



Province of Alberta

The 27th Legislature
Fifth Session

Alberta Hansard

Wednesday evening, March 14, 2012

Issue 18e

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta The 27th Legislature

Fifth Session

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Legislative Assembly of Alberta

7:31 p.m.

Wednesday, March 14, 2012

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: Hon. members, the chair shall call the committee to order.

Bill 2 Education Act

The Chair: We'll resume the debate on subamendment SA1 on Bill 2. The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Chair, for this opportunity to speak on amendment A1. What amendment A1 does is that it legitimizes the illegitimate. The worst piece of legislation that I have come across in my eight years in this Assembly was Bill 44. Bill 44 in one sense attempted to recognize the equality of GLBT community members while at the same time not allowing students of those persuasions to have a voice in a public school setting.

I have no trouble, Mr. Chairman, with religious schools. I indicated my support, being a public school teacher for 34 years, which includes the separate school system. I support the fact that the separate school system brings religion into every aspect of their school experience. They have the Charter right, as does the francophone school, to have that support.

But when we start fragmenting the public education system by putting out 70 per cent of our per-pupil grants to a series of small religious schools that restrict entry into their systems based on religion, based on special needs, based on grades, then I don't see how we could possibly pay for and support those systems.

What this amendment A1 does is that despite the Education minister's discussion of bullying, it completely facilitates the bullying process. Children in a public school are not allowed to have any spontaneous discussion on matters of religion, matters of sex education, or on sexual orientation. Any spontaneity, any opportunity to discuss these matters could very well land a teacher before the human rights tribunal, and it puts a horrid cloak or cap on spontaneous discussions.

When I taught grade 7 social studies, I talked about world religions. I talked about the membership in those world religions, and I talked about some of the basic principles of those world religions. I didn't push a particular religious affiliation onto my students. I talked about it in generic terms, and I provided information. What amendment A1 does is that it prevents such discussions.

So while Bill 44, which amendment A1 is attempting to legitimize as part of the School Act . . .

The Chair: Hon. member, I heard you say A1. We are talking about subamendment SA1.

Mr. Chase: Subamendment SA1. Okay. Thank you. I'm sorry for my mistake in not saying subamendment SA1.

What happens with subamendment A1, which is basically an offshoot of A1, is that it overrides individuals' rights. I have no problem, Mr. Chair, with parents choosing to home-school, and if they home-school on religious principles they believe in, they have the right to do that. I don't have a problem with that. But where I have a problem is when children come loaded with baggage into a public school system and then basically hold their

class and their teachers hostage from any discussion that involves sexual orientation, reproduction, whether it be human reproduction or evolution in general, or protection for individuals of the GLBT choice.

Our public schools are there for everyone. They've been established for over a hundred years in this great province. When we start ghettoizing or segregating our education system into little packages, then the fabric of our public education system is undermined and destroyed.

What I see in both A1 and subamendment A1 is an undermining. When I spoke of Bill 44 and the damage it did, and the subamendment A1 relates to it, I spoke about the fact that at the time – I think it was 2010 or 2009 Alberta, but now we are in 2012 Alberta. We're not in 1925 Tennessee. This isn't the Scopes monkey trial. Forget the *Planet of the Apes*, Mr. Chair. We've got the province of the apes. We have people putting their apish, bully behaviour into our public school system and saying that if a topic such as transgender should arise in a classroom, we all have to put our hands over our ears, our eyes, and our mouths and run in horror into the hallway for fear of being brought before a human rights trial circumstance.

Mr. Chair, when our right of free speech is compromised, when politically correct becomes religiously correct according to a potentially fundamentalist viewpoint, then any open discussion is gone.

I am not a regular attendee within the four walls of a particular church, but when I went to the University of Calgary, I prepared weekly sermons for the religious group that I was affiliated with at the U of C. We didn't hang out signs, and we didn't pass around literature: come one, come all. Many of the discussions I had at the university involved Biblical discussions with members of the Campus Crusade, who felt that the only way for individuals to enter the kingdom of heaven or maybe the gates of the U of C was to be born again according to their religious principles. I have a lot of trouble when people use religion as a stick, and that's what I see happening in both amendment A1 and subamendment SA1.

7:40

Religion is a matter of choice. It's a matter of privacy. Using the Christian example, Jesus decried the Pharisees for their open display of religiosity. He talked about doing your prayers in the quiet of a circumstance such as a closet as opposed to beating people over the head with it.

Mr. Chair, I consider myself to be tolerant of all religions, and if people believe in their values and it helps them on a day-to-day basis, I don't have a problem with it. Where I draw the line is the public school system being subjected to particular persuasions. As I say, I appreciate the separate system and their charter. I appreciate the francophone system. But when discussions on science or discussions on human preferences are held hostage because teachers fear to talk about the various lifestyles of individuals – and I'm not suggesting that they promote a particular lifestyle, whether it's heterosexual or homosexual, but they should be at least allowed, if it arises in a classroom discussion, to have an open and frank discussion with their students.

When I taught elementary school, we sent home a form when we got into the plumbing of human sexuality. Parents were permitted to pull their child out of those discussions, but it was a very definite time frame and very definite planning. Parents were invited to a meeting beforehand, and we outlined the curriculum choices. I don't have any problems with that. But, Mr. Chair, if a student brought up a circumstance in my classroom with regard to what I had taught in a previous class, I didn't shy away from it. I

did my best to explain it without overlaying my particular moral principles or moral stance on it.

When science gets interfered with by religious beliefs or when social studies is limited because of religious overtones or a fear that someone is going to offend or, according to Bill 2, trying to prevent bullying, when a child is bullied based on a perception of their homosexuality, then we're in deep trouble.

Mr. Chair, among the subjects I majored in were French and art. A number of students in the art courses would appear to be less likely, for example, to be on my wrestling team that I coached for 25 years. That was their personal choice. But when we start trying to suggest that one lifestyle is superior to all others and damn those literally and figuratively who don't follow those particular religious precepts, then we're turning our public education system into a fragmented, ghettoized bastardization of what the public education system is supposed to be.

If people have strong religious beliefs, then they have choices. They can choose to home-school. They can search out a school that offers the same beliefs that they hold dear. They can attend the churches of their choice. They can have their services at home or in community centres as so many churches do because they can't afford the physical structure. But religion is supposed to be the way we conduct ourselves. In the New Testament we talk about loving thy neighbour and doing good to others even though they would potentially do us harm. When people have not got past the Old Testament of an eye for an eye, a tooth for tooth, then religion in that case is promoting violence, and that violence has been the basis of the greatest loss of life over thousands of years.

In the Crusades momentarily Christians were united, and they went over to beat up the Muslims. Then when the Crusades were over, they beat each other up, calling each other various heretics. The Spanish Inquisition was probably one of the worst examples of torturing a person till they confessed and then killing them. It was particularly hard to be a Jewish individual during that time period. You know, we see, for example, in Shakespeare's *The Merchant of Venice* the beating up of the Jewish moneylender, Shylock, and the pound of flesh.

These topics such as *The Merchant of Venice* and the prejudices should be open for discussion and debate within a public school system. When we start banning books and suggesting, for example, that *The Catcher in the Rye* is inappropriate, then that type of censorship is extremely disconcerting to a public system. We are fortunate to live in a country where the rights of freedom of assembly and freedom of speech have been fought for, and if we lose these rights due to amendments like A1 or SA1 or attempting to change the public system into something that it is not, then I am extremely concerned.

Mr. Chair, having been a public school teacher for 34 years and with my grandsons continuing on, I don't want them to be limited in their discussion. I don't want the fact that my two grandsons are involved with a Hindu religion to be held against them within a public institution.

Last Saturday I had a visit from a very friendly couple, a man and wife of the Jehovah's Witness persuasion. I said to them: "Thank you. I have my own religion. I'm a Christian Scientist. My wife is a Presbyterian." They respected my individual choice, and they went on to the next door. I respected the fact that they felt the need to talk about religion on doorsteps, and I had that discussion with them. But, Mr. Chair, when it comes into a public school system and discussions are limited based on religious principles, then we've lost our public system, and our democratic rights have been eroded.

Thank you, Mr. Chair, for this opportunity to speak on subamendment SA1, which attempts to repair the damage of amendment A1 but falls short.

The Chair: The hon. Member for St. Albert on subamendment SA1.

Mr. Allred: Yes. Thank you, Mr. Chair. I guess I'm getting a little tired of the repetition coming from the other side here.

Mr. Chase: It was my first time. I apologize.

Mr. Allred: No, it wasn't from the last speaker; it's from previous to the break.

Mr. Chair, I initially had no intention to speak to Bill 2, the Education Act. However, my concern over Bill 4, the St. Albert and Sturgeon Valley School Districts Establishment Act, has drawn me into the debate on this amendment and subamendment. This amendment as well as the subamendment appear to be intended to address the concerns related to the teaching of religious values in schools.

7:50

Mr. Chair, much of my focus and debate on Bill 4 was the need to separate religion from education. The debate and many of the concerns I have received in the constituency about Bill 2 relate to the teaching of religion and religious doctrine in the schools. Upon reflection on this issue, it seems to me that the solution to this problem is staring us in the face, and that is the total separation of religion and schooling.

If we go back to our historical roots, it is clear that our learned forefathers saw the dilemma in mixing education and religion when they allowed separate schools to coexist with public schools. In allowing separate schools, they made a very clear proviso in the 1901 ordinance respecting schools when they decreed that the teaching of religion could only occur in any school, either public or separate, in the last 30 minutes of the day, and at that time those students whose parents didn't wish them to participate in the religious teaching were exempted from attending.

Mr. Chair, I'm just going to read again section 137 of the 1901 ordinance respecting schools. It 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.

It goes on to say that students that didn't want to participate or whose their parents didn't want them to participate were exempt and could go home.

It's unfortunate that we have allowed schools over the years to ignore this fundamental restriction on the mixing of the educational curriculum with religion to the extent that the religious doctrine permeates virtually every subject in some school programs. Churches and other religious institutions do a good job of teaching religion, and that is their bailiwick. Why do we usurp their rights and authority by allowing religion to be taught in the classroom?

What is the downside to removing religion from the classroom? Well, Mr. Chair, other than the obvious concerns that we are hearing at the doorsteps about the rights of students not to be taught certain religious beliefs, there is a larger problem that directly affects the teaching of a true educational curriculum. What is that? Well, every year there are more and more requests to cram more and more subjects into the educational curriculum. We no longer teach only the three Rs: reading, 'riting, and 'rithmetic.

We teach home economics. We teach shop, automotives, a multitude of foreign languages, careers, and many other great subjects that are of value to students in the future.

My pet peeve, Mr. Chairman, is the need to teach financial literacy. Financial literacy is relegated to a very small segment of one course that teaches about careers and an amalgam of other things. However, what could be more important in this day and age than the teaching of some basic fiscal criteria, a subject that is fundamental to our very existence in this money-oriented world? If there was ever a topic that could and should permeate every subject, it is the subject of finance and money.

Mr. Chair, in raising this issue, it is my thesis that if we return to our roots and relegate the teaching of religion to the 30 minutes after regular education instruction, that would free up time to teach some of these other, more relevant educational subjects. I don't mean to imply that religion is not relevant. I only mean to say that it's extra and always has been intended to be an add-on at the end of the day.

If we were to adhere to the constitutional provisions of the 1901 ordinance and the Alberta Act, we would solve a number of issues. We would have more time in the school day to teach a wide variety of other valuable subject matter. We would be satisfying those that have concerns with the teaching of religious principles in schools. In all likelihood we would eliminate the hot-button issue of human rights, and we would be complying with the constitutional principles set down by our forefathers, constitutional principles that still bind us 101 years later. As a plus, Mr. Chair, we would probably be doing the religious institutions a favour by allowing them to broaden their reach and fulfill a more complete role in society.

Mr. Chair, in conclusion, I would suggest that the obvious thing is to go back to the ordinance of 1901 and require religious education to fall at the end of the classroom day, and that would probably solve all of our problems. Thank you, Mr. Chair.

The Chair: On subamendment SA1 the hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. It's been an interesting discussion, and, yes, I'll kind of work backwards, being the last speaker. I think that he kind of exemplifies what the problem is and the frustration with why this very subamendment is going forward. He's sitting here saying that it's about religious rights when this whole amendment is about parental rights and who gets to make the decisions. I can appreciate him trying to explain that there's a religious influence in the school and permeating, as he says, through all the different courses.

I think that one has to take a step back and realize that everybody has their own belief values. Everyone has their own principles. I don't know whether you call that religious in all aspects because if you look at an atheist, who says he doesn't believe in a god, he still has values that drive his principles. Whatever those values and principles each of us as individuals have adopted in our lives we use to guide ourselves, our own conscience.

I do want to go back to the Charter of Rights and Freedoms, the very first one, fundamental freedoms.

2. Everyone has the following fundamental freedoms:
 - (a) freedom of conscience and religion.

I think they put those two together in the first one because it is our conscience that's guided by our personal beliefs and values, where here we're talking our religious values, where some people want to say, "Well, I'm nonreligious," yet they still have values. So

their conscience is still part of the guidance in their decisions on what they do every day.

The whole purpose of subamendment SA1 is to prioritize who's going to have the final say on a child's education. It was interesting. The Member for Edmonton-Centre got up and talked at length and said that she absolutely believes that there should only be the public system that's being funded by taxpayers, and all of those other ones: I don't care about them; they can fund their own; if they want to do that, that's fine but not with taxpayers' dollars.

Mr. Hehr: I'm going to say that, too.

Mr. Hinman: That's fine.

What we're looking at here, though, are two things. One, who's actually in charge of the children? Is it the state or is it the parent? Two, what type of choice does that parent have? Again, according to how this bill is passed, what kind of choice will that parent have inside this new legislation on whether or not they can send them to a faith-based school or to an arts-based school or an athletic school or whatever they might choose to send them to?

There's a great deal of concern by Albertans with this government that they continue to infringe on those rights. The way this is written, though, it's trying to address those issues. We're still getting many e-mails, many phone calls from individuals who say: no, this isn't covering it. There was a home-school couple here before supper that I spoke to afterwards. They said: "Thank heavens that you're down there speaking to protect our rights and our choice as parents. Thank you very much." That's one couple here in Alberta that was here earlier. The purpose of the rule of law is to protect everybody and to allow that family to have choice.

Then we get the fearmongering from those who are saying: oh, but there are parents who make poor choices for their children.

Mrs. Forsyth: And there are.

Mr. Hinman: There are, but that doesn't mean you take away the choice for all the other good parents. We have legislation in place that if a child is not being raised properly, the government has a role to step in and take that child out, but they don't always do that. I've had to speak several times on a subject that I didn't appreciate at all, where the government and children's services failed to save a little child, a three-year-old child, after pleas from doctors and everyone: look, you need to get this child out of this dangerous situation. And they failed to act.

8:00

I personally do not believe this idea that because I'm elected or any of us in here are elected, we're all of a sudden superior to those people who aren't elected and that we're going to be able to make decisions and say: "Oh, this is in your best interest. You must realize that, and the reason why is because we're elected; therefore, we know better what's best for you." That just isn't the case, Mr. Chairman.

The basic question and the basic purpose of subamendment SA1 is to prioritize who is going to be the ultimate person to decide on the education of a child, what they're going to be exposed to, what they're going to be taught, and where they're going to be taught. If we listen to some members in this House, they say: "Oh, no. The government is going to come in, and we're going to do all of that." I just want to first state that government is comprised of human beings, no different than a family, and we're not immune to making mistakes. So that freedom of choice and that freedom of religious beliefs and conscience that are instilled in your children need to have that diversity and that allowance to go forward

whether that's a family that believes that meat isn't good and they want to be vegetarians, whether they want to dress in such a way to say that you shouldn't use bright colours and be that way, or whether they believe in the length of their hair, or whatever else. We should be willing to tolerate and accommodate those things so long as they don't hurt other individuals.

I'm somewhat disappointed that we haven't been able to progress on this subamendment. I just want to read in once more that what is being proposed at this time is that we put in the sentence

the paramount right and responsibility to make decisions respecting the education of their children, which includes . . .

Then this is the amendment of the government:

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.

The hon. Member for Edmonton-Centre brought up – again, the word that is being used here is “paramount.” Perhaps those with a better legal background than my own can clarify this. If in the preamble or section 1 it declares what is going to be paramount, I think any section after that would be subject to the one prior. So if, in fact, we're going into a subclause where the interest of the child is paramount, it's after the parent was paramount in making that choice. It would kind of go through the process: okay, it's being breached in this subclause, so we go up to the one above it, and move forward. Much like in the reverse case, if someone had a case locally against their school board and they didn't like it, then they'd appeal it to the provincial Court of Appeal and then the federal Court of Appeal. There's an order that we know that we go through in order to try and make things right if we feel that we've been wronged.

It's a very simple but important amendment. The real question isn't about freedom of religion on this one. It's about who ultimately has the authority and the responsibility for raising and educating a child. That parent can make that choice and say, “I choose to teach my child at home” or “I choose to send them to a private school” or “I choose to send them to a charter school, a francophone school, a separate school, or a public school.” That's what we want to entrench and protect in this new act, Bill 2, the Education Act. It's just very simple.

I'll also ask the question. This is kind of what consensus is, when you communicate back and forth. You're sitting there and listening and asking, you know: “Where's our misunderstanding? What's the definition of those words, and why are they defined that way?” If, in fact, that's what the government is trying to do with amendment A1, what is the fear of putting “paramount” in there unless everything that we're saying is actually true? That's why they don't want to accept this simple amendment. They don't think it's paramount, and they want to be able to overstep that at some time in the future for whatever reasons. At this point I won't even speculate on what those might be.

It's a simple amendment. It's straightforward. It just clarifies for those people that are worried who is paramount. Is it the state, or is it the parents?

With that, I would hope that the government would reconsider this and accept subamendment SA1 to their amendment A1 so that we actually know that priority and there is no further clarification. If they vote against this amendment, they're voting against all of those people in Alberta that at this point have that fear, thinking:

the state does want to pre-empt me as a parent, saying that I must teach them this or I must do that because that's the new curriculum.

That does remind me of something else on why it's so important to have choice and diversity. The way we progress as human beings is by those that are willing to take the risk and try something new. You know, they try something, and someone says: oh, that's crazy to do. They try it and, wow, it worked. And all of a sudden everybody beats a path down there.

It wasn't that long ago that my oldest son went to grade 1, and that was the year that they decided to switch the curriculum. They were now going to teach whole language. “Phonics doesn't work. We're going to teach whole language.” We went in there, and we fought with them, and we tried to get them to change and said: “Our son is struggling with that. Let's teach phonics.” But could we do anything? No. Because of where we lived, there was no choice to go to another school.

So for the first two years he went to that school, struggled, didn't learn to read, couldn't comprehend the whole-language bit. He needed phonics. Then we moved. When we moved, we got to a second school, and they didn't want to do it. But there we had two schools, and we had choice and were able to send him to a third school because the opportunity was there.

There are times when the government is going to say: “This is what the curriculum is, and this is what we need to teach. We know best. We're the new experts.” If, in fact, you think that that's not correct, then why do we have so many people working on curriculum, constantly tweaking and changing and bringing in new things, saying, “This is the new, proven truth, and this is the way we need to do everything, and this is the way we need to understand everything,” only to find out a few years later, “Oh, my goodness; there are such things as black holes.” There are quasars. There are all these other things that people will argue about until we discover them. Then we're enlightened. A new door is opened, and new information and new knowledge comes forward. We can't force everybody to be the first through the door or to be held inside that box. Choice is critical. Parental choice is paramount.

I hope that they'll accept this amendment. I want to thank the hon. Member for Airdrie-Chestermere for bringing this forward. It's critical. Once again, I want to remind the government that if they vote this down, they're saying no to all of those people that are concerned and that they're not willing to make a simple concession here. If, in fact, that's not what they're trying to do, then let's accept this amendment and move on to make some further improvements on this bill.

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

Mr. Hehr: Thank you, Mr. Chair. It's always a privilege to discuss issues in this Legislature. When we discuss bills, when we discuss amendments, and when we look at things, in the main I try to always remember: well, Kent, you don't always have the corners centred around good ideas. Nevertheless, in my view, part of the neat thing about this Legislature is that we don't all think alike, and we don't all come at things in the same way. I think that this bill truly highlights some of those differences.

8:10

In my view, this amendment to this bill clearly falls out of the parameters of what I would consider good legislative procedure, good policy for an inclusive school environment. Not a good preamble if you're wanting to build a society based on shared

values and learning opportunities to come together and care, share, and play together.

When I looked at this, at first blush I said to myself: is this really happening? I had read the initial act, and I didn't see any of this language contained in it. In fact, if you look at the original drafting of the preamble, I really liked some of the stuff that was contained in there. For instance:

Whereas education is the foundation of a democratic and civil society.

That's great. Okay?

Whereas the role of education is to develop engaged thinkers who think critically and creatively, and ethical citizens who demonstrate respect, teamwork and democratic ideals, and who work with an entrepreneurial spirit to face challenges with resiliency, adaptability, risk-taking and bold decision-making.

