



Province of Alberta

The 27th Legislature
Fifth Session

Alberta Hansard

Tuesday evening, March 13, 2012

Issue 17e

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta The 27th Legislature

Fifth Session

Kowalski, Hon. Ken, Barrhead-Morinville-Westlock, Speaker
Cao, Wayne C.N., Calgary-Fort, Deputy Speaker and Chair of Committees
Zwozdesky, Gene, Edmonton-Mill Creek, Deputy Chair of Committees

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Allred, Ken, St. Albert (PC)
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Wildrose Opposition House Leader
Benito, Carl, Edmonton-Mill Woods (PC)
Berger, Hon. Evan, Livingstone-Macleod (PC)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Bhullar, Hon. Manmeet Singh, Calgary-Montrose (PC)
Blackett, Lindsay, Calgary-North West (PC)
Blakeman, Laurie, Edmonton-Centre (AL),
Official Opposition Deputy Leader,
Official Opposition House Leader
Boutilier, Guy C., Fort McMurray-Wood Buffalo (W)
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Calahasen, Pearl, Lesser Slave Lake (PC)
Campbell, Robin, West Yellowhead (PC),
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Chase, Harry B., Calgary-Varsity (AL)
Dallas, Hon. Cal, Red Deer-South (PC)
Danyluk, Hon. Ray, Lac La Biche-St. Paul (PC)
DeLong, Alana, Calgary-Bow (PC)
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Doerksen, Arno, Strathmore-Brooks (PC)
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Deputy Government Whip
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Evans, Iris, Sherwood Park (PC)
Fawcett, Kyle, Calgary-North Hill (PC)
Forsyth, Heather, Calgary-Fish Creek (W),
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Goudreau, Hector G., Dunvegan-Central Peace (PC)
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Groeneveld, George, Highwood (PC)
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Government House Leader
Hayden, Hon. Jack, Drumheller-Stettler (PC)
Hehr, Kent, Calgary-Buffalo (AL)
Hinman, Paul, Calgary-Glenmore (W),
Wildrose Opposition Deputy Leader
Horne, Hon. Fred, Edmonton-Rutherford (PC),
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Horner, Hon. Doug, Spruce Grove-Sturgeon-St. Albert (PC)
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Lund, Ty, Rocky Mountain House (PC)
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Leader of the ND Opposition
McFarland, Barry, Little Bow (PC)
McQueen, Hon. Diana, Drayton Valley-Calmar (PC)
Mitzel, Len, Cypress-Medicine Hat (PC)
Morton, Hon. F.L., Foothills-Rocky View (PC)
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Pastoor, Bridget Brennan, Lethbridge-East (PC)
Prins, Ray, Lacombe-Ponoka (PC)
Quest, Dave, Strathcona (PC)
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),
Premier
Renner, Rob, Medicine Hat (PC)
Rodney, Dave, Calgary-Lougheed (PC)
Rogers, George, Leduc-Beaumont-Devon (PC)
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Sarich, Janice, Edmonton-Decore (PC)
Sherman, Dr. Raj, Edmonton-Meadowlark (AL),
Leader of the Official Opposition
Snelgrove, Lloyd, Vermilion-Lloydminster (Ind)
Stelmach, Ed, Fort Saskatchewan-Vegreville (PC)
Swann, Dr. David, Calgary-Mountain View (AL)
Taft, Dr. Kevin, Edmonton-Riverview (AL),
Official Opposition Deputy Whip
Tarchuk, Janis, Banff-Cochrane (PC)
Taylor, Dave, Calgary-Currie (AB)
VanderBurg, Hon. George, Whitecourt-Ste. Anne (PC)
Vandermeer, Tony, Edmonton-Beverly-Clareview (PC)
Weadick, Hon. Greg, Lethbridge-West (PC),
Deputy Government House Leader
Webber, Len, Calgary-Foothills (PC)
Woo-Paw, Teresa, Calgary-Mackay (PC)
Xiao, David H., Edmonton-McClung (PC)

Party standings:

Progressive Conservative: 67 Alberta Liberal: 8 Wildrose: 4 New Democrat: 2 Alberta: 1 Independent: 1

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Ted Morton	Minister of Energy
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Fred Horne	Minister of Health and Wellness
Ron Liepert	Minister of Finance
Thomas Lukaszuk	Minister of Education, Political Minister for Edmonton
Diana McQueen	Minister of Environment and Water
Jonathan Denis	Solicitor General and Minister of Public Security
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Frank Oberle	Minister of Sustainable Resource Development
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Len Mitzel	Transportation
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STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

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Deputy Chair: Mr. Elniski

Anderson
DeLong
Groeneveld
Johnston
MacDonald
Quest
Taft

Standing Committee on Community Development

Chair: Mrs. Jablonski
Deputy Chair: Mr. Chase

Amery
Blakeman
Boutilier
Calahasen
Goudreau
Groeneveld
Lindsay
Snelgrove
Taylor
Vandermeer

Standing Committee on Education

Chair: Ms Pastoor
Deputy Chair: Mr. Hehr

Anderson
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Brown
Cao
Chase
Leskiw
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Notley
Sarich
Tarchuk

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Standing Committee on Finance

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Drysdale
Fawcett
Knight
Mitzel
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Sandhu
Taft
Taylor

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Blakeman
Brown
Evans
Hinman
Lindsay
MacDonald
Marz
Notley
Ouellette
Quest

Special Standing Committee on Members' Services

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Deputy Chair: Mr. Campbell

Amery
Anderson
Elniski
Evans
Hehr
Knight
Leskiw
MacDonald
Mason
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Chair: Mrs. Fritz
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Bhardwaj
Blakett
DeLong
Doerksen
Forsyth
Notley
Rodney
Rogers
Swann
Woo-Paw

Legislative Assembly of Alberta

7:32 p.m.

Tuesday, March 13, 2012

Committee of Supply

[Mr. Cao in the chair]

The Chair: Hon. members, please get to your seats. The chair would like to call the Committee of Supply to order. Prior to beginning, the chair will outline the process for this evening. The Committee of Supply will call on the chairs of the policy field committees to report on their meetings with the various departments under their mandate. No vote is required when these reports are presented according to Standing Order 59.01(7). Members are reminded that no amendments were introduced during the policy field committee meetings, so the committee will then proceed to the vote on the estimates of the Legislative Assembly as approved by the Special Standing Committee on Members' Services and the estimates of the officers of the Legislature.

Finally, the chair would like to remind all hon. members of Standing Order 32(3.1), which provides that after the first division is called in Committee of Supply during the vote on the main estimates, the interval between division bells shall be reduced to one minute for any subsequent division.

Committee Reports

The Chair: The chair will now call on the chair of the Standing Committee on Education, the hon. Member for Lethbridge-East, to present her committee's report.

Ms Pastoor: Thank you, Mr. Chair. As chair of the Standing Committee on Education pursuant to Standing Order 59.01(7) and Government Motion 6 I am pleased to report that the committee has reviewed the 2012-13 proposed estimates and business plan for the Department of Advanced Education and Technology.

No amendments to the estimates were introduced during our meeting for the committee's consideration.

The Chair: The chair shall now recognize the hon. deputy chair of the Standing Committee on Energy, the hon. Member for Edmonton-Centre.

Ms Blakeman: This is just a very sweet moment for me, Mr. Chair. However, in my role as deputy chair of the Standing Committee on Energy and on behalf of the Member for Calgary-Shaw pursuant to Standing Order 59.01(7) and Government Motion 6 I am pleased to report that the committee has reviewed the 2012-2013 proposed estimates and business plans for the following departments – drum roll, please – Agriculture and Rural Development; Energy; Environment and Water; Intergovernmental, International and Aboriginal Relations; and Sustainable Resource Development.

No amendments to the estimates were introduced during our meetings for the committee's consideration. I'm so sorry about that.

Thank you very much, Mr. Chair.

The Chair: Thank you.

I would now call on the chair of the Standing Committee on Finance, the hon. Member for Medicine Hat.

Mr. Renner: Thank you, Mr. Chairman. As chair of the Standing Committee on Finance pursuant to Standing Order 59.01(7) and Government Motion 6 I am pleased to report that the committee

has reviewed the 2012-2013 proposed estimates and business plans for the following departments: Infrastructure, Service Alberta, Transportation, and Treasury Board and Enterprise.

No amendments to the estimates were introduced during our meetings for the committee's consideration.

The Chair: Thank you.

I shall now call on the deputy chair of the Standing Committee on Public Health and Safety, the hon. Member for Edmonton-Riverview, on behalf of the chair.

Dr. Taft: Thank you, Mr. Chairman. It has taken 12 years for me to get an opportunity like this, so this is a thrill – a thrill – to actually read a report. As deputy chair of the Standing Committee on Public Health and Safety pursuant to Standing Order 59.01(7) and Government Motion 6 I am pleased to report, although with slightly mixed feelings, that the committee has reviewed the 2012-2013 proposed estimates and business plans for the following departments: Justice and Attorney General, Seniors, and Solicitor General and Public Security.

No amendments to the estimates were introduced during our meetings for the committee's consideration.

Thank you.

The Chair: Thank you.

I shall now recognize the hon. Member for Calgary-Varsity, the deputy chair of the Standing Committee on Community Development, on behalf of the chair.

Mr. Chase: Thank you very much, Mr. Chair. As the highly acclaimed and hard-working vice-chair and on behalf of the Member for Red Deer-North, the chair of the Standing Committee on Community Development, pursuant to Standing Order 59.01(7) and Government Motion 6 I am less than pleased to report that the committee has reviewed the 2012-2013 proposed estimates and business plans for the following departments: Culture and Community Services; Municipal Affairs; and Tourism, Parks and Recreation.

No amendments to the estimates were introduced during our rushed meetings for the committee's consideration.

Thank you.

The Chair: Thank you, hon. members.

7:40 Vote on Main Estimates 2012-13

The Chair: We shall now proceed to the vote on the estimates of the Legislative Assembly as approved by the Special Standing Committee on Members' Services. Hon. members, pursuant to Standing Order 59.03(5), which requires that the estimates of the offices of Legislative Assembly be decided without debate or amendment prior to the vote on the main estimates, I must now put the question on all matters relating to the 2012-13 offices of the Legislative Assembly estimates for the fiscal year ending March 31, 2013.

Agreed to:

Offices of the Legislative Assembly

Expense and Capital Investment

\$135,541,000

The Chair: Shall the vote be reported?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The chair shall now proceed to the vote on the main estimates. Those members in favour of each of the resolutions for the 2012-

13 government estimates for the general revenue fund and lottery fund for the fiscal year ending March 31, 2013, please say aye.

Hon. Members: Aye.

The Chair: Opposed? Carried.
Shall the vote be reported?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

I would now invite the hon. Government House Leader to move that the committee rise and report the 2012-13 offices of the Legislative Assembly estimates and the 2012-13 government estimates for the general revenue fund and lottery fund.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the Committee of Supply now rise and report the estimates of the Legislative Assembly offices and the government estimates 2012-13.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: Hon. members, I shall now recognize the hon. Member for Medicine Hat to do the report.

Mr. Renner: Thank you, Mr. Speaker. The Committee of Supply has had under consideration certain resolutions relating to the 2012-13 offices of the Legislative Assembly estimates and the 2012-13 government estimates for general revenue fund and lottery fund, reports as follows, and requests leave to sit again.

The following resolutions for the fiscal year ending March 31, 2013, have been approved.

Offices of the Legislative Assembly estimates for the fiscal year ending March 31, 2013: support to the Legislative Assembly, expense and capital investment, \$65,414,000; office of the Auditor General, expense and capital investment, \$25,650,000; office of the Ombudsman, expense and capital investment, \$3,011,000; office of the Chief Electoral Officer, expense and capital investment, \$23,200,000; office of the Ethics Commissioner, expense and capital investment, \$940,000; office of the Information and Privacy Commissioner, expense and capital investment, \$6,288,000; office of the Child and Youth Advocate, expense and capital investment, \$11,038,000.

Government main estimates for the fiscal year ending March 31, 2013.

Advanced Education and Technology: expense, \$2,785,851,000; capital investment, \$4,647,000; nonbudgetary disbursements, \$274,000,000.

Agriculture and Rural Development: expense, \$626,384,000; capital investment, \$2,196,000.

Culture and Community Services: expense, \$210,492,000; capital investment, \$2,500,000; nonbudgetary disbursements, \$2,820,000.

Education: expense, \$4,429,269,000; capital investment, \$4,395,000; nonbudgetary disbursements, \$9,834,000.

Energy: expense, \$214,104,000; capital investment, \$6,315,000.

Environment and Water: expense, \$222,187,000; capital investment, \$9,375,000; nonbudgetary disbursements, \$100,000.

Executive Council: expense, \$31,461,000.

Finance: expense, \$119,468,000; capital investment, \$2,512,000; nonbudgetary disbursements, \$25,698,000; lottery fund transfer, \$1,338,405,000.

Health and Wellness: expense, \$15,894,912,000; capital investment, \$77,226,000.

Human Services: expense, \$2,542,180,000; capital investment, \$5,698,000.

Infrastructure: expense, \$1,230,571,000; capital investment, \$388,867,000; nonbudgetary disbursements, \$193,000.

Intergovernmental, International and Aboriginal Relations: expense, \$190,554,000; capital investment, \$50,000.

Justice: expense, \$498,252,000; capital investment, \$6,835,000.

Municipal Affairs: expense, \$1,265,067,000; capital investment, \$5,190,000.

Seniors: expense, \$2,457,348,000; capital investment, \$160,000.

Service Alberta: expense, \$314,573,000; capital investment, \$53,073,000.

Solicitor General and Public Security: expense, \$725,882,000; capital investment, \$106,612,000.

Sustainable Resource Development: expense, \$261,428,000; capital investment, \$22,747,000.

Tourism, Parks and Recreation: expense, \$158,214,000; capital investment, \$13,582,000; nonbudgetary disbursements, \$400,000.

Transportation: expense, \$1,495,560,000; capital investment, \$1,246,818,000; nonbudgetary disbursements, \$20,976,000.

Treasury Board and Enterprise: expense, \$164,371,000; capital investment, \$491,000.

[The voice vote indicated that the committee report was concurred in]

[Several members rose calling for a division. The division bell was rung at 7:48 p.m.]

[Ten minutes having elapsed, the committee divided]

[The Deputy Speaker in the chair]

For:

Ady	Elniski	Morton
Allred	Hancock	Oberle
Benito	Jablonski	Ouellette
Berger	Jacobs	Pastoor
Brown	Johnston	Renner
Campbell	Leskiw	Sarich
Dallas	Lukaszuk	Tarchuk
Danyluk	Lund	Weadick
Denis	Marz	Webber
Drysdale	McQueen	Xiao

8:00

Against:

Blakeman	Hinman	Sherman
Chase	Kang	Swann
Forsyth	MacDonald	Taft
Hehr	Mason	Taylor
Totals:	For – 30	Against – 12

[The committee report was concurred in]

Government Bills and Orders Second Reading

Bill 4

St. Albert and Sturgeon Valley School Districts Establishment Act

[Adjourned debate March 8: Mr. Lukaszuk]

The Deputy Speaker: Hon. minister, you still have 12 minutes.

