Then we were able to get the minister of health to answer questions about health and health delivery even though the vehicle that was being used for it was the public agency that was then known as the regional health authority. We had something of the same sort of thing happen when the Alberta Health Services Board was set up, what was known as the superboard.

I was very pleased to see the preamble in this bill. The preamble is first. It sets the tone and the context for the rest of the bill. If you kind of wade into these bills – and this is a biggie, folks. For those of you following along at home, at 51 pages this is a bigger bill than you usually get in this House. If you sort of get partway into this bill and you kind of get lost and you forget what the heck this is all about, go back to the preamble because that sets the context for what this is about. What we have here is:

Whereas Ministers of the Crown are accountable to the public for the activities and performance of public agencies in their ministries;

Whereas public agencies are responsible for their activities and for the fulfilment of their mandates, and are accountable to their responsible Minister respecting their activities, successes and failures;

Whereas public agencies require varying degrees of authority to fulfil their mandates; and

Whereas clear communication and transparency are desirable with respect to the governance, mandates and activities of public agencies;

Therefore Her Majesty, by and with the advice, et cetera, et cetera, and they go on into the actual part of the bill.

This clearly sets out that there is a line both ways on responsibility and accountability, but ultimately the minister is responsible for giving those delegated administrative organizations or public agencies or agencies, boards, and commissions, however you want to talk about them, a good structure and good policy to carry forward their work. Those agencies must be responsible and account back, which has also been a long-running problem. The agencies themselves weren't necessarily giving the minister a report, so it was hard for the minister to stand up in budget debates, for example, or in the Public Accounts Committee and say, "Yes, well, I know this particular public agency has been doing thus and so." If there was no reporting structure, how did the minister know?

This is a good idea. This bill is a good idea. It is setting up that structure of governance. There is an expectation there that these public agencies, boards, and commissions will have governance policies in place, that they will have an auditing function in place, that they will report back to their responsible minister, and that their responsible minister will be responsible and will be able to be kept informed and will be able to answer questions in this House in being accountable back to the taxpayer, from whence the money came.

Let me also be clear here that that includes when the money is coming from lotteries. There's been a big division here about: well, you know, we don't have to talk to you because our money came from lotteries. Well, yes, you do, actually, because one way or

another that is money that this government has to be declarative for and has to be transparent about how they spend it.

You know, the other thing that happened, which I hope is clarified through this, is that we would have a situation where the government set up a delegated administrative organization or an agency, board, or commission, whatever you want to call it, and gave them responsibility for completing a task without giving them authority to complete a task, which was also a bit of a trick. So when they actually had to order somebody to do something, they actually didn't have the authority to do it. These, I hope, have been addressed.

Most of this is flowing from recommendations that were made in '04-05 from the Auditor General under cross-ministry recommendations. Their two key recommendations were that "the Deputy Minister of Executive Council update Alberta public sector governance principles and guidance so that they are consistent with . . . good practices for recruiting, evaluating and training directors" – and my colleague has spoken somewhat about why that becomes really critical – and secondly, the Auditor General recommends that "guidance include a statement that governing boards evaluate and report publicly their own performance against both . . . public sector principles and their own board governance policies" so that they test themselves and they answer back. They're responsible.

This is important. It is covering 250 agencies and a schwack of money. [interjection] Yeah, over a hundred billion of public assets. That's a lot of money. It does cover a range, you know. Going from banking, health care, education, regulatory management, social services, it goes from AIMCo down to some very small organizations that the government creates to carry out its business.

This has been a 20-year movement in a change of structure. Government used to do everything through its own departments and its own public servants. Increasingly we see things now sort of farmed out to these agencies, boards, and commissions and/or contracted out to a different sector, usually the not-for-profit sector, particularly around social services, for example. It is really important that we have that same rigour, that same muscular reporting strength to come back through to this Assembly so that ministers are empowered to give us some straight answers, frankly, and are able to get the information to do that. So I am very glad, having gone from that very first time I raised this with the Auditor General – I think it was my first or second budget debate, so '97 or '98 – to see this come forward in the manner that it does.

8:30

I think the second thing that's really critical is that what we don't have right now is a good grasp in these agencies, boards, and commissions, mostly because they didn't have to. There was no requirement made of them – not that there was any sort of nefariousness; it just wasn't there, and people didn't think of it – that that same level of understanding of conflict of interest be instilled into these agencies as we operate within this House. In many cases they're dealing with as much money as a minister is and have as much of a long-reaching effect on the public.

We've run into that, and here's one tiny little example. You know, there has been quite a bit of controversy around the Mazankowski centre and troubles with the building there. So we were a little shocked, actually, to see that one of the people that was appointed to the new Health Services Board was, in fact, the CEO of the company that had a major contract with Alberta Health, a number of different contracts, actually, to provide engineering and building services. This person is now sitting on that Health Services Board, which is, to my ear, the definition of conflict of interest. That Health Services Board is now deciding on giving contracts back to building and engineering firms to build more health services,

more hospitals, more clinics. That is the very definition of conflict of interest.

Not a lot that can be done about this when there's nothing that sets that out in the structure. We, in fact, had made a complaint to the Ethics Commissioner that this needed to be looked at, and the response we got back from the Ethics Commissioner was: there's no MLA involved in this. So that took away one venue. But there was nothing really in place. There were no rules there in which that conflict of interest could be recognized. That is far more serious when we don't even have the structures in place that recognize things like that.

I mean, we used to have a situation in Calgary where we had – let me see if I can remember this. The individual owned a private clinic that did eye surgeries, I think. [interjection] No, it's the other one, the brothers. Say it again. [interjection] No. Okay. It was some kind of surgery that ended up being contracted out – let's say hip surgeries – and the individual who was on the regional health authority was also a director of medical services and also owned a private clinic. Once again, they could essentially be on the governing body that gave themselves and their private company business. That is a conflict of interest.

I'm hoping that this piece of legislation will stand as a really exemplary structure that will give us strong, healthy, transparent, and accountable public agencies, boards, and commissions in which all public members and members of the public are confident and comfortable in looking at their structure and understanding what they do and understanding where their money is coming from and where it's going and that reports up to the ministers. This idea that we would actually be appointing people into those very important positions so that they could then work themselves into additional contracts would be a thing of so far in the past that it would get buried with the dinosaurs and turn into more oil for us to pump out of the ground.

Thank you very much, Mr. Chairman, for my being allowed to comment on Bill 32 in Committee of the Whole. I'm happy to support the Alberta Public Agencies Governance Act. I hope it does really turn into a shining example and that we are first in the nation in our accountability on this. Please let us lead this in something that is exemplary.

Thank you.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Chair. I'd like to begin by thanking the hon. Member for Edmonton-Rutherford for sponsoring Bill 32, Alberta Public Agencies Governance Act. I also want to thank him for stating the underlying principle associated with this bill, and that principle is competency.

Over the years, as the hon. members for Calgary-Currie and Edmonton-Centre pointed out, there has been a great deal of suspicion. It's not just clouds of suspicion. It has been more like a storm of suspicion that has swirled around the appointments of members of agencies, boards, and commissions. As has already previously been pointed out, a hundred billion dollars of Alberta expenditures have to deal with this bill. It has been pointed out also that the agencies, boards, and commissions account for 50 per cent of government spending. So getting the right people in place is extremely important.

For example, George Gosbee, who is obviously a very intelligent man and a wonderful Alberta entrepreneur, is also an owner and shareholder in an investment banking company that researches and recommends how oil companies, gas companies, et cetera, should function. Now, the hon. Member for Calgary-Currie already pointed

out the Gosbee-Swartout connection and the overlap with AIMCo and Precision Drilling. One of the reasons Precision Drilling, that investment, soared as quickly as it did had to do with the layoff of a significant number of employees. Whether Precision Drilling will continue to be effective remains to be seen, but those initial increases were at the expense of the laying off of a significant number of employees.

The hon. Member for Edmonton-Centre also pointed out the potential conflict with the appointment of the CEO of Stantec onto the Alberta Health Services Board. It's going to be really hard for that person to be in attendance at major meetings, especially those that involve any type of infrastructure, because Stantec has a very good reputation in this province for building a variety of forms of infrastructure; for example, for being involved in the construction of the Trans-Canada highway on 16th Avenue, going between University Heights and the Foothills hospital, where Calgary-Varsity begins. For that individual to be able to contribute his entrepreneurial advice, as I say, the number of times he'll have to absent himself from meetings because the potential of contracting is discussed is a concern. Also, because he's the chief shareholder for the Stantec company and he was not required to divest himself of any Stantec stock, that also adds to the perception of conflict of interest.

However, I remain hopeful that Bill 32 is going to address what to a large extent had been a partisan patronage trough where competency was secondary to Conservative connection. I'm hoping that in this new era of professed transparency and accountability we'll actually see it materialize.

Also, the Member for Edmonton-Centre pointed out her historical membership on Public Accounts. I'm pleased to say that I am currently and have been since being elected in the fall of 2004 a proud member of Public Accounts. As the hon. Member for Edmonton-Centre noted, the Auditor General was critical in 2005 of two key aspects of ABCs. They had to do with the public-sector governance principles and guidance that needed to be consistent with current good practices for recruiting, evaluating, and training directors and that it wasn't who you knew but what you knew that had to be important. Also, the Auditor General pushed to include a statement that governing boards evaluate and report publicly. So there's the accountability and there's also the transparency that is so important and that, hopefully, Bill 32 will bring into practice.

8:40

This government has been noted for pushing more and more information from legislation and hiding it into regulation. Hopefully, the rules for Bill 32 will be as transparent and accountable as the principles upon which it is based. I'm willing to suspend reality in the hopes that this improvement in transparency and accountability actually takes place, and I am pleased to see that the hon. Member for Edmonton-Rutherford is following in the accountable traditions of his predecessor, Rick Miller, who is currently lending terrific counselling and advice to our caucus.

Thank you very much, Mr. Chair. I see my hon. colleague from Calgary-Buffalo would like to participate if not now, in the near future.

The Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Chair. It's a privilege to rise and speak on Bill 32, Alberta Public Agencies Governance Act. I, too, would like to commend the hon. Member for Edmonton-Rutherford on bringing forward a piece of legislation that has been long overdue on the plains of Alberta, and I am hopeful that it will ring in a new day of accountability. I say that I'm hopeful because I think in many

instances for far too long in order to get a position on a board or commission, competency might have been a secondary trait the government was looking for in individuals to sit on these boards.

I believe that maybe what they were looking for first was whether that member was a card-carrying member of the Progressive Conservative Party or a donor to the Progressive Conservative Party or a door knocker for the Progressive Conservative Party. You can sort of see where I'm going here. I think everyone knew that, and everyone had bought into that. I think I read an article once that in a hospital district up north 23 of the 25 members were card-carrying members of the PC Party. Now, albeit there are a few PCs up there, nevertheless, when you are going to have a board, you'd think you'd find some people who are maybe of a different line of thinking. Those are some of the things that have crept up in Alberta and seem to creep up from time to time. Hopefully, this is the beginning of the end of that.

The hon. Member for Edmonton-Centre brought up conflict of interest. Even in my brief time here I've had the occasion to ask the hon. minister from SRD what the conflict of interest rules were to sit on the Surface Rights Board. You'll remember that just recently two members of that Surface Rights Board were actively engaged in selling tickets to the Premier's dinner. Now, call me crazy, but that says that there is a conflict of interest here. I'm not saying that these people are untoward. I'm not saying that anything bad is happening. All I'm saying to anyone paying attention is that this is a conflict of interest, and it shouldn't be happening. I'm hopeful that this bill will allow some rules and regulations to be put into place where we don't have this anymore.

I just really hope the Tory party doesn't get smart and just say: "We're not going to do this anymore. We're not going to actually print their names anymore. We'll keep doing business as usual, but we won't print their names on a thing that says they were head fundraisers." Let's hope that that's not the case of what actually happens. Let's hope that they go back, implement some of these rules. They look back at what a conflict of interest is and try and follow through on that. It would allow, I believe, for Alberta to run together as a province, some decisions made by our boards and agencies to run smoother without political interference or the like. That is one thing that I would really like to see.

If you even take a look at the example that's been brought up twice here tonight about the current makeup of our superboard and the fact that a gentleman sits on there who builds hospitals, builds government projects, and then is deciding on them in a closed-door meeting, yeah, maybe he abstains himself every time these decisions are made, but I tell you what: he's cozying up to some people with a pretty significant amount of power. You all know that when you're friends with somebody, it's more difficult to vote against that person than when you don't know him from Adam and you're really just voting on the issue. When you know that Fred or Jamie or Jeff are coming back into the room and they're going to know whether they get a contract out of it or not, well, you know, it's a little harder to look them in the eye and go for coffee with them and go to the next meeting.

That's why these rules are in existence. People aren't necessarily bad people. They just say: "Ah, man. Am I going to give Fred this contract or Joe? Well, I see Fred in the meeting next week, and I don't see Joe for another couple of years. Fred gets it." That's just sometimes how the cookie crumbles.

Anyway, I tried to simplify that a little bit. We'll see how that goes. Hopefully, that gets us onto the road of some broader based accountability in this province.

Thank you, Mr. Chair. It was a privilege to be able to rise and speak on this bill. It's a start in the right direction.

The Chair: Any other hon. members? The hon. leader of the third party.

Mr. Mason: Thanks very much, Mr. Chairman. I'd like to speak to Bill 32. I did speak to it at second reading, so my comments will be quite brief. In general we support the bill and support the direction that's been undertaken and want to express appreciation to the task force that did review this issue. They did invite me to come and make a presentation to them, and I did that.

I want to just indicate to you a couple of points. I'm disappointed that the government has not accepted the recommendation to remove elected officials, remove MLAs from serving on these committees. I think that this has weakened the work of some of these bodies, weakened their independence, and it's increased the degree of political influence on them. So I'm disappointed that that isn't here.

I would also like to just make an additional recommendation. I think that we should have a commission of nonelected people with a very strict mandate that it be impartial, that it use its best efforts to ensure that all appointees represent the community broadly, that it make recommendations for appointments to agencies, boards, and committees based on competence, and that there be some disclosure with respect to relationships, including political affiliations, in the appointments of people, an independent commission rather than the political process we now use. This may refine it and cure some of the worst abuses. It will still be fundamentally a patronage-based system.

In my view, an independent commission of nonelected people with a clear mandate to be objective and to be impartial and nonpartisan would be a really good step that could be taken to ensure that all appointments to government agencies, boards, and committees are made on the basis of merit as opposed to partisan outlook. I would make that suggestion as a way to strengthen this legislation and to strengthen that process. I know that the government isn't going there; nevertheless, I think they should consider it. Certainly, we'll continue to push for that as we go ahead.

Those are my comments, Mr. Chairman. Thank you very much for your patience.

The Chair: Any other hon. members wish to speak on this bill? Seeing none, the chair shall now call the question.

[The clauses of Bill 32 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

8:50

Bill 42 Gaming and Liquor Amendment Act, 2009

The Chair: Are there any comments, questions, amendments with respect to this bill? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Chair. It's, again, a privilege to speak to Bill 42, the Gaming and Liquor Amendment Act, 2009. Primarily this bill is driving at allowing bars to collect personal information on patrons as a condition of entry in order to identify troublemakers and prevent gang activity. This amendment

to the provincial Gaming and Liquor Act would permit bars and nightclubs the authority to share information about problem patrons with each other.

This idea has been tried before in Alberta and has run into problems with the Privacy Commissioner. This is another attempt at trying to get this bill passed. This time I know they've sort of used the language of the day, which, again, is very strong on gangs, that represent a scourge on our streets. I believe they are a problem. So they've incorporated that language into this act to say that it's targeting gangs who, I guess, are carrying on, allegedly, coming into some nightclubs in various locations.

I guess that if I could offer some suggestions to this bill that would make this better, as we are in committee, it would be primarily looking at the definition section. That's 69.1. When we're talking about a gang member, it says there: "‘gang’ means a group of people engaged in a pattern of unlawful behaviour or in creating an atmosphere of fear or intimidation in a community." "A pattern of unlawful behaviour." Certainly, I can see that that would be a gang member, but "or in creating an atmosphere of fear or intimidation in a community" seems to be an awfully broad definition. Is that three people standing on a sidewalk? Is that 10 people in a corner in a bar? Is it five people in the side room? It just seems like a whole lot of, I guess, impetus or a wide range that people could go into with what is the definition of a gang.

I think it's very difficult, actually, for an owner of a bar or a person running a liquor establishment to really be in the best position to decipher whether or not these people are involved in a gang or gang activity. I think it's fraught with peril when we actually use this system as a matter of course.

Let's look at the next thing.

- (2) For the purposes of this section, a person is associated with a gang if the person
- (a) is a member of the gang.
 - (b) supports, facilitates or participates in the gang's activities, or
 - (c) is in the company of a person described in clause (a) or (b).

Sure. That's okay.

Well, look at that. Once you start going there: a person in the company of a gang member. Well, if I'm going to the pub and I'm with some guy I met on the afternoon street and he seems like a decent guy and we talk up a friendship, sort of talking about the New York Yankees game or the Boston Red Sox game, and then all of a sudden we end up in a pub in downtown Calgary, the next thing you know I'm putting my licence in, and I'm getting rejected from going into this pub regardless of the fact that a man is not a camel and he's very thirsty and needs a drink. I think that's an infringement of his civil liberties, and it just shows some overbreadth to this legislation, who's going to be hanging out with these – you know, it's not really well-tailored legislation.

I'd like to see that part of the bill, (c), "in the company of a person described in clause (a) or (b)" – if you're a gang member, yeah, maybe this legislation should apply to you, but if you're just hanging out with a gang member or you might not know that this guy is a gang member or the girl is a gang member, well, you shouldn't be caught by this. It should be a gang member – and that maybe has some justification for this law – but by no means should this apply to you when you're in the company of a person described in clause (a) or (b) and you have no knowledge that that guy is a gang member. It is just over broad and, I think, affects far too many people who are just simply minding their own business.

Now, here we go to what a police officer can do when they're interpreting when a person is a gang member or when they can evict a person from a nightclub.

(4) A police officer need not rely on personal knowledge in concluding that a person is associated with a gang but may rely on information from others, including but not limited to . . .

(i) any admission of association with a gang.

Well, that would be by the individual himself. I doubt that that would be freely forthcoming at a bar on the night in question, where that guy would say when the police officer came up: "I admit it. You got me. I'm a member of a gang. I will leave immediately." I don't think that's going to happen that often.