You see, that kind of stuff is what an education system is supposed to provide. The education system is not a church. Okay? Let's repeat that. Our education system is not a church. You go to school to learn how to read, write, reason, and get along with your fellow man. That's it. That is the role of education. I would say that the government's job as it plays a role in education is to provide those things that are required to provide a good education. They should support those endeavours which lead to a person becoming skilled, becoming educated, learning how to read, write, and reason and take part in a democratic society, and encourage them to be able to work and be ready to face the challenges of intellectual rigour that they will face later on in life. That is it.

It is not the job or role of government to either be involved in religious matters or actually be funding mechanisms that are of a religious nature. In fact, I think that's pretty much reflected in our Charter of Rights and Freedoms and other documents that clearly outline what our roles and responsibilities are. When you throw around terms like freedom of speech – sure, we all know we have freedom of speech, but it has limited rights of appeal to that. Sure we all have freedom of religion. You're allowed to teach your child what you want in your home. You're allowed to take your child to church, to Sunday school on Sunday, and stay for a worship service after. By all means. That is your freedom of religion, and I support that a hundred per cent.

But the government or the state should not involve itself in, to use a term that this government likes to use, picking winners and losers in a religious setting, funding these organizations that tend to divide society rather than uniting them. Mr. Chair, can you imagine an Alberta where we have a school system – let's just think outside the box here – for Mormon students, for people of the Sikh religion, for people of the Hindu religion, for people of the Jehovah's Witness faith, for people of the United church, for people of all sorts who want to start their private religious schools and go about doing business in that manner? Just imagine that. Does that seem like a society that a government should be trying to create or even fund? This doesn't seem like it fits in with the goals of what we want our school system to look like.

I'll go back to what our school system should look like, to what it says in the original drafting of this.

Whereas the role of education is to develop engaged thinkers who think critically and creatively, and ethical citizens who demonstrate respect, teamwork and democratic ideals, and who work with an entrepreneurial spirit to face challenges with resiliency, adaptability, risk-taking and bold decision-making.

That is it, and that, in my view, is what the government should limit itself to. Stay out of religion. Stay out of that. Let parents truly have their individual freedom, and let that be their responsibility. It is not the government's responsibility to indoctrinate

people or to fund situations that would indoctrinate people in any one point of view. That is the parents' responsibility.

On that measure, I have followed up on that line, and it fits in well with a discussion on this amendment. Currently we are funding private schools to the tune of 70 per cent of our public education system. Essentially, in my view, it has been a bit of a sop to people who choose on their own behalf to not go to public schools. It's been a bit of a vote-getter for this government. They said: "Oh my God. You'd better vote for us. You don't want those Liberals or New Democrats, who don't want religion in the school system, getting power."

But now – guess what? – these guys have one-upped you. They're going to 100 per cent fund these things. They have a new champion, okay? They're going to give him a whole hop. They're going to 100 per cent fund private schools. So your half measure, although it was good for vote buying, not necessarily good for society, has now led to you being one-upped by the Wildrose Alliance. You're no longer champions for these people despite the fact, so I don't understand why you're bending over backwards for them now when it creates the difficulties that I see.

Let's talk directly to what this says. This is the original A1. Then I'll get to how it fits very closely with what's in SA1.

Whereas the Government of Alberta recognizes that parents have the right to choose the religious and ethical traditions . . .

Sure. Why do you need that in the Education Act? Everyone knows that. Okay? You don't have to tell parents how to parent. They know how to do that.

. . . that a child's education begins in the home;

Sure. Yeah. Great. You're supposed to help kids with reading and writing, and reading to them at nighttime helps their educational development. Yup, parents don't need to be told that.

. . . that parents play a foundational role in the moral and spiritual formation of their children;

Yes. Having been raised by a lapsed Catholic and a Christian Reformed person, I know that those spiritual and moral values were instilled in me, and I find myself attending the United church nowadays to reflect my spiritual beliefs. But, now, here's where this bill goes completely off the rails, from my perspective. 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.

8:20

Well, if we go back to my initial point, that governments have no business telling people what religion they're going to view or what their freedom of conscience should be, why is this preamble in an education act to begin with? There is no necessity. The state should not play a role in these principles of how children are raised at home.

If you're talking about state intervention in religious matters, this actually does it. This actually, it looks like by my reading, compels the government to be committed to these different types of schooling and commits them to funding these programs – charter schools, private schools, and home education programs – for, I guess, the duration of this bill.

If you look at the Constitution Act of 1867 and if you then go further to our Charter of Rights and Freedoms, there is no right. There is a right for a public education system and, because of its historical roots, a separate system, which is the Catholic faith. That's it. That's all. All the rest we have made accommodations for.

We've done that through home-schooling, which, if a person has a real, fundamental bent with the education system, I can see some small role for that occurring in some cases. But there is no right for the state to have to fund private schools or to go out of their way to do this. There is none. We've decided to meddle in the religious element for some reason.

In my view, Mr. Chair, the thing is that I don't think it moves society forward. When I get back to what I said earlier, when you have 47 different schools with 47 different types of religious organizations running them and the like, well, I don't think that's good for society. It doesn't lead to cohesive neighbourhoods, to individuals learning about diversity, to individuals learning to respect others, to individuals actually coming together and having to work together.

You know, when we send our kids to schools where everyone looks the same, everyone believes the same thing, and everyone goes to the same church, what happens when they all get out into the work world and that doesn't happen? What really happens then? If we're really trying to build a school system – again, I go back to one of these.

Whereas the role of education is to develop engaged thinkers who think critically and creatively, and ethical citizens who demonstrate respect, teamwork and democratic ideals, and who work with an entrepreneurial spirit to face challenges with resiliency, adaptability, risk-taking and bold decision-making.

I don't see how any of this serves to do that.

The government has done this for years through the funding of private schools. First off, they started at 50 per cent, then went to 60 per cent and now 70 per cent. The party beside me is going to go to 100 per cent. Any of the literature I read out there – if someone can point me to some study that says that fracturing your education system with private schools is good for the society, please forward it to me. Please do that, because I'd be very interested to read them. Okay? Just find them, any unbiased opinions reflected by educators, by people who have done the analysis of how society's education system works. It starts with one publicly funded education system.

Leave all this religious stuff to the parents. That is their role. That is their responsibility. That is their right. The government has no obligation to be doing this other than some, I guess, idea that people in the backrooms want to indoctrinate, actually – I'll say the word "indoctrinate" – the other way. They want to indoctrinate religion into the educational sphere, which, in my view, Mr. Chair, is ridiculous. It's absurd. In my view, it is long past the day where it serves society to the betterment of us moving forward.

Alberta is not the Alberta of 1920, when we were primarily of two religions, the Protestant or Roman Catholic faith. We have 100,000 new people coming here in the next 10 years. We need 400 new schools built. People of all faiths and of all different communities are going to come here. They're going to read this preamble, and they're going say: well, we should build our own school, where all of our people can go, where we can all hang out, you know, and can all think alike, and we can all do that. That's what this is setting up. In my view, these two amendments, both A1 and SA1, move society in the wrong direction.

I'll start where I began, that I'm glad we all had the opportunity to speak about this, that we all shared our views. Hopefully, the government is doing its own studies as to whether funding private schools and creating this type of system, where we separate people on the basis of religion in an education system, is actually good for society. Ask yourself: is this actually good for society, or does it make you feel better that you're following your religious tenets? If it's making you feel better that you're following your religious tenets, well, that's not your place to be deciding that. Go to church

on Sunday. Figure that out for yourself. Don't bring this in to an education system that is supposed to deal with educating children.

Thank you, Mr. Chair.

The Chair: The hon. Member for Calgary-Fish Creek on sub-amendment SA1.

Mrs. Forsyth: Thank you, Mr. Chair. I'm pleased to rise again and speak on Bill 2, the Education Act, and especially to subamendment SA1, which has been brought forward by the Member for Airdrie-Chestermere. It's been interesting listening. I think we've been on this bill for the majority of the afternoon, and it's after 8.

I've just heard the Member for Calgary-*Buffalo* speak, and democracy is a fine thing. People are a wonderful thing because everybody is entitled to their opinion and how they feel about this particular piece of legislation.

I'm going to say that I'm proud to be an Albertan, and I'm proud to be standing in this Legislature debating a bill that offers parents so much choice. I think it shows that in society we have the ability now to offer so many things to so many people, whether it's public education or Catholic education. We've got francophone education, we've got charter education, we have private schools, and, of course, we have home education, which is one of the things that I think is pretty unique, for a parent to be able to teach their children at home.

I have had the opportunity over the last six weeks or so to be door-knocking and the opportunity to actually meet parents at the doors who are home educators and meet their children and talk to them. They seem to be doing pretty good considering that they're home educated.

We're having this discussion, and I think what's more important than anything – and I've again pulled some stuff off the Alberta Education website. I've lost it in the act, so maybe my friend can help me here on the side. Anyhow, the act talks about student responsibility. It talks about parent responsibility. It talks about the board responsibility and the trustees' responsibility.

8:30

You know, you go to the student responsibilities, and it's "a partner in education, has the responsibility to," and they have a long list. Then you go to the parent responsibilities, and it says:

A parent of a child who is a student or enrolled in an early childhood services program, as a partner in education, has the responsibility to

(a) make decisions respecting the child's education.

I think that is key. That is in section 32(a) of the act, part 3.

Clearly articulated on the Alberta Education website, they go into the role of the parents. "Parents play an important role in the education of their children. Their involvement and encouragement can help a child excel." Then it talks about taking an active role. Then it talks about the government of Alberta respecting parental choice. "The Government of Alberta believes parents have a right and a responsibility to make decisions respecting the education of their children." From the Alberta Education website I pulled off yet another one, and it talks about what home education is, and it goes on to talk about the strengthening of home education. It continues to talk about the roles and the responsibilities of parents.

After extensive consultation, from what I can remember and from what I understand from the minister, about Bill 2, I found it quite interesting how quickly he was jumping to his feet and accusing us of not consulting and not co-operating and bringing an amendment forward. But what was interesting was that he brought an amendment forward first. We're just responding to his amendment.

What is even more interesting, now that people are starting to hear a lot more about Bill 2, the Education Act, are the responses and the e-mails and, quite frankly, the phone calls that we are getting as MLAs. Lo and behold, this afternoon what arrives in our e-mail? A four-page letter from the Calgary board of education addressed to the minister. Then behind that are 14 pages in regard to the bill. One must say: I guess they didn't let anybody know how they felt, and they're just all of a sudden reacting to the bill. The funny thing is, Mr. Chair, that I know how this government thinks. They think it's okay to tell people what they're going to put in a bill without asking them what should be in the bill, and I find that quite irresponsible if I may say.

If this bill was the perfect bill, quite frankly, we wouldn't have brought the first amendment, and we would not be here debating and debating and debating. The amendment that the government has brought forward: I think everybody that has spoken up in regard to this has read into the record what the amendment is because it's important for people who may be watching or actually reading *Hansard*. I know that there are thousands of educators out there, thousands of parents that are watching and listening and following this. I've tweeted twice now in regard to the amendment, and it isn't long before everybody else is wondering what the heck is going on.

In the amendment the government talks about recognizing 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 . . . are reflected in the commitment of the Government of Alberta to provide parents with choice in education.

And they go on to that. Now, that's a pretty good amendment, actually, from the minister.

What our colleague from Airdrie-Chestermere brought forward was just a couple of lines that talked about the government of Alberta recognizing that parents have "the paramount right and responsibility to make decisions respecting the education of their children." I think that's where we go back to it being common sense. Of course the parent has the right to make a decision on education. The parents have a right to make a lot of decisions on behalf of their children, especially when they're young. You know, it's like: don't be touching that stove because it's pretty hot. As the Member for Airdrie-Chestermere mentioned, we want to have the right and responsibility to make decisions respecting the education of our children.

Having said again a few words – I spoke this afternoon – I'm going to ask everyone in the Assembly to support our amendment.

The Chair: The hon. Member for Airdrie-Chestermere on sub-amendment SA1.

Mr. Anderson: Well, it appears, Mr. Chair, that this government and this Education minister clearly do not have any intention of passing this amendment. That is too bad. I know that there are other amendments, so we're going to get to them right away.

I just want to say that I'm disappointed. I thought this was a very reasonable amendment. I can't imagine why on earth this government would vote against giving parents the paramount right over the educational choices of their children. I cannot for the life of me figure that out. It is inconsistent with what they've been saying. It's like this Premier, with the little wiggle room language that she often uses to get out of things; for example, the public health care inquiry. She used wiggle room there although I guess everyone in Alberta, you know, called her on it, and she's suffering some serious unpopularity because of it.

But this is why we need the amendment, because of the wiggle room in here that basically says in this amendment by the minister: "whereas the Government of Alberta recognizes that parents have a right." Well, what does "a right" mean? There are rights to a lot of different things in this world, but where do those rights rank? A parent's right should be paramount. It should be considered a paramount right, not just a right. It should be a paramount right, and then you work backwards from there.

In other words, if there are reasons to take away that parent's parental authority over how their children will be educated, then we do that, but you start first with the assumption. It's just like: presumed innocent until proven guilty. Well, this is the same thing. The presumption is that parents are going to make responsible, solid, good decisions for their child's education, and then you work backwards from there. So it's not just about a right; it's about a paramount right. Language does matter, and this government has once again failed to give any recognition to that fact.

You know, we have other amendments, that I hope they'll be more willing to look at as we go forward here, and I hope that they will continue to let us debate this bill until we are finished, until it has a good vetting. By the amount of e-mails and phone calls – you know, I've got to say that besides the royalty framework, for which I received the most negative mail at any time over the last four years, other than that one, I have not received more e-mails and communications than I have on this Bill 2, the Education Act. That says a lot about Alberta parents. It says that they care. It says that they love their children, that they want them to have the best education possible. But it also says that they want the paramount right to decide how their children will be educated, and they don't want that right superseded by any other right or any other principles that are listed in this very long preamble.

8:40

A lot of good things in the preamble, but essentially you're putting a parent's right to choose their education, a universal human right, on the same par as some other things which clearly are not in the same ballpark, important but not in the same league, as parental rights. That is very disappointing.

I hope people will support our amendment. We'll obviously have a standing vote on it so that we can all get on the record in this regard. With that, I'll close debate on this amendment unless someone else has something else to say.

Hon. Chair, for this one, if the bells go, can I move that we shorten the period of time to one minute for a standing vote? Would that be okay?

The Chair: We need to have unanimous consent. There's a motion to reduce the division bells to one minute.

[Unanimous consent granted]

The Chair: The division bells shall now be one minute.

We'll get back to subamendment SA1. Any others?

Seeing none, the chair shall now call the question.

[The voice vote indicated that the motion on subamendment SA1 lost]

[Several members rose calling for a division. The division bell was rung at 8:42 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Cao in the chair]

For the motion:

Anderson	Forsyth	Hinman
Boutilier		

Against the motion:

Allred	Drysdale	Mitzel
Benito	Elniski	Notley
Berger	Evans	Olson
Bhardwaj	Fritz	Pastoor
Blackett	Hancock	Rodney
Brown	Hehr	Rogers
Campbell	Johnston	Tarchuk
Chase	Leskiw	VanderBurg
DeLong	Lukaszuk	Woo-Paw

Totals:	For – 4	Against – 27
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[Motion on subamendment SA1 lost]

The Chair: Now we are going back to amendment A1. Any hon. member wishing to speak on amendment A1? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. Because of my initial confusion I was already speaking to A1 under the context of subamendment SA1.

My concern, Mr. Chair – and I'll not repeat my whole concern – is that when the government comes up with statements like this, which are the residue of Bill 44, which should never have been introduced into a freethinking provincial Legislature and which drives Alberta back into the backwaters of history at a time when evolution was considered in direct conflict with religious beliefs, then this regressive piece of legislation removes the right for this government to call itself progressive or conservative. Potentially some of the conservative aspects remain.

8:50

But we're in 2012, when rights and privileges that have been established historically – the freedom of separate schools, the freedom of public schools, the freedom of francophone schools – are part of our Charter of Rights. There aren't such charters that recognize, either historically or in a modern sense, that religious schools or charter schools or private schools have the same type of rights as the established schools. When the argument of choice is used to exclude as opposed to broaden individuals' selections, then that is unacceptable.

I've said before – and I don't want to hammer home the issue – that in some people's minds there is a confusion between the public system and the separate system. The separate system is just a Catholic version of the public system. It's historically had those foundational rights, and I support those foundational rights.

It concerns me when aspects of religion are permeated or osmosed into a public system that has wide values, that is inclusive as opposed to exclusive. What I see in amendment A1 is separating, excluding. I use the term "ghettoizing."

People have the right to their religious beliefs. In the case of the Catholic separate system they have the historical rights that have been given by law. I appreciate those protections given to them. When it suits the needs of the separate system to share space, possibly divided by a community centre or possibly divided by a gymnasium, fine. When their faith-based taxpayers determine that they require a separate facility with a separate gymnasium, that's their right, too.

It's interesting throughout the province how different groups have gotten together. For example, in Lethbridge there is a high school with a shared library. There is the example of a school in

Canmore. Those are examples where the Catholic faith-based individuals worked it out with the public system. There was no enforced circumstance whereby you won't get your funding unless you agree to share this common space. But that's the beauty of religious freedom and religious rights, to make those choices.

While I appreciated a lot of what former Education minister Dave King said about schooling when he suggested that schools should be completely secularized, I felt that that was going a step too far. Other provinces, I recognize, such as Newfoundland have tried in a fashion to secularize their systems. Quebec has moved some ways in that direction.

But respecting individual and religious rights does not give the right of one group over another to silence, whether it's a minority or a majority.

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.

There isn't a sufficient separation between what is permitted in a public school. While the Charter rights are recognized, the ability to interfere, the leftover of Bill 44, still resonates in this amendment, and it changes the nature and historical reason for being of the public school system.

So, Mr. Chair, I will be voting against this amendment, which, as I say, takes us back to 1925 Tennessee and the Scopes monkey trial. I value our public education system, and I don't want to see it fractured or fragmented and broken up for the sake of a person's religious beliefs trumping the rights of individuals to have different beliefs but operate, hopefully collaboratively and collegially, as is the basis of most religions, under the same roof. Tolerance is absolutely essential, and A1, unfortunately, like Bill 44, in attempting to create tolerance, actually creates exclusion.

Thank you, Mr. Chair, for this opportunity.

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

Mr. Hehr: Thank you, Mr. Chair. I'll be brief because I outlined many of my arguments in my comments that I made on subamendment SA1 to this bill. Nevertheless, when I look at this bill and this preamble, it doesn't seem to serve the best interests of Alberta going forward, building an inclusive society that sees a role of public education as being a unifying factor in your local communities, being the locus of where kids learn reading, writing, and arithmetic and get the skills necessary to not only compete in the labour force but be part of a democratic society.

As indicated earlier, in my view government should limit its role in education to providing public education that provides for kids to come into a place where they can learn how to do those things, learn how to learn, and also learn some of those softer things, how to care, share, and play together in a society that recognizes them not only as individuals but as having some sort of responsibility to their fellow man. There's no place to learn that better than the public school.

If I can touch briefly on the Constitution and therefore the Charter of Rights, in 1867, when this great nation came into formation, the only thing protected by it was the right to a public school system, secular education, as well as our traditional Roman Catholic schools. That's it. We have made an accommodation for

home schools. If people do not see an opportunity for their children in that, they can go to home-schooling. I understand that to an extent, that if you just can't handle the public school system, well, there should be an option.

Nevertheless, where we've muddled in this murky middle ground of funding for private schools – and the private schools that can set up shop were basically a religion of, like I said before, a Hindu religion, a Jewish religion, a Sikh religion, a Mormon religion, a United church school – it simply doesn't seem to serve the overarching goal of what our government should be involved in.

9:00

The government should be involved in providing educational opportunities for the children in a manner that leaves religion out of the equation. If the people choose to do it otherwise, well, they choose to do it without government funding. Okay? That is their choice. If they can fully fund this, then government funding for these mechanisms that serve to divide communities on arbitrary characteristics should not be included.

This bill basically is sort of a call to arms for people who want to do this sort of thing. When they open up this act and see this language at the beginning, they'll come and say: "Well, I guess that's what we're supposed to do. The government wants us to set up our own shops, to have our own schools and to not take part in a public education system."

If you break this down by the actual wording,

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,

that's fine. That's great. I understand that. Why it would be in an education act is another question. I think that's just a universal understanding that's enshrined under our freedom of religion in the Charter of Rights. Why do you need to be redundant and say something that everyone knows right in an education act?

By putting it here and then by adding this clause:

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.

Like I said, the only things that are protected under our Constitution are the public and francophone schools. All this other stuff is government made, meddling into areas that they don't need to be meddling into, supporting operations that have no fundamental role.

The primary role doesn't appear in many cases to be with the provision of education but the provision of religious teaching in some cases. The government should not be meddling in that business, should not be financially supporting these institutions. It only serves to divide our communities and does not move society forward.