Mr. Lukaszuk: Thank you, Mr. Speaker. It is a pleasure to be able to rise again and speak to Bill 4. It is well known that as population was settling into our fine province, school boards and school districts were established. The settlement pattern was pretty well much the same throughout the entire province, with the exception of one very special area. That would be the area surrounding the city of St. Albert, including the town of Morinville, where the Catholic population, because of some great active work of Catholic priests, who were pioneers in that part of the province, had become the majority of that particular area. Being so, they have established a school board that was reflective of the majority. As a result of it, it became the public school board. Hence the non-Catholics, the Protestant community, was the minority numerically speaking, and they became the separate district. None of that was replicated anywhere else in the province as the opposite was actually true in the rest of the province.

This system has functioned quite well. However, Mr. Speaker, as you know, the demographics of the province have shifted significantly. When we look at statistical data from the last census from Statistics Canada and some preliminary numbers from the most recent one, we find, actually, that Catholic communities are in most parts of the province a minority. Even where they are a majority, on a school-board-wide basis they do not constitute a majority anyhow. So the anomaly of having a Catholic board being a public board and a Protestant board being a separate board simply could no longer be supported.

This government, as you know, Mr. Speaker, is a strong advocate of making sure that parents have not only the choice of being able to send their children to a variety of schools that includes the choice between separate or public school boards but also have the voice that they should be able to elect trustees that will represent their views on school boards to which they choose to send their children.

Unfortunately, again for historical reasons, in the town of Morinville the public school board was a Catholic school board, and public education that was nondenominational, that was secular, was not made available. So parents who chose to send their children to a public school had to de facto send their children to a Catholic school. If they were not Catholic, they could not run and/or vote for trustees for the school board to which they were sending their children, so definitely a limited choice and definitely no voice. This matter, as you know, Mr. Speaker, has been a point of contention in the community for a while.

Some choose to look at this in respect to numbers. How many people were inconvenienced by this fact? Well, frankly, Mr. Speaker, numbers really don't matter. Canadians have constitutional rights, particularly rights relevant to suffrage, and whether it's one person that's denied suffrage or a thousand people that are denied suffrage is irrelevant. The fact is that if there is such an anomaly, it has to be corrected. Bill 4 will resolve this issue once and for all.

What needs to be highlighted is the sacrifice that all school boards have participated in, to some degree voluntarily and to some degree perhaps not, in resolving this very important issue. Every single one of the three school boards – the St. Albert Catholic, St. Albert Protestant, and Sturgeon Valley public – have all given in something. They have all sacrificed something to make the system work. Now the system will be, with the passage of Bill 4, in line with the rest of the province.

Mr. Speaker, I'm hoping that members of this Legislature will vote in favour of this bill. It will give parents in Morinville not only choice but voice, and it will correct the historical anomaly. The school boards in the region, including St. Albert, will be reflective of the rest of the province, and children will continue

receiving the excellent education that they have been receiving in their region except under a more standardized administration that is reflective of the rest of the province.

At this point I'm looking forward to arguments from other members of this Assembly.

The Deputy Speaker: Thank you, Minister of Education.

The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. It is, as always, a privilege to rise and speak to anything in this House, and this bill is no different. I appreciate the minister going through what was a fairly accurate description of the situation that has existed in Morinville for quite some time now. What established Morinville, which is north of Edmonton, was largely a francophone community and Catholic-based community. The Catholic majority created a situation where the Catholic board became the public school board.

For parents the only alternative to Catholic schools was the separate school board, which was Protestant. Parents wanting to send their children to a secular education in Morinville until recently had no ability to do so. They had to send their children to one of the four Catholic schools or move out of town or find some other accommodations. These parents really didn't have an opportunity to have the ability to have their political voice in the school system and also could not run for trustee. Under the Charter of Rights and Freedoms, as the minister indicated, students are guaranteed access to public and secular education, which is the hallmark of any egalitarian society, the public education system.

I commend the decision of the minister. I believe it was probably the best decision that could be made in these circumstances. It aligns this school board district with what is happening throughout the province, having our Catholic and public systems available to our students. Having the ability of parents to run as trustees is also a step forward, providing that political discourse and that ability to take part in the democratic process that is very important.

If there is one concern that I'd just like to highlight, it's that this situation seemingly took a rather long period of time for what appears to be a rather simple decision. I understand that local politics are often messy and can be challenging. Nevertheless, we always have to look at these with the best interests of the students and what the people's fundamental rights are. I think the best interests of these students and their parents was to have the ability to go to a public school in Morinville.

This did not occur for some period of time, and in fact I will say that the government dragged their heels on this for a number of years, causing a lot of concern, a lot of angst, a lot of rancor, and the denial of parents' ability to send their children to a secular-school option, an option that is unfettered with religious teaching. That was unfortunate. In my view the government of the day should have moved much quicker on this. In fact, to have arrived at a decision so simple and that arrives at essentially making this school district in line with what all other school districts are in Alberta was essentially a no-brainer that should have been done quite some time ago.

8:10

Again, I will be supporting this bill, and I believe it's the right direction for the area of Morinville. I hope that the minister follows through with some commitments to getting an educational learning facility that reflects something in the character and kind that the community expects, a place where their children can go to

school, hopefully with four walls, a working heater, a gymnasium, and the like, to take part and to learn to the best of their abilities to be able to participate as full citizens in Alberta going forward.

Thank you very much, Mr. Speaker. I thank you for allowing me to speak on this bill.

The Deputy Speaker: Thank you, hon. member.
The hon. Member for St. Albert.

Mr. Allred: Thank you very much, Mr. Speaker. I feel compelled to rise today to speak on Bill 4, the St. Albert and Sturgeon Valley School Districts Establishment Act. I intend to address this issue under three heads. Firstly, the issue of fairness; secondly, I will speak to some of the legal issues as I see them; and lastly, I want to talk about the bigger picture of religious and secular education.

Mr. Speaker, as the MLA for St. Albert I represent three school boards: the Greater St. Albert Catholic school regional division No. 29, which includes all of St. Albert and extends north to include Morinville and Legal and lies within four different constituencies; the Greater North Central Francophone education region No. 2, which has two schools in St. Albert; and the St. Albert Protestant separate school district No. 6.

In my capacity of representing the St. Albert Protestant separate school district No. 6, I feel compelled to rise today to speak on Bill 4, the St. Albert and Sturgeon Valley School Districts Establishment Act, and express some of their concerns even though those concerns may be contrary to the interests of another board in my constituency. But, Mr. Speaker, there is a wrong here, and it is my duty to address it.

Mr. Speaker, this bill is put forward with one purpose and one purpose only, and that is to resolve a problem in Morinville, where the public school board in that community has denied the legitimate constitutional rights of several families to receive a secular education for their children. Yet the fact is that the Greater St. Albert Catholic regional division is a public school jurisdiction, as the previous Minister of Education noted, with the same rights and obligations as every other public school jurisdiction in Alberta. The crux of this issue is that the Greater St. Albert Catholic school board has insisted that it will continue to only offer a religious education and has denied the parents the right to have their children opt out of religious education and classes since religious education permeates virtually every subject taught.

Instead, Mr. Speaker, in an effort to resolve the problem for the affected parents, a neighbouring school jurisdiction, the Sturgeon school division, has offered to provide a secular education for those parents that wish it and has arranged for temporary classrooms within Morinville to provide that education. Unfortunately, this is not an ideal solution for three reasons.

The Sturgeon school board does not have jurisdiction within Morinville, and hence the parents have no right to vote for trustees or otherwise be officially represented on that school board. Secondly, at the present time Sturgeon school division does not have adequate facilities within the town of Morinville to provide the kind of education that Albertans consider standard, and there is no rush to provide those adequate facilities. Thirdly, since Sturgeon school division is in Morinville by sufferance, there is no assurance that they will have adequate facilities in the future. I feel confident that the secular enrolment will grow in Morinville. On the other hand, the enrolment in this new separate jurisdiction may decline, and they may have excess space in the future.

The solution to this dilemma, as proposed by the hon. Minister of Education, is to involve another school board, the St. Albert Protestant separate school district No. 6, that has no involvement

in the current dispute whatsoever, a board which in good faith came to the table to help resolve the dilemma. The St. Albert Protestant district, which has special rights under the Alberta Act as a duly constituted separate school board in Alberta, was prepared to have its designation changed from a separate school district to a public school district subject to the express caveat that it retain its duly acquired constitutional rights.

The solution proposed by Bill 4, however, takes away those duly acquired constitutional rights as a separate school district over the objections of that school board. Basically, Mr. Speaker, the government is saying in Bill 4: we can take away the constitutional rights that you've enjoyed for more than 50 years, but we won't provide a comparable guarantee.

Mr. Speaker, here we have a case where one school board, the public Greater St. Albert Catholic regional division, is denying the constitutional rights of its citizens. To solve the problem, Bill 4 proposes to take away the constitutional rights of the St. Albert Protestant separate school board, which is not even involved in the dispute in question. I ask you: is that fair and just? St. Albert Protestant is being punished, and Greater St. Albert Catholic is being rewarded.

Mr. Speaker, this has been labelled as a consensus agreement between the three school boards. Unfortunately, as I said, that is not the case. St. Albert Protestant came to the table at the request of the minister, but their agreement to any changes was always conditional on being able to retain their rights as a separate school district as guaranteed by the Alberta Act.

As the chair of the St. Albert Protestant school board of trustees clearly stated in her letter, which I tabled earlier in this session:

We want it to be clear that we did not agree to the compromise proposed. We believe that the rights afforded to our district when it was established could be protected and that continues to be our position. Although we are pleased that Bill 4 recognizes that our district's boundaries will remain co-terminus with the City of St. Albert, we are disappointed that no assurances regarding regionalization in the future have been made. This concern was our main focus in the caveat that has not been fully addressed.

Mr. Speaker, let me offer a suggestion. In 1990 this government adopted the Constitution of Alberta Amendment Act, assuring a land base for the Métis people of the province. This act provided that there could not be any subsequent amendment to the legislation unless the Métis Settlements General Council approved.

I suggest that we amend this legislation to specify four things about the new St. Albert public school district: one, St. Albert will never be amalgamated with another school jurisdiction without a positive plebiscite result among the people of St. Albert; two, St. Albert public has the right to elect trustees; three, St. Albert public has the right to levy property taxes locally, subject to the same conditions as applied to every separate school jurisdiction in Alberta; and four, the preceding terms will not be amended by the Legislature of Alberta unless the amendment is approved by the board of trustees of the new St. Albert public school district.

Mr. Speaker, our own government provides the precedent right down to the name of the legislation, the Constitution of Alberta Amendment Act. We can give rights even as we take former rights away.

This amendment, Mr. Speaker, would resolve the Morinville situation and would also satisfy the conditions that St. Albert Protestant brought to the table. In fact, this is the solution that St. Albert Protestant thought they were going to get during the deliberations.

Mr. Speaker, Bill 4 as proposed is a clear breach of trust. The St. Albert Protestant board entered into these discussions in good

faith and were prepared to change their designation subject to one crucial caveat: that they would retain the rights duly conferred on them when they were established. This legislation is a clear violation of duly acquired constitutional rights. For this legislation to be asking to take away these rights by what appears to be an innocuous piece of legislation without due process is wrong, wrong, wrong.

Now let me turn to some of the legalities. This legislation is arguably a violation of section 17 of the Alberta Act of 1905, which states in 17(1):

Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North-west Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in said ordinances.

Further, Mr. Speaker, the establishment of separate school districts is clearly set out in sections 212 to 220 of the present School Act. The establishment process clearly speaks of minority faith electors having the right to petition for a separate school designation. The process is quite specific and requires a petition, a public meeting, an accurate census, and a vote of electors, all of which must be carried out in accordance with the School Act. This is the process St. Albert Protestant went through some 50-plus years ago.

8:20

Similarly, there are very specific and detailed provisions for the dissolution of separate school districts which require, again, a plebiscite and a vote of the electors. There are, however, no provisions for the minister to arbitrarily either establish or dissolve a separate school district. For the hon. Minister of Education to come in and arbitrarily propose a new process for the establishment and dissolution of a school district without a public consultation process is without precedent and very heavy handed, to say the least.

The minister has clearly stated that you can't give minority rights to a majority. Mr. Speaker, minority rights were not given to a majority in the case of St. Albert Protestant. They were a minority when they acquired those rights through due process, and there is nothing – absolutely nothing – in the legislation that says they lose those rights if they become a majority.

According to the Alberta School Act separate school districts can only be established when the minority faith is either Catholic or Protestant. How, then, has it been established that the Greater St. Albert Catholic regional division represents a minority of electors in the Catholic faith as compared to the Protestants within their boundaries, which include St. Albert, Morinville, and Legal? Based on the 2001 census it is clear that electors of the Catholic faith are still in the majority within that region. The most recent census shows that Catholics outnumber Protestants by 615 persons in the three municipalities that make up the Greater St. Albert Catholic regional division. Since they are not a minority faith, they cannot – let me repeat that; they cannot – become a separate school district.

Our own government made a commitment last fall to conduct a complete census in the affected area, and we have renege on that commitment. The census was to have been completed in December, and, as I understand it, it was put on hold. As the minister has stated, you can't give minority rights to a majority. How, then, can the minister give minority rights to Greater St. Albert Catholic regional district? How can he take away the rights of one district based on that philosophy but give them to another

district based on the same philosophy? What's good for the goose is good for the gander.

The fundamental issue that brought this dilemma to the public's attention last year in Morinville is, however, really the crux of the discussion that we should be having here today. This brings up a further legal issue with regard to the current situation, which needs to be the focus of the discussion. That question is the basic right to teach religion during the school day in the first place, and it goes back to the constitutional roots of this province. The Greater St. Albert Catholic school division has adamantly stated that they have the right to teach religion throughout the school day, and religion permeates virtually every subject taught in that school division. This practice is presumably being allowed to continue under the proposed Bill 4.

As I said, this is a basic issue that brought this dilemma before the Department of Education a little over a year ago. That is with regard to the authority to teach religious education in schools in Alberta. Sections 137 and 138 of chapter 29 of the 1901 ordinance respecting schools states:

No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one half hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.

Subsection (2) goes on to say:

It shall however be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer.

Section 138 says:

Any child shall have the privilege of leaving the school room at [any] time at which religious instruction is commenced as provided for in the next . . . section or on remaining without taking part in any religious instruction that may be given if the parents or guardians do desire.

Section 45 of the same school ordinance refers to the formation of separate school education in Alberta and says this.

After the establishment of a separate school district under the provisions of this Ordinance such separate school district and the board thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

There is nothing in the ordinance and nothing in the Alberta Act that permits what is often called permeation, and I am not aware of any court decision in Alberta that upholds permeation. As I understand the situation, Mr. Speaker, the 1901 ordinance is still in effect in Alberta, and therefore I would suggest that compliance with this section would resolve the problem in its entirety without the need for Bill 4 or any further action.

Mr. Speaker, I also want to speak about the broader picture with regard to religious and secular education in Alberta. I'm concerned that Bill 4 only presents a Band-Aid solution to the problem of secular education in Alberta. It only addresses one localized problem.

We're becoming an ever more cosmopolitan society in Alberta and, in fact, all of Canada. We need to rethink our centuries-old laws and traditions and determine if they are still applicable in this day and age. We live in a multicultural society, and there's no justification for extending special privileges to one religious minority that we do not extend to all.