The "use of names, signs, symbols or other representations used by a gang." Well, to be honest with you, I don't see a lot of guys running around the streets with, "Hey, I'm a gang member" on them. You know, I guess there are some people with Hells Angels patches on, but I'm not sure if that is what this law is intending. In fact, I've seen them in bars all across this province. Are they allowed now to go to one of these nightclubs? Maybe not. Maybe that's not the gang we're looking for. Maybe we're looking for other gangs. I don't know. So that is a real troubling section that I would try to rework, to clarify. Maybe it's a certain type of symbol that we're looking for, but that seems to be an awfully wide range of things you're looking for.

"A person's presence at the scene of unlawful behaviour by a gang, regardless of whether the person participated in the unlawful behaviour." That one is really troubling. I'm walking down the street and a guy, a gentleman that I don't know from Adam – I think that's the term. They're referring to the guy in the Bible, I think, by that saying. Anyway, that gang member robbed someone, and the police saw me witness that, and they think that I somehow had something to do with this even though I didn't. Well, the next thing you know, I'm not going to be able to get into a pub or go have a drink even though the fact is that I'm really thirsty. I think that is bothersome to me a little bit.

Or here's another one: "frequent association with persons associated with a gang." Well, okay. "Frequent association." How much do you have to hang out with a person? Is that once a month, twice a month, 15 times a month? What is the definition of frequent? I think that's, again, far too over broad. You're trying to kill – what is the saying? – a fly with a mallet. It looks like that's what we're doing.

Anyway, I think I'm getting to the long and short of it, that this amendment is far too broad. It captures far too many people. Hey, I realize that gangs are a difficulty and that we should be using whatever measures we can to stop them. I just don't think this is a viable method to really stop them. I've never seen any evidence to it, any written evidence, any evidence in terms of a crime report that says: this is a way to stop gang violence cold. Never. No one can point me to that literature. I've looked. No one can point me to that literature.

9:00

Let's also talk about another thing. We already have ways – these are private clubs. A gentleman can disallow anyone from coming into their establishment any time they want: no, you're not allowed to come into my club. If they had knowledge of it or whatever, there you go. Don't allow them in your club. If they're a troublemaker, don't allow them in the club. Simply don't allow them in. Those things are available.

We also have a thing called the telephone. You've got some people in there that you're really suspicious of? You pick up the phone and say: hey, could I call the police? If the police deem it important enough, they will come and do some police work, which may get us to a secondary point, which is why we see all these bills coming out. Maybe there's a recognition that we do have a lack of

police officers if you compare us to other policing agencies across the nation in other large centres. If this is, I guess, our knee-jerk reaction to trying to cover that up or trying to look tough on crime without actually putting boots on the streets, well, fair enough, but I just think this is fraught with difficulty, that it reaches far too many people and randomly targets people for simply hanging out and going into a club.

Anyway, those are my comments. I think this bill needs a lot of work to be saved, but it could be saved if it narrowed down a lot of these definitions and was really defining maybe to say that a gentleman who's been convicted of gang activity will no longer be allowed in here, something of that nature. They've got a lot of creative guys in the backroom there who could go to work on this, narrow it down, who could probably make it something that will stand up to, I guess, a test somewhere down the line.

Anyway, thank you, Mr. Chair.

The Chair: The hon. leader of the third party.

Mr. Mason: Well, thanks very much, Mr. Chairman. I just want to indicate that, you know, I'm quite torn on this. I represent an area that has a great deal of concern about crime activities. Certainly, people in my community are very vocal that they have a right to live in as safe a community as people in other parts of the city or in other parts of the province, and they want action to be taken.

On the other hand, this is one of a series of bills that gets at solving these problems by just nibbling away around the edges at the civil liberties of people. We've seen that in giving the right, for example, to police to seize without a conviction cars that might be involved in prostitution or drug use. That is a concern.

We contacted the Criminal Trial Lawyers Association, and they had quite a lot to say about this particular piece of legislation. I think that I'd like to put a few of those concerns on the record. Having said that, I think that it's quite clear that we need to step up our efforts to combat gang activity. I think that, ultimately, letting gang members operate unchecked in bars or anywhere else is what has led to a great deal of the problems we've seen in our community, not the least of which is the gun violence, the drive-by shootings and murders that we've seen in the major cities in this province. It's a very, very serious situation, and I think that enhancing the intelligence available to police on gang activities, on balance, is the right thing to do. But I do want to make mention of some of these concerns.

The bill allows a police officer to remove a person from licensed premises if the officer "believes [that person] to be associated with a gang." The Criminal Trial Lawyers Association believes that definition is too broad. If you're in the company of a gang member or a suspected gang member, then you're potentially at risk here. They believe that this provision contravenes the Charter of Rights and Freedoms' guarantee of life, liberty, and security of person as well as the freedom of association and assembly. Guilt by association, they say, is not a sufficient reason to bar people from licensed establishments.

They have a concern with allowing licensees – that is to say, bar owners – to collect personal information from people before entering the licensed premises and the ability to share that information with other licensees. In my view, Mr. Chairman, that's not a concern that I feel really strongly about. I think that bar owners operate private businesses. In my experience they've always been able to choose their clientele and do so regularly.

One of the problems that I do think is going on – in 2008 the Privacy Commissioner ruled that bars could no longer scan people's drivers' licences after a University of Calgary law student made a

complaint. The Privacy Commissioner has made that ruling, but it's quite clear that this activity is ongoing. I talked to my son and asked him if he'd ever had his licence scanned on Whyte Avenue, for example, and he said that, yes, that happens, depending on the bar, but it happens frequently, and it's still going on. I think that the government needs to make sure that that activity is curtailed.

Mr. Chairman, I just want to indicate that on balance I think we need to take steps to ensure that our bars are not breeding grounds for criminal activity and, in particular, the activities of gangs, which have become a real scourge in our province and something that I think we need to step up the action against. I have consulted with the people in my communities, who wish to see more steps taken to protect those communities, to protect their kids from gang activity and from violence.

I believe that on balance this act will help do that, so with considerable reservation I am prepared to support the bill. Thank you.

The Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chairman. Well, I am not prepared to support this bill, not unless somebody can point me to a very, very clear, compelling, evidentiary example of a jurisdiction – federal, provincial, state, or municipal level – somewhere in this world, outside of the Communist world, where the chip, chipping away at civil liberties and constitutional rights and freedoms actually makes the populace safer than they were before. Of course, we're human, and it seems to be a human trait that every time we develop a new piece of technology, we think that that is going to save us somehow if only we can put it to its fullest, maximum, use. We've been at this game, as far as law enforcement is concerned, for quite a number of years now, quite a number of decades, yet I don't see society getting any safer.

9:10

I'm not altogether sure that Canadian society is in real terms getting that much more dangerous, by the way, but it's not getting that much safer. I think that more to the point, it's not getting to the point where it is perceived as being safer, yet it seems that with every passing season somebody in government, whether it's this government or some other, wants to use technology to chip away at a little more of our rights and freedoms in the name of crime prevention, crime fighting, and public safety.

It's not enough to look like you're tough on crime. You've got to be tough on crime. You've either got to go big or stay home, and I would contend that bills like this really don't go big on crime fighting. They're designed to look like they're going big on crime fighting. They're designed to take a lazy approach to crime fighting, and they're designed to take a lazy approach to crime fighting at the expense of civil liberties and our constitutional rights. If we can just let bar owners scan people's drivers' licences, then we'll keep all the bad guys out of licensed establishments, says a bill like this. Furthermore, we'll let the proprietors of those establishments share that information with all the other licensed establishments, we'll let the police come in without a warrant, and all this will make us safer, and we'll get all the criminal element out of every bar and public house in the entire province. Then it'll be a wonderful day, Mr. Chair, when Alberta is safe for good, law-abiding citizens to go out for the night and get faced.

Well, here's a news flash, Mr. Chair. When people get faced, whether they do it in a bar or whether they do it at home, they sometimes get out of control. If they get out of control at home in

a good way, then probably not much more happens than the bed starts to spin uncontrollably, the bathroom gets visited, you know, unintentionally, and then the next morning the bottled Aspirin gets depleted somewhat. But when it happens in public – and it can happen in private, too – when the drinking gets out of control, criminal activity can follow: spousal abuse, violence, assault. When you take that out into the broader public world and you let people get faced, then they can get themselves and others into a pickle either in the establishment or on the way home from the establishment.

I had a visit from a couple of bar owners, who were not Paul Vickers, by the way. I had a visit to my constituency office early this year from a couple of bar owners. I'm not sure that I necessarily fully support them on this, but I thought it was a very interesting point of view. They expressed concerns over the death of happy hour and minimum drink pricing, that the unintended consequence of that decision by this government – and by the way, full disclosure: on this side of the House we actually called for that before the government got around to doing it.

The unintended consequence and unforeseen consequence is that young people are now bringing booze in their cars and sitting out in the parking lots of establishments and power drinking so that they get a good buzz on before they go in. They're drinking fast enough and drinking in enough quantity that it catches up to them. It hits them, you know, like a sledgehammer after they're in the establishment, but they scoot into the bar before they are appearing to the bouncer to be as drunk as they are, and it's causing problems for the bar owners. These are problems, the bar owners suggested to me, that didn't exist back in the days of happy hour drink specials. Now, a whole other set of problems existed back then. But that was, I think, an unintended consequence. It did not exactly do what we thought it was going to do, which was lessen social disorder and lessen the potential for criminal activity.

The Member for Edmonton-Highlands-Norwood – I'm going to get that one of these days; it's just a complicated name – made reference to the fact that he had consulted with the Criminal Trial Lawyers Association, and so did we. I want to quote just a couple of very brief passages from the letter that they wrote back to our leader, the Member for Calgary-Mountain View.

The citizen must know what the law states so as to permit individuals to govern their actions. We note that section 69.1 defines a "gang" very broadly. The definition is so broad that it would include, for example, sex trade workers, and those with criminal records. Section 69.1(3) allows the police to exclude or remove from licensed premises any person the police believe to be "associated" with a gang. Those "associated" with a gang are defined as members, those who support, facilitate, or participate in the gangs' activities, or those who are in the company of "gang" members.

This is so expansive,
the letter goes on, Mr. Chair,

... that the mothers, for example, of sex trade workers could be excluded or removed from licensed premises merely by virtue of their association to their daughters. Parents of children convicted of minor criminal offences could also be targeted.

The letter from the Criminal Trial Lawyers Association goes on to say:

In this country, the freedom of association and the freedom of assembly are such important principles that they are enshrined in section 2 of the Canadian Charter of Rights and Freedoms. We as Canadians take pride in living in a state where we are permitted to associate with whomever we choose, and where our movements are not subject to state control merely because the police may not want us to associate with certain people. The Charter also enshrines the right to life, liberty, and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The letter goes on to say:

This is a protection which extends to those who choose to go to licensed establishments as well. The notion of guilt by mere association is offensive to civilized persons.

The letter goes on, but I won't quote any more from that. I think you get the point and the thrust of the letter.

By the way, although I am not a lawyer, in the research that we have done in consulting with lawyers, to the extent that lawyers will ever go on the record as saying that they're going to prejudge how the Supreme Court would rule on an issue, I have grave doubts that this bill could possibly survive a Charter challenge. I have grave doubts that this bill, if passed, would manage to go unchallenged in the courts. So at the end of the day we're going to be back where we were, quite frankly, when the Privacy Commissioner ruled on the practice of scanning drivers' licences at the nightclub Tantra.

Mr. Denis: It's under appeal. The privacy thing is under appeal.

Mr. Taylor: Yeah, and the Court of Queen's Bench upheld the finding of the Privacy Commissioner.

Mr. Denis: That I didn't know.

Mr. Taylor: See, Member for Calgary-Egmont, you learn something new every day. It's upheld on appeal.

We're going to end up back in the same place after all this collective chasing of our tails, and in the interim we'll have given an indication that this Assembly supports needless limiting of our Charter of Rights and Freedoms just because it is perceived to make it easier for bar owners to do what they ought to be doing anyway, which is stopping bad guys at the door and saying, "No, you can't come in" and calling the cops if there's a problem. It, I think, further encourages the view that I have that when faced with the choice of funding especially our big city police agencies sufficiently to allow them to do the job of keeping the million people who live in the greater Edmonton area and the million people who live in the city of Calgary safe and to prevent crime and to apprehend the criminals once the crime has been committed or the choice of doing something whiz-bang that involves cameras, surveillance, scanning electronic identification cards, collecting information for the sake of collecting information about all and sundry, who in this case happen to feel like going out for a drink, this government's tendency is to go for the cheap and dirty, easy, lazy technological option. I'm not going to use the word "solution" because I don't for a minute believe that it is a solution, and I don't for a minute believe that it will be allowed to stand as a solution. The courts will have at this, and they will make mincemeat out of it.

Mr. Chair, I cannot support Bill 42 in its current form or anything even approaching it. I think we should just tear it up and start over again.

Thank you.

9:20

The Chair: The hon. leader of the third party.

Mr. Mason: Well, thanks very much, Mr. Chairman. I don't want to delay things, because I want to get on to Bill 44, but I just want to remind the hon. member that this is not about people who drink too much and go out and create a nuisance or drink and drive. This is about gang activity. This is about people involved in activity that's led to people being shot down in the street in a whole number of communities, a very serious problem. They don't go in there to get faced. They go in there to deal drugs and make deals and engage in the planning of organized crime. That's why it's called organized

crime. I think that it's something that we need to be prepared to consider. It's a question of whether or not people have a right to be in a bar, not whether they have a right to vote or a right to freedom of speech. The bar owners have been collecting and sharing information on their own independently for some time now. I would question whether or not the hon. member can make the case that that is an illegal activity to do that.

The Chair: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chairman. In response to those comments from the Member for Edmonton-Highlands-Norwood I think if you go back and check the Blues when they're available, hon. member, you'll discover that I was not for a moment suggesting that this particular piece of legislation was designed to keep people from drinking too much and carrying on. In quoting from the letter from the Criminal Trial Lawyers Association, I think I made clear that in the process of attempting to catch the gangbangers to which he refers, this is going to capture in the net all kinds of other people who we ought not to capture. This is using the proverbial, you know, nuclear deterrent almost where it's not required and where the principles of fundamental justice, our constitutional rights, and the requirement for probable cause in an environment where we're properly funding police agencies so that we, frankly, have enough cops on the street to enforce the law, should be enough to keep these gangbangers from going into bars and using bars as the place where they're going to plot their nefarious activities.

I mean, I suppose that we could go back to the Hollywood version of them doing it in the backroom of a pasta joint or pizzeria, something like that. My point here is not to cast aspersions on any one identifiable group or other, but organized criminals will plot and carry out criminal activity in an organized fashion, and they will find someplace to do it. This may discourage them. It may. I remain unconvinced that it will. I don't know of any evidence of anyplace where this does work with shining regularity. This may convince them not to conspire in bars, but they will conspire somewhere else. In the meantime you are capturing potentially everybody who goes into that bar and collecting, with no probable cause, personal information on them that you can then turn around and share with whomever.

I would simply ask the hon. member: to what end? How does the end justify those means?

The Chair: The hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Well, thank you, Mr. Chair. Just to sort of preface my earlier comments, it wasn't that I didn't take an eye to this bill in a way that it may have some possible merits to it. I just think that, in balance, if you look at it, some of the freedoms and rights that we're giving up and that they're taking away from people – I don't mind if this thing was tailored specifically to a gang member. Great. You know what I'm saying? I don't mind. My civil liberties have an ebb and flow to them, sir, that tend to be stronger on certain people than they are on others. I'm not a clear civil libertarian on all issues or on crime and punishment.

All I'm saying, sir: in this case there was a real attempt here to try and go after a bad thing, which is gangs. I'm the first one to admit that these are bad things. Bad things happen out there, and if these groups of bad people who are going around dealing drugs, prostitution, causing chaos on our streets, what have you, can be stopped, most of the time we should give our police the ability to do that and/or in other situations the ability to make people safe in their community.

The only thing is that we've got to sometime look at whether the bill is actually accomplishing that goal without taking away our fundamental freedoms, and in this case I can see no clear, logical way that this takes away from crime activity. It might be less of a headache for the bar owner, maybe, but by no means does this lessen crime activity. Okay? The organizations are not going to cease. They're not going to stop doing their stuff, what they have to do. What is going to happen in a bar if there is drug dealing there? Well, you know, it's going to be done by low-level people, which are probably still the ones doing it. And guess what? That bar owner should be on the horn to the police officer right away and saying, "Hey, there's a person dealing drugs in my bar; I want him out of here" or "I saw this guy last week dealing drugs in my bar; I don't want him in there." That's what each individual bar owner should be able to do. He should be able to call the police.

If you look at the definition of gang and gang member, the fact that no personal knowledge needs to be had before a person can be denied entry into a bar, the fact that a person doesn't even have to be a gang member, could merely have known a gang member or seen a gang member walking on the streets, is just too wide. There's just no evidence that this will get rid of gang activity, make people safer, make our communities safer. If it did, I could possibly support it, but right now I don't see that as being in play.

Since it doesn't solve any of those problems, it is too high of a price to pay on our civil liberties. If it did accomplish some of those goals that I previously mentioned, maybe I could support it. I just don't see it doing those things that the goal is defined to do.

I thank you again for belabouring this debate further. Thank you very much, Mr. Chair.

The Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, and I'll be quick. I do not believe that you can do better than actual feet on the beat. If you want to prevent gang activity, then you have greater support for police officers. The police officers work with the community in terms of increasing educational awareness. They go into the schools. They deal with the kids as community resource officers, and they discourage involvement in gangs right from the very beginning. If you provide opportunities for youth early on and supervision, involve them in sports and a variety of activities, their chances of getting involved in a gang are reduced right from the very beginning.

I don't believe that bar owners trading identity cards combined with street surveillance cameras and all other kinds of civil-liberty-stretching circumstances, a Big Brother society, are going to solve this problem. There are a whole lot of better and cheaper solutions. The first one is education and support, and the second is working with police officers.

9:30

I am very aware that in Calgary Electric Avenue, 11th Avenue, was a war zone. It was a place where as either a policeman or a paramedic you would not want to have to have your night-shift duties. Gradually what happened was that a lot of the activities on 11th Avenue were shut down because of, to a large extent, the violence, but it was simply moved down to 17th Avenue, the Red Mile. I don't know whether you'd call a bunch of people wearing red shirts with Cs on them gang members or just hockey supporters, but there does come a point where, based on your association and your assembly, a gang mentality can break out, and that's not going to be dealt with by changing cards.