Furthermore, I would still appreciate the members of the government recognizing that religion is great but – you know, I, too, go to church. I go to the United church, and I do that on my own time. If others choose to do so, that's great. That's freedom of religion. You have freedom of religion to teach your kids whatever you want at home. But an education system that the government provides should not be involved in those things, in the funding of those mechanisms.

If you look at the statistics coming out of how governments which have gone down this path of splintering communities and offering a voucher system or a money-follows-the-child model, that the Wildrose is advocating, that is not something that, at least

in the studies that I've seen, adds to an overall good education system of that society.

I can't just point out the Wildrose in this session. This government has enabled this with their half measure of 70 per cent funding to these schools, which, in my view, has served to divide communities and not bind them.

Like I said, I got most of these points out on the subamendment. That's my story, Mr. Chair, in this element, and I, too, will be voting against this amendment.

Thank you.

The Chair: The hon. Member for Calgary-Bow on amendment A1.

Ms DeLong: Yes. There has been quite a bit of discussion recently in terms of how we should be just supporting a public system because all of the studies show that that is what's best for society. Well, if you want to find the data to support funding going to other sources, it's right here in Alberta.

You know, I often disagree with the Calgary public system, the Calgary public board. That's my local board, and I often disagree with some of the things they do. But bottom line, Calgary public provides one of the best education systems in the whole world. The result that we get out of the Calgary public board is comparable to Finland. It's comparable to anywhere in the world in total. Sometimes we come in third. Sometimes we come in fourth. A lot of the time we come in first. That public board produces some of the best education in the whole world. Okay?

That is a public board who is in competition with all these other choices that we as Albertans provide to the parents. What we have done there is put all of our public boards on notice that they have to – they have to – produce the best education that they possibly can. So all of our public boards are striving. They're working hard. You know, they believe in what they're doing, and they are working hard to produce the best possible education in the world. It's because we are providing that choice that they have really stepped up. We have to admire what they're doing, but it is because we have set up this overall choice where the parents have the control and the parents can send their children to the school of their choice. As a result, our public system is the best public system in the world.

Thank you very much.

The Chair: Any other hon. member wish to join the debate on amendment A1?

Hon. Minister of Energy, do you wish to speak on amendment A1?

Dr. Morton: Yes.

The Chair: Please go ahead.

Dr. Morton: Mr. Chair, it would appear that there is considerable concern on the parts of some Albertans about the inclusion of the reference to the Charter of Rights and Freedoms and the Alberta Human Rights Act in section 16 of the act. They're concerned that this potentially abridges or erodes the authority of parents to choose what their children are taught. I'd like to say that I share this concern and that I respect this concern, and so does the majority of our PC caucus. That's why we've brought the amendment that's before the House today.

This amendment for the first time in Alberta and, really, for the first time in Canada provides an explicit recognition of the right of parents to choose the religious and ethical traditions in which their children are raised. After declaring the principle that parents have

a right to choose the religious and ethical traditions in which their children are raised, it elaborates on that principle. It states:

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.

So it states the principle, and then it goes on to elaborate on all of the different choices, the policies that follow from that principle. These choices include

public schools, separate schools, Francophone schools, charter schools, private schools and home education programs.

I would ask the members of the Assembly: in what other province can you find this type of choice in offering students and parents and families choice in education? I would suggest that not only is this right in principle, but it's right in practice, too. Why is it that Alberta consistently – consistently – outperforms every other province, every U.S. state, and indeed most of the rest of the world? In standardized tests our kids, the graduates of this program, are the top five in the world, and I would suggest it's because, one, there's choice, which creates competition between the different systems; and, two, it involves the parents. Speaking as a previous social scientist, I can tell you that the strongest predictor of success in children's education is parental involvement. This is what choice does. It makes the parents partners with the teachers in education. So I think Alberta should be recognized and this bill should be recognized for being the first province in Canada to explicitly recognize parental rights.

9:10

I'd like to go on, then, to point out that there's a second provision in public policy in Alberta that also acknowledges the importance of parental authority and parental responsibility when it comes to what their children learn. I'm referring here, Mr. Chair, to the Alberta Human Rights Act, section 11, which was amended in what's known as Bill 44 in 2009. This section – again, this is the Human Rights Act of Alberta – requires that in matters that are done . . . [interjection] Yes. Some good support over there from our hon. Member for Airdrie-Chestermere.

It requires that when school boards or teachers are dealing with matters of religion or sexuality, parental notification is required and, if the parent is concerned about that, the right to opt out for the students. Here again, I would suggest, you see a strong, explicit protection of parents' rights to guide the ethical and religious traditions in which their children are raised.

Importantly, the inclusion of reference to the Alberta Human Rights Act inside section 16 of the Education Act embeds that principle of parental authority inside the act. So not only does the new preamble that we're discussing now recognize this right to parental authority; it's put into the text of the act by inclusion of the Alberta Human Rights Act. Again, I think this is something we can be proud of. I ask those who are critical here: what other province has this type of protection for parental authority when it comes to the ethical and religious instruction of their children?

Thirdly, I would like to point to an article by Professor Dale Gibson, distinguished professor emeritus at the University of Alberta, Belzberg professor of constitutional studies, and a member of the Royal Society of Canada. I'm referring here to a paper that he is the author of called *Towers, Bridges and Basements: The Constitutional and Legal Architecture of Independent Schooling*. Professor Dale Gibson makes the case, and I'll read it from page 3 of the copy I have here.

Although the question cannot fairly be said to be beyond doubt, there is a strong reason to conclude that parents have the constitutional right to determine the shape of their children's

education. That right is, I believe, rooted in at least three distinct provisions of the Canadian Charter of Rights and Freedoms.

Now, I'll go on and point out what those three provisions of the Canadian Charter of Rights and Freedoms are. It's freedom of conscience and religion, section 2(a); freedom of expression, section 2(b); and the right to liberty in section 7. Professor Gibson points out how the Charter of Rights protects in different ways that right to parents.

I'll give you one example here. This is quoting from page 6 of Justice La Forest's decision in the case of *R. versus Jones*.

Those who administer the province's educational requirements may not do so in a manner that unreasonably infringes on the right of parents to teach their children in accordance with their religious convictions. The interference must be demonstrably justified.

There under section 2(a), freedom of conscience and religion, Justice La Forest finds protection for the right of parents in the Charter. Again, for those Albertans who are concerned about the inclusion of the Charter in the text, section 16 of the Education Act, it's the actual inclusion of the Charter that can protect that freedom of expression for the rights of parents.

I turn now to freedom of expression, section 2(b), quoting from page 8. This is Professor Gibson's view:

I am strongly of the opinion that both parental decisions that their children should be educated at home or in an independent school and the educational activities themselves, are, even in the absence of any religious component, constitutionally protected as important exercises of expression within the meaning of s. 2(b) of the Charter.

In other words, just the way section 2(a) protects the parental authority for those families who come at this issue from a religious tradition, a religious perspective, he's suggesting that freedom of expression protects the same right, the equal right, for parents who come to this issue from a secular perspective. So there's a balance between equal protection for families that have a more religious tradition or those who have an ethical position but based on secular principles.

Last but not least, I'd like to turn to section 7, the liberty perspective. I'd like to quote here Justice Bertha Wilson, again in the case of *Jones*, the same case. Justice Wilson, referring to section 7 of the Charter, the right to liberty and not to be deprived thereof, says:

Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges . . . recognized [as central] to the orderly pursuit of happiness by free men.

Again, to those Albertans – and I understand their concerns – who worry about the inclusion of the Charter of Rights or the Alberta Human Rights Act in section 16 of the Education Act, the Charter of Rights actually protects freedom of religion, freedom of conscience, freedom of expression, and each of those have been interpreted as protecting the right of parents to exercise that choice. So I think this strengthens the case.

Finally and lastly, I'd like to turn to a slightly different perspective. A lot of Albertans and a lot of Canadians, when they look at the Charter of Rights and the Alberta Human Rights Act, see it as a threat to parental authority, but there are many other Albertans and many other Canadians who, when they look at the Charter of Rights or the Alberta Human Rights Act, see it as a badge of protection and a badge of equal protection of the law. I'm referring here to new Canadians, families who have emigrated

from overseas, families who are of a different skin colour, a different ethnic persuasion, a different religion. They see the Charter, the equal protection of the laws, and the Alberta Human Rights Act, which prohibits discrimination based on race, religion, or colour, as at the highest level a badge of inclusion in Canadian society – Albertans and Canadians are proud of that – and, at a minimum, protection against racial, ethnic, or religious discrimination. This isn't just a simple symbol. It's a constitutional symbol in the case of the Charter and statutory in the case of the Human Rights Act.

9:20

I would suggest that this is good, that it's something we can be proud of and that we should be proud of, and that's why it should be included in the Education Act. Mr. Chair, I'd go on and point out that these new Canadians – in fact, the hon. Member for Calgary-Buffalo referred to the many different faith communities in Alberta. They're in the immigrant communities, the ethnic, multicultural communities: Hindus, Muslims, Sikhs, Ismailis, Buddhists. They are part of that group who, when they look at the Charter of Rights and look at the Alberta Human Rights Act, see this positive protection, this symbol of inclusion, equal protection of the law.

But also, most of these people, not all but most, come from a tradition of strong families – it's one of the reasons for their great success – and they want to pass on their religious and ethical values to their children, indeed to preserve the very diversity that they're proud of, that the Charter protects, by passing on the religious and ethical values from one generation to the next.

Mr. Chase: Sharia law?

Dr. Morton: In other words, many of these same new . . . There we have the Liberals – I'd like the record to show this – making fun of Muslims. I'm glad the record will show that.

In other words, many of these same new Canadians who want the Charter of Rights and Alberta human rights included in section 16 because they see it as a symbol of inclusion, of equal protection of the law, also want their parental rights included, not just in the preamble but also in section 16, as it is included in the Alberta Human Rights Act.

Mr. Chair, for all of those reasons I'm very proud to say that I think that with this addition, the amendment adding to the preamble, Albertans should be proud of this. It recognizes the concerns that many Albertans have – and we understand those concerns – about parental authority, and it puts Alberta in the lead, in front of all other provinces, in recognizing the right of parents to choose the instruction matters in areas of ethical and religious values that their children are instructed in. I support very, very strongly this amendment.

The Chair: The hon. Member for Airdrie-Chestermere on amendment A1.

Mr. Anderson: Yes, on amendment A1. I want to thank the Minister of Energy for his comments. I agree with almost all of what he said, and I respect the work that he's done on that file throughout his career. Parental rights are something that I think were underprotected for a very long time, and it's good to see that, hopefully, there's a little bit of a renaissance going in that regard. The UN declaration of human rights . . .

Mr. Chase: More like the Dark Ages.

Mr. Anderson: I guess the hon. Member for Calgary-Varsity thinks the United Nations universal declaration of human rights is

something out of the Dark Ages. In the universal declaration of human rights it specifically states that a parent has the human right to choose the education that's best for their children. That is in the UN declaration of human rights. I don't think that's out of the Dark Ages, but it's good to see that that's actually being remembered now.

Where I disagree with the minister: although I think the language can be improved in this amendment – and we brought in a subamendment to that effect – this amendment, although an improvement, is just in the preamble. I mean, let's call a spade a spade. The fact that it's just in the preamble is really symbolic. It's good – I'm glad it's there – but it's really symbolic. I'm worried and I think a lot of people are worried that if we put something in the Education Act that, essentially, tells parents what they can and cannot teach their children with regard to their faith, which section 16 does, in a lot of people's view, indirectly do . . .

Mr. Hancock: So much is in the interpretation.

Mr. Anderson: Well, it is, but it's all about interpretation. That's the problem, that there are multiple interpretations of it. Some people might use that as a sword in the Education department to essentially instruct and tell parents and Catholic or other faith-based schools that they have to teach a certain . . . [interjections] Sorry, Mr. Chair; I'm losing my train of thought.

The Chair: The hon. member has the floor, please.

Continue, Hon. Member for Airdrie-Chestermere, and louder.

Mr. Anderson: Thanks. I wish the Government House Leader and others in here would participate in the debate instead of just yipping across the way.

Anyway, if I look up section 16, it says: "all courses or programs of study offered and instructional materials used in a school." Well, what is a school? Let's go back to school. It says specifically that a school means

- a structured learning environment through which an education program is offered to a student by
 - (i) a board,
 - (ii) a person responsible for the operation of a private school,
 - (iii) a person providing an early childhood services program,
 - (iv) a parent providing a home education program, or
 - (v) the Minister.

That's what a school is. It applies to home-schooling, faith-based schools, private schools as well as Catholic schools and public schools. It includes everything.

All courses or programs of study offered and instructional materials used in a school must reflect the diverse nature and heritage of society in Alberta, promote understanding and respect for others and honour and respect the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act.

Now, that is something that according to most interpretations, certainly those interpretations that I have, would be fine. However, as we've seen over and over again in courts, it can also be used and interpreted a different way, as we've seen in British Columbia, for example, to force faith-based schools and home-schoolers and others that want to give their children a faith-based education to teach things that are not in line with their faith.

Anita and I are confident enough in our local school right now and with the relationship that we have with the principal and the teachers there that we can have our children go to that school without their faith being trampled on. However, that's not the case in every school and in every situation. The worry is that this will be used as a sword. If all programs must include a certain interpre-

tation of the Human Rights Act or the Charter, look at some of the things that have gone on in our Human Rights Commission in the name of the Alberta Human Rights Act.

Frankly, I would call them violations of freedom of religion, freedom of speech, freedom of conscience in the name of the Alberta Human Rights Act by the Human Rights Commission in their interpretations of that act and of the Charter. I worry that this will be used as a sword to interfere with a parent's right to teach their children according to their faith. [interjection] Oh, man, the Minister of Human Services just can't help himself.

9:30

I would say that you did point out how Bill 44 changed the Human Rights Act here in Alberta. That's fine and dandy. It's good. We shouldn't put something in this act that would make it necessary for parents to have to use the Human Rights Commission or the Human Rights Act to protect themselves, and I fear that this does that. It sets up kind of a showdown, so to speak. I don't think it's necessary, especially if you look at the previous definition that was under what was once the diversity and respect clause in the act that's being amended. It was essentially that education programs offered and instructional materials used in schools must not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action, or disobedience of laws.

I think that's a great definition. It's clear. It's not vague. It's not subject to any kind of real interpretation, in my view. I think that's pretty darn clear. A Catholic school or a faith-based school or a home-school: I don't think that would ever interfere with the teachings of their bona fide religious beliefs. So I don't see the need to change that definition from what is in there now to this one in this current act. I don't feel the need for it.

I know that it does scare a lot of folks. Like I said, I have not received more e-mails about any other subject except the royalty framework. This has really been something that's hit a nerve with folks. It's not just home-schools at all. It's a very large faith-based school group. I know that we have AKCS. It's a great school. We have a private school, a faith-based school in Airdrie. I've just been inundated by them with calls on this.

I know that we also have some Catholic groups that are very concerned about it as well, not the least of which is an individual, Bishop Henry, in an article that he did for the *Herald* this last week.

I do respect and I know the commitment that the Education minister brings to parental rights, and I think that this amendment to the preamble that we're on right now is better than what was there before. I really wish they would have accepted our subamendment that we brought in earlier, but they didn't.

However, I would hope that in addition to this the government would understand that because this is just in the preamble, we also need to look at section 16. We also need to make sure that we're not setting up an unnecessary battle between parents of children who are involved in faith-based education, whether it be home-school, private school, or Catholic school, and the Human Rights Act in Alberta. I think it's an unnecessary conflict. I think that by not recognizing that or by ignoring that and putting this section 16 in there, it sets up that potential problem, and I hope that we can consider that later on.

The Chair: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Chairman. I am very pleased to rise to speak in support of amendment A1. This amendment makes it very clear, particularly in the way it starts out. It says:

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.

I believe that is a very profound statement. It's a very clear statement that speaks to the intent of this government in this bill, that we respect parental rights and that we are enshrining those rights in this bill.

I'm proud to live in this province, proud to live in a province where diversity is recognized – it is encouraged – and the fact that we have choice in this province, Mr. Chairman. We have choice in the way that we as parents educate our children, the greatest choice of any jurisdiction in this country. We have a strong public system. We have a strong system that recognizes the constitutional rights of Catholics to have a separate education system. We also have a francophone system that recognizes the rights of one of our founding peoples, French Canadians, of their mother tongue, to educate their children in that language.

We have charter schools, we have private schools, and home-schooling, which is specifically recognized not only in this preamble but also recognized in this piece of legislation. Mr. Chairman, home-schooling is the choice of many of my constituents, and this amendment leaves no doubt of our government's intention to respect and protect this choice. I'm proud that this act recognizes the supremacy of the Human Rights Act, the same act, which in itself, guarantees and protects these freedoms.

I will be voting in support of this amendment, Mr. Chairman. Thank you.

The Chair: The hon. Minister of Energy on A1.

Dr. Morton: Thank you, Mr. Chair. I'd like to, first of all, compliment the Member for Leduc-Beaumont-Devon for his articulate defence of the amendments. Again, he points out as a member of an ethnic minority the value that the inclusion of the Charter of Rights and the Alberta Human Rights Act has to minorities.

Mr. Hehr: As a minority I'm a wheelchair user, Ted.

Dr. Morton: Yeah. Respect that as well.

These communities whose success in Canadian society is based on strong family traditions value the Charter and value the Alberta Human Rights Act and at the same time value the recognition of the rights of parents that the amendment, the preamble adds.

I would like to address a couple of points raised by the hon. Member for Airdrie-Chestermere. His discourse would give the impression that somehow section 16 is totally different from the original or the previous section in the School Act on diversity. In fact, it's completely the same up to a certain point. I just want to indicate for the record what that point is.

Mr. Hinman: What page are you on?

Dr. Morton: I'm on page 29 of the bill, okay?

I quote here from section 16.

All courses or programs of study offered and instructional materials used in a school must reflect the diverse nature and heritage of society in Alberta, promote understanding and respect for others and honour and respect . . .

Up till that point the wording is identical to the previous wording in the analogous section of the School Act. You then have the new wording, which is after respect.

. . . the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act.

Now, as I've already indicated, the Canadian Human Rights Act protects freedom of religion, freedom of conscience, freedom of

expression, and the right to liberty, all of which have been interpreted by various courts and by a number of our Supreme Court justices as protecting a right of parents. So the inclusion of the reference to the Charter of Rights in section 16 supports parents' rights. Similarly, in the Alberta Human Rights Act we've referenced that section, section 3, put in by Bill 44, which again recognizes the right of parents to be notified and the right of students to opt out.

Now, the concern that the hon. Member for Airdrie-Chestermere had is that this is all fine, but again it's subject to interpretation, which means it's subject to misinterpretation, and what are we doing about that? Well, Mr. Chair, precisely one of the purposes of a preamble is to give interpreters, in this case judges, a sense of the intent of the legislation; in other words, the words like in section 16: what is their intent? That's where the value of the current amendment is.

The amendment states very clearly that the intent of the government is to recognize

that parents have a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins [at] home; [and] that parents play a foundational role in the moral and spiritual formation of their children.

That will act as a signpost to judges in the future to make sure that they interpret section 16 and the reference to the Canadian Charter of Rights and the Alberta Human Rights Act in a manner that is not only consistent with but actually protects parental authority.

Thank you.

9:40

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

Mr. Chase: Thank you. In all this discussion what has been lost – and it's been lost in this province – are the universal rights of the child, and I'm not suggesting that they trump the rights of the parent, but Alberta was the very last province to consider the universal rights of the child. The excuse they used was that the universal rights of the child applied to countries as opposed to provinces. That was the lame excuse they used for not recognizing the universal rights of the child.

When we're talking about universal rights, the Vriend decision back in the late '90s extended the rights to individuals of the GLBT, transgendered, et cetera, circumstance. Now, Bill 44, which is all about amendment A1, says that, yes, we'll recognize your rights except in the classroom. We won't allow you to discuss sexual orientation. We won't allow you to discuss anything that might broadly be based on religious interpretation. We won't allow you to discuss in any particular depth evolution versus religion, and heaven forbid sexual education topics come up, which of course never happens at a junior high school, where my primary teaching experience was.

Now, when we're talking about rights, one organization's rights do not trump that of another, whether it's a minority or a majority. I support the rights of parents to home-school their children. What I do not support is the right to have some child, based on his religious beliefs, hold the other students in his classroom hostage because of amendments like A1, that in proposing to recognize each individual's rights, prioritize the rights. You do not have the right to discuss sexual orientation for fear of interfering with someone else's religious beliefs. You can't get into depth talks in terms of science and evolution because there might be some child who believes that man walked with dinosaurs and that God built everything in seven days. You know, for fear of being turned into a pillar of salt, you're not supposed to talk openly or objectively about a discussion.

If teachers are handcuffed by little Johnny or little Suzie, who is going to blow the whistle to the Human Rights Commission because the teacher defended a child who was being bullied and called a fag or some other deplorable circumstance because some other individual thinks their God-given right to discriminate trumps that of an individual to have an objective discussion on a wide variety of topics, then we're in real trouble.