The Deputy Speaker: Hon. members, Standing Order 29(2)(a) allows for five minutes of comments or questions. The leader of the NDP.

Mr. Mason: That will do fine, Mr. Speaker. Thank you very much. I listened carefully to the hon. member's speech. I find most interesting both its content and the fact that he is speaking so strongly against a government bill. I wanted to clarify, though, the status of the constitutional protection afforded to the Protestant school board of St. Albert. You mentioned this was in the Alberta Act, and I wonder if you will explain to me how the Alberta Act might be amended and whether or not this bill is amending the Alberta Act in some sort of legal way.

Mr. Allred: Thank you for that question. As I understand it, the Alberta Act and the 1901 ordinances are part of the constitution of Alberta, and therefore a statute of this Legislature cannot amend those constitutional acts.

I'd just like to go on, Mr. Speaker, and continue. I believe that we are obliged to obey the law and the Constitution as they are written, but neither the law nor the Constitution is perfect or written in stone. Even as we obey their current form, we have the right to talk about changing them. We have the right to change them when there is a public consensus that the time has come for change.

The Constitution once denied women the right to vote. At one time you had to be wealthy and own property to be a Senator. At one time Alberta did not have ownership of the mineral wealth beneath our soil.

Mr. Speaker, I challenge all of us to rethink the concept of mixing religion with education. Religious institutions do a good job of teaching their beliefs to people who wish to partake in their activities outside of the educational institutions. Why should we push religious education on those who are either nonbelievers or simply want to separate religion from the education system, as clearly is being demonstrated in Morinville today?

This is a serious issue that requires extensive debate in the public arena. Let us not continue to hang our hats on outdated constitutional decrees that apply to 19th century Canada. Let us debate the issues based on 21st century realities.

Just in conclusion, Mr. Speaker, I urge the Minister of Education to review and rethink this legislation in view of the fact that it takes away the constitutional rights of one responsible school board in an attempt to remedy an injustice against the constitutional rights of the citizens of Morinville, rights that have been denied by the public board of Greater St. Albert Catholic regional division.

There are also several other issues that need to be resolved with regard to whether this proposed legislation is or is not ultra vires the current School Act. It is my understanding that neither the minister nor this Legislature has the authority to override existing legislation without specifically amending or addressing that legislation by virtue of a notwithstanding clause.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Airdrie-Chestermere. 8:30

Mr. Anderson: Thank you, Mr. Speaker. I'd like to thank the previous speaker for speaking so eloquently to his points. I disagree with most of what he said, but I do like the fact that there is some democracy happening here. It's amazing. Unfortunately, this good member has said that he's retiring soon from this House after his four years of good service in here. It's too bad that that can't happen just as a normal course of business because if he, unfortunately, was a member of the government, there would probably be consequences attached to his speech. [interjection] Oh, I think that's pretty much without doubt.

I would like to say unequivocally, though, that I do support Bill 4. I think that it's a good solution to a very complicated and uncomfortable problem. The Wildrose caucus, of course, believes very strongly in school choice and parental choice in education. We're very supportive of our public school system, of our Catholic separate school system, of independent schools, charter schools, private schools, both nonprofit private schools as well as the for-profit private schools although those are very much in the minority, and, of course, of the home-schoolers. We support all school choice. We think that it is actually not just a . . .

The Deputy Speaker: The five minutes for 29(2)(a) are completed.

Hon. Member for Calgary-Varsity, do you want to go on on the bill?

Mr. Chase: Yes, I would like to, but I don't mind if the hon. Member for Airdrie-Chestermere would like to continue in his train of thought or possibly catch up to his train of thought.

Mr. Anderson: I was next on the list as well.

The Deputy Speaker: Hon. member, do you want to continue on the bill, not under 29(2)(a)?

Mr. Anderson: Sure. I'd love to. On the bill.

The Deputy Speaker: Okay. Then go ahead.

Mr. Anderson: I would like to say that we support this bill because we support parental choice in education. Our understanding is that this bill will allow for students to finally have their own permanent secular school in the town of Morinville. It will allow parents that opportunity. Arrangements are apparently being worked on to ensure that a permanent school site will be up and running in September of 2012. Ownership of this school site in Morinville, as far as we understand, will be reassigned to the Sturgeon school division.

This bill indicates it will see the Sturgeon school division expand its borders and become the public system in Morinville and Legal. The Greater St. Albert Catholic regional division will lose its public status and, instead, become a separate school district.

We feel that this is a very good solution to this problem and a good resolution. There is nothing more frustrating for a parent than feeling that they don't have any option with regard to educating their children that is appropriate to them. It would be just as frustrating on the other side if there were folks in there who wanted to home-school their children, send them to a nonprofit, independent faith-based school or to a charter school, for example, and who didn't have that option except perhaps having to move in order to obtain it. It's very good to see that there's been choice in this regard because there are some parents that wanted to send their child to a full secular public school. I think that that's a very appropriate thing to want, I think it's a perfectly good thing to want, and therefore we support that.

I do want to note, though – and I would disagree with the Member for St. Albert on this – that we actually feel that school choice is a fundamental human right. In the UN declaration of human rights it says specifically that parents have the right to decide what education is appropriate for their children. That's in the UN declaration of human rights. [interjection] Yeah, it is. Absolutely. It's in there. I tabled it once. I'll table it again at another time. It is important. You know, we can't pick and choose all the time. Human rights are human rights, and we need to be

respectful of them in that context. So that's something that we support.

I congratulate the minister on coming to a resolution on this. I'm not sure why this wasn't resolved before, but, you know, these things, I guess, do take time. I hope that as we go forward, there will be respect given to the separate school division as well as to any charter schools or home-schoolers in that area that want to continue on in those types of educational settings and that this won't be used in any way – and I don't think that's the intent at all – to subvert or replace other school choices in that school division.

On behalf of the Wildrose caucus – well, at least on behalf of this member – I'd like to say that we support this bill.

The Deputy Speaker: The hon. Member for Calgary-Varsity on the bill or under 29(2)(a)?

Mr. Chase: On the bill if possible. Did you want 29(2)(a)?

Mr. Anderson: No, thanks.

The Deputy Speaker: On the bill.

Mr. Chase: Thank you very much. We're being very conducive and collaborative and collegial tonight, wanting everybody to have all opportunities to speak.

I didn't get a chance during the 29(2)(a) – and possibly the hon. Member for St. Albert would want to reciprocate – but I was very interested, in fact intrigued by the hon. Member for St. Albert's explanation and reading of the various legislative acts going back to 1905, the Charter rights of separate and public boards. I thought he did a very good job in terms of delineating the problems associated with this particular school district.

Mr. Speaker, while I am not a Catholic, I strongly support the right of the separate school to exist. I support the historical rights. I understand very well from first-hand experience what it's like to be sort of shuffled into a circumstance from a religious basis that you don't necessarily agree with. When I was a student at Guthrie elementary school on the Namao air base in the 1950s, we didn't have a choice in terms of religious instruction other than that if you were a Catholic, you went off to one room, and if you considered your religion to be under the Protestant banner, you went off to another room. There was no ability to take into account whether one was Jewish or whether one was Muslim or whether one was Hindu. You had to basically divide up into Protestant or Catholic.

Therefore, as a member of a Protestant religion that did not necessarily fall into the similar categories of other religious groups, I found it rather laborious to have a minister of a particular faith speak to our group for approximately an hour on I think it was a Friday afternoon. This has happened to Protestant children for a number of years who have not been able to exempt themselves from the religious instruction portion of the separate, in this case public, school jurisdiction.

Mr. Speaker, I consider myself to be a religious person but a religious person by choice, not by requirement. The hon. Member for St. Albert raised an issue that had not occurred to me with regard to awarding a right to one group involving taking away the rights of another group. I believe in public debate and public input. I don't think public input can simply be in the form of marking an X on a ballot every four years; neither do I believe that everything can be solved by plebiscite.

We've seen examples, particularly in the States, in California – and I believe it was a plebiscite over Bill 21 – that very much diminished the rights of public schools and public school boards

to collect taxes. The public school system was very much battered by plebiscites where with only 35 per cent probably a similar statistic of students or parents connected to a public school system were being constantly out-voted, and the necessary support for textbooks, for learning, and so on in California was tremendously undermined.

8:40

I believe that the hon. Member for St. Albert, in mentioning the problems associated with Bill 4, which was designed to give equal rights to the Protestant members of the St. Albert community, has a point. I don't know whether by his discourse he believes that Bill 4 is so badly conceived that it cannot be corrected by an amendment, but I would look forward to the hon. Member for St. Albert attempting to solve the problem that he has indicated exists with an amendment if it's possible to accomplish that.

The right of an individual to be educated according to their faith is important. That said, there is the discussion about the separation of religion and state and the separation of education and state. If we fragmented our school system to the point of recognizing every single religion and if every single religion that fell under the Protestant circumstance were to have its own independent school, then the collectivity of the public system would be so undermined as to segment or fragment the education. Having been a teacher in the public system for 34 years, I would not want to see that fragmentation occur.

I find myself in a quandary because I support the rights of Catholic individuals to have the religious instruction within their school which is a large part of their education system and has historically been so. I have gone to Catholic school board celebrations. I have seen elementary children interacting with junior high children, interacting with high school children, and bringing the idea of God and Jesus and disciples into every aspect of their celebration. I believe they should have that right to do so.

That said, Mr. Speaker, I also believe that we have become so politically correct that when schools decide that it's offensive to have or to use the word "Christmas" to refer to a concert, then I have troubles with that.

Mr. Speaker, when I was a schoolteacher, I would have what I called the international Christmas choir, and students were encouraged to be a part of it regardless of what their religion was. The songs that we sang were primarily – well, I shouldn't say primarily. There were some *Silent Night* versions in different languages. We also sang *Jingle Bells* in different types, in French and English, and *O Christmas Tree*, *O Tannenbaum*, and so on, but none of the students were required to be in that particular choir.

I was grateful that the schools I attended did not take Christmas out of the option. We've seen circumstances where, out of risk of offending other individuals, any iconography – crucifixes, et cetera – has been sealed and closed so as not to offend. I believe that religion for those who choose to have a religion can be very supportive in individuals' lives. I am grateful, for example, that my grandsons are exposed in a very dramatic way to the Hindu religion. My son-in-law Vivek Warriar is a Hindu. His mother and father are practising Hindus. I appreciate the fact that my two grandsons get a global perspective on different religions.

One of the stories that I'd like to very quickly recount is my eldest grandson, Kiran, expressing sorrow to my wife that she only had one God, and he was quite willing to lend her some of his from the Hindu religion. It's open-mindedness, it's tolerance, it's appreciation, it's understanding of all religions that is absolutely essential to a good education, not putting forward a particular view that you believe is superior to all others but

accommodation. That to me is what a public system and under that public system the separate system, which is part of a public system, does so well. It accommodates.

Now, Bill 4 is an attempt to accommodate the religious rights of Protestant children in a public school board that historically was of a Catholic denomination, and I'm not sure based on the eloquence of the hon. Member for St. Albert and his very detailed research that Bill 4 can be all things to all people. I don't believe in sacrificing either a majority or a minority for the sake of one or the other. So possibly, Mr. Speaker, if the hon. Member for St. Albert believes that Bill 4 can be amended to provide the solution that is absolutely necessary in Morinville, where children have a choice between a nonreligious education and a religious education, then I would be very interested in seeing that amendment, and I would most likely support it.

Thank you, Mr. Speaker, for this opportunity to participate in a debate which originally I thought was of a black-and-white nature but now has several shades of grey.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, the chair shall now recognize the hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: Thank you very much, Mr. Speaker. It's a pleasure to rise and speak to Bill 4, the St. Albert and Sturgeon Valley School Districts Establishment Act. I think one of the most important things that we do here in the province is educate our children for the future. I think that everybody in here understands how important education is and, even more important, how exciting it can be for children to go to school, to have that desire to learn, to be able to express themselves, and to be able to intermingle with other children their own age. It's just really neat, and it's one of the things that, I must say, I truly enjoy as an MLA. Any opportunity that I have to go into the school and talk to students, I jump on it, and my assistant knows that any time I'm asked, I say: absolutely, yes. It has to be a pretty snowy day and I have to be a long way away before I won't make the effort to go to a school to be able to talk to children, though I myself wouldn't want to have to go back and be subject to the tests on whether or not we remember.

It's exciting in this bill that what the government is recognizing here is the importance of choice. There were parents in Morinville that have been struggling for some time and not happy with the choice that they had and were kind of caught in the system, so I want to speak in favour of this bill. It's excellent to have parents that are excited to be able to send their children to a school of their choice that isn't perhaps – again, we want that choice. The previous speaker just spoke about the importance of the Catholics being able to have classes where they can integrate their faith and their beliefs with their teachings and how they come together. Others may feel that that's not appropriate or not values that they want their children to be exposed to, I guess, or to be open to.

8:50

I think in today's world more and more parents are certainly realizing the importance of diversity and are wanting to be exposed, to understand why other people are doing what they're doing and to really understand them in a much more diversified way because that's how we become great neighbours. That's what has been the strength of Alberta, the diversity of the culture of belief and of opportunity here in the province.

I'd just like to say that I'm in favour of this bill. It's good to see that they're going to have choice and that those children will hopefully go to school there and will be excited and want to learn.

One other thing, and I believe my colleague spoke to this. One of the things that we keep pushing in the Wildrose, that we think is critical, is that this Premier said that she wanted to be open and transparent. I think that her dictionary and mine are very different, though, Mr. Speaker. Open and transparent would be to say: here's our priority list of schools; this is where we're at. Circumstances change, and this is a classic example of where if we had the top 12 schools prioritized, I think Albertans across the province would realize: look, we've just formed a new school district and we need to have a new public school in Morinville for these children to go to. All of a sudden that would pop to the top because with this bill I believe they're supposed to be in their new school by September 2012. The explanation would be quite clear. It would be open, it would be transparent, and it would be understood. Albertans are very good that way, I believe.

It is disappointing that we don't know whether this is just going to be another one of those hollow announcements, where the government says they're going to do something to placate citizens and does not really come forward. But, like I say, if we actually had a list and that went to the top of the list for Albertans to look at and see, then they would kind of be bound by their word and not have this loosey-goosey attitude that: "Oh, yeah. We promised that, but we can skip out of that. After the election it won't matter. We've got four years."

We seem to see this attitude being replicated day after day, month after month, year after year, and it's disappointing to many residents. I must say that the ones from Fort McMurray are still looking for their seniors' care facility that they were promised, are still looking for their twinned highway that has been years and years in progress, and little progress has been made on that.

In closing, I just want to thank the minister for bringing this bill forward and for providing choice for the children in Morinville. I hope that children across the province will be served well with our schools this year and in the coming years and that we'll prioritize our money in the right areas.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, any other hon. members wish to speak on the bill? The hon. Minister of Human Services.

Mr. Hancock: Thank you, Mr. Speaker. Just a few comments. I have to rise and disagree entirely with the hon. Member for St. Albert with respect to the comments that he made on this bill. I had the privilege of serving as Minister of Education. I had the privilege of working with the people in the greater St. Albert area with respect to trying to resolve what is, in essence, an historical anomaly in our province. The St. Albert Protestant school board is the only minority faith board of the Protestant religion in the province. That in itself is interesting because when people tend to think of separate schools, they tend to think of them as being Roman Catholic.