It's important to note that Maurice Tougas, a former colleague, was the individual who first brought up the idea of reducing the

cheap drinks in happy hour, which were the cause of a tremendous amount of the violence and the bad behaviour, whether it was gangs or just simply individuals who got hammered. But bar owners also have a responsibility beyond just simply collecting identification, and that's to do with overserving. There has to be a point where you realize that that person should not be served any longer. You also have a responsibility, as far as I'm concerned, as a bar owner for seeing that that individual, your patron, gets safely home.

In Edmonton there's been a fair amount of violence associated with Whyte Avenue, and again it's not necessarily gang related. To a large extent it's been hockey celebration related. But Whyte Avenue and the area surrounding it have been cleaned up to a degree by the amount of police presence. When there is a constable on every corner, as is the case during the playoffs, the behaviour seems to improve dramatically.

Entrusting bar owners with managing personal information is somewhat of a stretch considering that the Auditor General has pointed out this government's inability to control its own electronic records, whether they be health records or whatever. The Auditor General has pointed out the electronic hacking footprints in terms of delicate information. So the idea that bar owners are going to be absolutely custodial in terms of the information and the protecting and the sharing is a bit of a stretch and an extra imposition on bar owners.

I'm also concerned about the so-called gang identification and gang association. There have been situations of racial profiling that have taken place in Calgary – and I'm aware of it in Edmonton – where because you're a member of a particular race whose skin is darker than the traditional Caucasian, you're more subject to identity checks than your white counterpart might be unless they've got their head shaved and Aryan Nations marking, tattoos or something like that. I know that my son-in-law, who is a lawyer with Bennett Jones, is of East Indian descent, and as a young university student he and his friends were subjected to that type of racial profiling.

Sometimes a question is asked just as part of identification, and there are no racial overtones to it. But this past weekend I was running along the river, and I came across an individual who, incidentally, was Caucasian who seemed to be in difficulty. This individual was standing out on the road, and I came up to him and asked him if he was in trouble or if I could help. When he didn't respond, I didn't want to intimidate him, but I did see that there was a city truck in the vicinity, and they provided me with a police number. I phoned and said: "I'm concerned about this individual. He seems to be in a stuporous state. He's standing on the road, and I'm worried about his well-being." The first question the police officer asked me was, "Is this person Caucasian or First Nations?" That concerned me a little bit because there was the potential of jumping to a racial conclusion. Now, I did have a good conversation with the officer I was speaking to, and to my reassurance he indicated that a car would be sent out and that the well-being of this individual would be looked after. I was very appreciative of that.

I'm not willing to give up civil liberties. I'm not willing to allow a large net to be cast in the name of preventing gang association or gang penetration into bars. As I began and as I'll end, police are the answer, and support for our police forces will go a long way to resolving this problem.

Thank you, Mr. Chair.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. As I raised in second reading of this bill, which is Bill 42, the Gaming and Liquor Amendment Act, 2009, I was waiting for amendments to come from

government that would have corrected the severe omissions that are appearing in section 16 of the bill, which is amending section 69(1) of the originating act. That is about empowering the licensee, usually a bar owner, to collect personal identifying information of an individual. This is placing an unfair burden on the licensee because they now have a whole bunch of personal information about people, and there are no requirements on them and no help for them to understand what they're supposed to do with this information.

As we move into this realm of databases and cyberspace and instantaneous transfer of information and we come to better recognize how personally identifying information can be used both for us, for example electronic health records, and against us in this particular example or in identity theft, we are moving into a different realm. This bill fails to recognize that and to grapple with it and to give tools to the licensee to help them and tools to the rest of us to not be in a position where we have to hand over personally identifying information.

There's nothing in here about the manner in which the personally identifying information will be kept. Is it on paper? Is it on a CD? Is it on a DVD? Is it in somebody's computer that they can take home and it can be stolen or on a piece of paper they can leave in a garbage can out back of a restaurant at the end of the night? For how long is this identifying information kept? In what form is it going to be kept? Is it easy to access? Is it being sent by Internet back and forth as they are able to share the information with others, as is allowed for and empowered in this act? Is there an audit trail as to who looks at that information? Can anybody that works in that restaurant or bar look at the information that they have collected? How many times? What else can they use the information for?

There's no context or control that is offered in this bill other than that they can collect the person's name, age, and photograph, if you can imagine – a photograph and their name and their age all put together – and we're just going to let this float around out there in cyberspace somehow. There's a blanket consent that is assumed here for the collection of this, and they are allowed to disclose it without getting additional consent from others. This is just an old-fashioned way of looking at something. This government has got to move into this millennium and understand that you cannot collect personal information from people without pretty specific boundaries around how it's going to be collected, used, and disclosed, how long it's going to be kept, who needs to look at it, and a number of other issues. If you can get it around the health information records, you've got to get it with information like this. I will not support this bill while you're collecting information like this from people without boundaries around it.

Thanks.

9:40

The Chair: Is there any other hon. member who wishes to speak on this bill?

Seeing none, the chair shall now call the question.

[The clauses of Bill 42 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I move that the committee rise and report bills 32 and 42.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Marz: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 32 and Bill 42.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

Before we proceed on Bill 44, I have a request to revert briefly to Introduction of Guests. Would I have your consent?

[Unanimous consent granted]

Introduction of Guests (reversion)

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm aware that a number of people have joined us in both the public and the members' galleries in anticipation of the debate on third reading of Bill 44. I'm sure there are people that are watching the video streaming at home, and I'm sure Twitter is a-twittering. So welcome to everyone.

I wanted to acknowledge and welcome those people who have come down tonight at a quarter to 10 to join us as public witnesses to this debate. Specifically, if I might introduce my old friend and colleague from the fabulous constituency of Edmonton-Centre, except that when he served, he called it the city of Edmonton ward 4. Michael Phair, if you would rise, please.

I also know that in the members' gallery we have Jan Lukas Buterman. I think Jan is still up there. If we could welcome Jan.

If I could ask all of those who have come tonight to witness the debate on Bill 44, both sides of the debate, to please rise and accept the warm welcome of the Assembly.

Government Bills and Orders Third Reading (continued)

Bill 44

Human Rights, Citizenship and Multiculturalism Amendment Act, 2009

The Deputy Speaker: The hon. Minister of Culture and Community Spirit.

Mr. Blackett: Thank you, Mr. Speaker. It gives me great pleasure to introduce third reading of Bill 44, the Human Rights, Citizenship and Multiculturalism Amendment Act, 2009, which will strengthen our human rights system for all Albertans.

Much of the discussion about Bill 44 has centred on changes to the legislation and most recently on amendments. Although parental rights and freedom of speech are important and deserve discussion, there are other proposed changes that also deserve some attention.

Last year when I began reviewing Alberta's human rights system, I quickly saw that legislative changes were required to improve the

Alberta Human Rights and Citizenship Commission's processes. The commission receives about 30,000 inquiries a year for Albertans. Out of those 30,000 inquiries we're also seeing the number of actual complaints filed with the commission increase. Within the past year we've seen an increase of 16 per cent, with the number of complaints received by the commission jumping from 680 to 788 in 2008-09. The commission's current processes simply cannot accommodate that type of demand. This is evidenced in the number of complaints that remain unresolved in the system as of the end of March, with 940 complaint files compared to 810 the year before.

If we're going to meet our commitment to make a human rights system available for all Albertans, we need to help the commission improve the way it manages its complaint files. First, we are going to clarify the intent and purpose of both our human rights legislation and our human rights commission by taking the word "citizenship" out of their names. Citizenship is actually a federal responsibility, and including the word simply creates confusion. We're going to bring new staff on board to respond to inquiries from the public so that other commission staff can focus on those complaints that are already in the system.

Section 12 of the amending act clarifies wording to describe the two sides of the commission – the mediation investigation side, with investigators who report to the director, and the adjudication side – by referencing the commission and tribunals. We have heard that some people were confused that the commissioners do both, but they do not, and we have clarified that by calling them tribunals. Section 12 of the amending act also clarifies that the new chief of the commission and tribunals is, indeed, chief of both sides of the Alberta system.

We have heard that the commission needs strong leadership, and we have that in place. We hired a new chief commissioner in February. He brings extensive experience as a member of the Court of Queen's Bench to this position.

By amendment the commission may refuse to accept any complaint if the matters are being dealt with through another forum or under another act. Section 16 of the amending act reads: "The director may refuse to accept the complaint or may accept the complaint pending the outcome of the matter in the other forum or under the other Act." This is part of our response to address a concern we heard from many Albertans that complaints take too long to resolve. If the commission staff are receiving over 30,000 phone calls a year, some of them will relate to matters in other forums. We have added an amendment to require individuals to pursue other appropriate forums or acts.

Section 17 and elsewhere in the amending act also addresses the concerns that complaints take too long to resolve. We have addressed this by adding additional resources to the commission and also implementing a new process to address appeals more quickly.

Mr. Speaker, as I said earlier, Bill 44 strikes the right balance on a variety of complex and difficult issues. We have after 13 years written sexual orientation into the act. We also have written in respect for parental rights, and we have administrative changes. We feel that by making these difficult and somewhat controversial decisions, however, we are acting in the best interest of Albertans. As elected officials that is what we are here to do, and we support Bill 44 in its entirety.

Thank you, Mr. Speaker.

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

Ms Blakeman: Thanks very much, Mr. Speaker. I rise to speak in third reading to Bill 44, the amendment act to the Human Rights, Citizenship and Multiculturalism Act. I do not see Bill 44 as a

serious attempt to grapple with the threats to legal protection from discrimination. This should have been an attempt to enshrine protections, and instead what has happened is that there has been created additional discrimination against the same group that it purported to start out to protect. In other words, the government is taking back what they purported to give. They purported to say, "We're going to put in the grounds of sexual orientation as a prohibited grounds of discrimination," and it has resulted at the end of this bill in, in fact, establishing an additional tier by which members of that group can be discriminated against.

I think additionally the government has created chaos by introducing ideology into our education system, and it failed to eliminate the conflict of interest that existed in the resolution of human rights complaints. In moving from a commission to a tribunal, it did not deal with the advancement of human rights and with the adjudication of human rights.

9:50

Mr. Speaker, I want to acknowledge the engagement of Albertans in this debate, and I want to thank them for their engagement in this particular debate. I know we will have people watching this debate through the video streaming and Twitter and through various websites and reading *Hansard* after the fact. In fact, we have people joining us in the gallery tonight. I am always excited by that engagement of Albertans in the process of what we do on the floor, and I thank you each and every one, even if we disagree, for engaging in that process. I think it's an important one for democracy.

What is interesting is that I think I could argue with great success that we are just starting the process of engaging the public in this debate and, in fact, the debate will end tonight. [some applause] I get it that some members on the other side are eager for that moment to come, but I don't think that's appropriate, actually. I think when you start to see the engagement of Albertans come up from the grassroots, you should be allowed to continue that debate to hear from them as much as possible and to understand the effect that what we do on this floor carries on outside of these doors into the lives of Albertans.

We had a number of ways of engagement. I want to start by recognizing the work of Oba Powis, who was a high school student from Lethbridge who was against Bill 44 and within a couple of weeks at his school of LCI in Lethbridge collected 700 signatures and more than two dozen supporting letters in his petition against Bill 44, working through his MLA, the Member for Lethbridge-East, and those, in fact, ended by being presented in this House.

That was mirrored and carried on through a young woman who contacted me late Friday. Katherine Creelman, a grade 10 student at Archbishop MacDonald high school, actually approached me to ask about how to do a petition on Bill 44. I wrote back and said, "You know, I don't think you can get a petition done and have me get it through the parliamentary processes that are a necessity before we'll be debating it on Monday night, but if you send me a letter, I'd be happy to table it in the House." Well, what was I thinking? I did not consider Facebook, and of course she had a Facebook group. She sent it out on Facebook, and by Monday morning I had 84 letters from students, many, many of them dealing with very personal stories. Some of them were more or less a template, but an awful lot of them were not. That is a wonderful kind of engagement, especially from younger people that are in junior high and high school and university, to get involved and understand how legislation affects them. So thank you so much, Katherine and all of the kids that were involved in that Facebook and in sending me letters.

I think we often see in this House – and I sort of put emphasis on how much work and effort you put into something is how I give

back to it. Someone that takes the time to come out here and sit on these hard seats for hours and hours gets a lot of credit from me, someone that writes a personal letter or an e-mail, someone that comes and has a meeting with me or their MLA in some way: all of those are an investment of time and energy and thought into the process. Petitions: a little less effort involved, but still you're reading the prayer; you're taking the time to sign your name. An online petition is a little less effort again because it's a little easier to hit the buttons, but still it is engagement, and it's important that we recognize that.

So thank you to Katherine and the 84 students that got engaged that way. I was a little depressed earlier when I heard that there had been some 700, 800 signatures that had been presented in the House and then it was pointed out to me on one of the many electronic news outlets that it was an online petition, which, as I say, still counts. I appreciate all of the effort that they put into it, but, boy, I really prize those students' letters and e-mails.

I also want to note the effort that was put into this debate by the Wild Rose United Church, who tried hard to contact me on Friday to talk about what their minister, Linda Hunter, could put into her sermon on Sunday and talk about in the church, in the before-and-after activities. In the end we could not connect, but they did manage to write up quite an in-depth and thorough letter, and 75 signatures from that congregation signed on to that letter.

From the Alberta and Northwest Conference of the United Church of Canada a letter was circulated last week noting that at their conference a resolution was overwhelmingly adopted by over 400 conference delegates asking for the removal of provisions regarding education in Bill 44 and then going on to talk about how important they think human rights and protection against discrimination for certain groups are. Again, thank you very much for those efforts.

I want to talk a bit about the larger issues that were put into play. Essentially, for those of you that are following along, the debate in third reading is a debate on the anticipated effect of the bill once it is passed. There is an assumption that once you get this far, it's going to get passed in an amended state or as it was first presented. In this case the government did present amendments, and those amendments were accepted. They have a majority to make sure that happens.

What we had happen with this bill was that we started out, as the minister said, to make some administrative updates and corrections to make it a better functioning commission and to include, finally, sexual orientation. We ended up with this additional somehow purported to be a balancing by putting in a parental opt-out clause, which is now commonly referred to as a parental rights clause. That slopped over into affecting an entirely innocent group of people, and that is our teachers and those working in our school system, including the trustees.

All of a sudden, something that if it needs to be – and let me underline that. I would argue that the arguments are not strong that that needs to be the case. If it needs to be, that should be in the School Act. In fact, as we're often told now, there is an ability to withdraw students from class if parents object on certain grounds now. So that process exists. It should be in the School Act. But what the government chose to do was to put in a section in this act that then impacted an entirely different and, I would argue, innocent group of people, and that is our teachers. It put them in a precarious position. Some would call it a chill and that we're likely to see a chill come into the classrooms because now there is a requirement that schools will identify sections of their curriculum that could stray into grounds that would be considered religious or dealing with human sexuality or sexual orientation.

They have to go through their curriculum and send out letters to all of their parents identifying that. They have to create a database.

Just imagine how that's money that's going to be sucked out of your kids' education because they have to create a database and keep track of all of this stuff. They're going to have to deal with negotiating, mediating between divorced parents when one wants one and one wants the other thing for their kid: in a class, out of a class. This school system now has to keep track of all of this, so some secretary is madly tearing her hair out trying to figure out how to organize all of this stuff now. That's a cost that will take away from the education of our kids in classrooms, and frankly I resent that because I want my taxpayer dollars going into educating kids, not into organizing how people can pull them out of public education.

This bill, by the way, affects public education, which includes our Catholic school system in Alberta. But my understanding is that it does not affect the charter schools and the private schools because they are defined differently under the School Act.

10:00

We now put something in this act that flows over onto and into our classrooms. They now have to notify parents and get instructions back from parents about pulling their kids out of school. There's still a very vague definition about what could be considered a subject matter that is dealing primarily and explicitly with religion, human sexuality, and sexual orientation. When I spoke in Committee of the Whole, I talked about how religion is often a sincerely held belief. So we have very little basis for definition to understand what we have now subjected our schools to and the problems that they will have to deal with as a result of what's been brought up here.

I think families are important. We look for families to bring stability into our communities. Stability in our communities means, generally, stability in our cities and in our wider society. But where I differ, I think, is what my definition of a family is, that very core unit that starts to create that stability. In my fabulous constituency of Edmonton-Centre one of the reasons it's fabulous is the people that live there and the way they choose to build their family units and build their community and build our city and build our society. I am not willing to make that definition, as I have been reading about, of a natural family, which seems to be some definition that doesn't match very well what I see out in my community. I think that's very short-sighted and does not move us forward as a more tolerant society.

Back to the classroom. We're now allowing people to pull their kids out of school through some definition that's not very clear around religion, human sexuality, and sexual orientation. But we don't get into those larger issues now of dealing with difference and tolerance and analysis and critical thinking that we're supposed to be bringing our kids through this system for. I mean, how do we get there if kids are pulled out of class whenever a topic might be offensive or troublesome for their parents?

I've already talked about different definitions of religion and religious instruction. Where do we end up 10 or 20 years down the road when we look to: what is our standard of education in Alberta, and what have we done with our society? Have we taken children in and taught them how to do critical analysis, to deal with difficult subjects, to be challenged around their tolerance? That is how you become a stronger society.

When we look at what's going to lead us forward into a new economy – they talk about creative economies; they talk about knowledge-based economies – that is about tolerance and diversity. That is about creating communities that people want to move to to have their families, whatever form that is, to build those communities, those cities, and those societies that will make us exciting for years to come and give us an alternate form of energy, if you will,

and diversify our economy. So this starts to ripple out in a way that I think was not anticipated here.

One of the things that I was looking at was:

If we ignore [things] like abortion rights, same-sex marriage, employment equity, racial discrimination, and hate speech, how will we teach our children to ask hard questions when their liberty, equality, their dignity, and their privacy are under threat? How will they know when they are being treated unfairly? We must prepare them to ask the hard questions that people living in democracies must ask.

Indeed. That is from *Cultivating Habits of Democracy: Asking the Hard Questions*, by Danielle McLaughlin from the Canadian Civil Liberties Education Trust.

We still haven't particularly dealt with the issue of impromptu questions. Although the government amendment does indicate that it should not apply to incidental or indirect references to religion, religious themes, human sexuality, or sexual orientation in a course of study, I am not convinced that that is going to solve the problem that has been identified in so much debate.

We ended up putting in human rights what belongs only in the School Act, and I'm not convinced that it is appropriate there. I'm definitely not convinced that it is appropriate to put it there. The issue is not one of parental control at home. It's what happens when we are now enshrining those parental rights into a public school system that is funded by taxpayer dollars. That public school system has farther-reaching effect. I think that is the issue that we've created, possibly unknowingly but, hopefully, not deliberately through this act.