Now, the hon. Minister of Energy talked about parental rights. In his political science class at the University of Calgary I'm sure that he didn't shut down topics when religion came into it. I'm sure he didn't shut down the class and say, "You two guys over there are holding hands; that's not acceptable in my classroom," or if someone was talking about gender discrimination, I'm not sure that he'd say: "Well, sorry. You can't write about that in a paper because that's not acceptable." But those are the same restrictions that he's willing to place under the name of parental rights into public school classrooms.

I realize that there are sensitive topics and there are appropriate places for those discussions. I respect parents' rights to decide at what point they have the discussion of the birds and the bees or the size of the stork that brought their little brother to the house and dropped him down the chimney. But, Mr. Chair, if we subject our public schools to such restrictions that topics cannot be brought up because they could potentially offend someone else in the classroom, then the majority of the topics of discussion are being frozen. They're being discriminated against, and the whole point of this so-called liberating piece of A1 does exactly what it's not intended to do.

It does not provoke freedom; it promotes priorities of prejudices. It does not allow objective discussions to take place. If someone is offended, they can drag the individual off to the Human Rights Commission. Our courts are the appropriate place because they are actual judicial centres as opposed to quasi-judicial. When we start meddling in public schools' objective, open debates and discussions and have that cloud of a human rights tribunal hovering over the right of teachers and students to engage in open discussions on a variety of topics, which might on an impromptu nature come into the classroom, then the whole point of education is lost.

School boards and the members of the Alberta Teachers' Association are not trying to take away parents' rights. If they feel that a public school is discriminatory and doesn't share their same values, parents have the right to go to a private school of their choice. They have the right to go to a charter school. They have the right to home-school. What they don't have is the right to interfere with the learning processes and objective discussions of the other children in that class. That's reverse discrimination. That's one individual holding hostage, based on his religious beliefs, the whole class and the teacher of that class. I don't know where this fear comes from in Albertans, that their rights are going to be trampled by open discussion.

Mr. Chair, I've been in this province for the better part of 50 of my soon to be 65 years, and I find this A1 an embarrassment. Alberta is a progressive province. It has all sorts of things to offer. As many individuals have pointed out, one of its strongest features is its public education system. So why are you driving a wedge into this public education system with this particular amendment A1?

Who is so afraid that their rights are going to be lost that this has to be put as a preamble? Does the Charter of Rights and Freedoms of this entire nation not override the need for such a preamble? Why is it that a small minority of individuals who feel that their religious rights are potentially compromised – in other words, the tail is wagging the dog, and the tail is now in the form

of a preamble into an Education Act that affects all the children of this province.

This is prejudice, Mr. Chair. This is not transparency; it's not accountability. I'm ashamed to be a part of a province that would preamble and prejudice the education, the public education, of students in this province. Individuals have the choice. They don't have to go to a public school. Don't bring the prejudices and indoctrination and beliefs into the public system. Don't break it up.

Thank you.

9:50

Mr. Anderson: Sorry. I do have to respond to this just because, you know, this is exactly why there are home-schoolers right now and private schoolers and Catholic school parents and so forth listening to this debate. This is exactly why they are so frightened, because they hear an individual . . . [interjection] Oh, trust me. They are frightened. They're frightened, hon. member, because, basically, this member just stood up and said that any individual – any individual – that would dare bring into a classroom their beliefs, any child who happened to be educated as a Muslim or a Christian and had a certain world view about a certain issue and had that belief and expressed that belief, that that somehow would be bigotry and bullying and persecution and so forth.

Ms Notley: Well, it might be.

Mr. Anderson: Well, it might be in a certain context, absolutely. But this is the problem. In so many cases it's not; it's just an expression of opinion. It's not an expression of violence. It's not bullying. It's just: yeah, this is what I've been taught; this is what I've read.

Then to hear this member – you know, I don't begrudge his opinion on it, but this is a schoolteacher coming in here and saying that if any child who believed in, say, just any kind of teaching that they had been taught in their faith that doesn't accord to his world view, essentially, they should naturally be subject to a human rights complaint, or they should be forced to be taught the truth, the truth according to that member or that teacher, whatever teacher it is.

Ms Notley: Is the Human Rights Code right or wrong? Is it the truth or not?

Mr. Anderson: Well, the thing is that tolerance is a two-way street. You can't just say: you have to tolerate my view. You have to be able to tolerate people that disagree, people that do have a faith background and so forth. This is exactly why we need protections in the Human Rights Act for parental rights. It's exactly why we need to make sure when we amend this Education Act that we're doing so very carefully and that we are making sure to protect the rights of parents and folks in that regard.

I remember very, very clearly in school being bullied in a classroom by a teacher as well as other members, who had a certain faith, because their world view saw something that I had been taught growing up, that I believed in, as being multiple different adjectives that I won't repeat here. As a child I remember it very strikingly. Boy, oh boy; it made me very uncomfortable and almost ashamed, because I was so young at the time, of who I was because some insensitive teacher had decided to take it upon himself to straighten a few things out. I'm not saying that this hon. member would have done that. I don't think he would have. But there are those out there who do not have that sensitivity, and they use their position to bully people who they disagree with into submission.

I mean, think about what has come through the Alberta human rights tribunals. There has been controversy after controversy after controversy with regard to criticizing the Sheldon Chumir foundation all the way to, you know, right-wing commentators all agreeing that these human rights tribunals have exceeded their authority when interpreting the Charter of Rights and interpreting that Alberta Human Rights Act.

Now we're saying in this legislation that we're going to make sure that those interpretations of the Alberta Human Rights Act, those values enshrined in what those interpretations were, must be taught and must be accepted in our classrooms. They must be taught to our children. That's what some parents, not all parents but a lot of parents, thousands of parents across this province, are very concerned about.

I think that if we're going to go forward and debate this, I hope that we can use rhetoric that's not designed to be – let's not be intolerant in the name of tolerance.

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

Mr. Chase: Thank you very much. I want to make it clear that I'm talking about objectivity, not subjectivity. I would like to think that every child in every classroom would have the right to raise their issue and have their issue discussed. What I am not in favour of is one child's rights and beliefs shutting down an entire class's discussion.

I realize that in all professions there are bullies, and part of this Education Act is about bullying. I would hate to think that in any of my classroom experiences I bullied a child, and I know the hon. Member for Airdrie-Chestermere was not suggesting that I bullied. He did mention a circumstance in which he was bullied.

But the idea that somehow I am trying to limit parents' rights and to limit children's rights is the exact opposite of what I'm trying to accomplish. I want an openness, an opportunity to discuss, an opportunity to debate. When I taught in school, whether it was language arts or social studies, the importance of stating an objective, the importance of supporting an argument, the importance of coming to a conclusion based on an argument that you provided, that had some verifiable basis, was important. I realize that when it comes to discussions of religion, the verifiable nature of it potentially interferes with the mystery of it, which is part of the reason for religion.

I want to make it very clear that what I am saying is that I want the public system be open to a variety of beliefs, a variety of discussions, and to not be shut down by a particular viewpoint. The beauty of the public system is that there aren't filters. It doesn't filter you on the basis of your religion, it doesn't filter you on the basis of your IQ, it doesn't filter you on the basis of your ability to pay the extra tuition costs. Anything that infringes upon the ability for a discussion to take place where all opinions are valued and a student isn't put down or chastised because they have a particular belief may seem overly simplistic. In my classroom in a less than well-to-do socio-economic area, where bullying was prevalent because establishing your pecking order, frequently with fists, was a way to establish your personal value, I had a little sign at the front of my classroom with thumbs-up. There were to be no put-downs, that sign said, in my classroom, and I believe in that.

It is absolutely essential that the public system be able to discuss a variety of issues and not be gagged or handcuffed by a person's views or beliefs. All views should be openly discussed and people left to judge their own merits, not a teacher assigning a mark to the discussion but allowing it to take place in a transparent fashion.

I know the hon. Member for Calgary-Buffalo, whose parents are both teachers, would love to have an opportunity to weigh in on amendment A1 and the public system support.

10:00

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

Mr. Hehr: Thank you very much for recognizing me, Mr. Chair. I think what is going on tonight is an excellent example of why religion should be kept out and separate from things that the government is involved in providing like public education. This is an excellent example of the divisiveness and the strife and the angst that this causes. It's been caused tonight by the language put forward in the government amendment and by the subamendment SA1.

If I can dovetail quickly to some of the comments made by the hon. Minister of Energy, they were comical although absurd when he was trying to shoehorn various one-line quotations from case law to support the argument of certain rights into a school system. Really, it was my view that those quotations do not reflect the overarching case law that stems from the interpretation of our Constitution Act, which I said recognizes that the state has a role to play in public education, Catholic school representation, and francophone education, and that's it. That's all. The language coming out of the Charter of Rights and Freedoms recognizes the state's role in playing an agnostic arbitrator in the provision of educational services. When the government is involved in these provisions, it is to be nonreligious in its basis.

So when the hon. minister tried to shoehorn certain quotations from various cases, I found that, again, comical, a little bit absurd. If he would do some reviewing of the language around the provision of education and quote from those cases – and actually the hon. member from the Wildrose is correct. The decisions in B.C. reflect what the jurisprudence has overwhelmingly been in regard to public and separate education and what is allowed in those situations. The Supreme Court has been clear on this, and to suggest otherwise is utterly ridiculous in my view.

Thank you very much, Mr. Chair.

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

Ms Woo-Paw: Thank you, Mr. Chairman. I would like to take this opportunity to share my perspective on section 16 of Bill 2. First of all, I would like to say that section 16 includes wording such as that we “must reflect the diverse nature and heritage of society in Alberta.” For someone like me it speaks to the fact that in this very key legislation we recognize the significant role of our First Nations and some of the founding nations of this country. It also recognizes the diverse nature of our society, which is just critical for an increasingly culturally and racially diverse society and province such as ours.

Mr. Chairman, I would also like to stress the fact that policies and words impact different people differently. For me I think it is significant to our diverse student population in our society that we include wording such as that we recognize the importance of promoting “understanding and respect for others,” that we “honour and respect the Canadian Charter of Rights and Freedoms.”

For the increasing population of newcomers and people of minority membership in our society the Charter stands for our dedication to equality and fairness. The Alberta Human Rights Act is one of the very few formal protections that disadvantaged groups in society have that recognize their disadvantaged stature. Currently that would include women, people with disabilities, aboriginal people, and visible minorities.

For those students who have to endure stereotyping, racial profiling, and racial slurs on just too many occasions, I think this symbolic way of including these groups in our legislation would help these people to develop a greater sense of belonging, which is significant and critically important.

I would also like to say that when this House says that we support the development of an inclusive and welcoming society and we would not stand up to protect the basic respect and dignity of people and students, I think we're being unprincipled and inconsistent.

I believe the preamble proposed by the minister is a balance between recognizing and providing protection to the disadvantaged . . .

Mr. Hehr: Did you read the amendment?

The Chair: Through the chair.

Ms Woo-Paw: I'd like to say that I support the minister's proposed preamble because it is a balance between recognizing the fundamental rights of parents and the need to recognize and provide protection to the disadvantaged and also to recognize the increasingly diverse nature of our society.

Thank you.

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

Mr. Hinman: Yes. I'm compelled to get up and speak more on the amendment after all that's been said. Again, my colleague said it best: you know, the intolerance of those who are preaching to be tolerant is an ongoing problem. I want to talk a little bit, I guess, about this so-called fear of religion that's being talked about and how it's, you know, stopping teachers from talking or discussing important issues in the classroom. Again, if I go back to the Charter of Rights and Freedoms, 2(a), the very first of the fundamental freedoms is the freedom of conscience and religion. That's the very first one on there.

You know, you can ask, “What's religion? What's worship?” and all of those things. I have friends where I would say that what they worship and what is most important in their lives is sports. Everything permeates that. When they talk about it, their examples, everything they do somehow has a sports connection. That's what they put into it.

A few people I know are into the fine arts. They love going to, you know, see the productions and whatnot. Everything rotates around that. When you're around them, that's what the discussion revolves around. It's about the arts and the great artists and the great musicians. That is what's around their lives.

Each of us has our core beliefs. So, you know, what is religious freedom? Is that belief freedom? Is it the freedom to worship who or what or where you want to worship so long as it doesn't infringe on other people's freedom to do so also?

10:10

The discussion that we're talking about here: I have to say that I'm very concerned about the direction it's going in, Mr. Chair. When we look at the government's preamble, I would have to say that when we were first moving back to it, I was against the preamble because it wasn't strong enough, and it didn't go paramount for the parents. But after listening to those who are speaking against the government's preamble, I have to go back to the fact that, yes, it is far better than not having it in there.

Obviously, we're to the point now where we're going to have to vote on that versus what many in here are saying against it, saying: “Oh, no. This is terrible. This is overriding the teacher's

ability and the curriculum, and it's all going to be taken askew here if we don't vote this amendment down." Because of that I'm going to have to now say, I think, that I'll be voting for this amendment though I'm disappointed that it doesn't have the clause that parents are paramount. That, to me, would make it one step stronger. The argument that's often said, "Well, if we've got people upset on both sides, I guess we've kind of settled somewhere in the middle": I guess that's better than either way on the two far extreme ends.

I want to talk a little bit more about classroom bullying because that's what a lot of this seems to be rotating around, the intolerance and the classroom bullying. Again, I'm always amazed at the bullying that goes on just on people's political views. I've got a son who is right now going to a university and taking political science. He very much has to write in accordance with what the professor wants, and his marks are reflected . . .

An Hon. Member: What school is he going to?

Mr. Hinman: Here in Alberta.

To think that teachers are above their own views is comical. I've gone through school. I've listened to the teachers who want to tell you what's right in poetry or what's right in English. I mean, what I loved was math, I loved physics, I loved chemistry, and I loved biology because there we had a textbook definition, and you could go back there, and you know: what stage is a blastula? And you can go and argue and say, "No, it's at this stage," and then: "Oh, yeah. You're right. I remembered it wrong."

But when it comes to a poem, when it comes to social studies and English or political science, heaven help us, we have what I want to call this bullying for the marks. If you want to get a good mark, you need to follow what the teacher is saying. It's the reality, Mr. Chair.

So for people who seem to think that if we just have this one principle in here, we're going to remove people's bias: that's ridiculous. We're all going to continue to carry what our core beliefs and biases are. Hopefully, as we become more enlightened, we become closer and closer together on that. I usually find that the reason why people are furthest apart is because they have the least understanding of the subject that those two individuals are arguing about. But if we can bring the facts together like lawyers, you know, what can we agree on?

Mr. Hehr: A great place to do that is the public school.

Mr. Hinman: But let's not say that someone doesn't have the right to have that child pulled out of a class that they don't want them exposed to, whether it's grade 5 or grade 7 or grade 3. Again, we see in British Columbia something getting woven into the whole system because that's their new level. This is what was acceptable, and government says that this must be in all of the curriculum, and it must be rewritten to reflect one point of view.

What we're trying to say here in amendment A1:

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.

This is what they're putting in there, and it's critical that parents have that right.

We have members in here that are basically saying that, no, they shouldn't, that when their child goes to school, they need to be wiped clean like a blackboard and not allowed to carry any of those beliefs that have been taught to them at home – they're going to get reindoctrinated – that therefore we just need to have

one public system, that's going to cover it all, and not allow charter, not allow private. It's wrong.

Mr. Chase: Allow it; just don't pay for it.

Mr. Hinman: Well, that's not allowing it because most of those families can't afford to pay for it, hon. member. They pay their taxes – and those are probably the ones that are paying the majority of the taxes – and you don't want to give them their right to the education of their choice. That's what this is about. What's probably the worst is that these individuals are saying that these parents shouldn't have the choice, that they know best.

Again, it goes back to what I was talking about when my child was in grade 1, that they know best. "We're going to teach whole language now. Phonics is thrown out." We make errors. It doesn't always work, so we need to have that tolerance. We need to let the different groups try the different things that they find that are new. There are always new things in learning, and we don't need to wait until the central curriculum board figures something out. That's why teachers are professionals. They have that ability to adapt and to realize that this child is having trouble learning in one area, and the best teachers can go through and relate to all the different kids in the class, not just the majority that are able to learn under the regular curriculum.

I just have to say, Mr. Chair, that I have been compelled to say that I'm going to support this amendment because it's far better than what we had before. I guess we'll get into the discussions further on the bill, after we've voted on this amendment. I can totally understand why I'm getting the e-mails that I am, because of the discussion that has gone on here. That, to me, is just showing the signs of intolerance that many groups have in saying: "We know best. This is what needs to be taught in the curriculum, even in the home-school." That's the way it's defined in this new bill, that the government will have the reach all the way into home-schools to say: this is what you must teach because this is our new curriculum that's going forward.

With that, I'll sit down, and perhaps we'll vote on this amendment.

The Chair: I recognize the hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. I wasn't totally prepared to speak to this amendment at this point in time, but something has been said over there that made me think. What the Member for Calgary-Varsity has said is that where good discussion, where people can express their ideas, should be done is in the education system. The Member for Calgary-Glenmore has sort of argued against it. If a child has been educated properly in the values of their parents, they should be able to discuss those values because when they're older they're going to want to explain what their beliefs are.

I'm sure that we all in here have our own beliefs, and I can explain mine. I can probably defend them. But you should be able to explain to me why you believe what you do. Whether I agree or not is totally immaterial. The point is that I will understand someone else's thinking. I think that we're missing the whole point, being so narrow minded that we are afraid to defend what we believe in. If we have trained our children properly, they will be able to defend their beliefs and their actions in any kind of a conversation. Maybe not at the elementary school, but they will go home and say blah, blah, blah about the classroom, and the parents will be able to say: "You know what? This is one thought, but this is what we think. This is what we believe. Therefore, this is how we are going to live."

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

Mr. Hehr: Yeah. Just to clear it up for the record, the Alberta Liberals are not against private schools. I believe in everyone's right to go start a private school, to send their kids to a private school. I just don't believe the taxpayer needs to be on the hook to pay for that private school.

Thank you.

10:20

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

Mr. Hinman: Yes. I guess I need to articulate myself a little bit better because what I'm talking about is parental rights and parental choice if they choose not to have their child exposed to something at the time the government says that they need to.

She hit the nail right on the head. She's saying: oh, we're not going to do it in elementary school? There are many jurisdictions where they do. Where does it come through, and when does a parent lose his right to say, "No, I don't want my child exposed to that"? Unfortunately, the real problem why these individuals are sending the e-mails and are concerned is because subjects come up and they're not told in advance. I think there's been lots of debate about that in the past, that it's amazing how all of a sudden someone in the classroom asks a question, and off it goes into one of those areas because little Johnny or little Suzie asked the question, and the teacher thinks, "Oh, my goodness, I have to address this," and steps forward.

What we're talking about here with amendment A1 is parental authority versus the state authority and who is going to have the paramount responsibility for that child. Not all children mature and grow at the same time. I've got some nieces that, to me, are very naive compared to some of my other ones that live in the city or some that live out in the country. They come through at a different age. You cannot say that, well, in grade 7 this is what needs to be taught because that's what's needed in a place like Calgary whereas if they're down south, down maybe in Coutts or somewhere, they're not exposed to all of the problems and the drugs that they might have in Calgary, and parents choose to do it at a different time.

This goes back to the problem of saying that one shoe fits all. It doesn't. Maybe a size 3 child's fits all children at a certain time as they're growing, but size 3 doesn't mean that because they're three years old, they have to have a size 3 shoe. They might be into that when they're one. They might be into it when they're four. This is the problem when we have the state saying: "This is the curriculum. We know this is what needs to be taught, and this is the year that it needs to be taught."

The other interesting thing. For many of the home-schoolers the reason why they've actually brought their kids home is because of bullying problems. We seem, to me, to almost want to stick our head in the sand. We passed legislation and said that there's no bullying, that it doesn't exist. There's lots and lots of bullying that still goes on, and I don't know that we'll ever be able to stop all of it. Despite all of our efforts and all of our legislation about that, it can still go on. So children can be kept home. They might have a learning disability and are being just tortured by their classmates at school, so they're brought home. It's real. It happens.

One bill doesn't fit all, and therefore, you know, parental authority needs to be paramount. This amendment definitely brings that forward to a higher level because it's in the preamble. As the Minister of Energy is trying to say, that's the spirit by which the bill is to be interpreted, by reading the preamble and looking at it and saying: okay; what are we trying to do? This

preamble is a major improvement. I think it could have been a little bit better, but it is an improvement, and thank heavens for that. Because of some of the discussion that has gone on here tonight, I'm very concerned.

[Mr. Zwodzdesky in the chair]

Mrs. Leskiw: I wasn't going to get up and discuss it at all, but I feel I have to as a parent and as a teacher of 36 years, first of all as a parent and someone who's of Ukrainian Orthodox background that followed their traditions, followed their language, and instilled it in my own children in my home. My children went to French immersion; they learned Ukrainian at home. They were brought up in the Orthodox faith at home and the rites. I would even go back further, to what my father said, that in Canada he was never allowed to be the Ukrainian and the Orthodox person he could never be back home in Ukraine. We have those freedoms.