The act, in fact, does not refer to a faith; it refers to the rights of the minority faith to establish a board. Of course, it's talking about the Christian faith because that was what was extant at the time that the Alberta Act was put into place.

However, we are currently in the year 2012, and people are entitled to a public board that is not faith-based. Unfortunately, in the greater St. Albert area the public board was the Greater St. Albert Catholic board. Now, being a public board, as Minister of Education at the time I insisted that they had an obligation to public education, to provide public education choices. That board did not see it that way. They believed that they had a right to offer only permeated Catholic education.

Now, the hon. Member for St. Albert talks about permeation not being what was provided for in the Alberta Act, and he may well be right. But the fact of the matter is that over the years we've developed a minority faith school system around the province that's primarily Catholic except for St. Albert, and it's one where I would think it would be very difficult to remove your faith-based principles from the operation of the school. In fact, that's one of the bases of Catholic education in this province, that it operates on a standard in which the faith principles permeate what they do.

In almost all of Alberta parents and students have choice. They can choose to go to a minority faith-based school that's Catholic. Now, there are some parts of the province which don't have that because numbers don't warrant it, but there is a provision for establishing a minority faith school if the numbers ever did warrant it.

The problem in Morinville particularly is that there is not a secular school option, and people are entitled to that. People are entitled to go to school and to have school in a secular way without faith-based principles involved or, in fact, to ensure that their children are exposed to their own faith in their own way. That's one of the challenges that we always have in education is the balance between the role and rights of parents to teach their children their values and the role of the education system to ensure that children grow up having a fulsome understanding of the world that they're going to live in and the community that they live in and having respect and tolerance for others.

This is an issue that needs to be resolved in the greater St. Albert area. The fact of the matter is that the St. Albert Protestant school board does not exercise any of the rights of a minority faith-based school board. They don't exercise the right to hire solely Protestant teachers. They don't exercise the right to exclude others that are not of the Protestant faith. In fact, they operate very much like a public school board. One of the issues that was important to the St. Albert Protestant school board was the right to tax, but the fact of the matter is that even though minority faith boards have the taxation authority, there is no difference across the province between a public and a separate school board with respect to the funding for students under that board. So the right to taxation is a distinction without a difference.

No school board in the province has the right to determine exclusively their boundaries. So while the board may have had some concerns about whether or not they would ever extend beyond the limits of the city of St. Albert, the reality is that at some point in the future there could be in Alberta a reason to change school districts. I don't believe that that's the intention of the minister now. It certainly wasn't any part of the discussion. But there's no way that you can guarantee forever the boundaries of a board.

Here's a situation where you could do one of two things. You could under the existing School Act redraw the boundaries. But the interesting reality is that most of the parents served by the Greater St. Albert Catholic school board now approve of the educational opportunities that they have and, by choice, include their children in them. So just redrawing the boundaries would disenfranchise the majority of parents and students in that area who actually like the status quo. It's a very small number of people at the moment who want the secular option.

It really would not be in the best interests of the education of the children, which, after all, is what we should be focusing on in this discussion: what's in the best interests of the children? It would not be in the best interests of all the children in that area just to simply redraw the boundaries as some people have suggested we could do. It was suggested to me when I was Minister of Education, and I know it's been suggested to the current Minister of

Education: "The easiest solution is there. You don't need to pass a new act. You can just redraw the boundaries." In fact, under the School Act you could redraw the boundaries, but that would not be in the interests of the majority of the people whose children are going to school there.

The only real solution is the solution that the minister is proposing and that this act is bringing forward, and that is to establish a public school board in St. Albert, currently the St. Albert Protestant board, make that the public board, put Sturgeon as the public board for the area outside of St. Albert, and then recognize a minority faith board to cover the areas that are currently covered by both St. Albert and the Morinville-Legal area and the other minority faith boards that have been established in the area and consolidate them into a greater St. Albert Catholic board. That's what is being proposed here.

It's the only logical solution. It's a current solution for the current times. It's not something that everybody agrees with, but it is in the best interests of the children in that area, which is what this ultimately is all about.

9:00

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I would like to address my question to the hon. Minister of Human Services, who has previously been Minister of Education. He and I share a number of values about the strength of the public system, which incorporates the Catholic system. He's very aware, for example, that you don't have to have a baptismal certificate or a letter from a priest to attend a Catholic school. A Catholic separate division does not segregate individuals based on their religious background, race, creed, colour, et cetera. That's why the separate school is part of the public school program.

I honestly want to indicate that this isn't a trap that I'm setting out for the minister, but I would be interested in how he feels about schools using religion as a requirement such that in order for you to attend the school, your parent has to regularly attend a Protestant church or you regularly attend a different type of school, and if you're not of a particular faith persuasion, then that school can draw a line and deny you access to their particular institution and still receive 70 per cent of public funding even though there is very much a case of discrimination.

I know the government talks in terms of: why choice? But when discriminating is used in the negative sense of limiting a person's opportunity to participate, Mr. Minister, can you talk to the House as to the legitimacy of a school that restricts based on religion?

The Deputy Speaker: Hon. Minister, we're talking about the bill of the Sturgeon and St. Albert school districts. If you want to answer, go ahead.

Mr. Hancock: Well, Mr. Speaker, very clearly, there needs to be a public school option that takes all comers, that's available for all students to go to. That has got to be paramount. But we also need to have choice in our system. We support choice in Alberta, and choice in our system in Alberta is what has helped to create the best education system in the English-speaking world. Not my words but the words of the Prime Minister of Great Britain when he spoke to the Parliament of Canada.

Choice has been one of the things that has helped to create that best education system in the English-speaking world. Choice involves religious choice in some circumstances, teaching choices, teaching methodologies, things that attract kids to school, perhaps, like sports schools and otherwise. As long as there's one public

school system that's a top-quality school system that is available for everyone else, then the ability for parents and children to make that choice based on whether it's religion or otherwise is perfectly valid.

I would correct the hon. member. The minority faith boards are entitled to accept only students of the minority faith if they wish. What we find with most boards across the province is that they will accept any student that wants to come as long as they are prepared to accept the religion that's taught or that permeates the school process.

Choice is very important. What we need to do and what we have to do with this act is make sure that there is a public option that's available to all students and needs to be available in Morinville. That's what this does. After that the choices that are available through francophone schools, through minority faith schools, through charter schools, through private schools, whether they're faith-based private schools or otherwise, and through home-schooling are all a wide range of choices which help to make the healthy system that we have.

The Deputy Speaker: Any other hon. member?

On the bill?

Seeing none, hon. Minister of Education, do you wish to close the debate?

Mr. Lukaszuk: Thank you, Mr. Speaker. Thank you for this illuminating debate. It was interesting to engage in a variety of points of view. I think that with few exceptions we agree that Bill 4 is the right solution at the right time to provide the parents of Morinville with choice and with voice, and I would ask for the question on this bill.

[Motion carried; Bill 4 read a second time]

Bill 5

Seniors' Property Tax Deferral Act

[Adjourned debate March 8: Mrs. Jablonski]

The Deputy Speaker: The hon. Member for Edmonton-Riverview on Bill 5.

Dr. Taft: Thank you, Mr. Speaker. I'll keep my comments brief. This is a good bill. It's a good idea. I think it will help our seniors in their desire to live as long as they possibly can in their own homes. It will remove a financial obstacle that many of them face in the form of their property taxes, and it will do it without in the long-term burdening other taxpayers. It doesn't seem to have a lot of downside, and it has a significant upside, if I may put it in those terms.

I would just urge the government to put this initiative in a broader context for seniors staying at home. One of the challenges that seniors face is inadequate home care. The benefits of home care are enormous. I would strongly support an expansion of publicly funded, publicly delivered home care and have it implemented across the province. I'm very aware in recent weeks of the inadequacies of the home care programs in parts of Alberta and, frankly, the inadequacies of the assisted living facilities in parts of Alberta as well.

While the government is moving forward with Bill 5, the Seniors' Property Tax Deferral Act, in a good way, it needs to also bring in other programs to help seniors stay in place, including home renovation and home health care programs and home support programs. I suspect one of the reasons the government isn't doing that more effectively is because of a philosophical

resistance to that somehow. I think that's a mistake. I frankly think that those kinds of programs not only are good for seniors but actually save money for the taxpayer, Mr. Speaker.

With those comments, I will once again say that I will be supporting this bill. Thank you.

The Deputy Speaker: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Speaker. I'm grateful to speak to this bill, the Seniors' Property Tax Deferral Act. Being an only child with an elderly mom, this bill resonates with me. I think our population is aging, and our seniors are a growing portion of the population. They have a unique set of circumstances and challenges that I think need to be addressed, and property taxes are, no question, one of them.

When we get to retirement age, we want to relax, and quite frankly we want to take it easy. Our seniors spend decades working hard and deserve to retire, but some have to worry. They're on fixed incomes, and money is tight. A fast-growing economy is a great thing to have. Great job prospects can't be taken for granted, but when the economy grows and so do the prices for all the things that they have to pay for, life gets tough for those on a pension.

9:10

Seniors have critical items that can't be skipped. They have to pay their mortgage. They have to pay the rent, and they have to pay for groceries. They also usually have to pay for medications. Property tax is something that cannot be avoided either, and the taxes go up with the rise in property values. Seniors end up feeling pinched.

There are some cold hearts out there that say: "Well, you know what? Sell your house or take out a home equity loan." Well, Mr. Speaker, that's not fair to our seniors. They deserve better than that. Seniors should be able to stay in their homes for as long as they can. That, quite frankly, is best for everyone. Our seniors are most happy – and I use my mom as an example – living in their home for as long as they can. They're healthy; they're comfortable. They deserve to be in their home. My parents lived there for some 60 years.

It is true that many seniors and my parents bought their home at a very, very low price compared to what my mom sold her house for today. But selling the home and moving doesn't really solve the problem. Selling at today's high prices means buying at today's high prices. It's a wash. You know what? It's a lot of hassle moving, and quite frankly it's not fun to uproot yourself, especially when you're in the comfort of your home and you're in the comfort of your friends.

I've seen these commercials for home equity loans on TV a lot. They seem like a great idea. You can travel the world by using the equity in your home. That may be good for some people, but they shouldn't be forced to do it just to meet their basic expenses. Going into debt to make it through the day is a bad situation, and we shouldn't encourage it.

A home isn't just a place where you live. Quite frankly, it's where your heart is. It's where your memories are. People want to keep property in the family. It doesn't always have to be a cottage or a cabin. It can be just a place, Mr. Speaker, where you and I grew up. Seniors want something to pass down to their kids and their grandkids. They don't want to sell their home or have a mortgage on their property.

You know, Mr. Speaker, I like and I know the Wildrose likes what this bill is aiming to do. It seems clear enough. Eligible seniors will have their property tax deferred until they move or

until they pass away. In the meantime, the government will pay the municipality for the deferred taxes. It will become a loan agreement between the senior and the government. Quite frankly, that seems reasonable to me. In larger cities in Alberta property taxes are over \$2,000 per year. Some cities get close to \$3,000. Combined with utilities, you could get easily to \$5,000 in total. This is a huge figure for someone living on a pension.

But for the Alberta government, which brings in revenue near \$40 billion, this is more affordable. Government has a role to play in helping those in need. The cure here is the deferral. By deferring the property taxes, seniors have more income to spend on their essentials like their grocery bills and their prescriptions. The money will be paid back. The government is not losing here. It's clear in the bill that interest will be paid as well as the cost of running the program.

Mr. Speaker, I do have some questions, not about the intent but about some details. One concern that I do have is the eligibility criteria. Now, I've read through this bill, and I didn't find an age for eligibility, so one must assume that the age is 65. In B.C. it's 55. In New Brunswick it's 65. I think that is something that the government has to clarify. Is it 65? Is it 55? What age makes sense? I think most Albertans feel that 65 may be fair, but that's something that the government has to clearly indicate in Bill 5.

I do want to raise another issue in regard to income. I don't see any income or net worth requirements in this bill either. My hope is that we recognize that seniors on a fixed income can have a valuable home because they bought it 30 years ago.

On some days, Mr. Speaker, I've done a lot of door-knocking. You can walk into a home that's considered a million-dollar home, and I happened to do that a couple of weeks ago. They happened to pick a great neighbourhood at a great time at what we would consider a great price. I was door-knocking, and the seniors invited me into their home. She was 88, and he was 89. You know, it was a cold Saturday afternoon, and I decided I would have a cup of tea with them.

Well, Mr. Speaker, I've got to tell you that I saw some things that I haven't seen in a long time: shag carpeting throughout the house – in fact, it was orange carpeting – the furniture was old, and the house was well kept. So you can't necessarily judge a book by its cover. We had a nice cup of tea, and they were explaining to me how they're struggling day by day and month by month. Even though they had this beautiful home in Lake Bonavista, it's that cover that we can't judge.

I think all seniors, no matter where they live, should be eligible for the property tax deferral. I don't think we want to get into means testing. After all, no matter what the income is, no matter what the property value is, it will all be paid back with interest.

I think what we have is a good piece of legislation, and I think it shows that we're going to recognize that our seniors are struggling with their bills and may need some help. I've explained – and I'm looking forward to the debate – some of our concerns about the age. Quite frankly, I'm surprised, to be very honest with you, after we've done some research about other deferral programs across the country, that there isn't an age in this bill. I don't know if it's because the government forgot it or if they just haven't determined what age should be in this bill, but I think that's an important factor.

We have seniors at 55 that are retired. [interjection] Oh, I hear the minister talking again, so maybe he'd like to answer. Is it 55, like in B.C.? Is it 65, like in New Brunswick or, for example, some of the other provinces? I talked about: are we going to have this means test? Ontario has their deferral program only available to low-income seniors.

After these comments I look forward to hearing what the government has to say. I will put on the record that the Wildrose supports the bill and the intent of this bill. We would like to be able to tell our seniors in our ridings: "You're 56, and you qualify" or "You're 66, and you qualify" or "No, we're not going to have any income testing on this particular piece of legislation."

The bill talks about the eligible property owners. It says quite clearly: "an individual who is a resident of Alberta, has attained the prescribed age." I think that for us it's important to find out what exactly the prescribed age is. I look forward to either the Minister of Seniors or the member responsible, Red Deer-North, clarifying that.

Mr. Speaker, with those words, thank you, and I look forward to the rest of the debate.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, any other member wish to speak on the bill? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I wanted to put it on the record that the thoughts, the proposals behind Bill 5, the Seniors' Property Tax Deferral Act, have been Alberta Liberal policy for some years. Obviously, we're therefore supporting the intent of Bill 5.

A bit of a history lesson. Going back to 1993, our Premier at that time, Klein, indicated to seniors, to public servants, to a whole variety of people that if they submitted to cuts in services to pay down the debt, in short order with the first surplus their sacrifices would be recognized. Well, Mr. Speaker, it's almost 20 years later, and the sacrifices that seniors made with regard to increased taxation in their property taxes are just now beginning to be dealt with through Bill 5.

There is no doubt that seniors can be house rich but economically impoverished, and for a senior to stay in their home as long as they physically can, as the hon. Member for Edmonton-Riverview pointed out, they need supports. One of those supports – and this is a small but significant support – is the deferral of their property tax.