In the end I'm not going to be supporting this bill. I started out with such hope and such enthusiasm and even such joy that finally sexual orientation would be included under human rights and I could quit asking the poor minister when he was going to do it. Yay. I thought this was a point of celebration for me and for many in my community, and I have come – whatever it is now – six weeks later to urging my colleagues to vote against this bill. It does not do what it purported to do. It, in fact, creates two levels of discrimination, and although it includes sexual orientation under prohibited grounds in one section, it then goes ahead and says: but you can discriminate on the grounds of sexual orientation in the school system by pulling your kids out of any class where it might be mentioned.

That to me is horrific. That is one step forward and two steps back, and we should be beyond that in this province. Frankly, I don't think that intolerance is actually in the wider Alberta population. I think that intolerance is here on this floor, and that is my greater disappointment with the process that I have seen develop here over the last six weeks. As well, we have engaged teachers in schools in activities that are far beyond what should have been appropriate and expected of them, and we have placed them, I think we will see in the future, in an untenable position.

I want to make sure that I thank again all those who wrote and twittered and stayed engaged with this and came tonight, came the other night, stopped me on the street, the seniors that stopped me at the seniors' teas this afternoon and last week, that engaged on Facebook, that created their own websites, that went to our websites here. I thank all of you again for your engagement. It's very important that you do that. It's very important that you continue to do this. Particularly for the students: you guys are going to vote soon; you may be voting in the next election, so pay attention. You've got sharper memories than some of the older generation, and I'm expecting you to remember what happened in this exchange. You'll be able to hang onto that information for the two and a half years you need to hang onto it for.

Those are the bulk of the comments that I wanted to make. There was just a couple of other interesting e-mails that I got along the way

that I want to highlight as I go. One woman who wrote to me – I think I can identify her; I won't give her name – wanted me to know that she was currently a student at the University of Alberta, and she did not agree with Bill 44 and did not agree that parents should have the right to pull their kids out of human sexuality courses. Had she not been taught about human sexuality within the Edmonton public school board, she would not have known that she could escape a sexual abuser, and that had been very helpful information to her in her life. I thought: okay; hadn't thought of that one as a plus for why we need to have that kind of information available.

Thank you very much, Mr. Speaker.

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

Mr. Taylor: Thank you very much, Mr. Speaker. I want to extend my thanks and my congratulations to the hon. member for the fabulous constituency of Edmonton-Centre. I think you put that very eloquently. I think you put the defence of what is right and what we should be doing in this bill as opposed to what we are doing in this bill very succinctly, very well. I don't know if I can top it, but I can certainly add to it and support it.

I will not be supporting Bill 44. I cannot support Bill 44. It's bad enough that it took 11 years for this government to get around to doing what the Supreme Court of Canada told them to do, which is to write in that you cannot discriminate on the basis of sexual orientation, but having taken that long to do it, they've put conditions, they've put asterisks on this particular human right through the inclusion of the parental opt-out clause, and in my book that's still discrimination.

10:10

The way that this really came home to me, the way that it was really driven home to me was, actually, yesterday when the Member for Calgary-Buffalo and I were standing in the sunshine cooking at the Lilac Festival in my awesome constituency of Calgary-Currie. A woman came by that I know and I've had some professional dealings with over the years. She was carrying her little boy, who was maybe three or four years old. He's not in school yet. Susan started talking to me about Bill 44. One of the first things she said – she thanked me and she thanked us for everything that we have done in terms of bringing this to the public's attention, bringing it to the forefront, putting up a fight against Bill 44, putting up a fight against the parental opt-out clause, and so on and so forth. Susan, to that I say, "You're welcome."

I think my colleague from Edmonton-Centre is right that we've just now started to engage the broader population in this debate, and engaged they are. My goodness, engaged they are, Mr. Speaker. Of all the people who stopped to talk to me at our booth on Sunday – and there were many, many, many, many – I would say 50 per cent wanted to talk about Bill 44, and 50 per cent wanted to talk about everything else put together. It has become a hot topic. It has become a matter of great concern.

Anyway, back to Susan and her little boy. We were conversing. We were carrying on a conversation about Bill 44, and the conversation was going in, I think, the usual direction that a lot of conversations between Liberal MLAs and people who are opposed to Bill 44 go. Then all of a sudden she said: I'm concerned about this guy when he gets into school; I'm concerned what's going to happen when he talks about having two mommies and how the school is going to handle that if they can't talk about it, if they have to shut it down, if they have to stop the conversation for fear that somebody in the classroom might have a parent who would object to an explanation of what that's all about.

The damage is still going to be done in that he is going to have revealed that he has two mommies. Then without any kind of contextual explanation of how that can be, what that means, what the ramifications of that are, this little boy – he’s a little sweetheart, you know – is suddenly going to be quite possibly, quite likely, the object of scorn by his classmates in around about maybe grade 3, grade 4, grade 5, something like that. Now, this is not something Susan said. I’m speculating here based on my own experiences as a parent as to when the bullying tends to start and the other carryings-on like that. He’s going to be identified by his classmates as some kind of freak, some kind of weirdo, because he doesn’t have a mommy and a daddy; he has two mommies. Because of the parental opt-out clause in Bill 44, if it comes up in class, which it probably will, there is no way for the teacher to deal with that and make it a teachable moment. This is not good.

Mr. Speaker, I have been sitting, reflecting on my life and my progress through life and how that has dovetailed with the progress that society has made in the time that I’ve been alive and going back not too long before then. I was born in 1953, and only 10 years earlier, in 1943, the government of this land, of this country, was doing everything that it possibly could to keep Jews from coming into Canada, Jewish refugees from the Holocaust.

I remember growing up in Sarnia, which is a border city in Ontario, and across the river is the city of Port Huron, Michigan, which is just a little smaller than Sarnia. When I was growing up in Sarnia, it had a pretty stable population of about 50,000, and we had four black families in the entire city. Port Huron, across the river, about half its population was black, and they all lived south of one particular street. The part of Port Huron south of that street – I think it was 36th Street, if I remember correctly, but I’d have to really look at a map – was the bad side of town, of course. The rich side of town was where all the white folk lived, north of that street.

I remember hearing somebody say at some point along the line how well off all the black people in Detroit were. They made that comment because we happened to be driving down an expressway in Detroit, and we saw a few black people go by in cars like Cadillacs and Buicks and that sort of thing, which undoubtedly they got at employee pricing because they probably worked for General Motors or Ford or Chrysler. It was just assumed that, oh, we’ve got rich black folk in Detroit. Then it was only a couple years after that that Detroit’s heart and soul was ripped from its very body by the 1967 riots, which demonstrated beyond a shadow of a doubt that the black population of Detroit was nowhere near equal partners with the white population.

The following year, at Easter time or thereabouts, Martin Luther King was assassinated. I remember standing, indulging my then developing passion for birdwatching, on an island in the mouth of the St. Clair River, looking across Lake St. Clair to where two pillars of black smoke were rising from Detroit because there were riots again, standing by this well-to-do white woman from Michigan who blamed it all on the Communists, that the Communists were in there instigating this whole thing, stirring up the rabble.

Well, we’ve come a long way from there, come a long, long way from that point. We’ve come to a point where, I think – and this is a lot easier for a white guy to say because a white guy is born privileged, born advantaged. He never experiences much in the way of discrimination, or if he does, he can laugh it off as something else. But most of the time in this country black people and white people really do enjoy equality. I think that most of the time in this country we’ve achieved a level where we don’t see colour as anything that divides us but, in fact, as something that enriches us: difference in colour, difference in skin tone, difference in religion, difference in culture, difference in background, difference in the country of origin of our family versus your family, difference in language.

Oh, we still have our squabbles. Truth to tell, we often forget, apart from the language difference, how much like brothers Albertans and Québécois are. We both have that same streak in us that likes to stir up the pot. We’ve come a long way.

I remember that my grade 11 physics teacher was the first Indian I’d ever met, the first immigrant from India. There was Mr. Patel and his wife, and I believe he had two daughters. One of his daughters was in my class. Now, this was Sarnia, a small city. It would’ve been a slightly different experience, obviously, if I was growing up in Toronto or Montreal or Vancouver or something like that. But I remember when Mr. Patel first came to teach at Northern. None of us could figure out where he was from because he had this weird accent we’d never heard before. He went on to become one of the coolest teachers – and way too cool to be a physics teacher – that I ever had the pleasure of being in class with and being taught by.

10:20

We’ve advanced, maybe we’ve even evolved, but we’ve still got this hang-up. We’ve had lots of other hang-ups that we’ve overcome, so I think we can overcome this one, too. We’ve still got this hang-up about people of different sexual orientation than our own. It’s not nearly as big a hang-up as it used to be, because it’s not unusual in Calgary-Currie or Calgary-Buffalo or Calgary-Mountain View or Edmonton-Centre or, I’m sure, Edmonton-Strathcona or quite a number of other constituencies in the cities to see and to run into and to meet gay people, lesbians, bisexual, transgendered, questioning, who are living side by side with the mainstream straight majority and who are making it in life and who are no longer closeted.

I think of my own kids’ experience at high school. In fact, a very good friend of my daughter is gay, and both my daughter and my son knew kids in grade 10, grade 11, grade 12 who were out. Man, I cannot imagine. I cannot imagine anybody in the late ’60s, early ’70s, when I was in high school – we had five grades in high school in Ontario; it’s not that it took me five years to do three grades – having the nerve to come out, be out, maybe even to be out to themselves then. Well, it’s different now, and it’s better now, but it could be better still. It could be a lot better still because we could have just brought in in Bill 44 an amendment that says: you cannot discriminate against someone on the basis of his or her sexual orientation. Period. Full stop. End of story.

The ability of parents to opt their children out of classes where sex education and religion are taught exists in section 13 of the School Act, has existed in section 13 of the School Act. Well, it has existed in the School Act; I don’t know if the School Act has been amended and it has been changed to a different section. But it has existed since my kids were little enough to take their first human sexuality or health courses – it came up under health – in I believe it was grade 4. You’ve always been able to opt your kids out of that if you objected to that. There’s no need to transfer that or clone it from the School Act and include it in the human rights act unless you want to telegraph, unless you want to send a message that gay people aren’t really as good as the rest of us. You’re putting an asterisk beside their inclusion in the human rights legislation. There’s no other reason to do it. As for our kids learning something . . . [Mr. Taylor’s speaking time expired]

Well, I can’t continue on. I’ll have to stop there. Thank you, Mr. Speaker.

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

Ms Notley: Thank you, Mr. Speaker.

The Deputy Speaker: Hon. member, sorry. We have five minutes for comments or questions under Standing Order 29(2)(a). Does any member wish to take that five minutes?

Seeing none, then the hon. Member for Edmonton-Strathcona on the bill.

Ms Notley: Well, thank you. It's a pleasure to be able to rise to speak to Bill 44 at third reading. There's a lot to say about this bill, and there's a lot that has already been said, but I'd like to start by just talking about how even though we are obviously on the verge of having this bill passed for the moment this evening, it's not, in my view, the end of the debate. Eleven years ago the Supreme Court of Canada told this government that it was discriminating against people on the basis of sexual orientation. Of course, it took this government 11 years to agree to even consider bringing their human rights code in line with our Charter of Rights and Freedoms or every other human rights code in the country. A lot of work went into making this government do that. Now, unfortunately, as we've heard tonight, they decided to bring that provision in alongside another provision which actually undermines the first one and takes the gay, lesbian, and bisexual community back several steps.

My point is this: they didn't stop fighting when the government steadfastly decided to ignore the Supreme Court of Canada for the purposes of maintaining a level of intolerance which has only been seen here in this Legislature, and I highly doubt that that community will stop at this point either. I suspect that this issue will be debated over and over and over again. I can tell you, Mr. Speaker, that people in this caucus will make sure that it is debated over and over and over again until this government finally has the courage to do the right thing and actually put in provisions protecting the human rights of Albertans who happen to have minority sexual orientations.

Having said that, while we're not really at the end – we're only at a point in the road and a new beginning on this particular issue – I want to talk a little bit about what this bill does. There's been a lot of talk about how this bill is about parental rights, but I want to talk a little bit about the parental rights that are being ignored through this bill. I'm sure a number of members will note that there are a few people up in the gallery tonight watching our discussion. I know from personal experience, from actually knowing most of them – many of them are actually from my riding, and it's so great because I didn't even know they were going to be here – that many, many of them are themselves parents. They are here because as parents they are deeply offended by what is happening to their rights and the rights of their children.

What rights am I talking about? Well, I'm talking about the rights of those parents to be able to expect through their public school system a balanced education, one that is based on teaching diversity and engendering tolerance for diversity, an education which promotes inquisitiveness, an education which promotes critical thinking, an education which is widespread and exposes our children to things beyond which they might otherwise simply be exposed to in our house. That's why we send them to school. That's why we decided education was a good thing for kids because schools actually help our kids grow.

There are a lot of parents who are deeply, deeply disturbed by the imposition and the infringement on their rights tonight by this government bringing this piece of legislation into place. That's why they're here. When we talk about parental rights, I'm talking about the parental rights of the majority of Alberta parents, who are not in support of this bill.

I'd like to talk as well a little bit about the issue of what's going to happen in our schools. Earlier today we had a brief debate on a private member's bill around a very worthwhile objective of

preventing bullying in our school system. But the deep irony of that bill was that it was actually talking about a mechanism where a principal and a peace officer would collectively determine whether or not on the basis of a number of grounds, including sexual orientation, bullying had occurred, and they would then put together an education program which the bullier would be asked to attend or to be part of. I found that deeply, deeply ironic, Mr. Speaker, because, of course, as they were promoting this very bill, we are now talking about Bill 44, which would allow the parent of the child who may have bullied another child on the basis of sexual orientation to refuse to let that child attend the very education program that another government member wanted to put into place in the schools.

It seems to me that with a lot of folks here one hand really does not know what the other hand is doing. This is what happens when you get into a very political consensus-making process: you end up with very bad language and very bad ideas. That's what we've got here in Bill 44.

10:30

I want to talk a little bit about what it's going to look like in the schools. The Member for Calgary-Currie did talk about that a little bit with respect to the kid who wants to come into school and talk about his two mommies or two daddies. I know that some of the people up in the gallery here can remember that poster that all of our kids make – and I can't remember if it's in kindergarten or grade 1 – the all about me poster, where they work for about a week on a poster. They put in pictures of their family and their pets and their favourite place to go, and they do a little story about each of their family members. They work for days putting together this poster. Then they each get a chance to get up in front of their class and talk about their family and who they are and where they come from. It's how they learn about community and how they're part of community.

Well, as has been rightly pointed out, now we're going to have this problem. The teacher is going to be really worried when one of the little kids comes forward and wants to talk about his two dads or his two moms. Is that talking about sexual orientation? Are we getting too close to the line? Is it inadvertent? Is it covered under the new amendments? Is it not? Well, the amendments, as I've said already before, are simply an invitation to spend three or four times as much money on legal fees as we would have already with the bill because it does nothing but inject uncertainty.

This is what's going to happen when a teacher, a kindergarten teacher or a grade 1 teacher, sits down to try and decide how to teach that lesson. Do they invite the kids in their class whose parents are part of the sexual minority community to talk about their family? If they do, do they give notice to the other families? Then what happens to that kid if some of the other kids are pulled out because it's a sensitive topic, quote, unquote, that some parent would rather have discussed at home? And what does that say to the child in that family? Well, I know what it says. It says that we are a deeply intolerant society. The irony, of course, is that this is happening within our public schools.

Earlier today we had a number of representatives from the GLBT community speak on the steps of the Legislature. I was particularly touched by the comments made by Lance Anderson. Many people in this Legislature may recall that he and his husband, Blair Croft, worked very, very hard to push this government to allow them to adopt a child. Lance was on the Legislature steps today talking about how deeply offended and rejected his family felt once again as a result of the initiatives taken by this government through this bill. I just wanted to say to him that it's really not Albertans who are rejecting them but, rather, simply the members of this Assembly that

are going to go ahead tonight and vote for Bill 44. I do believe that the vast majority of Albertans are far ahead of the vast majority of government members, who want to push forward with this particular piece of legislation.

I'd also like to talk briefly, of course, about sort of the litigious part of all of this. I've mentioned it before, but I want to say it again. I actually believe that we are on the verge of passing an amendment to our human rights code that will actually put our human rights code in conflict with the Charter of Rights and Freedoms once again. I don't know how many times a government can have its human rights code assessed and described by national judges, by the law of the land as being itself in breach of equality provisions and not start to get a little bit embarrassed. I realize it's been 11 years since this government has been told that their human rights code was in breach of the Canadian Charter of Rights and Freedoms. Is it that they're getting bored and that they need it to happen again, that they need to make an amendment because it's been a while since they've been to the Supreme Court of Canada and they miss Ottawa or something and they need to go back to be told again?

They will be told again, and they'll pay money to be told again. Alberta school boards will pay money for this government to be told again, and Alberta families will pay money to be told again. We will all spend a lot of money being told that Alberta's human rights code is substandard to the Canadian Charter of Rights and Freedoms. This doesn't make me proud, and I don't know how it could possibly make members on any side of the House proud. But that's where we're going, and it's not hard to understand how that will happen. It's pretty clear from an on-the-face reading of what this government proposes to do to our human rights code.

I'd also like just to speak very briefly about the issue of – well, again, I think it really comes down to the issue of tolerance. I've heard speakers in this House talk about how families should have the right to discuss, quote, sensitive topics themselves, and they don't want that discussed in the school. But I have to say that if we as a province and as an Assembly are prepared to say that the issue of sexual orientation must be included in our human rights code, we cannot then turn around and call that a, quote, sensitive topic and refuse to discuss it in our public settings the way we would talk about any other minority characterization. Of course, sexual orientation is a different issue. We can't do it. We can't do it without basically saying that we're creating a second tier, a lower tier of human rights. That's what this government has decided it wants to do. It wants to create a lower tier.

I'm sorry that it's sensitive to some people. You know, there was a time when being part of a different race, part of a different culture, being part of a different gender was a sensitive topic. There was a time when talking about women being in this Legislature was a sensitive topic, but that doesn't matter because there was also a time when as people who are part of government we decided that equality should go across the board, regardless, so we included it in our laws. Once we did, our public institutions needed to respect that fact.