I like Bill 2, and I like what is said in it. I think the amendment addresses concerns from some parents who were a little bit uncomfortable with Bill 2 as is. As a teacher in a classroom we know that our different children's viewpoints come in, and we respect them. You will never get rid of bullying a hundred per cent no matter how hard a teacher will try, but I try to express the views of all the students and encourage them to express their views and encourage respect and tolerance in my students for all types of students.

I had Christians in my classroom, I had Muslims in my classroom, I even had children who were atheist, but they were never put down. They were told to respect one another even if they have a different point of view. Our curriculum does that. We taught different types of government. We taught how people did things in Japan, how people did things in China, how they did it in the Soviet Union. We encouraged our children to role-play and take the views of different people and learn about their different views and then try to think about how they would answer if they were standing in front of the class.

I resent the fact that one group is going to control what everybody else has to say and think. I respect everyone. We have francophone schools in my jurisdiction, we have Catholic schools in my jurisdiction, we have public schools, we have Christian schools, we have a charter school, and we have a lot of excellent, excellent constituents of mine that are home-schooling.

I may not be able to talk the legal jargon that some of the lawyers in this room can talk, but I can tell you as a person who strongly believes in democracy, who strongly believes in a good education system, which I think we do have in Alberta, that we are bringing up our children to be tolerant of all folks regardless of their religion, regardless of the colour of their skin or sexual orientation.

In school parents always had the right. When we got up to say the Lord's Prayer and sing *O Canada*, my Jehovah's Witness students would just get up and go into the hallway, or they would just stay there and bow their heads and think whatever they'd like to think at that time. When we had Halloween, the parents would choose not to send their children to school for Halloween or the Christmas concert. We respected the parents' rights to do that. There is nothing in here that takes the rights away from any parent. As a teacher of 36 years I don't see it in here; I don't.

An Hon. Member: Have you read it cover to cover?

Mrs. Leskiw: I have read it cover to cover two or three times. I even enlarged it to an eight and a half by 11 so that I could make notes in between the lines. Yes, I have read it. I have read it.

I really think I am a very open-minded person who respects everyone. Personally, I don't even think we need the amendment, but because there is an outcry that we need something – to me, I believe that my colleagues did an excellent job of addressing concerns of some parents in this province, and I thank them. I am going to support the amendment, I'm going to support Bill 2, and I think the government did a really good job of putting this together.

Like I told my parents that are home-schooling: "There is nothing to worry about. The rights you had before you have right now." No government is going to my house and tell me that I can't speak Ukrainian, that I can't celebrate Ukrainian Christmas or Ukrainian Easter, that I have to do it on the 25th when I know I do it on January 7 and that my Easter this year is a week later than everybody else's Easter. I'm going to still follow those. I thank this country for giving me these rights.

Thank you.

The Deputy Chair: The hon. Member for Airdrie-Chestermere on amendment A1.

Mr. Anderson: I really enjoy the Member for Bonnyville-Cold Lake when she gets up and says what's on her mind. I appreciate that passion. Maybe it's because she reminds me of my mom or something when she gets all excited about stuff. It's very great to see that kind of passion in the Legislature on a bill. I wish we saw more of it from different folks on different issues. Anyway, I do appreciate that.

I will say that we do have to focus a little bit on what we're talking about here. We're not talking about whether teachers in our schools, by and large, don't do a good job of respecting people's different religious beliefs and backgrounds and so forth. That's not what we're talking about. I think we all agree that they do. We're not talking about the fact that this government doesn't believe in school choice. They do believe in school choice. We've seen it. There are a whole bunch of things that have been brought up here that this bill or this amendment in particular is not really about, and I don't think anyone is arguing that.

10:30

It is a little naive to think that these – there was a statement given that because some parents had a concern with this, we had to do something, and now they're going to be happy about it. Well, I can tell you that's not the case. I don't think that there was any real consultation done on this amendment with the folks who have the problem with the original wording. I know that for a fact. I've received over the past hour well over 50-odd e-mails. Here; I'll read you a few to give you an idea of what we're hearing. They're listening in. There's actually quite a large group listening in live and just e-mailing away. It's crazy. I cleaned out my inbox this morning, and now I'm up to over 200 messages, mostly on this. It's just incredible.

I will say that it is naive to say that there's nothing for these parents to fear, and this is why. Ms McColl was contacted by a reporter and was asked whether this act would affect whether Christian home-schoolers could teach their Biblical beliefs in the home. The response that they got – because, obviously, there are some Biblical beliefs, as was pointed out very clearly earlier on, that don't necessarily conform with certain teachings, certainly, in the typical Alberta Education curriculum but are beliefs that are not extreme beliefs as it was mentioned that they were. No. A lot of these beliefs are held, in some cases, by a majority of Albertans but, certainly, a very large minority of Albertans in most cases, depending on what issue we're talking about.

When asked about this issue and if this act would force individuals in home-schooling settings to teach things contrary to their Biblical beliefs to their children, this reporter reports that according to McColl Christian home-schooling families can continue to impart Biblical teachings in their homes as long as it's not part of their academic program of studies and instructional materials. What they want to do about their ideology elsewhere is their family business, but a fundamental nature of our society is to respect diversity, she added.

Okay. So what is a home-schooling family or a faith-based school supposed to think about a quote like that coming from I think it's the deputy communications officer of the Department of Education? You can correct me if I'm wrong on that. If that's what that individual is saying, then how exactly is a Christian home-schooling family supposed to take that? Are they supposed to say, "That's okay, then"? What it sounds like to me is that this says that apparently there are two kinds of things that happen in the home-schooling setting or in these faith-based settings: one, you teach education over here; then after you're done teaching your children education, you can go over here and talk about religion or talk about your Biblical teachings. That's what it sounds like.

I'll tell you what. There are a lot of folks that, frankly, are not too happy with the idea of an official in the Ministry of Education making a comment like that because it's worrisome. I think it's worrisome. There was a comment here. It was Donna McColl – I hope I'm saying that right – the assistant director of communications, I should say. The same reporter is quoted as saying, in fairness to the Minister of Education, that the comments by this individual were unfortunate. Okay. Good. They were unfortunate. You can see why there is a little bit of worry among some parents.

This act is opening up a door for department officials to be able to essentially force faith-based schools, including Catholic schools, private Christian schools, private schools of other faiths, as well as home-schooling families that want their faith to permeate throughout what they teach their children – they're worried that this is not going to allow them to do so, that they are going to be somehow penalized or sanctioned or what have you. It's very worrisome to them. They are very passionate about it, as we saw on the steps of the Legislature a little while ago, where at least 500 folks came out with their kids to protest this act. I think that they have a good case to be worried. It's a slippery slope – that's for sure – for these folks, and they have a right to be worried about it.

I don't home-school my children. My kids go to public school, as I've mentioned. You have to understand that this is something these folks lose sleep over. This isn't something like where most of us go home tonight and go to sleep and we're happy. We know our kids are going to go to school in the morning, and we're fine about that. These parents are losing sleep over this, and they came to us. It's not like the Wildrose is out there advertising: oh, be scared; be afraid. They came to us and said: this is our concern. I think they have a right to be concerned. Now, I could say, "No, you've got absolutely nothing to be worried about," and then the deputy communications individual says that.

Frankly, a couple of the comments in this Chamber, not just from the Liberals but from over there on the Conservative side, are a little worrisome with regard to how they view parental rights in education. I thought they were worrisome, anyway. I know that a couple of the individuals right now speak so eloquently about how wonderful section 3 of the Human Rights Act was. I no doubt had a hand in penning that and am very proud of being involved in that amendment to the Human Rights Act. These same individuals when I was in that caucus spoke against that exact amendment.

You might be surprised at who they are. The point is that not everybody over there in the government feels the same way about parental rights as, say, the Minister of Energy does or, say, the Member for Lacombe-Ponoka does. I could go through them.

There are very diverse opinions. That's why it's important, in my view, to make sure that we are absolutely clear when we write anything to do with the education of our children that it is very, very clear that parents have the paramount right with regard to choosing what education is right for their children. It is in the UN declaration of human rights. It is a human right. The Supreme Court has said that it is a human right. Do you want me to read some quotes from the Supreme Court on this?

An Hon. Member: No.

Mr. Anderson: Are you sure? They're really good ones. Let's see. This is Richard B. and Beena B. versus Children's Aid Society of Metropolitan Toronto. Okay? Here; I'll find this again. I just had it.

An Hon. Member: We're sure interested.

Mr. Anderson: Well, you should be interested because you signed up for this job, and if you run for this office, you had better be ready to debate these issues and not be bored to tears. If you're bored, leave.

This is what they said. It's from the same decision, 1995, the Supreme Court of Canada . . .

An Hon. Member: There's intolerance.

Mr. Anderson: I'm saying if they're bored, leave. That's intolerant?

10:40

An Hon. Member: It's the attitude.

The Deputy Chair: Hon. members, through the chair, please.

Mr. Anderson: Well, the attitude is that apparently this isn't important enough. You don't think we should be here discussing it. You're not interested in what the Supreme Court has said about parental rights. That's what I heard. I would expect that if you're bored, you could just go. There's nothing holding you here, is there? Perhaps the whip.

Some of us are concerned about this, and parents are at home, literally dozens of parents at least, are listening to this conversation.

This is what the Supreme Court said in 1995 in the case I just mentioned.

The right to nurture a child, to care for its development, and to make decisions for it in fundamental matters such as medical care, are part of the liberty interest of a parent. The common law has long recognized that parents are in the best position to take care of their children and make all the decisions necessary to ensure their well-being . . . In other words, parental decision-making must receive the protection of the Charter in order for state interference to be properly monitored by the courts, and be permitted only when it conforms to the values underlying the Charter.

Then this is a Supreme Court decision on an education matter involving parental rights.

Those who administer the province's educational requirements may not do so in a manner that unreasonably infringes on the right of parents to teach their children in accordance with their religious convictions.

Mr. Lukaszuk: There you go. It applies.

Mr. Anderson: Yeah. Absolutely.

Mr. Lukaszuk: It's on the books.

Mr. Anderson: Yeah. You didn't seem to be in favour of that a couple of years ago, Minister.

Mr. Lukaszuk: It's already on the books.

Mr. Anderson: That's right. Thank goodness it is. Thank goodness somebody was willing to . . .

The Deputy Chair: Let's continue talking through the chair. I'm enjoying listening to all sides on this. If you could direct your comments here.

Mr. Anderson: It's clear that parental rights need to be paramount, and we need to make sure that we do not do anything in our laws that challenges that. I've heard nothing but challenging that.

It's funny. We've been debating this amendment from the minister, and the hon. Member for Calgary-Glenmore has been standing up and essentially saying that after hearing some of the stuff in here, he is now supporting this, yet still there are some government members over there that seem to be attacking the Wildrose for our strong position on this. I'm not quite understanding that. I thought maybe there would be some back and forth, but it seems that apparently we're on different sides of this issue. We're saying that we think we need to strengthen this further, that we need to make sure that parents feel comfortable that they will have the paramount responsibility and the paramount rights with regard to the education of their children.

I do not trust this minister or any politician or any human being who says: just trust me. I don't buy that. We have laws for a reason. We pass laws for a reason. This minister has not, in my experience, shown time and time again . . . [A cellphone rang] That's all right. Start dancing. There's music being played in here.

I don't see that this minister has an overly strong track record, in my view, of standing up for parental rights. He seems to have gotten religion, so to speak, with regard to parental rights since becoming Minister of Education, but I would like to see a little bit of a longer track record before I say: "Oh, yeah. This is just fine. I'll trust you." I think parents around this province who care about this issue feel the same. So we will be bringing other amendments.

I have no qualms about supporting this amendment that the minister has brought because it's better than what's there now, but it should be stronger. It should recognize the paramountcy of parental rights and education, and it does not do that. But it is a stronger language than what is in the bill now, so I will sigh and reluctantly support the amendment.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Bow, followed by the hon. Member for Calgary-Varsity.

Ms DeLong: Thank you very much, Chair. This is something that I've been interested in for quite a while, and that is parental rights. I am always looking for opportunities to strengthen parental rights. This government has been moving in that direction very strongly, but I am really concerned that there is so much misinformation around this – so much misinformation – and there are people working, it seems, to create more misinformation.

You know, something that just blows my mind is that people are concerned about section 16, which is the Alberta Human Rights Act. It is not the Ontario human rights act. It is not the

Canadian Human Rights Act. It is the Alberta Human Rights Act, and in the Alberta Human Rights Act parents – parents – are the ones who have control over religion.

Let me actually read what is in the Alberta Human Rights Act, section 11.1:

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

What this does is that it puts the parents in the driver's seat here.

Let me go on.

- (2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student

- (a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or
- (b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.

- (3) This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course of study, educational program, instruction or exercises or in the use of instructional materials.

The thing is that this is the Alberta Human Rights Act. Now, I know that generally in some parts of society human rights legislation has a bad name. It really does. It has a bad name for actually persecuting people, you know, and sort of pushing things in a direction that they don't want to be pushed in. But this is Alberta. This is the Alberta Human Rights Act. In Alberta we actually believe in parental rights. We believe that parents are the ones who should decide and should be in control when it comes to religion and when it comes to sexual orientation.

You know, there's this message that's going around the Internet saying: oh, it's terrible that our new Education Act refers to the Alberta Human Rights Act. But it's the Human Rights Act which actually protects parents. And they want that taken away? Shouldn't they be insisting that the Alberta Human Rights Act be referred to in this act? I mean, if they really do care that parents are the ones who should be making these decisions, then why aren't they insisting on it? You know, there's just way too much misinformation out there. Somehow we've got to start getting the actual facts out there.

10:50

So if there is anyone at 10 to 11 at night who is watching what's going on here in the Legislature, please – please – talk to your friends and actually get the message out there that this is Alberta. We're not talking about what's happening in Ontario or Quebec or wherever else, somewhere down in the States. We're talking about Alberta, where we really care about parents and their rightful place when it comes to their children.

Thank you very much.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. I just want to read into the record the universal declaration of human rights, article 26(2). We've heard quite a bit about article 26(3), but I'd like to put on the record article 26(2), which has a rather broader view.

Article 26(2) of the universal declaration of human rights states:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

Now, Alberta isn't an anomaly when it comes to respect for individual rights. Somehow it's being suggested that in other provinces they have less concern for parental rights than we have in Alberta. It worries me to think – and I'm not being facetious here – that there are parents losing sleep over the fear that they'll no longer have the right to home-school their child. That worries me. It also worries me that in a similar manner individuals felt that the long gun registry gave the police the right to come to their homes, kick down their door, and take their registered long guns.

Mr. Chair, I see this as a degree of paranoia that is not brought forward by the laws and protections, whether it's the Alberta Charter of Rights or whether it's the universal rights or whether it's the Canadian Charter of Rights. If we have people who feel so isolated and so harmed by a system such as the public education system that they think their rights are going to be eroded, then we need as an Assembly, as a government to communicate to these people that they are equal participants in the larger discussion in Alberta with regard to education.

The individuals who came and stood up for their rights to home education had every right to do so, and there wasn't all of a sudden a descendence of sheriffs hauling them away because they were concerned about their right to home-school their children. Somehow the public education system is being portrayed as intruding on individual families' values, whether religious or secular values. I don't know how it has come over the hundred years of the existence of the public school system in Alberta that suddenly now it's being viewed as the oppressor, and therefore we have to make sure that amendment A1 is there to keep those public education trustees, teachers, violators of human rights from interfering with the God-given rights of individual parents to educate their child both in terms of their curriculums and their religious views.

The public system upholds the rights of all individuals regardless of creed, regardless of race, regardless of religion, regardless of the size of their wallet, regardless of whether they decide to pray to multiple gods or to a single god. They're welcome in the public school system, and that is the strength of the public school system.

Having a strong public school system does not suggest that other systems are disenfranchised or that they do not have a right to exist along with the public school system. The majority of Albertans send their children to the public school system, whether it's the separate version of the public school system or the secular version of the public school system, by their personal choice. In the same manner other individuals have equal rights to send their children to a private school, to a charter school, to a religious school, or to home-school them.

I don't understand where amendment A1 is coming from that suggests that those rights aren't already here, why it feels the need to add an extra clause or preamble to guarantee rights that

currently exist, whether they're universal rights, whether they're provincial rights, or whether they're Charter rights.

What I fail to understand, Mr. Chair, is the reason for the fear in this province that somehow their rights are going to be relinquished. I don't think that's the intent of this government. I don't think it's the intent of the Wildrose Party should it form the next government. It's certainly not the intention of the Liberals, and I don't see the NDP suddenly appearing and kicking in front doors and hauling off home-schooled children, kicking and screaming, to be placed in the prison of the public school system.

At some point, Mr. Chair, we have to get the paranoia out into the open, and reach out to these people who feel that their rights of religion, their rights of education, their rights to bring up their children are being somehow taken away by the public school system. Paranoia is an unfounded fear. We obviously need to do a better job of educating our populace about what public education in Alberta stands for. Amendment A1 doesn't do it.

Thank you.

The Deputy Chair: Thank you.

Are there any other speakers to amendment A1?

If not, are you ready for the question?

Hon. Members: Question.

[Motion on amendment A1 carried]

The Deputy Chair: We're back to the main Committee of the Whole debate now on Bill 2. The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. Bill 2, like I said at the beginning of the debate before these unfortunate amendments from the government side and then to pile on the Wildrose side the unfortunate amendments that, in my view, were unnecessary to do what's needed to provide quality education here in this province to our students – you know, the bill had some good things in it. Some of it I couldn't always disagree with.

11:00

Nevertheless, if I look at the bill in its total, it is a very prescriptive bill. It, in fact, leaves a lot to regulation. I guess from the Alberta Liberal side, we were disappointed that it didn't have more teeth to it in the fact that it would say things or even aspirational goals like would be in the preamble on class sizes, on issues like that that we believe are of fundamental importance to the future direction of bettering Alberta student outcomes and allowing our students to achieve to the best of their abilities.

I guess one of those other things we would have liked to have seen in the Education Act was some recognition by the government that school fees should not be charged at our local schools. From our side of things we believe that school is a basic right and an obligation for governments. It's a good thing for governments to be involved. It allows people from all walks of life, whether they're rich or poor, to go to the local neighbourhood school and to take part and learn how to become engaged citizens, critical thinkers, and participants in a modern economy as well as a democracy.

We think those are good things, but we believe there should be something that is provided at least for the public education system and the constitutionally protected separate and francophone situation which should be paid for out of the coffers of the revenue generated by the province. When you add an element like school fees to it, that detracts from equality of opportunity, the ability of

a child to take part in the education system whether they're rich or poor, whether they're born of a rich family or not, an ability for parents to know that the one thing that they don't have to worry about is at least the cost around education.

We've seen over the course of time school fees gradually creep up. I hate to always be the person talking about when I went to school, but when I went to school, there were no school fees. You showed up on day one, and oftentimes even the school contained the notebook, the pencils. All that stuff was provided for in our education system, and that has changed somewhat, Mr. Chair. In fact, we see families now facing bills sometimes of up to \$185 per child to go to a local public school. If they have two or three children, possibly four, this is a significant impediment, we believe, to the concept of equality of opportunity and the goals of what a public education system should be.

This extends not only to what I say on school fees in terms of what they do at the school but also to transportation fees that have been summarily passed along by either a lack of funds by the school boards or the school board passing along those costs to parents. We believe it's an obligation of the government to provide free public education. To be fair, if you're not going to build a school in a neighbourhood where children reside, then you should be on the hook for the transportation costs as well.

You know, we believe the government has a role to play in creating educational opportunities, and these fees detract from that principle and detract from people being able to ensure their ability to attend school with the impact of what has happened or what their financial status may be. You can imagine the case, even in some instances where the difficulty of a parent comes in when they can't afford school fees. I have heard that in Sturgeon county that school board has enlisted bill collectors to actually enforce school fee payments. Now, that is what I have heard. I do not have confirmation of that, but I heard it from a fairly good source that this is happening. That is some of those things that I find would be unfortunate here in Alberta, a province with the wealth and the forward thinking that many people have in this province, to have that occur.

On that note, I would like to pass out this amendment to all my colleagues in the House and then if I could speak to that. I'll just read it in so that people can have an advance before I speak to it. It says:

Mr. Hehr to move that Bill 2, Education Act, be amended in section 13

- (a) in subsection (2) by adding "Subject to subsection (4)," before "A board may charge", and
- (b) by adding the following after subsection (3):
 - (4) Tuition fees charged by a board under subsection (2) shall not include an amount for
 - (a) textbooks,

The Deputy Chair: Hon. member, before proceeding, it sounds like a lengthy one. Why don't you present it to the pages and then continue with your reading of it? This will be amendment A2.

Mr. Hehr: King Solomon could not have offered such a wise suggestion, Mr. Chair, so I thank you for that.

The Deputy Chair: Thank you. With the permission and concurrence of all members, we'll allow him to continue reading it so that we can get a little bit of a head start on understanding it.