9:20

Now, the hon. Member for Edmonton-Riverview talked about the need for other supports such as a break in terms of turning their house into a more accessible circumstance. My wife and I, thinking ahead, have just made some significant renovations to our house, and one of the renovations involved taking out the bathtub and putting in a shower with a built-in bench so that in the situation where our mobility is decreased, we would be able to continue to live in that house. Granted, it is a split-level, which involves some stairs. Because we could afford it, we were able to accommodate for our aging lifestyle, but many seniors on fixed incomes don't have that possibility.

The federal government used to have a program that allowed, for example, individuals to have their roofs replaced, that being part of a taxable deduction. It also had a program whereby seniors could make their homes more accessible. The federal government passed on those programs to the provinces, and unfortunately in this province that program that improves the accessibility has been eliminated by this government.

Now, it is important that the government have a very direct role in supporting seniors in their homes, and it's in the government's economic interest to do so because a senior can be supported in their home for basically one-twentieth on a daily basis of what it costs to institutionalize them in an acute-care bed. We've had the discussion about how many long-term care beds have disappeared

as the government allows them to be changed to supportive living or assisted living, which does not provide near the medical support absolutely necessary.

There are some wonderful volunteer organizations like Meals on Wheels, that I believe will be celebrating either its 45th or 46th anniversary this year. They do provide seniors with a degree of support in terms of an affordable home-cooked-style meal that is, obviously, healthy and will support them nutritionally. But I do believe the government should be stepping up to a greater degree, beyond Bill 5, the Seniors' Property Tax Deferral Act, to allow those seniors who are able to stay in their homes to remain there.

For example, Calgary-Varsity, which used to be considered an outlying district in the city's northwest, now very much can be considered an inner-city area, and the taxes for even small bungalows or even wartime-style houses in the Calgary-Varsity constituency are extremely high and do not support seniors in staying.

Now, there have been proposals, which I support, in terms of increasing the density, but where it would be of great help to seniors is, instead of having a grandma suite or a grandpa suite, to actually have a student suite in part of the seniors' existing house, a secondary suite. It would be rather supportive of seniors to take in a young person and be able to accommodate them within their own home.

I know that my grandmother in Saskatoon had a basement suite circumstance, and over the years numerous students who went to the University of Saskatchewan stayed in my grandmother's suite and helped her with the chores. Because of that help, she was able to stay in that family home for a considerably longer time period than she would have been able to otherwise.

I support Bill 5, the Seniors' Property Tax Deferral Act. I do have a degree of cynicism in that with the government not being willing to commit to not raising the daily living fee for long-term care homes, even with the money that seniors manage to save by deferring their property taxes, they could very well be systematically gouged for in private, for-profit long-term care if the government goes ahead, as the Premier suggested in her campaign for leadership, and removes the cap on seniors' long-term care residences. This may be giving seniors a little bit more time in their own homes, but when the taxes come due, will they have sufficient left to live in an alternative facility, whether it be an assisted living facility, whether it be a continuing care facility, whether it be a lodge or some form of long-term care? Will the seniors have sufficient money left in the end to be able to finish their lives with a degree of dignity?

That is a concern that seniors brought to my attention yesterday at the public forum debate on seniors' issues that Seniors United Now hosted at the McClure United church in Edmonton-Decore. Mr. Speaker, it's important to note that while I was the only seated MLA in attendance, there was representation from the Wildrose in the form of a young man by the last name of Genuis, and he upheld the Wildrose values very well. David Eggen, formerly the Member for Edmonton-Calder, represented the ND Party very well. The individual representing the Alberta Party was unable to attend due to an emergent circumstance. But as is so often the case, whether it's a public forum on seniors or a forum on health care, there was not a single representation on behalf of the Conservative Party.

I found that surprising because it appears that the government is being more supportive of seniors' needs through Bill 5, but in the whole city of Edmonton they could not find an individual to represent their policies at the seniors' forum. Now, there was no effigy placed in an empty chair – it was, after all, in a church circumstance – but knowing that seniors do vote and that seniors

are passionate about their voting, it seems to me that in order to complete the debate, representation by the Conservative Party at that seniors' forum would have been appreciated.

Thank you, Mr. Speaker, for this opportunity to speak on Bill 5. It is Liberal policy, and it will help seniors, provided they have sufficient money at the end of the selling of their homes, to be able to afford the alternatives without unduly taxing their families.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, the chair shall now recognize the hon. Member for Fort McMurray-Wood Buffalo on the bill.

9:30

Mr. Boutillier: Yes. Thank you very much, Mr. Speaker. I wish to stand today and say that I welcome many of the comments that have been made. The Member for Calgary-Varsity: I appreciate his comments as, certainly, I do the Member for Calgary-Fish Creek's. Clearly, I really do believe that despite all political party lines that are here, there is a sense of trying to do something that's so important for the very people that have built this province, our seniors.

As saddened as I am that they have failed to honour the commitment of a long-term care facility in Fort McMurray, I am very pleased by this commitment. Hopefully, all parties will support this important initiative. It's not a perfect bill, but it certainly is a bill that, in my view, in the spirit of helping our seniors, is important. I wish only that the principle and the value and the spirit of what is intended in this bill could have been applied to seniors when this government made a commitment to them four years ago to build a long-term care facility and have failed to this point in time to even break ground. And here it is over four years later. I think that's shameful because of the fact that we are a city of over 100,000 people.

With that, Mr. Speaker, I will be brief. I support the initiative of this bill and the spirit of this bill, and I would encourage all members in this Assembly to do the same.

The Deputy Speaker: Standing Order 29(2)(a)?

The hon. leader of the ND opposition on the bill.

Mr. Mason: Thank you very much, Mr. Speaker. I certainly concur with the intent of the bill, which is to allow seniors to remain in their homes longer. I think that this is a very humane direction. Certainly, in the past there was much more extensive support for seniors to stay in their homes, as has been alluded to, and that was taken away by Ralph Klein's government under the pretext that we all had to do our bit to balance the budget. Those things were promised to be restored once that had been done. During the period of time when there actually were surpluses in balanced budgets, these programs were not restored. Now, on the eve of an election, a partial move is here, and I think it will be welcome.

I just want to caution people because I know that when I was involved on the council of the city of Edmonton, there were instances where residents were able to defer additional levies that were put on their property tax until they sold their home, but in some cases these levies soon amounted to more than the cost of the home. Now, I think that will be less likely in this case because it was a separate matter; it was sewage and roadway improvements that were added to the property tax. The city had moved in an area that was old style, mixed use, where there was some industrial and commercial and residential all in the same neighbourhood. The city moved to turn it into an industrial park, so they put in heavy-duty sewers and other very expensive infrastructure improvements and put the cost on as a local property levy. Those

costs mounted greatly, and the seniors that I tried to help at that time were unable to sell their homes because the debts had accumulated beyond the value of the home.

I would just like to point out, Mr. Speaker, that we are allowing seniors to defer these taxes and at the same time incur a debt against the value of their home. When they sell their home, they may receive very little for it, or they may have trouble selling it. I think that those are things that need to be taken into account.

I think, frankly, that we need to go a bit further than this if we're really sincere about keeping seniors in their own homes. Nevertheless, I think it will be helpful in many cases, and I join with other members here in indicating that I will support the bill.

The Deputy Speaker: Standing Order 29(2)(a)?

The hon. Member for Lethbridge-East on the bill.

Ms Pastoor: Thank you, Mr. Speaker. I just will be very brief. I want to make sure that I'm on the record as supporting Bill 5, the Seniors' Property Tax Deferral Act. Clearly, for the last seven years I've been very involved in seniors' issues, and I believe that this is a good bill. It has been pointed out by some of the members across the way that, certainly, caution would be used in thinking of the future when the seniors do sign up for this.

One of the advantages of this bill is that it is a choice. You will have the choice of whether or not you want to defer your taxes, and you also will have the choice of being able to look at it as the years go by. You may not want to do it right away, but you may want to do it five years out, when you think you may have to move. One of the cautions was that sometimes this money may have to be used for nursing home care, which is a very, very strong caution. People would have to be aware of that.

The other thing is that I know that many, many seniors are house rich and cash poor. I would like to think that when they did this, they would have a little bit of extra money not just to pay for their medications and not just to pay for their food but to actually be able to live as opposed to existing. For a couple to go out to a show at night, it's probably \$25 just to get in for the show. A lot of them don't drive, so they would have to take a cab. Even if that little extra money would be able to give them one night out to something that they might enjoy, certainly to go out to watch their grandchildren doing whatever, particularly school plays and that sort of thing, although that isn't that expensive, I'd like to think that many of the seniors that I do see at this point in time who are really existing from bill to bill would actually be able to enjoy life.

That's one of the many reasons that I'm supporting this bill wholeheartedly. I think it's a good step forward. We'll be able to watch and see the effectiveness of it. B.C. actually has done this already ahead of us, so we can watch some of the things that they have done. In fact, there hasn't been a great pickup in B.C., but Alberta is not B.C., so we will see just how effective this is.

I am pleased that there will be a good evaluation system on this to be able to have good statistics and look at what the outcomes are, which is what this government would like to do in many other areas of their responsibilities. Let's look at the outcomes, and let's have good evaluations and audits, so to speak, in terms of how successful our programs are.

With that, Mr. Speaker, I'm very pleased to support this. Thank you.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, the hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: Thank you, Mr. Speaker. It's an honour to get up and speak on Bill 5, the Seniors' Property Tax Deferral Act. I

must say that in principle I'm in favour of this bill, but as with many of the bills this government seems to pass when it comes to property, I don't know that they think things through very well and, certainly, leave some holes that are of concern.

The interesting thing – and my colleague has already brought it up to start off with – is that it doesn't define what a senior is. In a lot of places 55 is a senior in order to get into places; in other places it's 65. [interjection] Well, minister of education, you say you know the age? [interjection] Wait and see. Isn't that typical of this government? There'll be an election, and then wait and see. Unbelievable, the rhetoric that comes out of some of the ministers from this government.

We don't know what the age is and who qualifies. I mean, a senior member of the family? So if the parents are dead and the senior member of the family is 21, are they eligible? Perhaps there's a little bit of sarcasm in that question. Nevertheless, this government doesn't seem to define or realize or it takes this attitude that, well, we'll let the cabinet. Under Property Tax Deferral Loan, section 4(6) says, "The Minister, in consultation with the Minister of Finance, shall periodically determine the rate of interest applicable."

Another area of concern for me, Mr. Speaker, is: why is this government so compelled to think that the minister or cabinet needs to be able to have such powers to determine such things and not leave it up to the market or a formula so that it's actually, you know, based on prime or something like that?

9:40

That leads to my next question and concern, Mr. Speaker, and it's been brought up by several members now. What is the value of the home? How long are the loans going to be eligible for? I live in a part of Calgary that is very interesting. There are still a number of citizens there that bought their homes in 1958, '59, '60 through to '62, when they first got married, and they're still living in that home. There are several of them that are 90 years plus in their homes. They bought those homes for \$15,000, \$12,500, and now those homes are valued between \$380,000 and, I would say, \$550,000. They're astounded at the so-called asset-rich yet cash-poor position they're in.

What I want to point out to the government and what can happen is that we're getting to a time when people are retiring at 65. They don't have a lot of savings, and the pension plans are not keeping up to the rate of inflation in the government. If, in fact, they were to start doing that at 65, now at 85, 20 years later, at \$2,000 a year and compounding that, you have to ask: what is going to be the total cost on that house? Some members have talked about that, especially the Member for Edmonton-Highlands-Norwood, who's had personal experience, being on city council. What is the cost of that house?

I've been in other areas both here in Edmonton and in Calgary where houses are actually a liability because these are neighbourhoods now that are being refurbished and where new houses are being built, so they actually tear down the old houses, and it's the value of the lot. How many seniors are going to be caught in that situation where today they think they have a house that's of value, but 20 years from now, when they're 85, or 30 years from now, when they're 95 and still living in their home, everything else in the neighbourhood has been rebuilt and looks new and up to date, yet here's this old house that is past its time and needs to be torn down and to be built up? There's nothing in here that talks about a cap that's going to I guess protect the taxpayers of Alberta on what the value is of that home and whether it gets exceeded and becomes a liability.

Again, going back to the Minister of Finance determining what interest rates they're going to charge on this home, I'm old enough, Mr. Speaker, that I remember when interest rates, depending on where you were borrowing from, in the early '80s were anywhere from 18 to 22 per cent. A lot of people might laugh and say: oh, we'll never see that again. Well, I would say: never say never. We're at a debt now where I can see interest rates shooting up, escalating at quite a rate. We can look over to Europe and see that some of those countries can't sell their bonds and how they've gone up to 10 and 15 per cent in short order because the government can't put out the bonds to buy back.

I would recommend on something like this that you would tie that loan to a 30-year bond rate or a 20-year bond rate, where there's at least some security not only for the government but for those people that are making the loan on their homes, not just stuck to the minister's whim or the fact that prime could go up. Now is a great time to secure, you know, offset this loan on the other side of the paper.

The eligible owner of the property "may apply, in accordance with the regulations, for a property tax deferral loan for the purpose of paying the qualifying property taxes on the eligible property owner's eligible residence." Again, how and when will the regulations be established? It's just concerning that that this has been brought forward almost hastily, and we just don't know what is going to be the whim of the minister on where it's set, what it's going to do.

We do not have it defined by age. I think that it's even set up such that a senior could own it, in fact, with their 30-year-old child and allow it to go forward on that basis. There are no parameters that would prevent that.

It's not defined by income. It's interesting in the other jurisdictions that have these. I mean, there's B.C., there's Ontario, and there's P.E.I. – it seems like there's one other jurisdiction here in Canada that has these – and each of them has addressed other areas. I wonder if the minister even looked at those other jurisdictions to realize, you know, that, yes, age is something to consider, that income is something to consider, a cap. The percentage of the value of the home is to be considered. Then again, like I say, that value can peak and then go down the other side once it becomes a liability because the home is past its purpose and being able to be renewed.

I used to rent in a home down in Rosedale that was built in 1912. I don't know that that house is going to be of any value. Someone will end up buying it purely to tear it down for the lot value. I don't know that that would be one where it would be wise to be saying, "Yes, senior, go ahead, and we'll pay your taxes for you on that home," especially one that's just turned 65 and just entering into that retirement age. It could go on for a long time.

I also think it's interesting when we look at the dilemma that we're in. This government now for the fifth budget is running a deficit totalling \$16 billion. Since the tide started receding, instead of the money coming in, it's been pulling out faster than we're collecting the revenue. It's interesting as you look around the world at the economic dilemma that we're in. I kind of compare government and its spending to the dog chasing its tail. It makes you dizzy watching it, and eventually in exhaustion it will lay down and rest or whatever. This is the dilemma that we put seniors in, that because of government spending, inflation has kicked in.

The question is: with all of the monetary easement that's been going on for the last few years, what's going to be the value of the houses in a couple of years? On the positive side, I guess we maybe don't need to worry about capping the value of these homes because they could double and triple or quadruple again

because of the monetary easement. On the other side, I have seniors that paid \$12,000 for their home in 1959, and they are currently paying \$2,200 to \$2,400 in taxes on those homes. They've been retired, though, some of these people, for 20 years, and their retirement pension has not kept up with the cost of inflation because of the government's monetary policies and the inflation value that we've seen in homes.