Instead, what we're doing here is that we are including the rights of sexual minorities into our human rights code and then saying that it's still okay to treat them differently. It is absolutely the wrong place to have this discussion. The School Act had some provision for that in the past although I'm not entirely sure how long that would have lasted anyway. Regardless, if it didn't last, that would have been the right thing as well. Ultimately you put it right front and centre, Mr. Speaker.

The government clearly has not moved forward. We are still dealing with a government that is being primarily run by a very right-wing, conservative group of people. There was an attempt at

one point to characterize them as moving forward, as being part of a new generation, that they're not really Tories anymore, that it's a new group. Well, no. It's the same group that would not change the legislation 11 years ago. Albertans need to understand that that's what they're dealing with, and if they want a government that actually reflects the values of the rest of Albertans, they're going to need to fight for it. I think this bill is an invitation to Albertans to do just that.

Thank you.

The Deputy Speaker: We have five minutes for questions or comments. Does any hon. member wish to take that five minutes?

Seeing none, then the hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Well, thank you very much, Mr. Speaker. It's a privilege as always to speak on bills, but this one doesn't necessarily warm my heart, shall we say. I, like the hon. Member for Edmonton-Centre, represent a constituency, called Calgary-*Buffalo*, located in the heart of downtown. In my community we have many different people who see family as just a loving expression of two individuals who raise children in the same way as everyone else does although it doesn't seem to be recognized as the same. We have a large population of our GLBT community, who I'm very proud to represent.

In fact, my first question in this House was to the hon. Minister of Culture and Community Spirit on when we were going to bring sexual orientation into our human rights code. That was the first question I asked in this House, and it was chosen for that specific reason. Those rights should be included in our human rights code and are, I guess, now included in our human rights code. I say "I guess" because it's a little bit of what I've said before: what the large print giveth, the small print taketh away in this bill. I'll talk about that a little further on. I've got a few other things on my mind before I get to that.

10:40

If we look sort of as a province where we've come from, 11 years ago, give a few days, the *Vriend* decision was decided by our Supreme Court of Canada, where at that time they told our province to include sexual orientation into our human rights act, to make it part of what's written into the documentation. They said that for a reason. Gay and lesbian and transgendered and many other people were suffering discrimination here in Alberta. They said: let's write it into the code, and then there can be no ifs, ands, or buts about it, and also people can feel then that their government is supportive of them and that their government is representing them, and they can join the mainstream of other Canadian Legislatures that had already done that naming in their human rights code.

Nonetheless, we chose a different path here in Alberta. We sort of ignored it at first for a while and then, I guess, you know, would discuss it only sometimes. Then probably when it got to be this time when a new government got voted in, some people said: hey, you know, maybe we can bring this in at this time; maybe it's time to do this stuff. So what we've had, then, is 11 years of foot-dragging, 10 up here. Where's here? Well, that's kind of open for debate. We do have sexual orientation being now listed in our human rights code as protected grounds. For what it's worth, I guess, that was, as the hon. Member for Edmonton-Centre said, a step in the right direction. But at the same time, if we look at the inclusion of sexual orientation enshrined in our parental rights clause, it is essentially two steps back.

So are we anywhere further? I would argue not. In fact, much debate has been centred on this bill. I think the government has

gone to great lengths to say that sexual orientation is not included in this bill as a slight towards gay or lesbian people. Oh no, we didn't include this in there as a slight to gay or lesbian people; it's just in there to reference sexuality, to allow parents to be able to opt their children out of sex ed classes and other things they deem appropriate. But I don't think so.

If we look at the history of that word and what it has meant to this government, the fact that they have kept sexual orientation has meant something to this government for 11 years. I think that at this time for them to say that sexual orientation is not really put in that act as any backhanded sort of comment to the gay and lesbian community is a stretch at best and very difficult for me as what I consider a sane individual to believe that this has occurred as just some sort of one-off, that it's there merely for parents and that it's not an actual slap to the GLBT community. I believe it is, sir, and I think anyone would believe that. But I'll talk to that a little bit later too.

If we look at other human rights acts across Canada and across the United Nations and other places, human rights acts are considered the sort of supreme test of what a province believes are the inalienable human rights of its citizens. I looked across all of Canada, and nowhere are there parental rights regarding children in any of this legislation. You know why? Because it's not a human right to have children. Simply put: people . . . [interjections] No. What I'm saying is that people choose to have children. They choose to have children. Some people don't have the ability to have children, so they don't have children. Some people don't want to have children. Okay?

So guess what? That's why in human rights, really, they don't include parental clauses there. You know where they put all parental rights clauses and all that? In some other act to the side or in something like the education act here, where we say that our parents shall have the right to take their kids out of class, like we had the common sense to do. Because I believe in everyone's right to be able to take their child out of a classroom if they don't agree with what's being taught there. Fair enough.

Why didn't we leave it there in the human rights code? You know why I don't think it was? Because I think it was a dirty little trade, Mr. Speaker. I think at the end of the day that it was a dirty little trade. It said: "Here's what we do. We're getting pressured all over the place. We're starting to look silly. We're the last place in Canada that has not included sexual orientation in our human rights code. So you know what? It's time we do that. But tell you what: we're going to let the GLBT community know that they're really not welcome here. We're going to sort of put it in, and we're going to dress it up a little." There's a saying here: if you put lipstick on a pig, sir, it's still a pig.

I'll tell you what. They might have tried to dress this up with a little bit of lipstick, a little bit of fancy language, call it a parental opt-out clause, call it whatever you want, but all it was was straight, utter, bigoted nastiness that I believe goes against what Albertans stand for, what I believe people in Alberta come to expect out of their government, and what really we as a people would deem acceptable. I believe that. That's how this got in there.

Guess what? We already had that the parents had the ability to take their kids out of class. Like I say, I respected that right. That didn't happen this time. Somehow those words "sexual orientation" ended up there. The hon. member from the third party offered a way to take sexual orientation out of that language in an amendment that would allow this government simply to just enshrine parental rights but without the words "sexual orientation" in it. I remember we debated that for some time. We said: "Yes. It's still not a very good bill. It's still not the way the other 10 provinces have done this. But

guess what? We can take the words 'sexual orientation' out of this bill, and it will be a little less offensive to these members of our community."

You know what? This government said, "No. We don't mind offending them." We had a chance to do that. You guys all sat there. The hon. member who has been razzing me here, a couple of them, were here when they could've chosen with that amendment to take the words "sexual orientation" out of the bill. You were here when that happened. Yeah. And that didn't happen, okay? Why not? Why didn't that happen? Why did we leave those words "sexual orientation" in there? Well, you know, I think, like we heard, the proof is in the pudding is why it's still in there. I believe that, and I stand by my saying that.

I'll just conclude sort of the way that I started this bill. I think that if you look at what people who founded the Progressive Conservative Party of Alberta did, people like Ron Ghitter, who actually started the first human rights code, came out and said that this bill is an embarrassment to Alberta. He said that, and I believe he wouldn't have done that willy-nilly. He did it because he felt it. He felt an obligation to say that. I have a feeling that the governing party has returned to its roots of, say, the 1960s. Well, this party wasn't there but maybe has adopted some of the roots of the 1960s or what some of the mindset was in this province at that time.

10:50

I don't believe this language is progressive. I don't believe this language does anyone any justice, much less any Albertans who are looking for a full, inclusive set of human rights to be delivered to the population.

I thank you for allowing me the opportunity to speak. I'll wait to hear from other members. Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of questions or comments.

Seeing none, the hon. Member for Airdrie-Chestermere.

Mr. Anderson: Mr. Speaker, I need to stand up today and congratulate this government and the minister for introducing this legislation. I am very grateful to see that it's about to be passed. I would say to the hon. Member for Calgary-Buffalo that I do believe that the right to have children is a human right. Not only that; I would say that the one place where it is not a human right is China. In China when that right is not respected, there are interesting things that happen, pretty brutal things that happen. So I would say that it is a human right to have children, and I take exception to any saying to the contrary.

Now, I went to a public school. I'm a public school graduate. I learned a few things in public school. I learned a little bit of English, for one. Members of this party have been accused in this Legislature of being intolerant; they've been accused of being many things, as you are affirming now. Let's look at the definition of intolerance that I learned in school: intolerance is an unwillingness to recognize and respect differences in opinion and beliefs; intolerance is narrow-mindedness about another's cherished opinions. That is the definition of intolerance.

Now, Bill 44 allows parents to quietly choose, when they believe that two very narrow subjects are being taught to their children and they want to be the first ones to teach those innocent children these subjects, to make that first impression on their minds about religion and about sexuality. They want to make sure that in these most delicate topics they have first dibs on their kids, so to speak. So we're giving them the option here of being able to pull their children out for these narrow topics and give parents first dibs on their children. That is being called intolerant.

Let's compare this with debate from the opposition. [interjection] I'll get to that, hon. member. The hon. Member for Calgary-Varsity in a letter to the editor dated May 17 says, "Bill 44, unless amended, has the potential of turning inclusive secular schools into bigotry-breeding battlegrounds with teachers and students caught in the parental religious rights crossfire." Is that the language of tolerance? I say no, it's not.

The same hon. member as well as the leader of the third party have accused our Minister of Culture and Community Spirit of being duped, of being used to bring this bill forward, the inference, of course, being that because of who he is, he is being used to bring this human rights legislation forward. Is that the language of tolerance? I would say not. Every member on that side of the House has stood up in this House and has said: we know better, the state knows better what our children should be taught with regard to sexuality and with regard to religion. That is what they have said. They know better than parents how to teach these things. Well, there's another definition I learned in public school, and that's arrogance. It is: marked by or arising from a feeling or assumption of one's superiority over another. That is very evident here. Hypocrisy – another interesting word – is: to act in contradiction to one's stated beliefs or feelings.

I would ask these hon. members opposite how they can believe in a concept such as the separation of church and state, yet they believe that the state is better suited to teach objective religion to our children. That's the separation of church and state?

They believe, they say, in human rights. They believe in a various bundle of rights that everyone has. They would look at the United Nations declaration on human rights and quote it over and over again about equality and all these good things that are in there – and there are great things in there. It's an amazing document. Yet they choose to ignore in that document article 26, which says that parents shall have a prior right to determine how their children are educated. That's hypocrisy.

Ms Blakeman: The choice about a public or a Catholic school, for God's sake.

Mr. Anderson: I'm going to get to that exact point, hon. member. You made my point dead on. You believe in public education, the importance of public education, and I believe in that, too. Yet you advocate in the same letter that I'm reading here that any parent who objects to religion or sexual education being taught by parents to their children, anyone who would dare opt their kids out on those grounds, should leave the public school system and go to a Catholic school or private school or charter school. Apparently, a tolerant public education, Mr. Speaker, does not include tolerating the children of parents who believe that they should teach these kids these subjects. Extremely hypocritical.

Now, going back to the hon. Member for Calgary-Buffalo, who said that we are already doing this in policy and partly in the School Act. That's the argument. Okay. That's a fair argument. So why are we doing it now? Well, let's apply that same argument in adding sexual orientation to section 3 and through all the different provisions in the legislation. The reason we're putting sexual orientation in there is not because it's changing anything that this government already does. We already respect the rights of people of different sexual orientations. That's not why it's in there. The reason we're putting it in there is because it's the right thing to do. The reason we're putting it in there is because no person, regardless of whether they are gay or not gay or any other sexual orientation that they may have, no one should be denied a job because they're gay. No one should be denied housing because they're gay. It's the right thing to do to put it in there.

That's why we're putting parental rights into this, not because we have to do it but because it's the right thing to do. We need to recognize a parent's role as the primary educator of their children. We are doing it because it's right. We're doing it because we want to reassert that the family and not the state is the fundamental unit of a successful society. We want to do it because we feel that it is necessary to protect the rights of those embarking on the most important job that any of us will ever have, and that is being a parent.

Thank you, Mr. Speaker.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) allows for five minutes of questions. The hon. Member for Olds-Didsbury-Three Hills.

Mr. Marz: I'd like to ask the hon. Member for Airdrie-Chestermere a question. His riding borders mine on the south, and as a rural riding it's, I think, quite similar to mine. I've heard very little on this particular bill compared to many of the other bills, but it seems to be drawn on two lines. One is the parents that support this bill. Almost all the calls I got from parents support the bill, and the few I got from teachers don't support it, but all in all I haven't gotten that much response from it.

As recently as the weekend I got to speak to a number of my constituents and even a few right at a convention I was at. Basically, conversation left my hands because it became between a parent and a teacher, and those lines were very evident there: the teacher on one side of the issue, parents on the other side. I assured the member of the teaching profession that we did introduce some amendments to the bill and that we'd be sending them out to him. Without seeing them, at the time he couldn't guarantee that he would be happy with them, but he seemed a little bit more assured with the amendments that we talked about. Could you tell me if the response in your riding has been similar to mine or quite a bit different?

11:00

Mr. Anderson: Absolutely. The response has been similar. There is no doubt that there are teachers with concerns. Part of those concerns has been due to a lot of the fearmongering and a lot of misinformation that has been out there and has been put out there intentionally in a lot of ways to push this bill back. Some of the concerns are legitimate, and I believe that this government has been very clear, especially the minister as well as the Minister of Education, in clarifying those points of uncertainty with teachers.

I will say this. The hon. Member for Edmonton-Strathcona earlier had mentioned that she believed the majority of parents were against this bill. I could not disagree with her more on this point. About three days ago I had a parent approach me and say: "Rob, I don't know what to do. What's the avenue? How can I as a parent support your bill, support the bill of the government, support the bill of the minister? I think that it's really important to support it, but I don't know how." I said, "Well, there's not much time to do a formal petition," much like the hon. Member for Edmonton-Centre stated, "but what you could do is you could maybe do an online petition and get some of your friends to sign it." She said, "Okay," and she went off and did that.

Well, within 72 hours roughly 900 people, just from one person starting out an e-mail chain, had signed this online petition, and it's still growing. It's getting near a thousand now. This technology is great because it allows you to make a comment as well as sign the petition. Some of the comments. Valerie Garratt from Calgary, Alberta, says: I should have the right to parent, educate, and protect my children as I see fit. Then you have Willis Winter from Calgary,

who says: the government must respect the fundamental rights of citizens in a democracy; one of those rights is the right to direct what the parent views as the appropriate education and guidance of their children; dictating what must be taught is not appropriate in a democratic society.

Taralee Runge from Red Deer, Alberta, says: I believe we as parents have the right to decide whether we want the schools to teach this kind of extra curriculum; I believe it is for us to teach them these things in life, not some stranger. Sherry Adams from Edmonton, Alberta, says: parents have every right to determine if they want their children to opt out of a class that violates their conscience or their personal beliefs without any penalty to that child; that right should definitely be respected.

I could go on. There are hundreds and hundred of comments like this.

Some Hon. Members: Go on.

Mr. Anderson: I just might.

There are many others, but the point is, hon. member, that there are thousands and thousands of parents, the silent majority, severely normal Albertans that are extremely happy with this legislation, that believe it's right to affirm the right of parents as being the primary educators of their children in these subjects. I think that it's a credit to this government that it has stood up for what is right on this matter despite the inevitable cries of foul that come from the opposition benches.

I hope that that answers your question.

The Deputy Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. Over the millennia innumerable wars have been fought over the separation of church and state. For a brief period of history during the Crusades Christians, who conveniently forgot that Muslims and Jews share a common ancestry dating back to Abraham, put aside their differences in an attempt to impose their interpretation of the one true faith on the Holy Land and drive the infidels, anyone who didn't share their beliefs, out of Jerusalem. After the Crusades they went back to beating each other up, all in the name of the same God. Not only did Catholics battle with Protestants, but various sects of both religions fought internally for their faith.

Bill 44, unless amended, has the potential of turning inclusive, secular schools into bigotry-breeding battlegrounds, with both teachers and students caught in the parental/religious rights crossfire. While Bill 44 proposes to protect sexual orientation in the workplace and in tenancy, the right to discriminate would be enshrined in the public school classroom.

Parents through the School Act have always had the right to temporarily remove their children from classes of human sexuality and religion. However, sexual orientation isn't as clear-cut. What further muddies the waters is the Premier's earlier but later recanted assertion that parents have the right to object to discussions of evolution based on their personal religious beliefs. Parents currently have the taxpayer-subsidized choices of private schools, charter schools, and home schooling. Turning inclusive, secular public schools into faith-based battlegrounds is in no one's best interests.

Bill 44 in its current state is a regressive piece of legislation that turns back the clock rather than moving a tolerant Alberta forward. Bill 44 not only maintains but actively promotes the negative Alberta stereotype of red-necked intolerance which the latest *Maclean's* polling affirms is not the case.

For a variety of reasons Alberta is under scrutiny not only nationally but internationally. The government's \$25 million

greenwashing, rebranding efforts continue to stumble, from thousands of ducks drowning in toxic tailings ponds to pirating pictures of a Northumberland beach to promote Alberta's unique landscape. Freedom to Fake, Right to Discriminate is more representative of the branding perception by which Alberta is being viewed and judged both internally and externally.

Erasing a negative stereotypical image is considerably harder than creating and maintaining a positive view. Hollywood thrives on promoting villainous stereotypes. Remember the 1970s movie *Deliverance*, which portrayed gap-toothed, developmentally challenged banjo-playing hillbillies running amok in the Ozarks, terrorizing a group of urban adventurers?

Fast forward to 2004 Alberta and the filming of *Brokeback Mountain*, which was also set in the 1970s. Does anyone in this Assembly think the choice of Alberta for the backdrop was purely coincidental? The red-neck stereotype featured prominently in the childhood memory flashback of the gay cowboy who had been violated, murdered, with his body dumped into the ravine, foreshadowing what was to become of the ill-fated relationship of the two protagonists. The conflict between discretion and discrimination, which created the tension in this fictional film, is about to be played out in classroom reality in 2009 Alberta if Bill 44 in its tinkered amended state is passed.

Fact is frequently stranger than fiction. What was actually taking place in Alberta circa 1970? The majority of MLAs in this House look back with fond memories on a significant political event that occurred in 1971, with a young Peter Lougheed stepping onto the stage. One year later this progressive, in all senses of the word, leader put an end to the sterilization process that had been the norm in Alberta mental institutions for decades. State-sanctioned castration and hysterectomy had been institutionalized procedures for dealing with individuals loosely diagnosed as suffering from disability or deep depression. Shock treatment and frontal lobotomies, as featured in another 1970s movie . . . [some applause]

The Deputy Speaker: The hon. Member for Calgary-Varsity has the floor, please.

Mr. Chase: Shock treatment and frontal lobotomies, as featured in another 1970s movie, *One Flew Over the Cuckoo's Nest*, were still in vogue as accepted procedures for dealing with mental illness.