Continue on.

Mr. Hehr: Well, hopefully, the page brings me back a copy so that I can refer to it and go from there.

The Deputy Chair: Hon. member, would you just wait one second, and we'll return one copy to you. Then we'll invite you to continue reading it into the record.

Okay. Hon. Member for Calgary-Buffalo, we invite you to continue with what will be called amendment A2.

Mr. Hehr: Okay.

- (b) lab equipment,
- (c) school maintenance or renovation,
- (d) transportation, or
- (e) any other items prescribed by regulations.

The hon. Minister of Education has stated that he is against school fees and believes that – I'm not trying to put words in his mouth. I believe that he believes that these should not be charged for at our local school boards: things like textbooks, lab equipment, school maintenance or renovation, transportation and the like. So I think by adding this into the act, it would provide some guidance to school boards and, more than guidance, it would outright say: here's what you're doing, and you better follow the Education Act on this process or you're going to hear about it. I know the minister has stated that he is having conversations with boards right now, trying to get to the bottom of what's being charged. This would be the clearest, easiest, most efficient way to ensure that this practice is not followed or happening in Alberta.

Those are my comments, Mr. Chair. I'd appreciate hearing other members weigh in on this issue, whether they believe this amendment fits within the kind and character of the Education Act.

The Deputy Chair: Thank you, hon. member.

Are there any other speakers? The hon. Member for Calgary-Varsity, please, on amendment A2.

11:10

Mr. Chase: Thank you. Speaking in favour of amendment A2. Based on my 34 years of experience in the school system, I think it's important to go back somewhat in history. I'm not going to go back to the creation of the first wheel or the discovery of fire, but I would like to go back to 1992-93 Alberta. Prior to 1992-1993 school boards collected half of their funds from the education portion of local property taxes, and the government supplied the other half. Now, in 1993 the opportunity for school boards to assess and collect their own fees was taken away, and at that point, in taking away the local autonomy of school boards to make decisions as to how their funds were to be collected and expended, the government took over the responsibility, the entire responsibility I would add, of funding for education.

Now, I know in my experience as a teacher – first at Jerry Potts elementary, then at Langevin elementary-junior high, at Sir John A. Macdonald junior high school, and then finishing up at F.E. Osborne junior high in Varsity – that parents felt the need, the necessity, to augment the money supplied by the government in order to buy sufficient sets of textbooks. F.E. Osborne was in a fairly well-to-do, middle-class to upper-middle-class district, yet we did not have sets of textbooks for each of our students. We had a class set, and at the end of the day students, first-come, first-served, could sign out a textbook to take home. At the high school level textbooks were basically rented, and if the textbooks were returned in a reasonable condition, then the fee for the rental would be returned.

Parents at F.E. Osborne, as I say I note the middle-class socio-economic circumstance, felt that it was necessary to supplement the money provided by the government to purchase textbooks, to purchase lab equipment, to provide maintenance or renovations for the school. Half of the children that attended F.E. Osborne school came from Hawkwood, so transportation fees were a

concern of those parents, and the school board gradually started expanding the walking distance to schools for students in order to qualify for busing.

Now, we had a very strong parent council – and I was the teacher representative on that parent council for a number of years – and the parents felt that it was necessary to fund raise. We sold the traditional entertainment books, we adventured in magazine subscription sales, and the parents applied every 18 months to be a part of a . . .

The Deputy Chair: Hon. Government House Leader, are you rising on a point of order?

Point of Order Relevance

Mr. Hancock: Yes, Mr. Chair. Relevance. The section that's being amended is a section with respect to fees charged to out-of-province students. Clearly, in the section it says: "A board shall not charge any . . . fees with respect to the enrolment in a school operated by the board of its resident students or the resident student of any other board or the Government." The section that's being amended is section (2), which refers to fees charged to students that are not resident of any board or the government; in other words, out-of-province students.

The fact that they were selling books in their local neighbourhood and there were perhaps fees to rent textbooks in the local neighbourhood is entirely irrelevant to the amendment.

Mr. Chase: Thank you for that irrelevance note. I enjoy, actually, on CBC the *Irrelevant Show*. Maybe that's how I got sidetracked, hon. Minister of Human Services.

The point I was trying to make, which I personally thought was highly relevant, was that it's because of parents' desires to have the total education costs covered by the taxes that they pay into the system that, unfortunately, their education property taxes and those of their neighbours find their way into general revenue, and the whole reasoning, back to 1992, of the education portion of the property tax has been lost.

School fees, as the hon. Member for Calgary-Buffalo mentioned, whether they be for transportation or for basic necessities such as textbooks and lab equipment, are a surcharge upon the public system.

The Deputy Chair: Okay. Thank you for attempting to clarify that, but I think it's a good cautionary note that has been raised. If we could make it just a little more focused on what the actual amendment is and tie it in better, it would be easier to follow the debate. Thank you.

Mr. Chase: Okay. I will attempt to use either a reef knot or a granny knot to provide greater focus. [interjections] Maybe considering the constitution of tonight's Assembly, I should be using a sheet bend. Anyway, so much for my scouting knot-tying directing abilities.

Debate Continued

Mr. Chase: Parents are being charged a surcharge for students' education because the province does not provide the necessary funding for educational basics. The Liberals are suggesting that the school board is not the one at fault for trying to make up the fees that the province doesn't provide, yet they're the ones that oversee the fee collection, that has been passed on to them by the province. What A2 is suggesting is that school fees be eliminated,

that the province use the funding from the educational portion of the property tax, which now only accounts for about 35 per cent, I believe, of the true cost of education, and increase the allotment such that these extraneous fees are no longer required.

Hopefully, hon. Chair, I have better focused attention on the need to eliminate school fees. Thank you.

The Deputy Chair: Are there any other speakers to amendment A2 as moved by the hon. Member for Calgary-Buffalo? Hon. Member for Calgary-Mountain View, are you rising on this amendment?

Dr. Swann: Yes.

The Deputy Chair: On A2, then.

Dr. Swann: Thank you, Mr. Chairman. I will speak to the issue of school fees. I'm hearing from especially some of the lower income constituents in Calgary-Mountain View and some very close to my grandchildren, who inhabit the school near where I live, that school fees are a burden and that many of the people living in the inner city, as I do, struggle with the extra costs associated with elementary and junior high school, where my grandchildren go.

I guess the question for us is to consider the investment we're making in our young people, the investment we're making in especially those who are struggling in our society to not only get the financial means together to live a healthy life and to feed their children well and to pay their bills and to provide some reasonably stimulating activities for their children but also the whole investment we're making in future generations. There is no better investment that we can make than in our children.

If we are forcing families to scrimp and in some cases not get proper nutrition, not get the kind of recreational opportunities, the field trips, if they're compromising the kinds of quality-of-life issues that many of us have enjoyed, we are not serving the long-term best interests of this province, and we're not serving the health and developmental needs of children. It strikes me that education is the very most foundational service that all governments should provide for their children.

11:20

The fee is now ranging between \$300 and \$500 in some schools – and it's about \$300 in the school that my grandchildren go to – to cover field trips and extra materials in the schools and artistic endeavours within the schools and so on. I'm not sure about the transportation issues, but clearly some students are either putting their families in an embarrassing situation, or they are forgoing some of these activities which bring the students together, which help them have a shared experience, sometimes outside the school, and enrich their lives in ways that are really hard to measure.

From my point of view, there is no more foundational a contribution that government can make, that the public purse can make than to a stable, fully supported educational system where we are not either nickel and diming people or forcing them into positions where they are making tough choices in their families about what they can and cannot participate in and share in with their friends and colleagues.

Mr. Hancock: Alberta should front those for B.C. and Saskatchewan students?

Dr. Swann: For every student who is here. I mean, how long do you think they're going to stay? We don't know if they're going to migrate here, and I would hope that anyone in Canada would fund the supports that are necessary for children to reach their potential.

It's distressing to me to think that we're going to nickel and dime or actually compromise family life because of these impositions, which for us in the upper and middle classes are not a barrier. But I know from my own family's experience in some of these schools that it's a serious barrier and an embarrassment and a shame, actually, for many in these lower income families who are simply not able to share in those experiences with others.

I don't see why we would discriminate between children of the province and children outside the province who have moved here to do whatever months or years of school they will be taking here. Their families are struggling, and we are putting them into the position where we're saying: "These activities in the school are a little bit elite. These you may not be able to participate in. With these you may not be able to feel equal to other students in the school." Of course, kids are merciless in their judgments of others who can't meet the same standard or participate in the same activities or who don't have the same skills as a result of not participating in some of those same activities.

That's what public education is. It's an equalizer. It's providing the same foundational base for all citizens. To me, the psychological well-being and, obviously, the physical well-being of children and choices around good food and activity opportunities as well as the specific formal learning opportunities have to be supported. It flies in the face of what we say we want for the future, which is a healthy, well-behaved, articulate, well-rounded population, when some are increasingly strained by their own financial circumstances.

The recent book by Kevin Taft highlighted the notion that income for individuals in Alberta has not gone up very significantly at all in real dollars since 1989 whereas corporations' has gone up about 434 per cent in terms of their net real dollars. Real dollars for 2009 was the measurement he was using, comparing the last 20 years up to 2009.

I think the reality is, especially in Alberta, where we see a tremendous disparity now between the wealthy and the less wealthy, is that we're seeing much more of this pinching at the bottom of the income ladder, where parents and families are having to choose between very important recreational, artistic, and in some cases essential activities around, say, computing and new technology, that some schools are simply not sharing in. A school in my neighbourhood is a case in point. They don't actually have more than a couple of computers.

The question becomes: how do we enhance the capacity of all these children and their families? Investing in the children is investing in the families. They all become more capable, more esteemed, more healthy and balanced families and contribute to the community when they feel supported, when they feel included, when they feel equal to the rest of the students.

It's basically trying to eliminate discrimination, eliminate inequality, eliminate the great and growing disparity, in this province more than perhaps in any other province, between wealthy and lower income, which Taft has expressed very well. Richard Wilkinson has indicated very, very well in his book around income inequality in populations the social, educational, and developmental problems. Inequality, more than poverty itself, creates the kinds of environment in which tremendous social problems develop.

I'm really disappointed that there is even much of a debate here. Our goal should be to try to create social capital, create social equity, create reduced income disparity. We express that in our commitment to children, to this most foundational of all our developmental experiences, which is the school system. I hope people in this Legislature are getting that. I think most people here

do value this. It seems like a small point to eliminate these school fees, and it is a small point for most of us. That's the problem. We don't live at the ground level, where as a doctor I used to see people struggling to meet their basic needs, to make choices between utilities and rent and activities and nutrition and recreation and creative pursuits.

This is translated very much into increased behavioural problems, learning problems, acting out socially, criminal addictions problems. We don't seem to see the ramifications of inequity, if I could put it that way. Again, it's not a burden for 80 per cent of our population. Why are we not creating at least one institution in this province where everyone is equal, where everyone is given exactly the same opportunities unless there are extra things parents can afford and want to do?

But within the school system there should be no disparity, there should be no inequities – and I'm belabouring the point – that create unnecessary stress in a society that's already stressed and competitive and finding itself alienated and divided as a community. We're simply adding to that by not recognizing the need for eliminating this relatively minor thing called school fees, which is a symptom of a society that still believes so strongly in individualism and competition and trying to be better than the other. This just feeds that notion that if your dad isn't earning enough, you don't get certain things in school that your peers get.

Well, surely, there is one institution in our society that should be able to come to grips with this and say: "This is the leveler. This is the level playing field, where we're going to make sure everyone feels equal up to the age of, well, at least grade 9." In high school there are all kinds of extra issues that come up and expensive sports and artistic endeavours that we perhaps can't fund, but surely in kindergarten through grade 9 we could create a really level playing field, an equality, a sense of co-operation and community building and support and encouragement, which is what this is all about. We're building a Canadian and an Albertan dream. We're building a sense of real solidarity, where we appreciate you regardless of what you are able to afford in terms of activities.

11:30

I don't need to go on further, Mr. Chairman. I've said what I needed to say, and I appreciate very much the sentiments behind this. As the hon. Member for Calgary-Buffalo has indicated in his amendment, we on this side of the House happen to see a world where there's greater equity, greater equality, and a greater sense of community. The other side seems to value competition, individualism, and the market over everything else. It's a symptom, I guess, of the differences and why ultimately Albertans are going to have to choose what values they see reflected on the two sides of the House. It's coming up very soon.

I hope Albertans will come back to their roots and recognize that notwithstanding the tremendous amount of money these folks will be able to throw at the election, notwithstanding the amount of hype and promises that this government continues to make to people, they simply are not able to follow through on the centralist values of equity, sustainability, community building, and a real sense that we have to do this in a different way if we are going to move into the 21st century without even more social problems, even more costs related to learning and behaviour and lack of productivity and mental illness. We have to make a fundamental shift in what we are trying to do as a society. Alberta stands out, it seems to me, in Canada in terms of the kinds of social indicators that suggest we are not building a health society, we are not contributing to equity, we're not contributing to a stronger sense that we are working together for a common purpose and that

everyone has to succeed for us to be a healthy, sustainable, prosperous province.

Thank you, Mr. Chairman.

The Deputy Chair: Thank you.

I have the Minister of Education next on the list.

Mr. Lukaszuk: Thank you, Mr. Chairman. I've reviewed the amendment carefully. I'm not sure if the hon. member who tabled the amendment recalls, but in question period, when he asked questions relevant to school fees, I thought I was clear, but I will repeat for the record that I have asked the Department of Education to review any and all school fees that are being charged in the province of Alberta by all of the 62 school boards and to analyze whether the school fees are in any way duplicating any of the funding that is provided through the Ministry of Education by the taxpayers of Alberta for provision of public education and, where there are duplications, to make sure that we set forth a policy for all school boards outlining what is and is not an appropriate fee placed on parents and students in our schools.

The fact is, Mr. Chairman, as is well known, we're passing a budget right now in the province. The budget has increased from \$6.8 billion to \$7.1 billion every three years. It's the first budget ever in the history of the province that is sustainable for three years and predictable. It's not a skimpy budget by any standard compared to any jurisdiction in North America and, frankly, world-wide.

We need to look at school fees and see why they're being charged. There are instances, Mr. Chairman, where school fees are appropriate, where parents are choosing programs that are definitely of choice or choosing schools that are of choice, that are more distant than the nearest one available – transportation in that case is appropriate – where there are extracurricular activities offered, which are optional. School fees may be appropriate. But there ought to be no fees for provision of what we consider in Alberta to be basic education. The word "basic," actually, is the understatement of the year because we know that what we consider basic actually is world-class education. No fees ought to be charged for provision of that public education, that is required to graduate and obtain an Alberta high school diploma.

We will be reviewing that. Simply putting about five line items of what one should not be charging fees for is one way. The amendment will be one way of addressing it, but it's not detailed enough. We will be looking at the actual fees that are being charged, what is and what isn't appropriate. We'll also get parents involved. We'll consult with parents to find out what they feel is or isn't appropriate, and we will have a policy developed on school fees in this province over the next few months.

Thank you.

The Deputy Chair: Thank you.

I have the Minister of Human Services next.

Mr. Hancock: Thank you, Mr. Chairman. Well, I rose earlier with respect to relevance when Calgary-Varsity was speaking, and I want to say that for the most part I really enjoyed the speech by the Member for Calgary-Mountain View about the need for equality and equity in our system and his view on school fees. Unfortunately, both of them were referring to something entirely different than what's the subject of the amendment.

Just a quick review. Section 13 is about tuition fees, not actually school fees but tuition fees. Section 13 provides that "a board shall not charge any tuition fees with respect to the enrolment in a school operated by the board of its resident students or the resident student of any other board or the Government." In other words,

resident students of any board, which covers most of the province, or the government, which covers those areas in the province that are not covered by a board, cannot be charged tuition fees.

There are no tuition fees charged for a resident student. So who's a resident student? Well, a resident student, Mr. Chairman, is defined in the act, surprisingly. It's "a person who is entitled to have access to an education program under section 3 and who meets the requirements of section 4."

Well, what does section 3 say? Section 3 is:

Every person

- (a) who [was] at September 1 . . . 6 years of age or older and younger than 21 years of age,
- (b) who is a resident of Alberta, and
- (c) who has a parent who is a resident of Canada.

A person is "a resident student of the board of the school division in which the student resides." That's a very important change in the act that should be pointed out. Previously you were a resident defined by where your parents live. Now you're a resident defined by where the student lives, so if the student lives in Alberta, by definition they're a resident student, and they're a resident student of a board if they live within the confines of the jurisdiction of the school board, which covers most of the province, or a student of the government if they're in one of those areas that's not covered by a board.

Under section 13 no tuition fees shall be charged by a board for any student who actually lives in Alberta. What is subsection (2), then? Well, subsection (2) allows a board to charge a tuition fee for anyone who is not a resident of Alberta. By that, your parents could be in Newfoundland as long as the student lives here. Call that the hockey team amendment if you want. They came to play hockey at a school in southern Alberta, they're a resident student, and we don't charge tuition fees. But if you're a foreign student who is coming here for an education because we have an excellent education system here, that's not the purview of the taxpayer of Alberta. Therefore, school boards are entitled to charge a tuition fee. So it's a foreign student, essentially, from outside the country, because if you're a student from inside the country, you live here, and you're a resident student.

What the hon. member's amendment is attempting to do is to say that those tuition fees that we're charging to students who come from the United States or some other part of the world should not include costs for textbooks, lab equipment, school maintenance fees. This is not the school fee issue that the hon. member was addressing very eloquently. This is a question of tuition fees for foreign students. I'm not sure if that's what he intended to amend, but that's what he's trying to amend.

I would suggest that Alberta taxpayers are wonderful people. They fund a wonderful education system. But I think you have to draw the line somewhere at what they're expected to fund in terms of students of the world. So this section 13 allows for tuition fees to be charged to students who are coming from foreign countries, essentially. It's not about the school fees at all.

The Deputy Chair: Thank you.

Mr. Hehr: There's a saying in politics: why let the facts get in the way of a good story or a good question? So I will stand by the amendment, and I'm sure if the hon. Minister of Human Services with his legal acumen and the like could find a better place for this in the act or a more appropriate place, that would be – well, if he agrees with the spirit of what the hon. Member for Calgary-Mountain View stated, which it sounds like he agreed in principle with, I'm assuming that this amendment will be showing up, then,

from the government side as they go forward and, with his background, get into the legislation.

I guess from our side, you know, we would still stand by the spirit if our exact placement is not correct in that we would like to see this in the legislation to provide for some of those things that we believe in. Equality of opportunity: whether you're born into a rich family or a poor family, you get one place where everything is equal, where you can build your life. You can go forward and build your life to the best of your ability not impeded by wealth or other constraints that are, frankly, sometimes because of your circumstances. So I appreciate the hon. member going through, I guess, the technical faux pas of our amendment. Nevertheless, I believe the thrust of it is clear enough and the intent of it is clear enough that this could be redrafted if the government wished.

11:40

I also appreciate the hon. minister's comments in that he is trying to look into this matter regarding school fees. I believe that if he is looking into it, it will have to continue to be regularly monitored, vigilantly covered in that his budgeting process is going to have to recognize that education has certain expenses attached to it. The minister did mention his three-year budget and how it was going to provide the necessary sustainable funding to education. There's a saying in insurance contracts that sometimes what the large print giveth, the small print taketh away. There are many things in the Education budget that are funded, you know – for instance, the teachers' pension liability, some maintenance issues, some other infrastructure issues – that don't necessarily apply directly to classroom funding. I will remind the minister that for that there is only a 1 per cent increase this year when there is a 2.5 per cent inflation rate – at least, that's what the government numbers say – and that we'll have an increase in students to our population.

Nevertheless, those are my comments. I appreciate the minister looking into school fees and the hon. Human Services minister for pointing out the error in our ways and that possibly this will come back as a government amendment because he seemed to support what the Member for Calgary-Mountain View was saying.

Thank you.

The Deputy Chair: Thank you, hon. member.

Mr. Hinman: I'd just like to assist the hon. Member for Calgary-Buffalo. It's section 57 that school fees are under. Just so you realize, it's all subject to regulations. There's nothing in the act that actually addresses school fees. It's going to be in the regulations. There isn't anything in here. It doesn't say that. "The Minister may make regulations respecting school fees," and "Notwithstanding section 13, a board may charge a parent of a student fees in accordance with the regulations."

The Deputy Chair: Thank you.

The hon. Member for Calgary-Varsity is next.

Mr. Chase: Thank you. I just wanted to thank the hon. Minister of Human Services for detailing the specifics of my irrelevance. Quite often my irrelevance is dealt with in a very generic fashion as opposed to specifying that we were wrong in talking about school fees under section 13. I want to thank the Member for Calgary-Glenmore for pointing out the correct section, being 57, but then also pointing out that it's in regulations and, to the best of my knowledge, the regulations aren't printed within the bill. Therefore the whole issue of school fees and how they're assessed and why they're assessed and their justification is in another document that is not open to the public system although it's the

public system that is being discussed in Bill 2. So my concern now has to do with the relevance of an act that puts things into regulation which are not available for the general public to see and interpret and understand.