Mr. Speaker, I certainly understand and appreciate the intent and the principle of this bill. I think it's a good idea, but I do not think that the government has done its due diligence to put the proper parameters around this bill. Of course, as the Minister of Education so eloquently says, just wait and see. I guess that when you've been in government for 41 years, you get that attitude of telling everybody: "Just wait and see, and don't actually worry about thinking things through because you haven't had to in the past. Why should you now?" It comes back to bite too many citizens here in the province. I do not believe they want to just wait and see. They want good legislation. They want to understand it. They want the parameters around it. They certainly don't want it resting with cabinet or with one or two ministers to say: "We'll pick. We'll choose. We'll decide what that interest rate or what that property value is or whether or not you can go to the courts to get your fair compensation."

It's just wrong, Mr. Speaker. Arbitrary law hasn't worked well anywhere in the world. It certainly isn't going to work well here. You need access to the courts in a proper, defined way, and I wish the government would define these bills a little bit better.

With that, I'll sit down and listen to any other comments that might be made.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Minister of Education.

Mr. Lukaszuk: Thank you, Mr. Speaker. This hon. member is waxing eloquent on how the Minister of Education is telling him to wait and see, but I'm wondering if he actually is aware what the answer to this question is and whether he realizes that the definition of a senior is actually well defined in Alberta's legislation. Perhaps he wouldn't have that many questions if he read other accompanying acts. Is he aware of the definition of senior?

9:50

Mr. Hinman: I would love for the Minister of Education to read in here that it's going by Alberta's definition of a senior and actually describing that in the bill. I doubt that the minister has even read the bill. If I've missed it, I'd be grateful. But with the amount of work that we have to do on this side because this government needs to rush things through, I'll be the first to admit that I haven't always gone through it with a fine-tooth comb. I have not seen the definition or where you would find the definition. I'll be happy to listen to the minister enlighten me on this subject.

The Deputy Speaker: Standing Order 29(2)(a)?

The hon. Member for Rocky Mountain House on the bill.

Mr. Lund: On the bill. Thank you, Mr. Speaker. I want to congratulate the sponsor of this bill. I think this is long overdue. When the hon. Member for Calgary-Glenmore was making a number of comments about issues that will be addressed in the regulations, I found interesting the comments about a house devaluing. That is a real possibility. But likely if that is occurring because of the market value on the taxes, then the taxes are probably going to be going down. The one thing that isn't going to

devalue to any great degree will be the lot itself. In many cases that will probably appreciate as opposed to devalue, so I think there are ways that it can all be covered off.

The only thing that I would suggest – probably it would even complement this bill – would be the ability for some people that have disabilities to be able to stay in a home under the same circumstance. Those types of people have a very limited income if they're on AISH. Now, the increase to the \$1,500 would sure help, but to have to pay the taxes – I think that if those could be deferred, those types of people would also benefit greatly from this type of program.

I think these things can all be worked out. Certainly, the Member for Calgary-Glenmore did point out a number of things that have to be taken into consideration when the regulations are developed.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Glenmore under 29(2)(a), right?

Mr. Hinman: Yes, under 29(2)(a). I'm just trying to look through here because I thought that there was some mention about a family member with a disability. I'm just going to hopefully look through here and comment on that. As I answered the last question, I was disappointed but not at all surprised that the Minister of Education just wanted to pontificate, and he doesn't have the answers which he is expressing. He likes to pontificate and show his brawn but doesn't show his brains too often, Mr. Speaker. I guess I'll have to say that I can't see it quick enough. I thought I had it underlined, but I think there is something in here about those that have those disabilities.

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

Mr. Anderson: Thank you, Mr. Speaker. This will be two for two today on a government bill that I'm supporting. I'm very happy about that. [some applause] Thank you. It's good to see I'm having an effect.

I'd like to speak in favour of the Seniors' Property Tax Deferral Act. This, of course, is a policy, and I don't by any means claim that our party is the only party in here that has been pushing this policy for a while. I do know that the Minister of Seniors absolutely has been pushing this initiative for a while, before he was Minister of Seniors, as have several others in that caucus on the PC side. It's certainly something that I actually campaigned on during my nomination back in 2007, when I was with the PC Party. Under my own seniors policy it's something that I would advocate for, and I was glad to see that under the Wildrose our seniors policy also became one of our policies.

This is a very good initiative. It's one that I think has broad support. It's obvious to me that the reason that Alberta is a great province, of course, has a lot to do if not a majority to do with the seniors that have built it. They've put their sweat into providing for their families, in creating a legacy that we can all be very, very proud of. We have a debt of gratitude that we owe to them, and I think this bill under debate makes an effort to repay our seniors in that way but does so in a way that is very fiscally responsible, which is something I like about this initiative.

The problem here is very clear. Retired seniors are quite often in a situation where they long ago paid off their home. They worked hard to own their own home, but because of a growing economy and inflation combined with fixed incomes, they are in a pinch. Essentially, they are asset rich but cash poor.

I don't think it's right that a senior would be put in a position where they would have to use the furniture for firewood, so to

speak, or after paying off this home for so long and in many cases for years living in this home, essentially being forced out of their homes. That is, I guess, a part of life in some ways, and I understand, you know, that we can't always have what we want, but so many of these seniors have worked so hard to pay these homes off. To say, after they spend their whole lives paying off their mortgage, "You've got to move into a smaller apartment and give up your home" – if there's some way we can at least assist them to not have to do that, a fiscally responsible way of doing so, I think that that's a very worthwhile endeavour.

In my view, people are happier and healthier if they're in their homes. They shouldn't have to leave because of growing property taxes, which, of course, is a huge problem here because as their home value goes up and they're on a fixed income, they start having great difficulty paying their property taxes.

Alberta has a world-class economy. We are the envy of many around the world largely because of our oil and gas resources and the freedoms that that permits us and the resources that it gives us. We've had to make the most of what those are, and many of our seniors were part of doing that, of taking those resources and building something special here in Alberta.

I, too, feel that there are some unanswered questions about this bill. With regard to seniors I'm assuming that when we're talking about seniors, we're talking about age 65, I imagine, but if that's different, I would certainly like to know so that I could tell my constituents. It would be clear if it was directly in the bill, as my colleague was saying.

Let's say that it is 65. It would be good to know whether this bill only applies to those 65 and over and also at what income levels a senior would be able to utilize this program. What I wouldn't like to see, Mr. Speaker, is this program essentially abused by people. You know, if it's not lined out, I think that the system here could be abused and used as, essentially, an investment tool for folks that don't really need to defer their property taxes, whose income is such that they're fine paying them. They're still making a lot of income. If you're talking about seniors over 65, it's a small percentage of people, but it's just, I think, necessary to have some ground rules to make sure that no one is abusing the system, so to speak.

I would like to see those in committee. At least, I would like to see that more readily defined. You know, if a senior's income is under \$80,000 a year, \$65,000 a year, something like that, those folks could take advantage of it, but if it was over that amount, perhaps they wouldn't have access to that program. Whatever the line is – and I'm certainly not the person to make it – it would be nice, using empirical data, to see what would be the best way to go about doing that and looking at other jurisdictions but also just using common sense here.

10:00

At the same time, I don't want to see the threshold set so low that it essentially disqualifies seniors making \$30,000 or \$40,000 or \$50,000 a year. That may sound like a lot of money to someone who doesn't have to pay a mortgage because it's paid off or whatever, but indeed with inflation, where it's at sometimes, and the rising cost of living and so forth \$50,000 just does not stretch, even when the mortgage is paid off, as far as a couple might want it to.

So whatever that number is, it would be good to have that number going forward so that we could actually make sure that it was based on some empirical evidence and that we were all comfortable with it in here. I'm assuming what will happen now is that it will just be left to regulators in the bureaucracy to deal with. I think that that question should be something for this House to decide and not some arbitrary decision of the ministry.

That's kind of the main thrust of my support for the bill. I would like to note really quickly, though, that other jurisdictions do use this method. In B.C., for example, they have a program. The program is opened at the age of 55, but you can't collect your pension from the CPP until you are 65. So in a day and age when people are living and working longer, it makes sense to me that this program would kick in at age 65, which I'm assuming it does, but I would like some clarification on that if possible.

There were just a couple of other points, but by and large I just want to say congratulations to the minister for bringing forward this bill. It's a good bill. If we could get some clarification around those two little things, I think it would sail through committee very quickly as well and would be helpful to all those involved.

Let's pass this bill. For those in my constituency that might read *Hansard* after this or watch the video or whatever on this bill, what this bill allows seniors to do is to take the property tax that they owe to the municipality and essentially put a lien for that property tax against their home. When that home is eventually sold off after those seniors have passed on, then the property tax, that lien, is paid off, and therefore the government is paid back that amount. In other words, it allows seniors to use equity in their own home in order to pay property taxes and increasing property taxes.

Anyway, it's a very good idea. If this works well once it's set up, potentially there might be some other expenses that this could be used for. But, of course, property tax is the most obvious one, so let's start there and see how that goes and whether the program is working and get the kinks out, and then we can talk about other ways that we can help our seniors deal with the rising costs of living in Alberta as our economy strengthens, as we enter yet another welcome oil and gas resource boom.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yeah. I always appreciate the thoughts and the review that the hon. Member for Airdrie-Chestermere brings to these bills. He stimulates my thinking as he brings forward his ideas. The question that I have and what I was thinking about as he was talking: you know, should we set a limit on whether someone is eligible for this? I think that age is certainly something to look at.

When we look at the other four jurisdictions – P.E.I., Ontario, B.C., and I keep forgetting the other jurisdiction that has these – I guess I'm concerned because when I look back at history, in my neighbourhood, you know, in the '60s the house was worth about \$12,000. By the '70s it had doubled and a little bit, and it was worth \$30,000. By 1982, when we were kind of peaking in the housing industry, it had a little better than tripled to about \$100,000 to \$120,000. Then it kind of steadied off, and then we saw it accelerate again.

It's interesting because it's eligible income. If we go to that, you know, the pensions are kind of set, yet someone again might have invested a lot and have assets outside their pension plan, and therefore they can bring money in and out. In my mind I don't know that I want to see it tied to income level because of the variation. There are more and more people that are buying their homes late in life and maybe just barely have it paid off, so their income is at a good flow.

I guess I just have a few questions. You know, you talked about a formula or something to see whether or not someone is eligible on their income level. But for myself, I guess, I wonder whether that's really something to look at, that if someone has reached that

age, they could just access this because they've chosen to. They might have actually put that into their plan, once this is set up and going forward. That income of \$2,000 or by this time maybe \$4,000 a year is something that they're planning on. Any other further thoughts or comments on that?

Mr. Anderson: Well, those are very good points. I guess I just worry about somebody who is, let's say, a senior who is very wealthy, making \$120,000 to \$150,000 a year or something like that – they do exist; there are more than you would think – just from their investments and so forth and then using this as essentially a tool to increase their income, frankly, kind of unnecessarily. I mean, there is a cost to government on this. It's not a total cost, but it's a deferred cost to the government. We don't want this to turn into some kind of . . .

Mr. Hinman: A gravy train.

Mr. Anderson: Yeah, essentially a gravy train for those. This is meant for a very specific group of people to cope with the rising cost of their property tax in their real home, you know, the home that they've paid off the mortgage for and so forth and have built some equity in. I just want to make sure it's not abused in that regard.

I'm open to ideas on that. I wish the government would give us the details on it prior to passing it, as you mentioned.

The Deputy Speaker: Standing Order 29(2)(a)?

Seeing none, any other hon. member wish to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill 5 read a second time]

Bill 6

Property Rights Advocate Act

[Adjourned debate March 8: Mr. Prins]

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

Mr. Anderson: Thank you. I welcome this opportunity to speak to Bill 6, the Property Rights Advocate Act, in second reading. This one I'm going to vote for, so that makes three for three today of government bills. [interjection] I know. It's tempting. Maybe one day we'll let you come over with us. I mean, that can work both ways.

Bill 6, the Property Rights Advocate Act, is certainly one that I'm going to support. However – I'm sorry – I'm not going to be too flowery in my language on how we got to this point. I know that will shock people. I don't give the government much credit in this regard for this act, and I'll explain why.

10:10

If the point of an advocate is to give a voice to vulnerable members of society, then there's perhaps no group of citizens in Alberta that needs greater protection from their own government than Alberta landowners if you look at this government's record over the last few years. Unfortunately, Mr. Speaker, this government's flawed bills have stepped all over the rights of landowners, and they're still on the books today. An advocate, though a strong first step in recognizing that a problem exists, fails to tackle the real problem of the poor state of property rights in our province.

Bills 19, 24, 36, and 50, legislation that was passed by this very same government, still exist, and they are the very reason landowners feel that they are in need of protection. Let me tell

you: it is incredible to see that even now, after all the different amendments and all the different bills and all the different marches around Alberta on the junkets, the travelling road show with all these different ministers, and so forth, anger with this government in rural Alberta over the property rights issue is stronger than it was even at the height, one or two years ago, because still this government has not listened.

Nowhere has that been more clear than with regard to Bill 50. This is a bill that this Minister of Energy as well as the current Premier went around Alberta – I don't know about the deputy Premier. I didn't notice that he spoke against it nor some of the others. Specifically those two individuals spoke against Bill 50, spoke against the way that it had circumvented the proper regulatory process.

The Minister of Energy gave a very fine, eloquent speech about it on his campaign YouTube website when he was running for the PC leadership, explaining very clearly and very correctly on every point that Bill 50 was absolutely wrong headed, that it circumvented the proper independent needs assessment process, that the lines were probably not needed. Although that would have to go through the regulatory process, they probably were not needed because of the ability to create electricity from local generators using natural gas such as is being done in and around Calgary with the new Shepard plant and so forth. That would probably lessen the needs for these new lines if not eliminate them completely, certainly the north-south lines between Edmonton and Calgary. Certainly, it would make it so that we wouldn't need both. We may need one but probably not both.

These were clearly laid out, and it was eloquent. It was correct. I know it's a position that that member held for a very long time prior to that. I don't know when the Premier decided to be opposed to Bill 50, but she was during her leadership race. No doubt about it. There was some hope although she made kind of a bizarre finding where she decided that the heartland transmission line was appropriate after she was elected. The heartland transmission line was apparently fine. Now, she did mention during her time running that she thought that one was needed. So although I disagree with her on that, she did mention that.

However, she specifically said that at least one of the north-south ones was not likely needed and that certainly we should go through the proper regulatory process before determining whether to go forward on that. So she froze those lines, and for a time there it looked like maybe she was going to at least cancel one of them for the time being or that maybe she would go back to the drawing board completely and have AltaLink and these other companies go through the proper regulatory process, a needs assessment.

Instead what we got is a group that was quickly appointed. Although they had some expertise in the field, they were no more knowledgeable than, for example, the Minister of Energy, who had just a few months earlier gone through and explained why these lines were not needed. So it's not like this panel didn't have a clue, but they were certainly not engineers. They were not people that were any more qualified than the Minister of Energy, the Premier, folks like Keith Wilson, or energy experts around the province, whether they were working for Enmax or even companies like TransAlta, who have frankly admitted that the regulatory process was not properly followed and that there probably wasn't a need for two lines. Even folks like that were very clear that this process needed to go back to the drawing board.

But she skips all that and goes to this committee. This committee comes back and says: no, we're going ahead with the two lines, but we do admit that the process used to arrive at these lines being built was completely flawed in virtually every respect.