Flash forward two decades to another Premier attempting to block compensation payments for individuals who had been caught up in the state's fondness for sterilization. The public outcry over this insensitive approach caused Ralph to blink, and compensatory payments were made as part of the recognition of past and present political folly.

Flash forward almost two more decades to the public outcry over Bill 44, which so far has fallen onto the deaf ears of a government that claims to be transparent and accountable yet appears to be so blinded by faith-based bigotry and intolerance that its members are willing to sacrifice the historical secular and inclusive public school system.

By enshrining prejudice in the name of religious tolerance, this government has taken Alberta back to the controversy of the Scopes monkey trial of 1925 in Tennessee. To divert Albertans' attention from their prejudicial proposal, they have played and replayed the racial discrimination defence card, that due to their caucus's ethnic diversity they are shocked that anyone would dare to accuse them of promoting intolerance. However, that is exactly what Bill 44, which does not apply to private schools, will do to previously inclusive, open-minded, secular-based public schools by enshrining in law the right to discriminate on the basis of human sexuality, religion, or sexual orientation.

11:10

Bill 44 is this regressive government's latest attempt to cater to a private minority at public schools' expense. Last year the per-pupil grants to private schools were increased to 70 per cent of their public component. The government further catered to private interests by paying for private school infrastructure at public expense. The fact that private schools have been exempted from the destructive ramifications of Bill 44 is a testament to how far a minority, dogmatic tail has wagged this government.

Tonight's vote will be a history-shaping event during which the shepherds will be separated from the sheep, the leaders from the lemmings. The votes of those who haven't learned from the mistakes of history will be recorded tonight in *Hansard*. For the sake of the future of public education I urge all members, particularly those on the government side, to consider the true meaning of progressive and balance both your conscience and your constituents in your voting decision.

Mr. Speaker, with that, I would like to introduce an amendment. I'll wait for you to pass that amendment out.

The Deputy Speaker: Hon. Member for Calgary-Varsity, you have introduced an amendment, so proceed on the amendment.

Mr. Chase: Thank you, Mr. Speaker. I am moving that the motion for third reading of Bill 44, the Human Rights, Citizenship and Multiculturalism Amendment Act, 2009, be amended by deleting all the words after "that" and substituting the following:

Bill 44, the Human Rights, Citizenship and Multiculturalism Amendment Act, 2009, be not now read a third time because the proposed notice provisions contained in the bill will cause a chill in expression that will adversely affect Alberta's education system.

This amendment states that we need to pull the bill because of section 9's negative impacts on teachers, students, and learning in our public schools. Children should be learning the full curriculum, and the teaching of that should not be subject to the penalties of the human rights act. This is an issue for the School Act, and that is where it belongs.

The major basis of dispute between the government and the opposition is what constitutes parental rights. As a parent I believe I have the right to introduce – and did – to my daughter and to my grandchildren a certain view of religion that they could choose to embrace, accept, or not. What I did not do, however, was pack amongst their lunch my particular religious preferences or prejudices and send them off to school to share with their classmates. What Bill 44 does is it makes it an opt-out, intolerant act if you so choose to absent yourself from discussions of human sexuality, any type of discussion of religion, and sexual orientation.

Now, the hon. Member for Airdrie-Chestermere talked about perceived intolerance. Whether that intolerance results in a child pulling themselves out of an inclusive public school classroom because of a parent's viewpoint, that is prejudice, particularly when it has to do with discussions of sexual orientation. Under the School Act we already dealt with concerns over human sexuality. If parents for whatever reason want to continue to tell their child that, you know, "The stork arrived, and that's why you've got a new brother," that's their right, but in terms of inclusive education and providing children with a much larger understanding, then I have concerns about children not being subjected to open and universal discussion.

This amendment basically says that under the name of religious tolerance or religious opting-out parents can interfere with the public school system and pull their kids out from their class whenever there are topics where they find the potential of controversy. In other words, "Children, you don't have to be tolerant of your classmates

on these grounds: human sexuality, religion, or sexual orientation. Feel free to discriminate, leave the class, cover your eyes, cover your ears, cover your mouth. Stop thinking. Just do what mommy and daddy say because mommy and daddy are your parents, and they know best." If we do not separate school and home, then we have a problem. Parents, instill your views, but don't force them on the school system because that's not where religion belongs. It belongs in the home, not pushed into the school.

The Deputy Speaker: The hon. Member for Edmonton-Castle Downs on the amendment.

Mr. Lukaszuk: Thank you, Mr. Speaker. It's difficult to sit through this debate without getting engaged.

An Hon. Member: Give it a whirl.

Mr. Lukaszuk: I'll give it a whirl.

Mr. Speaker, what particularly concerns me right now is that this debate has devolved, not evolved but devolved, into a bit of a mockery. It's not often you see this in this Chamber, but as we're here debating and speaking on something that is perceived by both sides of the issue, of the spectrum – those in the galleries I imagine have some defined points of view, and other members may have others – this entire debate right now is being narrated by various members in this Chamber on Facebook, on their computers, just showing how this debate is really not about the subject matter but how it is about showing what big heroes we are to our supporters.

You know, the Member for Edmonton-Highlands-Norwood should receive a certificate because his typing skills are phenomenal. I'm just sitting and watching his Facebook face, and he literally is narrating step by step what's happening in this Chamber. His last comment – and I will use the last name because I'm quoting. I'm quoting, Mr. Speaker, so you can't rule me out of order: Stelmach arrives to much thumping.

It has nothing to do, Mr. Speaker, with the debate, and I know that they want to now stop – there's an amendment on the floor to stop this bill from passage. This debate has nothing to do with what's in the bill anymore. It has to do with getting the crowds out there riled up, and it's just about spin and PR right now because, frankly, this bill does nothing. It does nothing for either side. It does not give our gay community any rights that they didn't previously have since the *Vriend* decision from the Supreme Court of Canada. All of their rights have been entrenched in government's literature, and they have been exercising all of these rights.

11:20

Yes, they were not codified. Perhaps they should have been codified earlier, but they weren't. Today, as a result of this bill, they are. So all we are simply doing as government is affirming in writing the rights that they have had for the last 11 years, and now with the passage – hopefully, if this amendment fails – of the bill, these rights will be codified.

On the other side of the spectrum, Mr. Speaker, there is a group of parents out there, and I have, actually, a large number of them in my riding, who have been exercising a certain right because of policies and regulations by school boards and in the School Act, and that was the right to remove their child from certain classes. Maybe we should read that section of the act. Everybody has been talking about a child who has two dads, and indeed there are many of these children right now who by way of having gay parents, by way of divorce have mixed families. This is the reality. Somehow members of the Liberal opposition and the NDP opposition want to

create this picture that members of this caucus live in some kind of a cocoon and that we don't have these constituents. As a matter of fact, we have members of the caucus that live in such families, that have blended families.

Mr. Speaker, look at the bill itself, section 11.1(1):

A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials . . .

The Deputy Speaker: Hon. member, I recognize a point of order from the leader of the third party.

Mr. Mason: Mr. Speaker, while I enjoyed the hon. member referring to Facebook as if it had anything to do with the amendment, he's now debating the bill and not the amendment. He should be called to order and asked to speak to the amendment which is now before the House correctly.

The Deputy Speaker: The hon. member on the amendment.

Mr. Lukaszuk: Well, thank you, hon. member, for proving my point because the moment you start talking about the bill itself . . .

Mr. Mason: The amendment.

Mr. Lukaszuk: . . . and the amendment to the bill, you obviously, hon. member, have an issue with it. You're proving my point: the bill and the amendments are no longer relevant; it's about the spin that you're managing to put on it.

As I was reading, Mr. Speaker:

A board as defined in the School Act shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals explicitly with religion, sexuality or sexual orientation.

Mr. Speaker, in my riding right now I have a rather large group of parents who for religious reason – for religious reason – do not wish their children exposed to music, and they require that these children be removed from classes where any form of education or instruction entails music. Well, these parents have been enjoying the privilege of being able to remove these children from class, and education carries on. As a matter of fact, it doesn't really weaken public education because the alternative would be that if not allowed to remove those children from that one particular class, these parents would have to opt for plan B, which would be either home-schooling or a private religious school.

I personally as an educator and as a parent am not a big advocate of home-schooling or private religious schools, but that's a choice that's offered to Albertans. So by not allowing a parent to exercise his or her option of having a child removed from a certain aspect of education, what you are really doing is forcing that parent into a private or home-schooling situation.

This doesn't only pertain, as you like to focus, to sexual orientation. There are parents out there, and I know a number of them, who would have issues with their children being educated on certain aspects of heterosexuality simply because they don't feel comfortable with (a) a child learning it at a certain stage in life because they may find that their son or daughter is simply not mature enough to absorb that information; or (b) they feel that they can do it better as a parent, that they have built a better relationship with their child to discuss such a sensitive issue than a teacher would have. Now, are we to deny them that right? How is entrenching in law one set of rights which are already being enjoyed and exercised by a group of people any more important than entrenching in that very same law

the rights and privileges of another group of people who are currently exercising these privileges? Mr. Speaker, I do not see the difference.

As a result of this, I think public education could possibly be strengthened because parents now will be able to carry on with the enrolment of their kids in public education and will not have to exercise home-schooling, and they will be satisfied knowing that their children are not learning anything that they don't particularly approve of. These parents simply don't trust the state. Maybe some members of this Chamber find it difficult to accept the fact that there are people out there who simply don't trust us in our ability to draft curriculum that would be satisfying every single parent. They do not want to give the state the right to have the final decision on what their child learns. They want to make sure that they as a parent of a child have that last choice, and I think most Albertans would agree with that.

Mr. Speaker, I would urge all members of this Assembly to defeat that amendment.

The Deputy Speaker: Hon. Member for Edmonton-Centre, you stood up before.

Ms Blakeman: Thank you very much, Mr. Speaker. I welcome the opportunity to speak on the amendment as moved by my colleague from Calgary-Varsity, which is essentially asking that the bill not now be read a third time because the provisions that are in the bill will cause a chill in expression that will adversely affect Alberta's education system. In fact, that's what's happened to us. We started out with a bill that was about human rights, and we've ended up with a bill that's about schools and parental rights. Not the same thing.

I think there are a couple of issues that we want to talk about here. The Member for Edmonton-Castle Downs actually introduced quite a bit of it. There are a number of choices that are available to parents in the system now if parents do not like or approve of the public system. They have a number of options, and they were outlined earlier. They could home-school their children if they chose. They could send them to a private school, which used to be the sort of enclave of the truly wealthy, but now since we provide 70 per cent of the funding for that, it's not quite so much anymore to be able to send your kid to a private school. So that's a choice that's available. Of course, we have a number of charter schools that are set up to deliver a very particular kind of education. It is under the school system but is not included in the sections that are included in Bill 44. So already there are choices that are offered to these parents if they do not like the way the public school system operates.

I am a child of the public school system here in Alberta, and more than that, my parents were both teachers in that system. I believe in that public school system. I think it strives for excellence, and I think, in fact, it has produced excellence. I appreciate that they tried very hard to give a range of experiences to me as a student and continue to do so. I think that a public school education should be something that has a value and a standard to it in the same way that we look at public health care, for example. Indeed, you can opt out of public health care if you want. You can pay cash or you can opt out completely or you can get other kinds of insurance that will cover your health care costs. But that doesn't mean that we change the quintessential quality of our health care system.

11:30

I believe that a public education should stand for something. I am confused, and I have failed to hear a compelling argument about how having different children pulled out of different classes for different reasons over a period of time is going to give us a standard

of education that is recognized outside of Alberta as an Alberta education because this kid didn't do evolution because of some reason, and this kid didn't do biology, and this kid didn't do English. I think that what we do is start to create a patchwork in our education system. That's my concern about what we've created with Bill 44 by adding this in.

We went from talking about a parental opt-out section to a parental rights section, much more muscular talking about parental rights than talking about a parental opt-out section. And, indeed, we had a parental opt-out section. That's what existed. We didn't need to put it into legislation. So you think to yourself: why would we? Given the chance, from a government that professes to be of an ideology that wants less government and less legislation, why was there such eagerness to put more legislation in place around this and more rules and more administration around this and put more into something that then had to be dealt with?

Let me move on to talking about what the effect of that is on our schools. I touched on that during my earlier remarks. What we've done is create the necessity for each of our schools, many of which are dealing with 500, 700, 1,000 students, to establish a system. Does it happen that each school is responsible for developing their own database and for paying for it and for bringing in the IT specialists that are going to help them to run this database, or is this going to be a school-board-wide initiative that has to pay for this?

An Hon. Member: Relevance.

Ms Blakeman: It's relevant because in the amendment, if you'd care to read it, it talks about adversely affecting Alberta's education system. I think that having to pay for a computer system and IT support is going to adversely affect Alberta's education system, particularly because it's going to pull the money off.

One of the things that we tried to get through as an amendment when we were in Committee of the Whole was an amendment that would try to not have the effect of a teacher hauled before the human rights tribunal, the liability, to have to be assumed by the school.

So right there are two things that affect the school very directly. One is having to devote the resources, both the staff resources and the financial resources, to developing and maintaining this database of parental preference around what they want their various children to do. And, of course, you could be dealing with one or two parents, and you could be dealing with several different children in the school, so this starts to be a complicated database that you're dealing with.

Second is the effect on and the cost to teachers. The bottom line here, what we have created is the ability of a parent to bring a human rights complaint against a teacher for having taught something in a class that would be around – once again, I'm going back to the language here – “religion, human sexuality or sexual orientation.” For teaching that or having course materials or instructional materials that possibly deal with that – think poetry, plays, books, images, science, math, all kinds of ways that this could be perceived as being offensive to someone – for having any of that material available that somehow is offensive to a parent, now you can end up bringing a teacher before the human rights tribunal and all of the costs involved with that.

This is not chump change, guys. You start to get lawyers involved in this and a number of different hearings, and it can be appealed upwards from the Human Rights Commission into the court system, so you can potentially commit somebody to a significant amount of money for this. When we look at what we have done that could adversely affect the school system, well, I think that's where the chill on the teachers comes from.

Somebody earlier talked about seeing a line being drawn where on one side were parents and on the other side were teachers around how this bill is coming out. I actually think that's pretty accurate, not to mention the people that this is actually affecting the most because their very beings have now been deemed to be open for discrimination based on what is anticipated under section 9, which is amending the original section 11. I think this is a whole section, an anticipated effect of this bill, that has not been dealt with.

I approve of the amendment being brought forward because I think we do need to deal with this and understand what it's going to cost in staffing and in financial resources and in an emotional investment for how teachers approach their classrooms. When you see those teachable moments come by – well, yes, we're now supposed to be protected from things that are sort of casual. Sorry; I'm searching for the amendment so that I've got the right language here. Impromptu things are not supposed to be grounds for bringing a teacher before the human rights. But even that, I think, could run us into difficulties because we're not getting a real clear definition of those circumstances.

Frankly, this is all going to play out by test cases. That's how law is developed and precedent is developed, by test cases. If we don't write good, clear legislation on this floor, we end up costing those individuals that get involved in it and the court system and ultimately the taxpayers a fair chunk of change because we weren't specific enough in what we did on this floor.

Given that, I would recommend very strongly to my colleagues on the floor that you support this amendment, which, in effect, would result in the bill not now being read a third time because it brought in a whole section that was not originally anticipated and is affecting the school system and teachers and school boards and school councils in a way that was not originally anticipated.

Thank you for the opportunity to speak in favour of the amendment.

The Deputy Speaker: Hon. leader of the third party, you stood up before.

Mr. Mason: Thanks very much, Mr. Speaker. I want to speak to this amendment because I believe this is a good amendment. I think that we shouldn't give this bill third reading tonight for a whole bunch of reasons, but I think this amendment puts its finger on one of the very important reasons why we should not give this bill its third reading, and that is the chilling effect that it will have on education.

Now, I want to begin, Mr. Speaker, by talking a little bit about the government amendment, which is allegedly set out in order to deal with this. It says that this section – well, there are two. Section (a) says, by striking out “explicitly with religion, sexuality or sexual orientation” and substituting “primarily and explicitly with religion, human sexuality or sexual orientation”; and (b), by adding the following: “This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course of study, educational program, instruction or exercises or in the use of instructional materials.”

Mr. Speaker, at first blush, someone might be led to believe that these amendments by the government have solved the problem set out in the Official Opposition's amendment here. I don't think that that is the case because we talk about primarily and explicitly, but let's take an example and just work it through and see how this might affect it.

11:40

You might be teaching your children about the Holocaust, and you might be talking about concentration camps and telling the children

what happened, having a discussion of that bit of horrible history. You might talk about Jews being sent to concentration camps. You might then talk about Gypsies being rounded up and sent to concentration camps. One of the students might ask a question about whether or not homosexuals were rounded up by the Nazis and sent to concentration camps. If that subject comes up and one of the parents has explicitly written under the act that their children are not to be taught about that, then it may create a serious problem for the teacher.

The problem is that the teacher won't know. The teacher won't know until there have been cases brought and considered by the Human Rights Commission. They won't know where the decision will come down and where the line is because this act gives the power to determine that to the Human Rights Commission. So in that particular case, if parents were not satisfied with the way it had been handled and couldn't resolve it with the teacher or the principal and so on, then in fact there is a possibility – a possibility – of a case before a tribunal of the Human Rights Commission, the teacher being hauled before the Human Rights Commission tribunal, and that tribunal adjudicating whether or not there had been a violation of the rights of the child or, as the government likes to call it, the rights of the parent. It is that possibility, it is the potential for that to happen that will create the chilling effect that this particular amendment talks about.

Now, it's not just the NDP, it's not just the Liberal opposition that has this concern. Mr. Speaker, you know, some of the backbenchers say, "Oh, what a bunch of nonsense," and they scoff. But these concerns have been expressed by teachers, by school boards, by school administrators. These are precisely the concerns of the professionals who work in the field.

I don't underestimate at all the concerns of parents in this matter. There are many parents who have great concern with respect to this. Many of them are in the hon. Member for Edmonton-Castle Downs' constituency. He is really, clearly, feeling a lot of pressure with respect to this. It's clear. When we talked about Bill 44 at the committee stage, the hon. member talked about this being a wedge issue. He doesn't seem to want to debate that. Tonight he complained that members were twittering or talking about Facebook or talking online about the debate that's here, anything but tackling the real issue, the fundamental issue of Bill 44. It's very clear that a lot of government members are getting a lot of heat from a lot of parents on this bill. Frankly, Mr. Speaker, rightly so – rightly so – if a government would bring forward this bill.