Mr. Chair, this goes to a larger issue of the government's usage of regulations, a rulebook to conduct a game that only the government knows how that game is to be played out. While I appreciate the hon. Minister of Human Services, formerly the Minister of Education, pointing out the lack of relevance of the section we chose on school fees, it would be interesting if either the Minister of Education or the Minister of Human Services, previously the Minister of Education, could explain to the general public that pays taxes towards education why the regulations that govern school fees are not covered in the act because that's at the heart of the matter that we as Liberals are trying to resolve.

The Deputy Chair: Thank you.

Are there any other speakers to amendment A2?

Mr. Lukaszuk: To answer that member's question so the Liberals can focus on something else and have that question answered . . .

Mr. Chase: I'll be able to sleep tonight.

Mr. Lukaszuk: That's right. The member will be able to sleep tonight.

The member will probably agree that this particular act has been the most consulted piece of legislation in the history of this province. It went through two rounds of consultation as a bill, Bill 18 first and then drafted, the actual draft went before Albertans, and they had a chance to comment on the draft, and here we are with Bill 2.

Not similar because not as robust a process, obviously, will take place relevant to drafting regulations. The day-to-day operations – and operations of a school system of this size cannot be fully legislated. Imagine, hon. member, if a school board all of a sudden wanted to engage in some extracurricular activity or some program, some international travel opportunity for students, and then all of a sudden the act wouldn't allow them to charge extra fees. We would have to gather here in this Chamber and legislate additional fees. So matters like these are regulated, and regulations can be changed.

One thing Albertans should know – and I've already made that undertaking publicly to all stakeholders. When I talk about stakeholders, I'm not only talking about school boards and the ATA, but I'm talking about parents and students directly and not-for-profit communities, business communities, coaches, and community leaders and others. We will be consulting on drafting the regulations to this act to flesh out what the legislation actually means. There will be over the next year to year and a half a series of public consultations with stakeholders on the regulations that will be accompanying this act, so any and all parties involved will be able to comment.

One thing that this act actually puts into place that wasn't under the old School Act of 1988 is that it gives parents a real voice. Parent councils now will be directly feeding into the minister's office. As you would know, at my last town hall meeting teleconference over 1,000 parents actually called in. A very good exercise. The next one, by the way, is on March 19, and I imagine that many parents will call in again.

We're also formalizing student councils, students' unions that will now be feeding directly into the minister's office, so they will be consulted directly on an ongoing basis. Obviously, the ATA and the ASBA and the school boards have a direct line to the minister's office. So the drafting of regulations will be very well

informed by the taxpayers – and, frankly, the stakeholders are all Albertans – and those who are directly involved in education.

Thank you.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I want to thank the minister for extending the consultation to parents and to students as well as school boards and the Alberta Teachers' Association. The problem, Mr. Chair, that I see is that again we see consultation after the fact. What the hon. minister is suggesting is: "Trust us. Pass this bill. Accept it in all its glory or lack thereof, and then after we pass it, we'll come back to you, and we'll consult on the regulations. We'll have you provide your input, whether it's an electronic town hall or to a website or a direct conversation."

I'm pleased that the minister welcomes this after-the-fact participation, but my question to the minister is in all sincerity: after the consultation takes place, will the final regulations be published so that parents, school boards, students, and teachers know what the regulations are that govern the collection of fees at their particular institution?

The Deputy Chair: Thank you.

Hon. Minister, did you wish to comment?

Mr. Lukaszuk: Sure. Just very briefly, what is and isn't acceptable under school fees will be consulted on as a stand-alone item, and it will be consulted on prior to actually passing new regulations. I made an undertaking. I find it inappropriate that there is such a variance between school boards, and I want parents throughout the entire province to have a level of certainty of what is and what isn't appropriate. So this matter, frankly, may not need to be even regulated. We will have a decision on it, and we will have all school boards adhere to the same standards relative to what is and isn't appropriate for school fees.

11:50

The Deputy Chair: Thank you.

Mr. Chase: I realize it's 10 to 12, but I want to indicate both to *Hansard* and to anyone tuned in that am I still lucid.

The question I asked the minister – and I'm very pleased, Mr. Minister, that you're attempting to answer my information request. But when all is said and done and the consultation is over and it's been thorough, et cetera, et cetera, will the regulations be published so that school boards understand what their limitations are so that students and parents know what they're being charged for if, in fact, charges were made? We hope they won't. How can you regulate a fee or any other kind of circumstance when the individuals who are being regulated don't know what your regulations or rules are? That's my question.

Mr. Lukaszuk: They definitely will be published. Once we draft what is and isn't appropriate, that will be not only on our department's website, but it will be clearly communicated to parent councils, to the ATA, to school boards, and to any stakeholders, outlining what is and isn't an appropriate fee.

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

Mr. Chase: Thank you. The School Act, based on the majority the government currently experiences prior to the election, will be passed. There is no doubt that that will occur. Can the hon. minister potentially project how long these extended consultations on regulations are likely to take place? Do you in your mind as

Minister of Education hope to accomplish this consultation and the publishing of regulations within a particular time period? For example, would you hope to have them in place by the end of the 2012 year?

The Deputy Chair: Hon. member, I would remind you that we're still on amendment A2. As soon as we have that voted, then we can proceed with the larger discussion in Committee of the Whole.

I'll invite the hon. minister to respond briefly if he feels that it's appropriate to do so.

Mr. Lukaszuk: Well, the only thing I can comment on at this point is that the Member for Calgary-Varsity is being very presumptuous at this stage that this bill will pass in this sitting of the Legislature. If our friends from the Wildrose and others continue to file amendments on a very narrow aspect of the bill – I know, based on this robust consultation that we had throughout the province over the last year and a half, that this bill is very popular. Your presumption may be wrong. So my commitment to any timelines at this point in time would be inappropriate because, frankly, I am not as confident at this point, at midnight, that this bill indeed will pass. I certainly hope so. There are hundreds of thousands of students and parents and stakeholders who hope that this legislation will pass, but that will be subject to the opposition, how long you want to sit here and debate it.

The Deputy Chair: Thank you.

I wonder, with that bit of a deviation, as I will refer to it, if we could get back to amendment A2.

Mr. Chase: Yes, and to refocusing on A2, which had to do with school fees.

Mr. Chair, it was suggested that I was being presumptuous, and prior to that it was suggested that I was being irrelevant. Therefore, I am wearing an awful lot of adjectives tonight.

With regard to the presumption, based on my eight years of reality in terms of debating a whole variety of amendments, it has been my experience, Mr. Chair, in every single session, whether it be spring or fall, that the government in some fashion or another has either brought in closure or time allotments to ensure that their bills are passed. For the hon. Minister of Education to suggest that the almighty combination of the Wildrose, the NDP, the independent, and the Liberals would prevent the important Bill 2 from being passed would be in my wildest dreams. The reality is that this government, unless it deviates from its previous courses of putting the hammer down in terms of the time left to debate and accusing the members of the opposition of frivolous amendments to interrupt the progress of the almighty Bill 2 – I actually find that rather presumptuous, Mr. Chair.

The education of Alberta students has been a key focus of my life for 34 years. It's been a key focus of the chair of our committee tonight. Fees and the cost of education to parents, as the hon. Member for Calgary-Mountain View pointed out, are a hardship. Whether or not we chose an irrelevant section or whether I have been determined to be presumptuous on the passing of this bill, the problem remains that schools fees, as A2 points out, are a hardship. It is our hope that the minister in consultation with the various groups – parents, teachers, students, and school boards – will work towards the elimination of those school fees through the proper funding and investment in education.

Thank you, Mr. Chair, for your patience.

The Deputy Chair: Thank you.

Are there any others? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chair. I gather by the comments from hon. members opposite that there's some, shall we say, quibbling about calling textbooks, lab equipment, school maintenance, renovation, transportation, or other items tuition fees.

Mr. Hancock: No. The section you're amending has nothing to do with school fees.

Ms Blakeman: It says "tuition," and we're saying "tuition." Well, okay. Thank you for that very much. I appreciate that because, you know, I stood up, and I didn't know what I was going to talk about. Now I do.

Mr. Hancock: That's better than when you talk and you don't know what you're talking about. [interjections]

Ms Blakeman: That's why I'm here, you guys, to wake you all up, get you all focused again on the bill.

That's interesting. Yes, indeed, the section that we're trying to amend is tuition fees. I look at what, for example, is covered under what most of us think of as tuition fees, which are our university fees, our college fees. Even the fees that you're paying as an apprentice when you go back to NAIT or SAIT for that period of schooling time are called tuition fees. Does it include your pass into the sports arena? Yeah, it does. Does it include your student union fees? Yes, it does. Does it include the U-Pass?

Mr. Hancock: Just admit that you have the wrong section on this one and go on to the next one. There's an error made.

Ms Blakeman: No. I'm arguing that we're within our rights to call those tuition fees because that's what they're called everywhere else. It's true. When you went to university, did you pay a tuition fee? Yes, you did, and it included all of those other fees. So we haven't done anything – and, you know, I would never say that Parliamentary Counsel . . . [interjection] Thank you very much, but, you know, I noticed that there was a little mark on the bottom of what was handed out, and that mark is like a gold star. It's like a sheriff's star. It's Parliamentary Counsel, and they allowed us to do this. So I've got to say that I know that they are perfect in every way, and they would never allow me to make a mistake. I'm going to keep on this one because you guys are going to pass it.

One of the things that has been brought to my attention is collections and that school fees are now sent to collection agencies. Somebody phones you or shows up at your door . . .

12:00

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Honestly, I have to rise again on a point of order with respect to relevance.

Point of Order Relevance

Ms Blakeman: And your citation would be?

Mr. Hancock: Relevancy.

Ms Blakeman: The citation is?

Mr. Hancock: It's a relevant citation. [interjections]

Ms Blakeman: No. The number is? [interjections] The citation: I'm sorry; I can't hear it. I'm waiting to hear the citation.

The Deputy Chair: Excuse me, hon. members. I'm hearing somebody trying to say 459, but I'm not sure that's what I heard.

Mr. Hancock: It would be 459, yes.

The Deputy Chair: Of *Beauchesne*? Proceed with your point of order.

Mr. Hancock: I know it's not appropriate for me to refer to the presence or absence of a member, so I will not. I'd just indicate that the hon. member missed the explanation on the section that says that this section only applies to tuition charged to out-of-country students. I would suggest that there are very few tuition fees sent to a collection agency to collect for unpaid tuition from a student from China. I mean, it just would not be a relevant thing for a school board to do.

This section is about tuition fees for out-of-country students. What you've tried to do is amend it with this amendment to say that it won't include various things. I know from the speeches that were made by other members from the opposition Liberal Party that what they're really talking about is school fees. That's a laudable thing to talk about. We had a wonderful speech except for that last part, where he tried to differentiate between the philosophy of the parties, from Calgary-Mountain View about school fees.

This really is the wrong section for what you've been talking about, and it would be great if we just realized that, voted on it, and moved on to your next amendment, which is probably on the right section you want to amend.

The Deputy Chair: Thank you. So it's just a point of clarification at this point, then. In the amendment there are tuition fees, and then there are all these other things that are perhaps normally referred to as school fees. Perhaps, hon. member, you might comment on that.

Ms Blakeman: Thank you. I would love to, now that I've finally heard a citation out of the Government House Leader.

In response to that, I would refer him to page 620 of *House of Commons Procedure and Practice*.

It is not always possible to judge the relevance... of a Member's remarks until he or she has spoken at some length or even completed his or her remarks. In practice, the Speaker allows some latitude – if the rules are applied too rigidly, they have the potential for severely curtailing debate.

That, I know, would be just unthinkable, a terrible thing for everybody sitting in this Chamber.

Debate Continued

Ms Blakeman: Okay. Fair enough. Relax. Relax. The error of my ways has been pointed out to me by one of my colleagues here, and indeed we have amended the wrong section. What we really wanted to do was amend I think it was section 57, which was on the school fees. You have to admire us for a good try at it, but we have erred in the reference that we've given and what we've tried to do.

Before we close, however, I do just want to note, taking my latitude, the issue around collections, whether it's for tuition fees or school fees, both of which I think would fall under the same category here. I'm quite concerned to hear that schools are sending tuition and school fees to a collection agency. I know that these are often a hardship for people, especially when they're coming in at about \$450 per child. To have someone phoning you and/or showing up at your door, probably phoning you in this day

and age, to collect that means that the school has sold the debt. It's not the school that's going to get the money anymore. It's collection agency ABC or XYZ or Triple-A or whatever it is they are going to be called. The school has sold the debt for 10 or 20 cents on the dollar to begin with, and now a collection agency is trying to collect it.

I always have problems when the government sells a debt to a collection agency because at that point they've given up on it. I don't know why they allow a collection agency to then hound an individual, especially around the collection of school fees, which I should have referred to in this amendment in an entirely different section.

Given that, I'm going to take my seat and let you vote on this.

The Deputy Chair: Thank you.

Are there any other speakers to amendment A2? If not, is the House ready for the question?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Deputy Chair: We are now back to the Committee of the Whole discussion on Bill 2.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chair. No surprise to you, I have another amendment. I'll distribute this. I'm keeping the health of our security personnel in mind. I know it's good to get up and move around every now and then so that you don't get leg clots, so ever mindful of you, I'm going to hand out these amendments and talk about them.

This amendment is near and dear to my heart, and I guess this will now be called...

The Deputy Chair: Amendment A3. I was just going to clarify for the House as it's being distributed that this will be amendment A3. If you'd like to read it into the record while it's being distributed, that would be helpful.

Ms Blakeman: Okay. I'd love to do that. Let's hope I amended the right section. This is actually under my colleague's name. On behalf of my colleague the Member for Calgary-Buffalo I would like to move that Bill 2, the Education Act, be amended by adding the following after section 16, which is appearing on page 29 if anyone is following along at home or indeed here in the Chamber:

16.1(1) A board shall provide notice to a parent or guardian of a student where courses, programs of study or instructional materials, or instruction or exercises, prescribed under this Act include subject matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.

For any of you that were around a few years ago, this is going to ring a bell because, in fact, this is what we would usually recognize as section 11.1 under the infamous Bill 44. Now, you'll remember that I talked a lot about Bill 44 when it was before the Assembly. Part of it was because I was so incensed that this particular section would be under the human rights code. It more rightly belongs under the Education Act. That's where it should be. It's about education. It wasn't about human rights.

If you actually follow along behind it, this is talking about and reinforcing the ability of parents to pull their children out and the requirement of school boards or schools to provide alternate educational materials for students whose parents have opted them out of particular classes. Now, I would rather see this entire clause burn in hell out of both acts because I just think it is inappropriate from the get-go. We already have protections in the old School

Act and in this current Education Act. [interjection] I don't know. Maybe it's all the Biblical references I've been hearing today.

12:10

You know, we already had protections in the old act and in the new act to allow parents to remove their children if they were uncomfortable with the subject matter. That was already in there. This section, what was 11.1 and that now I'm trying to add in under section 16, was overkill and was entirely inappropriate in that at the same time as we were trying to do what the courts had ordered for us under the Vriend decision – I'll just pause here, and we'll do a little historical vignette just to remind everybody.

In 1996 or so we had a young gay man who was working as a lab assistant, I believe, or as a lab instructor at The King's College here in Edmonton. When his sexual orientation became common knowledge for the school, they fired him. The young man tried to take his complaint about being fired to the Human Rights Commission here in Alberta. The Human Rights Commission said: sorry; we can't hear your case. He took that up to the appeal boards and all the way through all of the court proceedings to the Supreme Court saying that he should have protection against discrimination for the areas that are generally covered, that being employment, housing, and access to government programs and services. He was not given access to a government program and service, that being the Human Rights Commission. In fact, the Human Rights Commission's comeback on that was: we don't have that written on our list.

Earlier this afternoon we were talking about how important lists are when you get into constitutions, charters, and writing out legislation. If there's a list and you're not on the list, your particular section or whatever you're concerned about, if your thing is not on that list, it's not there. It's not covered. It's either not empowered, or it's not protected. That's what the Alberta Human Rights Commission was saying: "Hey, we can't help you. Because sexual orientation is not a protected ground under our human rights code, we couldn't help you."

What happened was that the Supreme Court did two things. One, they said: "Yes, it is. Sexual orientation is covered under the Charter because the Charter is a living document, and it has been expanded to take in sexual orientation as protected grounds." They went one step further, which they've never done in any other Supreme Court ruling. I'm going to do a little Laurie Blakeman paraphrasing here. They did not trust the government to actually write it in, so they said: "We are going to read it in. We're going to go on as though it is written there, and it will be a protected ground from now on. Furthermore, Alberta government, hop to it and actually write it in because it's read in as of now."

So the Alberta government, in its usual turtlelike rush towards inclusion and diversity in this province, took about 13 years, and they came up with Bill 44, which was to add sexual orientation specifically under the human rights code onto that list of protected grounds. Snaillike: maybe that was a better description because it leaves that slimy little thing. [interjection] Oh, I'm sorry: slug trails.

Anyway, we got to this wonderful moment when the Alberta government actually had legislation up where they were going to include this, and they did put it in. Then they included this horrible clause, which was just so misguided and backwards and evil.

An Hon. Member: Evil?

Ms Blakeman: Yes, it was evil.

Mr. Chase: Satanic.

Ms Blakeman: No. I didn't say that. Uh-uh. I didn't say that.

There we were on the one hand saying: "Okay. You're in, folks. We protect you." On the other hand we're saying: oh, well, actually, no. Whenever any discussion of sexual orientation comes up, so the very grounds that we're now saying that you're protected on – "You're in; you crossed to the right side of the street, kids" – we're now going to go ahead and say: "No, not quite the right side of the street. Any parent that wants to yank you out of school because that word is mentioned can do it." Huh? Left hand, right hand. Give, take. Two steps forward, four steps back. That's exactly what this clause was. So, overall, this whole clause is evil, evil, evil.

However, I am not in the party that won the most seats, and the party that won the most seats got to pass Bill 44, so I'm going to try and fix this because this should not be in the human rights code. It should be in the education code. It has one hundred per cent to do with education, not to do with human rights, so put it in the right place. If you have to have this here, as evil a thing as I think this is, please put it in the right place because it's embarrassing at a minimum and horrific at a maximum to have this in entirely the wrong act. Other countries, other provinces look at us and go: "Huh? Why on earth would they put it there? I don't know." But these are my wonderful colleagues in the Legislative Assembly, so I'm giving you the opportunity to correct this wrong and put it in the right place because, I mean, it does refer entirely to education.

So we had the first bit about how a board has to provide notice to a parent if there are instructional materials, programs of study which deal primarily and explicitly with religion, human sexuality, or sexual orientation. Then it goes on:

Where a teacher or another person providing instruction, teaching a course or program of study or using the instructional materials referred to in subsection (1),

which I just described to you,

receives a written request [from] a parent or a guardian of a student that the student should be excluded from the instruction, course, program of study . . . the teacher or other person shall in accordance with the request permit the student

to leave the class and take something else. Sorry. Subsection (a) is just to leave the class or the program or not read that material and get something else taught to them or to remain in the class but not take part in the actual instruction.

Once again, is anybody hearing anything about the human rights code in this? No. You're hearing about class, study, teachers, boards. Is any of this ringing a bell here, folks? It's about education. So if this is what you want – and you all said that it was – then put it in the right place.

The last section, section (3), was the saviour clause, the Hail Mary clause that you guys put in when I was able to stand up and say that you couldn't teach biology under the first things you'd done because, you know, what those worms get up to would essentially qualify this clause to be brought into being. So you put in the Hail Mary clause, which is:

This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course, program of study, instruction or exercises or in the use of instruction materials.

You know, that was: ha, ha, Laurie; now be quiet because we solved your problem.

Finally, the last part of this amendment, which I am moving, by the way, is:

- (b) in section 263 [of the act] by striking out subsection (2) and substituting the following:
 - (2) Section 11.1 is repealed.

Boy, you get into a lot of numbers in this game, don't you? Okay. Section 11.1 is repealed, which means it's taken out of the Human Rights Act and put into the Education Act, which is where it should be.

12:20

I'm asking you to do the right thing here. You know I wasn't keen on what you did in the first place. I still don't like it any more than I did, but at least if you could put it in the right place, please, so when people go looking for it, at the very minimum, it's going to be where they expect to find it. You've still got it, but please put it where it should be, and get it out of the Human Rights Act.

Now, I did supply this to the minister in advance because often the government members say: "Well, gee, Laurie, if you just would have given it to us in advance, we could have talked about it in caucus, and maybe we might have passed it." So I did, and I had a very nice letter back from him today saying: nice try, Laurie, but, no. But I'm still going to bring this before you and move it and say: "Please consider this. Please do this. Please do the right thing because, well, there are a number of reasons."