They didn't go through the regulatory process. This is the government's panel. They didn't go through the proper regulatory channels. That can't happen going forward. Cabinet shouldn't have that unilateral power to circumvent the regulatory needs assessment process and so forth. In other words, yeah, you did it all wrong.

It was completely wrong headed. The system was totally bastardized, but: "Don't worry. We're going to still go ahead with these lines because we still think they're needed. Then the next time, 25 years or 34 years down the road, when you want to build more lines, then go through the process." At that time go through the proper process. It was absolutely stunning.

Of course, what that has led to is a lot of the anger that you see in rural Alberta, and that's very reflected in the polling that you see around the province right now. People are mad about this issue, especially in rural Alberta. So would it be nice to have a property rights advocate act to tell folks, kind of like a grief counsellor, why they've been aggrieved and why the government, yes, has stepped on your rights? Yes, you don't have due process; and, yes, they didn't do that proper independent needs assessment, which means there are these big, horrible lines going over your lands and taking up your viewscapes and all of that sort of thing.

Yeah, we can have an advocate, and that's better than nothing, I guess. But what would have been real leadership would have been this government saying: "You know what? We blew it on Bill 50." Repeat the bill. Go back to the drawing board and say to AltaLink and ATCO: go through the proper regulatory process. And if they pass that proper regulatory process, then they could go forward and build the lines. I don't think they would if it was a truly independent panel, but at least we would have actually had engineers and people that knew what they were talking about, electrical engineers and so forth, bringing their testimony forward before a panel, the panel weighing the evidence and getting to a decision that would actually be one that Albertans could respect and could be confident that they weren't being getting gypped, that these were lines that were actually needed to keep the lights on.

People are very upset about that. There is reason to be upset. Rural landowners are not the only ones that should be upset with Bill 50 in particular. Urban voters should also be upset with Bill 50 because these costs are all going to be on the bills of urban ratepayers. They calculate a very small – it's just a couple of bucks a month or whatever it is. Just a couple of bucks a month. Unfortunately, that's not necessarily true if the industrial users get off the grid because of increased expenses to their electricity bills and if they want to do on-site cogeneration and so forth and get off the grid. Those costs will then go to the regular ratepayers that are still on the grid, so those costs could go very high. It's just one more cost on their bill. What was once \$2 or \$3 becomes \$10 a month, becomes \$20, \$30 a month. Who knows?

Pretty soon it becomes a problem for those seniors, for example, that we were talking about earlier and the problems that they have living on their fixed incomes as prices go up. So we should not be callous to just a few dollars more a month on our bills. It's always just a few more dollars. It's always just a few more tax dollars, a few more dollars on the bill. A few more this, a few more that. Pretty soon we're overtaxed, and there are too many fees. People can't afford their rent. People can't afford to put food on their tables and so forth. We've got to try to bring costs down, not find reasons to drive costs up.

So I hope that this property rights advocate will be able to do something constructive other than to be a grief counsellor for the lack of property rights that are enjoyed in this province.

10:20

I am shocked that this government did not see fit to pass Bill 201, brought by the Member for Calgary-Glenmore, to strengthen property rights in the Alberta Bill of Rights even further than they are right now. I thought it was a very reasonable proposal that should have been in there and would have made the property rights advocate's job a lot easier because there would be clearer definitions in the Bill of Rights as to what property rights entail.

There's probably not enough time to talk more in second reading about Bill 50, Bill 19, Bill 24, and Bill 36, but the one that really gets me is Bill 50 because at least with Bill 36 and Bill 19 and a little less so with Bill 24 there's a genuine debate and a disagreement of opinion on the ideas of that bill. Bill 50 is different. I know that the Premier – at least she said it during her leadership race – and I know that this Energy minister know that what happened with Bill 50 was wrong, yet they still went through with it. They still went forward with it. It's not right, and that's why Albertans in rural Alberta right now are supporting, at least if you believe the polls – and I know that polls are polls, but if you believe the one released most recently, the Wildrose is leading in rural Alberta, and there's a reason for that. [interjections]

I enjoy it when the other side laughs. I love it when the other side laughs at that. I'm just looking at the polls. Maybe it's a total lie, and they can go back to sleep; they have nothing to worry about. [interjections] You'll win 80 seats. You have nothing to worry about. Go back to sleep.

The Deputy Speaker: Hon. member, let's talk about Bill 6.

Mr. Anderson: Absolutely. If they could just get it through their heads that one of the biggest reasons they are losing badly in southern rural Alberta and are now tied or losing in northern rural Alberta is because they have entirely butchered property rights over the last four years through these bills. Bill 50 is, in my view, the most egregious example of that.

If we are interested in having a property rights advocate, that's great, but it's window dressing. It doesn't get to the bottom of the issue, and the bottom of the issue is: repeal Bill 50 in particular. Repeal Bill 50. Repeal all of those bad land bills, but particularly Bill 50, and send those power lines back to the drawing board. Go through the proper regulatory approval process to see if we can't get away with not having to build all of those lines and save Alberta consumers money and save some of our viewscapes and save some of our farmland and save a lot of money for this province and still be able to keep the lights on. That is the whole point of why that bill needs to be retired.

Thank you, Mr. Speaker.

The Deputy Speaker: Other hon. members? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. My hon. colleague from Airdrie-Chestermere did a very good summation in trying to show the damage that Bill 6 is attempting to correct. He rightly pointed out the problems with bills 19, 24, 36, and 50, which I don't think any single piece of legislation – this is probably the third or fourth attempt by the government to try and correct the problems associated with Bill 50, which is basically about expropriation.

After seven years in this House I was pleased to see that the government finally made the children's advocate independent of the ministry and had the children's advocate report directly to the Assembly. After the fact I'm assuming that's what this property rights advocate person is going to do, to be a sort of intermediary, hopefully an individual rights champion, to a degree a referee.

This government controls the powers of referees to a very great extent. We've seen cases of individuals such as our Ombudsman leaving before their term was up out of frustration in trying to advocate on behalf of Albertans. I'm not convinced that the individual who receives this position will be given the power to fulfill the position. Auditor General Fred Dunn left before his time was up because of the frustration of interacting with this government, that would accept his recommendations and then fail to act on them.

It seems that the government is being pressured to create other positions, for example a seniors' advocate. Now, good governance, in theory at least, should not require somebody outside of the ministry to advocate on behalf of individuals approaching the ministry for a resolution of their concerns, but we're seeing more and more external advocacy positions being created.

Another example of an individual who quit prematurely and talked about death by a million cuts was Frank Work, our commissioner for privacy, because of the way this government withheld information and blocked him.

We've had ministries interacting against each other in the form of occupational health and safety under the Ministry of Human Services getting static from the Seniors ministry with regard to hearings, so I'm not convinced.

While Bill 6, establishing a property rights advocate, heads in the right direction, the failure within ministries to serve the needs of Albertans and then the failure through crossministries to work together – a prime example of crossministerial failure is the Auditor General attempting to get information from the Securities Commission in order to complete an audit and being stonewalled for such a length of time.

So we can create this so-called property rights advocate sheriff, but if we only give him a tin star and no other powers beyond that star to advocate on behalf of individuals, then it appears that it's just more window dressing.

Now, what we've seen in the eight years that I've been here is a move of this government from legislation into regulation, to empower ministers to such an extent that they singularly overrule any other commission. A good example of a commission being sidelined and ignored is the Alberta Utilities Commission. Now, there have been problems, obviously, with the spying and so on and needing a whole battalion of sheriffs to defend the people on the boards from the advances of 80-year-old women who object to having their property expropriated, but we had the potential.

I have frequently praised the Member for Foothills-Rocky View for bringing forth the equivalent of a land-use framework bill that would, using water as the basis, divide Alberta into six regions and then determine, almost like a traffic cop, what was allowed in which of the various regions. In other words, there'd be a plan, a laid-out set of rules governing what went where and under what circumstances individual rights are superseded by public good. Maybe to a small extent Bill 6, the Property Rights Advocate Act, will be able to a small degree be that traffic cop, but if we'd had the land-use framework established, then bills 19, 24, 36, 50, and now 6 would quite likely have been unnecessary. But what's happening now in the province, whether it's clear-cutting in the Castle or clear-cutting in Bragg Creek, is that it's, you know: go for broke; do whatever damage that you're allowed under legislation; first in right, first in time to undertake; and then we'll let your descendants figure out the problems afterwards.

10:30

In Bill 6 the property rights advocate powers are sort of in a position like the Human Rights Commission of being a quasi-judicial circumstance where they can't overrule a ministry. All

they can do is potentially go on bended knee and open hands to a minister and say: you know, think twice about expropriating this person's land.

The hon. Member for Airdrie-Chestermere talked about the lack of expert advice, the lack of outside scientific, empirically based knowledge, as he was talking about, circumstances.

Now, I know that there are a number of members in this House who represent Calgary constituencies who attended a couple years ago the presentation by Enmax about local power generation, this being natural gas, which is considerably cleaner and more efficient in terms of its power delivery than two lines hauling coal-based, prehistoric, emission-spouting energy from Wabamun all the way down to Calgary. Finally the government recognized and took the cap off wind power generation limitations that they'd put on it for so many years. But the reality is that Calgary, with a population exceeding 1.3 million, cannot only generate its own power through this gas-powered, locally generated electricity but will not suffer the power loss that questionable lines coming all the way from Wabamun do.

The government has committed to decommissioning these old coal-fired generating systems, and the government has suggested that, well, we only use clean coal in Alberta. I haven't seen any white lumps of coal, but that's what the government would have us believe. We are building these transmission lines to hook up with power sources that are going to be decommissioned. You have to question the logic of putting all this money into projects that lose power along their lines and are an environmental eyesore, which gives Alberta an even blacker eye.

Now, we've tried very hard to justify our oil sands and talk about alternative energy sources, and scientifically we know that the amount of emission from any oil sands development is minuscule in comparison to coal-generated power, yet here we go with two transmission lines using outdated heavy-polluting energy sources. It makes no sense.

How can the sheriff appointed by Bill 6, the property rights advocate, say to the government: you're using outmoded forms of energy transmission and outmoded transmission lines to bring this energy down south, which will magically then find its way to be connected to the Montana tie-line. Without the expertise, without the power this advocate is not going to be able to change the wholesale handover to TransAlta Utilities and ATCO energy that the public will pay for. The bill seems to vary between \$5 billion and \$15 billion. There's discussion as to whether some parts of the line will be buried or not.

Good luck to this property rights advocate in straightening out problems that this government has caused and failed to correct. I wish the individual well. I will be supporting Bill 6 because anything that intercedes on behalf of Albertans opposing this government's unilateral expropriation has got to be of some value, albeit limited.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Minister of Energy.

Dr. Morton: Thank you, Mr. Speaker. I'm pleased to rise to speak to Bill 6 and the three Cs and the A.

The Deputy Speaker: Standing Order 29(2)(a). Five minutes. Go ahead.

Dr. Morton: That's right. Three Cs and the A: courts, compensation, consultation, plus an advocate. That's what Albertans have been looking for when it comes to property rights protection: access to the courts, due process, the right to fair compensation as provided under the Expropriation Act and under common law for

takings and also consultation, and on top of that we've added an advocate, not in a department where there might be some taking going on but in the Justice department, where you have an independent advocate trained in legal matters and trained in property rights.

The opposition party here has spent two and a half years scaring landowners and muddying the facts. Bill 36, of course, protected property rights, access to the courts, compensation, and consultation. The hon. Member for Airdrie-Chestermere stood in this House and praised Bill 36 two and half years ago, and he has changed his mind.

Mr. Hinman: He's seen the light since. When will you?

Dr. Morton: Yes, he has, for fairly clear reasons.

Let me switch, then, to his comments on Bill 50. He commented on the fact that I was critical of Bill 50 last year during the leadership and prior to that. Indeed, I was. [interjections]

The Deputy Speaker: The hon. minister has the floor.

Dr. Morton: I think part of being intelligent, Mr. Speaker, is knowing what you don't know, and I don't think either of the two gentlemen there would claim themselves to be energy experts. I certainly don't either. So when I ended up being the Minister of Energy and responsible for Bill 50, I did what I think an intelligent person does, and we appointed a committee.

The integrity of this committee has been impugned. I'd remind Albertans that one member is a professor emeritus at the University of Saskatchewan with five books on electricity and a member of the Royal Society. Another is the dean of the faculty of management at the University of Alberta. His research area is on energy economics. The third member was a member of the Alberta Utilities Commission. Three people, independent and well versed in different aspects of electricity.

They listened to all the groups, and what did they hear? Nobody disputed this – nobody disputed this – that the growth that Alberta is experiencing is the single biggest predictor of what we need in terms of new energy. Since the need for north-south reinforcement was first identified, 700,000 people have moved to this province since 2002. By the very earliest date that one of these lines could be in service, which would be 2015, another 200,000 people will be here. In the meanwhile, the GDP is growing at 3 per cent or 3 per cent plus a year, again the strongest single predictor of energy need. Nobody who appeared before this committee disputed that.

I would say this on the issue of gas. Will there be more gas-fired production? Absolutely. Will it be near Calgary? Absolutely. But it will also be up in some of the existing coal plants in brownfields. As older coal plants are phased out, you'll see greater use of gas. There is social acceptance already there. There are existing connections. They're concerned about money, saving hundreds of millions of dollars in connections. These brownfield sites are already connected to the grid. Perhaps most importantly, the existing brownfield sites have water licences. Water licences are hard to get unless you're Enmax. Water licences are hard to get in southern Alberta.

Mr. Speaker, I can sum up very quickly. When I'm presented with facts that show that the opinion I previously held was wrong, I change my mind. I suggest some of these other hon. members do the same.

10:40

The Deputy Speaker: You have 30 seconds under 29(2)(a).

Mr. Anderson: Absolutely. Well, yeah, it's funny how his difference of opinion from a couple of months ago to now is

completely based on principles and not knowing the information before, but the stand that I took when I wrongly took a speech that your office had prepared for me as a rookie MLA and read it and made that . . .

An Hon. Member: You were just a mouthpiece.

Mr. Anderson: Exactly. Unfortunately, I was just a mouthpiece.

The Deputy Speaker: Hon. member, the 29(2)(a) time is finished. The hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: It is very interesting, that last question from the Minister of Energy on 29(2)(a), where he got up and wanted to explain why his ability to get new information and change was okay, but other people seem to do it for different reasons than that.

On Bill 6 I guess I have to disagree with my colleague in that he's going to vote for it. I'm going to vote against it because the whole purpose of Bill 6 is to try and put a Band-Aid on something that's wrong, and I don't want to put on a Band-Aid. I don't want to start a whole new property rights advocate at this point, with an election looming. Again, this government perhaps wants to go to the people – obviously, they do – saying: “Don't worry. We'll have an advocate for you now. You don't need property rights. All you need is an advocate because we're going to consult with you, we're going to give you the courts, and we're going to give you the compensation but not in all jurisdictions and not in all areas.” If you actually own the title to a property, you will, but if you have a lease, a mineral lease or a forest lease, other areas like that, the consultation, the compensation, and access to the courts, it's still up to the wonderful minister to decide whether or not they're fair. I'm astounded.

Mr. Anderson: He just said he doesn't have any expertise.

Mr. Hinman: Yes. And he has no expertise. That is a bit of a conundrum.