Let's not forget that this bill is under human rights, but it is primarily human rights in the education system, in the classroom. Isn't it curious, Mr. Speaker, that before this bill was introduced, this government did not consult with school boards, and school boards have objected to that. They did not consult with parents, and parents have objected to that. School councils are officially on record as objecting to the lack of consultation. School boards, the Alberta Teachers' Association, parents, everybody involved in the delivery of public education, who are primarily affected by this particular piece of legislation, were not consulted by the government because it started out as a human rights bill. The Minister of Culture and Community Spirit, after rejecting opposition calls for months to make sexual orientation a protected right, finally decided he would bring it forward, 11 years after those rights had already been granted by the Supreme Court of Canada in the *Vriend* decision.

That was, of course, just the start of this bill, Mr. Speaker, and the Tory caucus got involved, the great multicultural, broadly-based, diverse caucus that the Premier is so proud of but which acts just like any Tory caucus in its narrow approach to fundamental human rights. What happened is that it got changed from a human rights

bill into an education bill that inserted the Human Rights Commission into the classroom.

Now, there are amendments here from the government that have tried to mitigate that, but, you know, if you ask the professionals, if you ask the parents, you'll find that they think that these don't do the job. This amendment that's been brought forward says: "Let's not read this. Let's not give it third reading. Let's not pass it into law, and here's why. Because it will create a chilling effect in the classroom." This is not just what the opposition is saying. This is what parents are saying. This is what teachers are saying. This is what school boards are saying. So for the government members to sit on their high horses and say, "Oh well, the opposition, you know, doesn't know what it's talking about" – they're wrong.

It's clear, Mr. Speaker, that this government has not consulted with people in the educational community, and it's brought forward something that's ideologically driven. It's brought forward something that's potentially very damaging to the education of our children. It might be the right of one parent to pull their child out of a discussion about sexuality or religion. That right already exists, and we have never contradicted that despite what Airdrie-Chestermere has said. But what has happened is that they've made it a right and inserted the Human Rights Commission into a system that was working perfectly well. It was working perfectly well. When we asked the minister, when we asked members opposite if they could produce a single case where some parents' rights to have their child absent when they talked about sexuality or they talked about religion were violated, some practical reason why we might need this bill, they were unable to produce a single case.

The question is: why is it here? Well, Mr. Speaker, it's here because there's an ideological drive in that caucus. It's a social conservative group that's driving the agenda, that's hijacked the government's agenda. They've inserted this ideological principle, which comes from the social conservative movement in the United States, where they're actually seeking a constitutional amendment to the American Constitution to insert parental rights. They're having very little success, quite frankly, in the United States, but they're having more success here in Alberta because of the lack of leadership that's taking place in this province on this issue.

Mr. Speaker, I think that it's imperative that we should not give this bill third reading tonight. We should stop it and allow the government to do what it should have done in the first place, and that is to produce some justification for this change, to say: here is where rights have been violated, and we need to fix it. That's how rights come about. They need to consult with parents, they need to consult with the public, and they need to consult with educational professionals, things they should have done. It's sheer negligence that that has not occurred, but it's so typical – it's so typical – of this government to proceed in that direction, driven from the back seat by the social conservative rump of the Tory caucus instead of talking to the people they should be talking to, the people of Alberta: the parents, the teachers, all of the people who are involved in education.

This is fundamentally, Mr. Speaker, an education bill now. It's no longer a human rights bill. It talks about how education will be delivered and what things you can and cannot talk about in school and the rights of parents to interfere in the education not of their own children but to interfere in the education of all other children in the classroom because of the chilling effect on education. It's not just the child that should be taken out of the classroom. It's not just that child, because parents can do that now, but it's the impact on the overall educational process taking place in the classroom, which means that certain things that could be talked about and should be talked about no longer are.

11:50

So if that hon. member wants to take his children out of class when certain things are discussed, the impact is that it affects the education of my child and every other person's child, and that's what's wrong with this. It's not that they are exercising their parental rights. It is that they are exercising a negative influence, a baleful influence on the education of the rest of our children. That's why parents are in the gallery. That's why parents are so strongly opposed to this bill. They see it for what it is, an attempt to prevent the full, critical education of their own children under the guise of protecting the children of specific parents. That's what it is, Mr. Speaker, and that's what's wrong with it.

I'm glad the Premier is here tonight. I'm glad he could hear this speech.

Thank you.

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Swann: Thank you very much, Mr. Speaker. It's a pleasure to rise and speak to this amendment to Bill 44. Not wishing to repeat anything that's been said before but simply to get to the practicality of the issue, it's clear that we have a strong division not only in the House but across the province on the issue. It's concerning a great many people: human rights people on both sides, I suppose, parents on both sides, school boards, mostly against this bill.

I guess what I would argue is that as a body of men and women elected to represent the population, the fact that this has created such division and perhaps a 50-50 split, as the *Herald* would have suggested in one of its polls, behooves us to pause and get out of this frame of reference in which there is that right-wrong, us-them, good-bad about this whole discussion and recognize that if we are going to serve the best interests of the public and our children, we may need to take a hiatus. We may need to pause and think and confer and discuss with members of our community, members of our schools, members in the human rights community to try and get this right.

I appreciate that on both sides of this question there is legitimate concern for children, for the future, for education. I guess that from a very practical point of view we're at an impasse in the province, not only in the House. This is something that is very dear to the hearts of many people in the province. There is a clear split, and in the interests of being democratic and responsive and actually wrestling with this for a little longer, perhaps, and hearing more from the public and from the schoolteachers, who are going to be most affected by this, I think it behooves us to support this amendment and put this off for a while. There's nothing lost by putting this off till the fall, nothing lost except pride on both sides, I suppose, that neither wins this particular debate. But I don't think we're here to win or lose the debate. We're here to do the right thing by our children and by what code of conduct and human rights we wish to stand as 21st century Albertans.

My plea to everyone is to consider the possibility of simply postponing the decision on this, supporting this amendment and making sure that we do the right thing in something that is so critical as our children's education and to honour the human rights that we all want to stand for in the long term.

I won't take any further time but simply want to put that on the table, Mr. Speaker, as a constructive option for us to move this issue forward and recognize the legitimate perspectives on both sides on this debate. The fact is that we have a split across the province on this issue, and those most severely affected – children and teachers as well as parents – may want to be heard more clearly than they have been and get by the rhetoric, get by the polarization. I guess

that is what I'm seeing on this issue, that perhaps isn't serving those who are most going to be affected by this.

Thank you for the honour to speak, and I look forward to the vote.

The Deputy Speaker: The hon. Minister of Culture and Community Spirit on the amendment.

Mr. Blackett: Well, Mr. Speaker, the hyperbole and the conjecture and the excessive rhetoric certainly comes from the opposition benches. Last week I said that there are other Albertans, that there are other parents that believed in our position on this bill, to which you said that there was no one else that did. Now you say today that the *Calgary Herald* says that it's 50-50. Well, I'd argue that next week it'll be 75-25 because the silent majority of those people out there that you derided, that you dismissed, that you said are represented by parents' councils – parent councils do not represent the parents of 600,000 people. You have to get that through your head.

In terms of whom we talk to in this caucus, that you say is somehow hijacked by this right-wing cabal, is it myself? Is it the Minister of Education? Is it our Premier? Is it the Member for Edmonton-Mill Woods? Is it the one from Edmonton-Meadowlark? Is it Edmonton-Ellerslie? Where is it?

An Hon. Member: Show yourself.

Mr. Blackett: Show yourself.

When we consult with our own caucus, with our 72-person caucus, we have three former school board chairs. We have three school board chairs. We have seven teachers. Because you do not believe in what they believe in doesn't mean that they're wrong, doesn't mean they're not representative. You have to understand through your narrow-minded, little view that there are contrary views, and because we don't believe the same thing as you do doesn't mean that we had any nefarious intent.

Back to the hon. Member for Edmonton-Highlands-Norwood. You forgot the second part of the amendment, as you so conveniently do when you go on with your rhetoric. You forgot the fact that if there's a process, which you agreed is so wonderful, within the school boards, it says specifically that those individuals have to go through that process: go to the teacher, go to the principal, go to the school board, and that has successfully resolved every complaint, according to the ASBA, that has happened in this province. So there is no need to go to the Human Rights Commission. That was an amendment we put in in response to them.

At that meeting at the end of the day they didn't say: well, the whole world is going to come to an end. Their response was: we would rather that we don't have this section in the bill, but if we have it and we have to work together moving forward, we will work with you. So they will sit down with representatives of the Human Rights Commission and work out a system. They'll work out a template. They'll work out a system of notification. It's not very hard for them because they already have one now.

You say that we need an amendment. You say that we didn't delay. We don't need any of that. We have consulted with others. You just choose to deny the fact that we have. You say that we talked to no one. You say that we don't represent parents. Who are all these people in here? Where are the hundreds of thousands of people out there that you say are against this bill? I've had 350 letters. I get that in one day on other issues. So I categorically deny your outrageous assertions.

You know, someday, actually tomorrow, the sun will rise, teachers will conduct their classes, and all will be well with the world. Six months from now, when there's still not a human rights case, all will

be right with the world, and we'll be focusing on fixing the administrative changes that this bill was intended to do. Sexual orientation will be a protected ground within the legislation, as we had intended. Those tolerant parents that you give no credit to, that are going to pull their kids out by the hundreds: it's not going to happen either. They want a chance to have a discussion with their children. They want to have a chance to discuss those issues. If you are offended by the fact that they are sensitive issues, that's too bad. Those parents are whom we represent, 3 and a half million Albertans, not your little cabal, not your five little ridings or your nine little ridings or your special-interest groups. We represent 3 and a half million people on this side of the floor. That's why we're going to carry this bill forward, and we're going to vote on it tonight.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona on the amendment.

Ms Notley: Yes. Thank you. A pleasure to be able to get up and speak to this amendment. I do appreciate the minister taking the time to get up and engage in the debate because I think it's an important one. We don't agree, but it's somewhat disconcerting to see the lack of participation on the part of the apparently very large and fully consulted caucus.

12:00

A few points, I guess, just to go back to some of the points that the minister just raised. I mean, I think it's fabulous that the caucus talked to itself. I think that's great. Of course, we've all heard that there are lots of them, but I have to say that at the end of the day talking to oneself even if one is a large caucus is not consultation. You know, you're a parent. I'm a parent. I don't stand here purporting to speak on behalf of lots of parents because I happen to be a parent. The reason I'm speaking on behalf of lots of parents is because I can't run into a parent for the last two weeks without every single, solitary one of them telling me how much they are opposed to this. You are right: school councils are not necessarily elected to represent on every issue. But they are probably one of the most representative groups of parents out there. I've yet to see the 350 letters from parents that say they support this, but I have seen the thousands that don't.

Now, in terms of other people out there, I mean, I think it was mentioned before, but I just saw a little note here that the student group which has been up on Facebook since Friday is now up to about 2,400 members, so it's continuing to grow. As the Member for Edmonton-Highlands-Norwood has noted, we have school boards opposed to it, teachers opposed to it, parent councils opposed to it, human rights groups opposed to it, the GLBT community, for whom this legislation was theoretically originated in part, opposed to it. So I appreciate that the 72 government members talked to themselves about this, but at a certain point no matter how representative those 72 folks think they are, when you've got that many groups saying that this is wrong, I find it hard to believe – I don't want to use the word "arrogant" because we had a whole discussion on the definition of arrogant, but it seems to me that there might be a picture of what I've just described beside the word in the dictionary were we to look it up right now.

I want to follow up just a little bit on the comments that the Member for Edmonton-Highlands-Norwood made because it truly does reflect the concern that I have and that I've been hearing. This is not about the right which currently exists under the School Act or school policy for certain families to pull their children out of classes. Now, that's a different issue, and we could have a long and probably

very interesting discussion about that and how that should be framed and how it should be done. But it is about the right of parents and kids to not have discussion inhibited or limited or frozen within the classroom because of a poorly constructed law that is implemented through a poorly thought out system by a bunch of people throwing amendment after amendment at it with nobody really thinking about what the actual, ultimate implications are.

I made this point before, but I want to make it again because it doesn't appear as though the minister heard before. He talks about the amendments that were made that talk about how, "Oh, well, you have to go to the school board first and you can go to this place first and there are all these other places you have to go to resolve the issue before you can go to the Human Rights Commission." The problem is that once you've got something in the human rights code, you've just opened up the door for litigation because it's in the code. The fact of the matter is that there are cases out there that are almost decades long now about the fight between whether something is properly in front of an arbitration board or properly in front of the human rights code.

What the government has written into this legislation has just created a whole new area, a whole new body of law. There are dozens of lawyers that are going to be able to make a career out of interpreting this piece of legislation, and they will do it on our tax dollar at the expense of our education system and at the expense of our kids while they learn less because teachers are trying to figure out whether they can afford the legal costs of all of this. So what the government has proposed is not a solution. It is an invitation for more debate and more litigation.

On that issue I would really be incredibly grateful were the minister to actually table for the House any legal opinions that he had received or, probably, all the legal opinions that he had received on this issue. It does strike me as a bit perplexing that if this is such a clear bill and if there will be no problems and if everything will all be fine because we're all reasonable and we'll all wake up a year from now and discover there's not one legal issue arising from this, that if that's the case, why can't the minister table the legal opinion? I don't understand. It can't prejudice you. It's the same legal opinion that ultimately would be argued in court even if somebody does decide to challenge it.

It's ultimately going to come out anyway. Why not share it with Albertans? Why not assure us that we're not running afoul of the Charter of Rights and Freedoms? Why not assure us that we're not injecting a tremendous amount of legal uncertainty into our human rights code? Why not do it? Unless you've received legal opinions even from inside your own ministry saying that this is an ill-advised reconstruction of what was otherwise an incomplete human rights code. I can only go with what I'm given, so the absence of assurances means that I along with many other members of the House and the many groups that I've mentioned have to conclude that, you know, the government is knowingly embarking on a path that they know is going to trigger a tremendous amount of litigation.

We just have to go back to this whole issue of what this is going to actually do in the classroom and how it's going to impact the ability of kids to learn and the ability of teachers to teach. Just tonight, you know, I think I've received about 10 e-mails from different teachers saying, "Just today in the staff room we were talking about how we were going to change how we teach this subject or that subject," and parents, of course, who are very upset.

I go back, of course, to that because we have not ever actually implemented the recommendations from the Learning Commission. As I'm sure I've mentioned in the past, one of my kids has spent their time in school in a class that's never gone under 28 children from kindergarten onwards. Anyway, in that class there would

probably be at least two families, statistically speaking, where the parents are of the same gender. I really worry about how those kids are going to experience their education, and I also worry about how my kids are going to learn about those kids and what that's going to do to their education.

There are so many other resources that we need in our schools, and this bill is pulling those resources to the wrong place. Instead of effectively limiting the degree to which we can in our schools actually teach our kids about the human rights code and its history, we should actually be working on programs to enhance tolerance and the acceptance of diversity within our classrooms.

I worry that because we've got this in the human rights code, when a parent exercises their option to pull their kid out every time there's something they don't like, they will very soon say that they're being adversely impacted, that there's a form of adverse-effect discrimination because their kid is sitting in the library unattended. So then suddenly an aide gets pulled out of one class to watch the kid or the children in the library. Now suddenly the classroom with 28 kids and one teacher and two aides has 28 kids and one teacher and one aide because the other aide is having to address the fact that sexual orientation is a, quote, sensitive topic, in the words of some government members.

I do worry that people think that's a sensitive topic. Inclusion of that issue into our human rights code should mean that we all believe it's not a sensitive topic anymore. It should mean that we are all prepared as adults to talk about sexual orientation, people who are gay, the same way we talk about women getting the vote and different ethnic minorities having the right to, you know, equal employment, equal tenancy, and equal access to jobs. We should not somehow suggest that some of that is still sensitive.

12:10

It's in that debate at the very heart of this that we find what is the problem with this and what is the underlying sentiment behind this government's desire to move forward with this bill. That's why people are so concerned about it because at the very core of it there's a little kernel of something that most Albertans are very uncomfortable with, and it's that little kernel that I'm uncomfortable with and all opposition members on this side are uncomfortable with.

I think the best thing to do would be to not read this a third time. I think the best thing to do would be for the government to take this issue back, to finally, once and for all, adhere to the Charter of Rights and Freedoms and put sexual orientation into our human rights code. Then if there are ongoing concerns, if there are real issues, real examples of problems that are raised by parents – because, of course, we've yet to hear about any of them. It's not discussed in the media. It's not some huge outcry where parents are saying that their kids are being brainwashed into being, you know, gay-loving sex freaks; there's not that kind of issue out there. But if there were, we go back to the School Act, where the issue should be addressed, and we figure out how to do it better. We save face, and we don't make Alberta the laughingstock of the continent, and we do a good day's work.

It's on that basis that I think we should all vote in favour of this amendment. I certainly will be, and I'll be encouraging others to do the same.

Thank you.

The Deputy Speaker: Seeing no other speaker on the amendment, the chair shall now call the question.

[The voice vote indicated that the motion on amendment RA1 lost]

[Several members rose calling for a division. The division bell was rung at 12:12 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Blakeman	Mason	Swann
Chase	Notley	Taylor
Hehr		

Against the motion:

Ady	Drysdale	McQueen
Anderson	Elniski	Morton
Benito	Fritz	Oberle
Berger	Griffiths	Olson
Bhardwaj	Groeneveld	Prins
Blackett	Horne	Quest
Boutilier	Johnson	Renner
Campbell	Johnston	Rodney
Dallas	Knight	Sarich
Danyluk	Liepert	Stelmach
Denis	Lukaszuk	Webber
Doerksen	Marz	

Totals:	For – 7	Against – 35
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[Motion on amendment RA1 lost]

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

Mr. Renner: Thank you, Mr. Speaker. Under Standing Order 43(d) and pursuant to Standing Order 49 I wish to move that the question now be put.

The Deputy Speaker: This motion is known as a motion for the previous question, which is the question on the motion for third reading of Bill 44. It's a debatable motion.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you. I'm sorry. Could I get the citation again, please?

Mr. Renner: Forty-nine.

Ms Blakeman: My understanding with this is that it comes into play only after a hoist motion. Am I incorrect? This comes into play after both a hoist and a reasoned? No. It's coming into play separately. Okay.

I would argue that this should not be adhered to. The very fact that we have more and more people interested in the debate of this bill, admittedly aside from those that are in the House – I sense that there's not a lot of appetite for that amongst my hon. colleagues, but there certainly is appetite for it beyond the House. We've already talked about the rising interest from those outside of the House, whether it's through an online petition or an increase in the number of e-mails that are being received. Therefore, the need, the necessity for the government to get up and preclude any further debate, including, I might mention, the opportunity for the leader of the third party to actually participate in third reading, aside from speaking specifically to an amendment, is really unnecessary.

Once again, you know, you've got 72 votes here, guys. What does it matter to you? When people want to speak about this, what is the great need to shut it down? What are you afraid of? What do

you think somebody is going to say that necessitates your having to, you know, use a little-used citation in the standing orders to shut down debate?

You know what? That's going to become the news story, not what happened about this. The news story will be that the government used a heavy hand to shut down debate in the Legislature. Why would you do that? [interjections] Well, this is a debatable motion, and I'm sure some of you can get in on it.

You don't need to do this. You already have your votes. You know that you're eventually going to win this. What does it matter to you to have to sit here for a few minutes longer and listen to some people that want to say something about this bill? Clearly, there is an appetite for it outside of this Chamber. Maybe that's what you're worried about. Maybe that's what you're trying to subvert and avoid, that discussion that's taking place elsewhere.

It's your choice. It's the government's choice in the scheduling of this bill to put this on at night. We could do it during the day. We could do it tomorrow. We could do it Wednesday. We could do it Thursday. But I think the government likes to put it on at night so that it can do things like this in the middle of the night, when there are not so many people around to notice it, conveniently. [interjections] Well, it's a debatable motion, so I invite people to get involved and get engaged in the democratic process.

I would argue that there is no need at this point for the government to have to bring this in. It's a matter of a few more speakers at most before this bill reaches the end. I think it's wrong to be taking away that opportunity from the leader of the third party in particular. [interjections] Everything I've said has been on point here, boys. If you want to argue, get up and argue.

So far I fail to see where the government has a need to invoke Standing Order 49 and bring it into play in this case. What's it going to cost you, another couple of minutes? Forty-five minutes and the debate is done. But you will turn this into a debate about how the government had to be heavy handed and shut down debate when there were one or two people left to speak on this. For shame. Why on earth would you need to do that?

The Deputy Speaker: Hon. members, I just want to remind you that this motion for the previous question allows the debate on the bill and the motion as well.

Thank you.

12:30

Mr. Mason: Well, Mr. Speaker, this is disgusting. They're laughing, they're certainly enjoying themselves, but the fact of the matter is that neither the leader of the Liberal opposition nor I have been allowed to speak. Now you say I can speak to the bill?

The Deputy Speaker: Yes.

Mr. Mason: Okay. Nevertheless, Mr. Speaker, the government is moving to cut off debate on a bill that was generated with very little consultation. As my hon. colleague has said, they talk to themselves, and they think that's consultation. They've got seven teachers in their caucus, so they think that's enough. They don't have to talk to 7,000 teachers in the rest of the province. They've got a couple of former school trustees in the caucus, so they don't have to talk to any of the school boards. They can proceed. Now they're using the most severe form of closure to shut down the debate. Not only did they hold the debate in the middle of the night on this bill, but in their arrogance they're using every tool at their disposal to limit the debate and to make sure that this ill-advised bill goes through.

Mr. Speaker, I've talked earlier about the lack of consultation. I've talked about where this bill really came from. There are a

couple of glaring things that I would like to reiterate. First of all, as I've mentioned, section 9 of this bill primarily affects the public school system. It affects the classroom. It affects everybody affected by the classroom; that is, the children, their parents, their teachers, and school administration, school boards as well. Those are the people who are primarily affected. None of them have been consulted. This is a glaring error, a glaring fault that I don't think should ever have been allowed to happen. I think that that's one of the real problems that I see with how this government proceeds in general. It talks about parents' rights, but it hasn't really discussed parents' rights with parents. Now it finds that parents are, in fact, rather divided on the whole question. I think that that is one of the most serious problems with the bill.

I think another serious problem with the bill is that they haven't really taken into account how the whole system will affect children other than the children of those parents who wish to withdraw their children from certain parts of the curriculum, that being human sexuality, sexual orientation, or religion. Now, those rights exist today, and a system exists that seems to be working very well by all accounts. The impact on other children, the rest of the children is what our concern is. We don't want the quality of their education to be affected by this bill. We don't want the quality of our children's education to be affected by the decisions of other parents about the education of their children. That's why the current system is so much more effective than what is being proposed, because parents can ask that their children withdraw from certain parts of the curriculum.

Despite the intentions of some members on the other side to suggest that we don't support that, it's not true, and we've never said so. But again we see the real pattern of saying that your opponent stands for something that he doesn't stand for and then attacking that position. We've seen that from the top on down in this Legislature. Instead of dealing with the actual position of your opponents, you create a false position and then attack that. It's a lot easier task to kick down a straw dog, Mr. Speaker, than it is to demolish a truly held and in some cases even thoughtful position of your opponent. I think that that's one of the problems that we face with respect to this.

I think that it's important that we make it clear to this government that it can't just proceed based on its own wishes, that it's responsible to govern for all of the people of Alberta and not just a portion of the population. What this smacks of is the imposition of a minority's views on education – it could be a significant minority – on the majority, and I think that that is a very risky proposition for any government no matter how large its majority. I think that it's not something that's truly democratic and not something that I think that a wise government would undertake.

I want to just suggest to all members of the House, particularly the government, that the fight on this issue does not end tonight. You may impose closure, you may silence us tonight in this debate, and you may ram through this very, very bad bill, but the fight on Bill 44 does not end tonight. It doesn't end when it's proclaimed, and it doesn't end when the first charges against a teacher are laid by an irate parent or by a special-interest group of some kind. This will be an issue going forward. This will be something that will continue. Mr. Speaker, the battle to repeal Bill 44 starts tomorrow and will continue through the next election and until Bill 44 and our human rights legislation is put within its appropriate parameters and not used as a tool of a particular minority in order to attempt to impose their view of education on all the rest of us, because the rest of us won't accept that, and we will continue to go forward.

I really find the use of closure here at 20 minutes to 1 in the morning to ram through this bill abhorrent. It's disgusting. But it has a beneficial side, Mr. Speaker, because it really underlines the

arrogance of this government and their own belief, almost messianic belief in their own correctness, their own being right, and their willingness to use whatever tools are at hand to force through their view of education on the majority. I'll urge all members to not accept this motion, to not vote for it, and to allow the debate to run its natural course.

Quite frankly, I thought we were coming to the end of the debate or near the end. I wished to speak directly to the bill and not have to also deal with this particular manoeuvre on the part of the Deputy Government House Leader. Quite clearly, this has been planned in order to short-circuit legitimate debate, and it ought not to be allowed, in my view. It's a sordid end – words almost fail me, Mr. Speaker – to a bill that really has no place in a modern, educated, sophisticated, and scientific province as Alberta ought to be. This is a relic of the past. This is a throwback to a simpler and allegedly happier time that probably never really existed anyway, and it's, I think, beneath us all.

Thank you.

12:40

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Swann: Well, thank you, Mr. Speaker. I, too, stand and oppose this standing order on parliamentary process and the shutting down of debate. Clearly, this is an issue that has exercised all of us a lot, has stimulated a lot of thinking and discussion across the province. That can only be good, especially for something as contentious as limiting opportunities for teachers and students to discuss fully issues of great importance and certainly great controversy in our society.

I had previously in my comments hoped to address the question of hoisting this bill and giving us all time to reflect and take the time with our constituents, with our organizations that we care about, that care about us, but that's clearly not going to be the case. We are going to be shut down within minutes, and again it appears that pride goes before the fall. I think this government will have to answer for this not only in Alberta; it's already being discussed across the country. Even in America this has now become news.

I guess it raises the question of what it is we think we can do so uniquely in Alberta to advance human rights that we should impose this and in many ways threaten the very foundations of public education because I understand this doesn't apply to the private education sector. That's of some interest, that we have a bill that holds public teachers in a different way accountable to human rights and to charges under the Human Rights Commission but doesn't hold accountable private and charter schools.

We are embarking on a rebranding of Alberta. We've heard a lot about the government's \$25 million rebranding and a lot about the image of freedom and creativity. In the context of this human rights legislation, this amendment, one sees a real contradiction, and that's what I think many people that come to me and have written to me about this issue – educated people, professionals, people from different religions have said to me: this is a backward step; this is a branding of Alberta that we don't want to be branded with, a reflection of a more bigoted past and a more discriminatory approach to differences and to different lifestyles, different faiths. It isn't the kind of open and democratic society that I think we all believe we're trying to move towards.

I have to wonder about the Premier's commitment to a free vote when we see in this past vote just how much freedom there is on the other side to speak their own individual perspective on this issue.

When we heard the Minister of Education just a couple of weeks ago on air speak about the fact that there have been no complaints about the public education system and the act in relation to the

opting out of children for certain subjects, one really has to wonder why it was necessary to put this into law and to create a context in which teachers now feel the heavy hand of legislation. This from a government that says that they want to minimize laws; they want to enhance individual freedoms: smaller government with fewer laws. This is one more that seems to be contradictory to a philosophy of small government and minimal legislation, especially legislation that's hard to enforce. We've already talked about the vagaries of how we define religion and sexuality here on many occasions this past couple of weeks.

To speak more specifically to this motion for closure, it raises again the questions of just how much this government respects democracy. I for one have experienced a profound loss of democracy in the province. That's why I'm in the Legislature today. Having been fired in 2002, it was very clear to me that this government doesn't respect democracy. They don't like dissent; they like to have it their way. More and more Albertans, professionals and nonprofessionals, are telling me that they fear speaking out in this province because of repercussions, overt and covert repercussions: job promotions, hiring, opportunities lost, family members who lose opportunities because of speaking out in dissent on some of the issues that these members feel is their right because they are a majority and have been a majority for decades.

The question, I think, that these members have to wrestle with is: to what extent are they committed to free and open discussion? How is it reflected in the Legislature? How is it reflected in our electoral system, in our financing of our electoral system and campaigns and openness in campaigns, openness to revealing campaign donations, the connections to party affiliations? All of these are questions about honouring democracy and respecting this institution that we say is going to protect the public interest, going to protect the majority and, at the same time, preserve minority rights, in this case sexual orientation and issues around different sexuality and religion.

I don't want to prolong the debate. I don't think there's any reason to prolong the debate. What I needed to say was that I am profoundly disappointed with Alberta today in terms of its commitment to democracy and with this government in particular and its unwillingness to look at the warts and fix them, to genuinely care about democracy and to raise this in their constituencies, to raise this in their caucus, to change the electoral system, change the way we finance campaigns and report on campaigns, to make it very clear that boards and commissions and agencies will no longer be fed with Tory insiders, that we will make a serious commitment to openness and accountability and a willingness to hear opposite points of view.

In this case a large number of Albertans don't agree with this bill. We've all been hearing from them. Let's respect that and put this bill on ice for six months and let Albertans talk to us. Let Albertans vote. Let's have a referendum, including on section 9 in this bill. Section 9 is the contentious part of this bill. Why not ask Albertans just how many of them would support that? I could live with 51 per cent. I don't think this government could live with 51 per cent. I think the evidence is in. We are making a mockery of our modern-day society in retrenching attitudes and values and discriminating on the basis of particular orientations.

I'll say no more, Mr. Speaker, except to say that it's a profoundly disappointing day for me in Alberta and in this Legislature.

The Deputy Speaker: The hon. Member for Calgary-Varsity on the motion and the bill.

Mr. Chase: Thank you. Given the hour I can't help but think of images such as the dark ages into which we're descending or the notion of the thief in the night. In this case the thief-in-the-night analogy is the idea of someone attempting to steal freedom of

speech, the democratic right of debate, and that's what, unfortunately, Bill 44 is all about. Bill 44 is attempting to stifle discussion in an inclusive, secular public school system. It will stifle it, as I refer to it, by causing the teacher to stop, drop, and roll over because some student or some parent objects to a discussion that is brought up in class.

Now, the hon. minister who represents Culture and Community Spirit has been suggesting through his tinkering amendment that spontaneous discussion would not be limited, and he went on at great length to suggest that six months from now – I think he referred first to the sun shining tomorrow. Yes, it will shine tomorrow, but our Alberta democracy will be a little bit more clouded over as a result of the eventual passing of this bill than it was before we had this discussion.

12:50

Now, this government's idea of consultation – and it's been pointed out by other members, so I won't belabour the point – is looking into a mirror. What this government is seeing is basically 72 faces looking back and saying: "Thumbs up. It's okay. I agree completely with you." That insular attitude is what's wrong with democracy in this province, the idea that one can bring their prejudices with them to the classroom and at least temporarily shut down discussion until the fire bell is pulled on any kind of discussion on universal themes because some person believes that somehow their religious right or their concerns with regard to human sexuality or sexual orientation are somehow being infringed upon.

Well, tonight we're seeing this played out in this House, an attempt to stifle freedom of speech, an attempt to shut down discussion based on individuals' beliefs that they have a superior right to govern. When the hon. Leader of the Opposition put forward the idea of a referendum, the laughs and the giggles from the government group just rose to the ceiling. That should tell Albertans exactly how this government values freedom of speech or the opportunity to have input into decisions.

You take it for granted. You are so caught up with your own self-worth, you're so caught up with the fact that a whole 21 per cent of Albertans have voted for you that you think that gives you the right to ride roughshod over the rest of Albertans.

Now, there has been very little tabling on the part of government members indicating support from their constituents for Bill 44. We've heard of an ongoing electronic poll that suggests that numbers are growing. We will no doubt see in tomorrow's papers and papers that follow up about the number of hits on a particular topic. Those can be easily manipulated. What can't be manipulated is the idea of a plebiscite or a referendum. This government very much needs a checkup because they have taken their right to govern to the point where they have left Albertans out of the process.

This is another night of shame. We've had a series of these nights that have gone on well past midnight, where opposition members have in previous cases not even been allowed the opportunity to put forward amendments. At least we got one amendment on the floor tonight before the suggestion of shutting down further discussions was brought up. This is typical of autocracies, where individuals believe that because at this particular time in history they have a majority, the majority of Albertans still support their views.

The majority of Albertans do not support your views; 79 per cent of Albertans did not vote for this government. You will be lucky in upcoming elections to get the 21 per cent that you got in the last one. History will not be kind to individuals collectively that attempt to ride over democracy and put it under their totalitarian heel.

Mr. Blackett: Point of order.

The Deputy Speaker: It's a point of order. The hon. Minister of Culture and Community Spirit.

Point of Order Parliamentary Language

Mr. Blackett: Unparliamentary language. There's no need to be calling anybody here totalitarian, Mr. Speaker. I'll expect their apology.

The Deputy Speaker: Hon. Member for Calgary-Varsity, it's very early in the morning. Maybe you'll help out and move on.

Mr. Chase: Well, considering that the hon. Minister of Culture and Community Spirit didn't provide a citation, his point of order is as full of air as the discussions that he's brought forward tonight. There wasn't a point of order. There was no citation. If "totalitarian" fits, wear it.

The Deputy Speaker: I would advise us to please watch our parliamentary language. We'll go on now but watch what we say from here on.

Thank you.

Debate Continued

Mr. Renner: Mr. Speaker, I understand that as the mover of this motion I would have an opportunity to close debate. No? I'll call the question, then.

[The voice vote indicated that the motion on the previous question carried]

[Several members rose calling for a division. The division bell was rung at 12:56 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Ady	Drysdale	McQueen
Anderson	Elniski	Morton
Benito	Fritz	Oberle
Berger	Griffiths	Olson
Bhardwaj	Groeneveld	Prins
Blackett	Horne	Quest
Boutilier	Johnson	Renner
Campbell	Johnston	Rodney
Dallas	Knight	Sarich
Danyluk	Liepert	Stelmach
Denis	Lukaszuk	Webber
Doerksen	Marz	

Against the motion:

Blakeman	Mason	Swann
Chase	Notley	Taylor
Hehr		

Totals: For – 35 Against – 7

[Motion on previous question on Bill 44 carried]

The Deputy Speaker: Pursuant to Standing Order 49(3) and *Beauchesne* 521(2) I must now call the vote on the original question.

[The voice vote indicated that the motion for third reading carried]

[Several members rose calling for a division. The division bell was rung at 1:09 a.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Ady	Drysdale	McQueen
Anderson	Elniski	Morton
Benito	Fritz	Oberle
Berger	Griffiths	Olson
Bhardwaj	Groeneveld	Prins
Blackett	Horne	Quest
Boutilier	Johnson	Renner
Campbell	Johnston	Rodney
Dallas	Knight	Sarich
Danyluk	Liepert	Stelmach
Denis	Lukaszuk	Webber
Doerksen	Marz	

1:20

Against the motion:

Blakeman	Mason	Swann
Chase	Notley	Taylor
Hehr		

Totals:	For – 35	Against – 7
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[Motion carried; Bill 44 read a third time]

Private Bills Second Reading

Bill Pr. 1

Beverly Anne Cormier Adoption Termination Act

The Deputy Speaker: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Speaker. I would ask the hon. members to get comfortable in their seats; this is long speech. I move second reading of Bill Pr. 1, Beverly Anne Cormier Adoption Termination Act.

[Motion carried; Bill Pr. 1 read a second time]

Bill Pr. 2

Caritas Health Group Statutes Amendment Act, 2009

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

Mr. Elniski: Thank you, Mr. Speaker. My speech will also be lengthy, and I will have some further comments on this tomorrow. However, at the moment I would move second reading of Bill Pr. 2, the Caritas Health Group Statutes Amendment Act, 2009.

[Motion carried; Bill Pr. 2 read a second time]

Bill Pr. 3

Les Filles de la Sagesse Act Repeal Act

The Deputy Speaker: The hon. Member for Red Deer-South.

Mr. Dallas: Thank you, Mr. Speaker. I am pleased to move second reading of Bill Pr. 3, Les Filles de la Sagesse Act Repeal Act.

[Motion carried; Bill Pr. 3 read a second time]

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

Mr. Renner: Thank you, Mr. Speaker. I would now like to move that the House stand adjourned until 1:30 p.m. later on today.

[Motion carried; the Assembly adjourned at 1:25 a.m. on Tuesday to 1:30 p.m.]

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Select Special Chief Electoral Officer Search Committee

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 Deputy Chair: Mr. Lund
 Bhullar
 Blakeman
 Campbell
 Horne
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Standing Committee on the Alberta Heritage Savings Trust Fund

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Standing Committee on Community Services

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