Mr. Anderson: He had to appoint a committee to figure it out.

Mr. Hinman: An expert committee.

So, Mr. Chair, I have some real problems with Bill 6 in the fact that this is purely a bandage for a wound that should be sewn up by repealing bills 19, 24, 36, and 50, which many have talked about very well.

Bill 36 is interesting. It divides the province into seven land-use regions and authorizes cabinet to implement sweeping regional plans for each area of the province that override whatever had previously been in place. This means that central planners – central planners – like our fine Minister of Energy at the Legislature rather than locally elected and accountable municipal councils will ultimately get to decide on what activities are going to be permitted or prohibited on private land in every region of this province. I've listened to him say that he would trust elected people over and above the judicial courts. I find that quite astounding, but it was enlightening when I heard him talk on that.

This act also allows cabinet to extinguish existing rights held under licences, permits, leases, and approvals with limited or no compensation. I spoke with one miner who really contemplated taking out a mineral lease in Alberta because he said that it's one of the worst areas. But he went to SRD and got their assurance: no problem; that area is not going to be under the lower Athabasca regional plan. He put two years of sweat equity into that mine only to have it swept out from under him because LARC changed its plan because another big business said: we might want to put in a

hydro dam. So all of a sudden it was changed, and he doesn't have any compensation, he doesn't have any consultation, and he has no access to the courts. I'm sorry, but a land advocate isn't going to help him either.

It's just a joke. It's just wrong. How they can sit over there and say that it's okay, that these regional planners are going to look after the province. That isn't what this is about. It's about looking after investors. It's about looking after property owners. It's about looking after businesspeople who have leases and permits and other approvals to go forward. Yet this government and, again, their wonderful central planners are going to speak on that and say whether or not it's okay to go ahead.

The smaller acts of 1924 and '36 are trumped and are designed to give licences to Albertans to operate businesses. Whether it's the Forests Act or the Public Lands Act or the Water Act, each of them is mandated to distribute their licence for various industries in a sustainable way. The Forests Act, for example, is explained on the SRD website. “This Act establishes an annual allowable cut in coniferous and deciduous [trees]. It prohibits persons from damaging the forest in any way and allows the Minister to construct and maintain forest recreation areas.” So there are conservation provisions in it. Those who get a tree harvesting licence assume that they are granted the freedom and right, the licence, to harvest certain trees. This would be a reasonable assumption until now.

After LARP, the lower Athabasca regional plan, came out, we now know that these licences are liable to be extinguished if the minister decides suddenly that for whatever reason, because nobody can appeal or demand a rationale, he wants to extinguish their licence in his regional plan. What is in Bill 6 that changes this fact? Nothing. The advocate will simply tell the landowner: oh; there's no appeal, there's no consultation, and there are no courts. Then he might include his landowner's complaint in a report at the end of the year. How wonderful.

The point is that all kinds of industries and professions rely on these individual acts to plan their business and hire employees. They even base their decision on whether they want to come to Alberta to do business and hire people on the reliability of this framework. As indicated, there are stewardship provisions already built into them, but these new superacts, especially the Land Stewardship Act, trump all of this and throw it into doubt.

The argument is that we need to think about sustainability or stewardship or conservation, but the acts we are talking about include this consideration. Some of these acts we're talking about even have conservation in the title: the Coal Conservation Act, the Oil and Gas Conservation Act, the Oil Sands Conservation Act. If they're not doing their job, Mr. Speaker, why not bring each of them in to make the adjustments, like the government does all the time? We need rule of law, not an advocate to explain to landowners which superlaw takes his rights to appeal and gives arbitrary powers to the minister and the cabinet. It's just not right. Bill 6 isn't needed. Property rights are needed. An advocate isn't needed. We need the courts and the due process of law to ensure that investment will go on.

What's kind of interesting to me is that when I first got elected, one of the first I want to say draconian economic decisions of this government was to come up with a fair share for Albertans, and that caused us a lot of grief. We're still, I think, trying to struggle and recover from that in different areas. They went through many, many amendments. I think it was six. Was it six amendments to the new royalty framework?

Mr. Anderson: I lost track.

Mr. Hinman: They finally had to revert to what it was. I don't know whether we've got four amendments now or how many we're going to go through, I guess two amendment acts. This Bill 6 is a third amendment act. [interjection] I'm sorry; I'm confusing the former Minister of Education.

Mr. Hancock: You're confusing yourself. The royalty framework worked perfectly fine.

Mr. Hinman: Oh, listen. Now he's telling us that the royalty framework worked perfectly fine. So why on earth did we ever go through such a prolonged procedure and so many tweaks and keep saying, "Oh, we're going to change this, and we're going to change that"?

This is the problem with this government. They don't even realize the damage they do. They're like the bull that's gone through the china shop. It has no recognition of china, doesn't know that it's done anything wrong. Therefore, we have to worry about where the bull is going to run next. It's so bullheaded that it doesn't know that it doesn't belong in there.

The problem that we have with Bill 6 is that it's the third attempt of this government to bandage up the problems of ignoring and walking away from property rights here in the province. Although some are going to say, "Well, at least let's put the Band-Aid on," I'll say: "No. Let the bleeding continue. Let the damage be shown so that people will react sooner rather than later."

10:50

We've had two and a half years. It's interesting. The Minister of Energy talks about the fearmongering that's going on. I think of the fearmongering that this government has been doing to get a power line from Edmonton to Calgary for – what is it? – eight, nine years now, since 2002, and he's telling us that it's critical now?

What the report actually said was that we needed one, that a 500-megawatt line from Calgary to Edmonton would be more than adequate and probably would only cost \$500 million, one-seventh of the current thing. [interjection] It's interesting that he says that no one denied the growth. What they all did argue about, except for those who were actually building the lines, is that we don't need the lines. We can build the power plants, level the playing field.

What's really most interesting about the critical line committee is that they said, you know, that they were given the parameters of this government to come out on that decision, but the parameters were wrong. Even they said: now that we've given the government the go-ahead which they want to have to build these lines, we still will say, as the Premier and the Energy minister said, that this belongs back at the AUC.

Even after they were forced, because the parameters say that you need to make a decision, they said: you know, future decisions should go back to the AUC. It was very plain, very obvious, and when asked about the economics of it, even they said: "Well, no. It's more about the footprint. It's not about the economics." If it was the economics and we needed that, one line would suffice. We don't need two. We certainly don't need two DC lines.

Technology has changed somewhat, but still the cost is exorbitant. It really has to be looked at as to whether or not that's the right thing. This Bill 6, the Property Rights Advocate Act, isn't going to address any of that. Those costs are going to occur on the bills of the residential people of Alberta, and it'll be a domino effect. As industry is driven out of this province, just like

they did with our new royalty framework – they drove industry out. The taxation wasn't able to be brought in to meet our needs.

We're still at a \$16 billion deficit because of the incompetence of this government and the legislation that they bring in that doesn't respect property rights or business licences in any form. They just look at it from their own selfish point of view.

We don't need Bill 6. We need property rights. We don't need a government that says that they're going to go out and consult after they pass new legislation. That isn't what the problem is. It's about having people with rights. That's what a constitutional democracy, Mr. Speaker, is all about, having the rule of law and being able to actually know in advance what the court should rule. We seem to have more and more arbitrary decisions. This government is fixated on the idea that if it brings it into the government policy area, we can therefore protect and plan for the future.

It's interesting. I've had a little bit of experience with land use and buying property in different areas of the province, and it's amazing how it changes over the years as elected people are brought in because they're not representing the local people. One thing I can assure you, Mr. Speaker. With this centralized decision-making in Edmonton the local people will not be able to reverse and change these laws.

Of course, this government is going to say: well, we know better. Central planners always do say that: "We know better. We can plan better for what you need in your area. You just don't understand." They're going to step on lots of rights going forward. It'll be to the detriment of the industry here in the province. It's wrong. It shouldn't be passed. I would just hope that we'll have an election before this government, because they're going to pass this bill, spends the money to set up a property rights advocate at the expense of the taxpayers when all we need to do is just protect the property of those people here in the province.

I'll look forward to some piercing questions under 29(2)(a) on this. Thank you.

The Deputy Speaker: Standing Order 29(2)(a). Hon. Minister of Energy, you have five minutes.

Dr. Morton: Thank you, Mr. Speaker. I suspect that everybody in the Assembly here tonight would agree that in repeating things that aren't true, no matter how many times you repeat them, they're still untrue. I think that if any Albertans happen to be listening tonight, they would have no idea what's actually in Bill 6.

For the sake of clarity, I'd just like to read a few key sections from Bill 6 to put into context some of the misleading comments that we've heard from the hon. gentleman there. The preamble is very clear here:

Whereas the Government of Alberta believes that land owners should be consulted about proposed legislation that affects their property rights.

So consultation, the first of the three Cs.

Secondly, they believe "that land owners should be appropriately compensated where their lands are affected." So compensation, the second of the three Cs. [interjections]

The Deputy Speaker: Hon. Member for Calgary-Glenmore, the minister has the floor for five minutes.

Mr. Hinman: I heard lots from him when I was speaking.

Dr. Morton: That was somebody else.

Courts, compensation, and consultation. If there are any citizens of Alberta still listening, let me take them to section 2(1) of Bill 6, application of the Expropriation Act.

2(1) The Expropriation Act applies to an expropriation authorized by the law of Alberta and prevails over any contrary provisions that may be found in the law.

It prevails. The Expropriation Act prevails, and it provides very clear rights for an administrative appeal and, if you're not happy there, to the courts. This prevails over Bill 36 if that's his big concern.

Then I would take him to section 2(2).

Where a person has a right to compensation as a result of an expropriation or compensable taking . . .

I emphasize: a compensable taking in law.

. . . that person must have recourse to an independent tribunal or the courts, or both."

Now, a compensable taking, Mr. Speaker, refers to loss of value as determined in the common law. Expropriation is under a statute, and it sets out the rights to an administrative appeal and then access to the courts. This extends it to a compensable taking, and a compensable taking is a loss of value in land pursuant to it could be a private action or it could be a government action. It addresses precisely – precisely – the type of adverse impact that our friends in the third party have been complaining about. Again, it guarantees recourse to an independent tribunal or the courts or both.

Let me conclude, then, by going to section 4, complaints, which is the office of the property rights advocate.

A person may make a complaint to the Property Rights Advocate . . . relating to

- (a) an expropriation of that person's land, or
- (b) a compensable taking of that person's land.

Again, either under a statute or simply through an adverse impact of a government act that would negatively affect value.

This is section (2):

The Property Rights Advocate shall prepare a report . . . provide a copy of the report.

I skip down to subsection (5) now. If the advocate determines that there has been something wrong or if there has been misconduct on the part of a government authority, that report is admissible in a court of law or an administrative tribunal or both. So you have exactly what an independent advocate is supposed to be, somebody that helps a landowner. The landowner doesn't have to pay for this service. It's an independent advocate that will study the situation, file a report, and if a wrongdoing has been found on the part of a government act or government acts, that report is then admissible in a court of law or the administrative tribunal.

What else is there to say? They have spent three years confusing the fact here, and we have finally now put out the three key issues: compensation, consultation, and courts. I know why they're upset. [interjections] Without this issue how the heck are they going to get any votes? Courts, compensation, consultation, and an advocate to take the side of landowners: that's what Bill 6 brings.

The Deputy Speaker: Section 29(2)(a) is done. It's finished. [interjection] Hon. member, the five minutes for 29(2)(a) have terminated.

Is there any other member wishing to speak on the bill?

Seeing none, hon. Minister of Environment and Water, do you wish to close the debate?

Mrs. McQueen: Close the debate. Question.

The Deputy Speaker: All right, then. The chair shall now call the question.

[Motion carried; Bill 6 read a second time]

11:00 Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The chair would like to call the committee to order.

Bill 2 Education Act

The Chair: Are there any comments, questions, or amendments to be offered with respect to the bill? The hon. Minister of Education.

Mr. Lukaszuk: Thank you, Mr. Chairman. It is with great pleasure that I rise today to move an amendment – I believe we'll number it as A1; the table clerks have the requisite number of copies for distribution – to Bill 2, the Education Act. We'll give some time for the pages to circulate that amendment.

The Chair: Let us pause a moment. The page will deliver the amendments to the members.

Hon. minister, you can proceed now.

Mr. Lukaszuk: Thank you. We all know, Mr. Chairman, that change can create concerns and anxiety among those impacted by change. We also know that in a society as diverse as ours, there is always a balance to be struck between individual values and beliefs and the values and beliefs of society as a whole.

Our education system, Mr. Chairman, must strike this balance. It must both respect individual values and beliefs and reflect the common values and beliefs of Albertans as embodied by foundational legislation such as the Alberta Human Rights Act and the Canadian Charter of Rights and Freedoms. I want to ensure that Bill 2 appropriately strikes this balance and addresses a concern that has been raised by many Albertans since the introduction of Bill 2; namely, the role of parents and family life in a child's education. This is important for all families in Alberta, of course, but for families who choose home education for their children, this is of special significance. For these students, learning happens in the home and is integrated into the family's life rather than at a set time of the day.

The crux of the matter, Mr. Chairman, lies in three elements already contained in the Education Act. One, the Education Act speaks to the government of Alberta's commitment to providing choice to Alberta families in education programs and methods of learning. Two, the Education Act also speaks about religion, and like in the School Act it allows parents to exclude their children from religious instruction or exercise. Three, there are certain elements in the Education Act, some new additions and some retained from the School Act, that reinforce the role of parents within a child's education. These concepts together play a foundational role in a child's education and, indeed, in a child's life. However, I believe that it is necessary to clarify and articulate the connection between these three concepts.

We heard from a number of home-schooling parents that they were concerned that the legislation was not clear. They were concerned that government was requiring that they teach things they do not agree with. Let me be clear, Mr. Chairman. We believe that parents determine the religious instruction of their children. Let me underscore that. We believe that parents determine the religious instruction of their children.

Accordingly, I propose to add a new statement to the preamble of the Education Act to read as follows:

Whereas the Government of Alberta recognizes that parents have a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins

in the home; that parents play a foundational role in the moral and spiritual formation of their children; and that these principles are reflected in the commitment of the Government of Alberta to provide parents with choice in education, including public schools, separate schools, Francophone schools, charter schools, private schools and home education programs;

This amendment to the preamble honours the government of Alberta's commitment to choice, to respecting conscientiously held spiritual beliefs and ethical traditions, and to respecting parents' rights when it comes to these very important matters.

Mr. Chairman, at this point I conclude, and I adjourn the debate.

[Motion to adjourn debate carried]

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I move that the committee rise and report progress and beg leave to sit again.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: I shall call the hon. Member for Edmonton-Calder to report.

Mr. Elniski: Thank you, Mr. Speaker. The Committee of the Whole has under consideration a certain bill. The committee reports progress on Bill 2. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Having heard the report from the hon. Member for Edmonton-Calder, does this Assembly agree?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.
The hon. Government House Leader.

Mr. Hancock: Mr. Speaker, given the hour and given the progress I would move that we adjourn till 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 11:09 p.m. to Wednesday at 1:30 p.m.]

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Other inquiries:

Managing Editor
Alberta Hansard
1001 Legislature Annex
9718 – 107 St.
EDMONTON, AB T5K 1E4
Telephone: 780.427.1875