I think it would take a black mark away from what this province did in doing that give with the right and take with the left, or one step forward and two steps back, or however you want to describe it. It would take that away, and it would allow us to move forward. I bet I could even get support from the Wildrose because it would still be there; it would just be in the right place.

Mr. Anderson: Unlikely.

Ms Blakeman: Well, let's try it because I think this is important; I really do. I mean, I'm cheerful and I'm smiling and I've got a nice tone of voice here, and I'm not calling you expletive-deleted phrases. I'm trying to be warm and friendly. But I really think this is the right thing to do. I have come in here today to . . .

Mr. Chase: To save their reputation.

Ms Blakeman: Well, my colleague is suggesting that I came in here to save your reputation. No, I didn't. I came in here to ask you to do the right thing.

This is something that was very important to you. I understand that in your caucus there was a great deal of discussion, and it was an agreement that you came to that you really wanted this clause. I'm saying: "Okay. If you really have to have it, which I think you shouldn't, please put it in the right act." To continue on with this – you've all heard it. I've read it out. Anybody who is watching the live streaming at home or who reads this in *Hansard* afterwards will understand that this is entirely about education and teaching and course materials, and it belongs in the Education Act, not in the Human Rights Act.

I know that somebody on the other side earlier today did stand up and say that we have had – maybe it was the previous minister – absolutely no complaints brought forward under this. Fair enough. I don't think that's a judgment of whether or not this section is in the right bill. You can still bring complaints forward if you want to. It will still have the same effect if you put it in the Education Act. But, really, I think that's where it should be.

It's 25 after 12 on Thursday morning. I understand that, you know, we're not as bad as the Americans, so we can all be grateful for that, where they get into all these tag-ons – is that the word for it? – add-ons or tag-ons with their budgets and things.

Now I've got people on the other side signalling how many minutes I have left. It's okay; I have a timer. Don't worry about me. That's all right. I appreciate the concern.

But I think this whole thing came about wrongly. You know, this was a compromise. Whatever decision you guys came to in your caucus, fine, but don't compound that by putting it and leaving it in the wrong place. It's inefficient, it makes for crappy legislation, it makes for court cases, and I hate that kind of inefficiency.

I love that perfection of writing a good bill and having everything where it should be. It's a thing of beauty. It has motion to it. I hate it when this government screws that up, when they do stuff and I tell them, "This is going to be a constitutional challenge" and they go, "No, it won't; we do it perfectly." And, sure enough, it rolls around, and it's a constitutional challenge. That bugs me because then you guys use taxpayers' money to go to court to defend your stupid thing.

Okay. Let it go, Laurie; let it go. Please don't make me do that to you again when you could be doing what is correct by way of drafting a legal document, which is what this act is, correct in the moral sense that it is where it should be and not in the wrong place. This act could be thing of beauty, but it's not, so please approve this amendment.

Thank you very much for being fairly good listeners to me tonight. A few people are drifting off and there are a couple of conversations, but generally you listened to me, and I appreciate that because you don't always.

Thank you very much.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Varsity has the floor next.

Mr. Chase: Thank you very much for this opportunity. I want to dedicate A3 and my standing up upon the request of the hon. Member for Livingstone-Macleod, who asked that I rise to the rescue. So I have risen. Oh, that's rather a Biblical expression.

Ms Blakeman: Rescue? Point of order.

**Point of Order
Clarification**

The Deputy Chair: Citation?

Ms Blakeman: Standing Order 23(h), (i), and (j).

Excuse me, Member, but there is no need of rescuing here. If you want to get up and debate this, get up and debate it. But you don't need to impugn any motives toward me as needing rescuing.

Thank you.

The Deputy Chair: Hon. member, do you wish to comment?

Mr. Chase: There was no impugning that the hon. Member for Edmonton-Centre, who is very capable of not only looking after herself but looking after the entire Liberal caucus, would need to be rescued. The rescuing was for the hon. Member for Livingstone-Macleod upon request, and therefore I am standing.

The Deputy Chair: Hon. member, the chair will rule that this is merely a point of clarification on your part, then.

Mr. Chase: Thank you. I appreciate that assistance.

The Deputy Chair: It's of interest that a member from your own caucus is calling a point of order on you, perhaps a bit tongue in cheek. Nonetheless, I think it's a point of clarification more than a point of order. Proceed now with the main debate.

Mr. Chase: Thank you. I would never want it suggested that my assistance was required for any member, especially the Member for Edmonton-Centre, who has considerably more experience and knowledge based on her numerous terms in this House than myself.

Debate Continued

Mr. Chase: The hon. member, in putting forward amendment A3, was trying to make the best of a worse situation. While she and I very much disagree with the notion of Bill 44, the hon. Member for Edmonton-Centre was saying: "At least, if you're going to deal with this, put it in the right place. It doesn't deal with human rights; it deals with education in the classroom."

Personally, the section that I would like to see bolded and, potentially, the only section that I would like to see remaining within this area is section 3. This was what the hon. Member for Edmonton-Centre referred to as the Hail Mary pass. It says:

This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course, program of study, instruction or exercises or in the use of instructional materials.

For example, if a person were to say, "Holy cow, pistil-packing flower stamen, you seem rather bent," then that would not constitute an appearance before the human rights tribunal because it just arose in an incidental manner.

12:30

Now, certain topics – and I've spoken to one earlier – such as sex education, which is part of the curriculum, which is referred to in 16.1(1), are very clearly defined. Letters go home, parents are consulted, and so on.

I'm not sure whether it'd be required that – as I mentioned before, in grade 7 world religions is part of the social studies program – all parents receive a copy of the syllabus indicating that at some point in the year a discussion of world religions will take place so that the parent can then exclude their child from that discussion.

With regard to sexual orientation, I'm not aware, at least not while I was teaching, of any specific courses, whether in science or in health with regard to phys ed, that dealt specifically with sexual orientation, but if there were sections that were in the prescribed curriculum dealing with sexual orientation, it would be relatively easy to inform the parents that those discussions would be taking place.

I'm not sure that section (3), however, whether you want to call it a Hail Mary pass or a get-out-of-human-rights-tribunal jail free pass, would cover a teacher if a student in an impromptu fashion got caught up in a side discussion.

I'd be interested, when the hon. members of the government caucus apply the flame-thrower to A3, whether they will suggest that section (3) comes under Bill 44 or in the Education Act, Bill 2, where it should be placed, whether that does provide sufficient protection to either a teacher who allowed a discussion of an impromptu nature to go, or whether, in fact, a parent or a child, a student, could bring forward a charge of prejudice against another student who brought up the topic in the first place.

This is why this whole human rights/Bill 44 is the subject of such confusion and why the hon. Member for Edmonton-Centre, who needs no rescuing or help, has indicated that Bill 44 should basically just be toasted, and she referred to a potential Biblical location where that toasting could take place. I think Norwegians refer to it as Hades. In our standard English understanding we talk about hell, whether that's a geographic location where certain

members of this astute Assembly may find themselves burning at some point in the future remains to be seen. [interjection] I think the Member for Livingston-Macleod may have the fire starter in case hell freezes over during the debate on A3.

I appreciate the hon. Member for Edmonton-Centre bringing forth this correction, attempting to save the Alberta government the embarrassment of a misplaced clause and thereby correcting it through amendment A3. What I would offer to this House in the way of a trade-off or a deal would be that if the hon. members opposite accept amendment A3, I will go home, and they will be able to go home a little bit sooner as a result. If for no other reason than to send me packing, I would suggest that you support amendment A3.

Thank you, Mr. Chair, for this opportunity to discuss a number of hot geographic places and the need for sending people and bills there.

The Deputy Chair: Thank you, hon. member.

Are there any other speakers to amendment A3? The hon. Member for Edmonton-Centre.

Ms Blakeman: Well, I was just suggesting that if I stopped talking, would everybody like to vote for it?

Mr. Hinman: Show of hands.

Ms Blakeman: Let me try that.

Once again, I'd just wish to urge my colleagues in the Assembly to . . .

An Hon. Member: Question.

Ms Blakeman: Yes. I will call the question immediately, as long as you quit bugging me, and the more you bug me, the longer I'll talk. You should have known that by now.

Once again, I'll just urge my colleagues to do the right and appropriate thing and approve this amendment. I know that the minister is right here. He can just give you the thumbs-up signal – so can the Government House Leader – and allow us to do the right thing with this bill, or I will hound you forever about this. In your dreams 10 years from now – you're out of politics – a little voice will come in your head from Laurie Blakeman going: you should have done this, and here are all the reasons why. You just don't want that happening. You just don't want that happening. Not that I'm threatening you, but that's what'll happen.

I'll call the question, Mr. Chairman.

The Deputy Chair: Thank you.

I see no other speakers, and the question has been called.

[Motion on amendment A3 lost]

The Deputy Chair: We are now back to the main debate at Committee of the Whole on Bill 2. Edmonton-Centre, please proceed.

Ms Blakeman: Thank you very much, Mr. Chairman. At this time, always in, of course, immense concern for my colleagues here that you get enough movement in your legs so that you don't have that thing that causes a stroke – thank you so much – there's another amendment being handed out. That amendment, which would now be amendment A4, is changing an exact definition under the interpretation section, which is section 1(1). We're striking out section (d), which is the bullying section, and replacing it with this wording:

(d) “bullying” means repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended by the individual to cause harm, fear or distress to another individual in the school community, including psychological harm or harm to that individual’s reputation.

What we have currently in here is that the definition – sorry to repeat this, but what’s of most importance here is that it just talks about behaviour by a student,

where the behaviour is intended by the student to cause harm, fear or distress to another individual in the school community, including psychological harm or harm to the individual’s reputation.

So it’s all based on an individual. It doesn’t recognize that it is possible that this can happen by more than one. This amendment is intended to capture and prohibit, as much as the previous one did, bullying behaviour by any individual in the school community.

It’s bringing in both the possibility of staff bullying students and also workplace bullying. That’s a key point to me, that in fact we don’t have that under the Human Rights Act, unlike the fact that under the Human Rights Act we have an entirely inappropriate clause which truly belongs in the Education Act. That little voice is going to come back in your heads forever.

12:40

It is one of the issues that we have not successfully captured in education or in other places, which is understanding that bullying can happen on all levels and between levels. It isn’t just bullying of a student by a student or by a group of students to a group of students, but it can be from teachers or staff or even janitors. I remember one janitor we had in our elementary school, and he bullied. He bullied students. He just scared the bejesus out of them. I don’t know whether we didn’t know that we could complain to other teachers or to the principal that that’s what was going on, or maybe they felt that they didn’t have any way of controlling that behaviour or any right to say anything to the individual, but this wouldn’t allow that situation to happen. It would recognize that anywhere in that school community bullying between anybody and anybody is not accepted.

What you’ve got right now is that you only deal with students, yet in the rest of the Education Act you do talk about your expectation about how boards behave. You talk about your expectation about teachers. You talk about responsibilities and codes of conduct from expected different members of the school community, but nowhere in there do you recognize that one group could be bullying another, and I think it’s important that we do that.

One of the consistent complaints that I’ve had while I’ve been the critic for human rights has been that we don’t cover workplace bullying. I think it’s the area that the Human Rights Commission gets the most complaints about that they can’t deal with because, again, they don’t have anything in their act which allows them to do anything with it, in the same way that the act used to not protect people’s sexual orientation.

Bill 44 opened it up to protect that and at the same time took it away by allowing us to discriminate against them in schools. But, essentially, that is a missing piece in our human rights code. This does allow us to at least take a step forward in the school community and go: “No. We understand that it can happen between any group of people in that school community, and we want it stopped. We want it clear.” You know, if somebody wanted to take this to a higher authority, they would be able to, but otherwise we’re only talking student to student. So what

happens between staff and teachers or the principal and the janitor or anybody else is currently not covered.

Dr. Swann: Lunch room supervision.

Ms Blakeman: Lunch room supervisor, yes, in the school community. Well, that would be interesting, and that’s where it needs the interpretation, right? I can remember parents phoning my mother . . .

An Hon. Member: This is a white flag. Call the question.

Ms Blakeman: Oh, excellent. I’m so glad to hear that. Now, why couldn’t he have done that before? [interjections]

The Deputy Chair: Hon. members, the Member for Edmonton-Centre does have the floor, and the chair was enjoying listening to her. Please proceed.

Ms Blakeman: I don’t want you to enjoy me. I want you to be convinced by me. I’m here arguing a point. I try to be entertaining, I try not to bore you, but the point is that I’m supposed to be convincing you of something. So, you know, try it. Okay.

All right. I will take a leap of faith.

Dr. Swann: I’ve got to speak to this. Absolutely.

Ms Blakeman: If I let my colleague speak, does that mean you’re withdrawing it?

Some Hon. Members: That’s right.

Ms Blakeman: Okay. It’s a risk we’ll take.

Anyway, thank you very much for considering this. I think I have managed to convince some of you, and I appreciate that understanding because bullying is a big deal right now, and we’re all coming to terms with that. We as legislators could do the right thing and protect some people.

Thank you very much.

The Deputy Chair: Thank you.

The hon. Minister of Education is next.

Ms Blakeman: Holy.

Mr. Lukaszuk: Not holy, just honourable. Not holy.

Thank you, Mr. Chairman. It is a quarter to 1 o’clock, and even though some of those who may be following us or perhaps reading the *Hansard* tomorrow may think that we had a lot of fun over here – and we did. We’re laughing and trying not to enjoy each other as the hon. Member for Edmonton-Centre reminded us. But the topic that she actually raises is a serious one, and it requires some serious consideration.

As a matter of fact, one of the things that I pride myself on – and I know that the Member for Edmonton-Centre shares with me very strong feelings about it – is the importance of eradicating bullying in any possible way we can as adults. We owe it to our children, we owe it to our society, and we owe it to the future of our province. We know that bullying has a variety of faces. It occurs in many different ways, for many different reasons.

I have actually had an opportunity today with the Minister of Human Services to meet with a large group of young people at Government House. One of the groups is focusing on eradicating bullying. They gave us just a quick overview of the different kinds of bullying there are. Kids can be bullied for a number of reasons. It could be about a child’s weight. It could be about a child’s

ethnicity. It could be about hair colour. It could be homophobic. There are a number of reasons, and the fact is that none of it can be tolerated in our public schools.

So any amendment that further strengthens that and then widens the scope of bullying should be adopted to make the bill even stronger, sending a strong message to our schools and our young people and anyone involved that we definitely must do what we can to eradicate bullying.

I would recommend that all members of this House support this amendment. Thank you.

The Deputy Chair: Thank you.

Mr. Hinman: I will just be brief because I think that that is universal. We all understand. We've all seen bullying. We realize the problems that it causes.

Again, I appreciate that the Member for Edmonton-Centre in her due diligence picks things out that were missed. Again, talking about law, when you start the list, in the government's form it says "by a student." Thereby, that's all it is, just a student, and we know that that isn't the only thing. So this amendment, which I will support, is inclusive to anybody that's in the school community.

I appreciate her due diligence in spotting that and making this bill better. That's what we do and why we stay here into the wee hours of night, to make sure that if we can, we make an improvement. This is a very important one because we don't want any bullying anywhere in the school community.

It's an excellent amendment, and I appreciate her finding that and bringing that amendment forward.

The Deputy Chair: Thank you.

The chair would be pleased to recognize the hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Chairman. I won't be long either, but I think it's a critically important amendment that all members of the House should support.

I had a personal experience. My son was bullied by a teacher for over two years, because she ended up being his teacher for a couple of years. It was very difficult for us, first, to identify it and then to get it addressed at the school board level and, finally, to get him out of the class and into a more constructive area. So it's critically important to me that we not focus solely on student bullying, bullying of peers. As the Member for Edmonton-Centre has said, it can come from any staff person. It can come from any parent who has some kind of a role in the school. It can come from after-hours activities, whether it occurs in a sports or a musical event after and outside the school jurisdiction in some way or, at least, off the grounds of the school.

[Dr. Brown in the chair]

I've heard from a few parents already about the school act, that that was an oversight, that they seriously wanted to see that addressed, so I'm very pleased to hear the minister say that there is a strong basis for expanding the circle of potential abusers and ensuring that we be inclusive in our language and not simply refer to just peers or students.

I enjoin all members of the House to support this amendment. It will speak favourably of our work tonight. It will speak favourably of a bipartisan or nonpartisan approach to common sense and to the best interests of our children and our schools and our communities.

Thank you, Mr. Chair.

12:50

The Acting Chair: The chair recognizes the hon. Member for Edmonton-Mill Creek.

Mr. Zwozdesky: Thank you. I, too, will be brief, but it's incumbent upon me to say a few words of support for this motion because I am the MLA for a constituent that you will have seen and heard from on many occasions. Her name is Betty Wedman. She lost her son to a bullying incident. He felt it necessary to commit suicide. In the discussions that I've had – and I've had many – with Mrs. Wedman, she has indicated her support, in slightly different words but, nonetheless, for a motion like this to be brought forward at some point.

We know what the tragedies of bullying can be. Some of us have seen it, and some of us may have even lived it. But to hear Betty Wedman tell her story is something else entirely and something entirely different than perhaps some of the other accounts you will have heard.

Bullying is in the act, and I want to thank the hon. Minister of Education and the previous Minister of Education as well for having supported the inclusion of bullying in a formal sense in this act.

With that, I just want to put it on the record, hon. Chair, that I fully support this amendment in its current form.

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

Mr. Chase: Thank you. And I want to briefly thank the Member for Edmonton-Mill Creek for bringing up the circumstance of Betty Wedman, who approached me when I was first a critic for children and youth services. She told me the story of how her son's bully followed him from school to school. Her son had tried to avoid this particular individual by changing high schools. Then, unfortunately, it turned out that the person who had done the bullying followed him to his new high school, and eventually the culmination of the previous bullying that he had received resulted in him taking his own life.

[Mr. Zwozdesky in the chair]

Mr. Chair, it's extremely important to note that Alberta has the highest suicide rate in the nation, and bullying is frequently what leads to that terrible choice where an individual can no longer tolerate the conditions under which they have been placed.

I appreciate very much that this government has recognized that the definition of a bully has to be extended beyond a student. From a personal experience of having being bullied in grade 8, it does cause you to withdraw into yourself to a large extent. In grade 8, for example, I was fairly close to six feet and probably weighed about 160 pounds, and I considered myself capable of defending myself. On a one-on-one, and in some cases a one-on-two or a one-on-three, I was able to do that. But when an entire grade 8 class decided to initiate me at recess, which was the circumstance in Richmond Hill in Toronto, it had a very negative impact on me.

In terms of a positive impact, I believe I was a better teacher because I was aware of the conditions of bullying around me with students. I chose to teach in a certain manner that did not put students at a disadvantage. I also found that coaching wrestling for 25 years gave a number of students a sense of self and a sense that they could defend themselves. As a result, I am very grateful that members of all parties here tonight support amendment A3.

An Hon. Member: A4.

Mr. Chase: A4. Thank you very much. At five minutes to 1 I lost track of the numeration.

Thank you very much, Mr. Chair, and I look forward to the question being called.

The Deputy Chair: Thank you.

The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chair. As the Wildrose Education critic I wanted to make sure to quickly get it on the record here that I support the amendment. It's a very thoughtful amendment from the Member for Edmonton-Centre.

As the Education minister said earlier and as other members have said, this is a very sensitive and important area that we need to address. There are so many kids that are bullied, and there are things that happen to them that are just things that adults, I don't think, unless they've been involved in bullying when they were young, can understand. Unfortunately, with some children there's just not a filter, and lot of times, for whatever reason – sometimes it's just a product of their environment; sometimes it's just a product of the way that they act – they feel the need to lash out and attack and bully others that are vulnerable in order to feel special about themselves or to validate themselves.

It's done for many different reasons, and it can vary from day to day, but we need to do whatever we can to make sure that it's identified as quickly as possible, that we try to bring a resolution to it in a way that not only helps the person who's been bullied but also helps the individual who's doing the bullying to understand what they're doing and understand the consequences of what they're doing so that they don't do it again. If it persists in any way, shape, or form, it's imperative that the needs of the child being bullied are taken into account first and foremost. If that means removing the individual that's bullying from the school setting, that's what it means.

Growing up and seeing it, seeing others and being bullied and so forth, I think it was almost acceptable 10 to 15 years ago in the eyes of some people. I think it was almost like: hmm, that's just the way kids are; that's just the way it is. That has led to some very tragic consequences and suicides and premature dropouts and all kinds of heartache for parents and so forth.

I think that this is very important. I also think it underlines, again, what the Wildrose has talked about earlier, and that is the rights of parents to be able to remove their children from situations where the schools do not in some cases satisfy the parents with regard to a bullying issue. In that case parents desperately need the right to be able to remove their children to another setting.

Hopefully, through this act and, hopefully, through the amendments and, hopefully, through a change of culture that won't be necessary as much, and we can put a halt to bullying in the public system or in any system so that it doesn't come to a point where someone needs to be removed from the school because of bullying or because of being bullied.

I support the new definition here by the member and thank her for bringing it forward.

The Deputy Chair: Thank you.

Seeing no other speakers, I hear the question having been called.

[Motion on amendment A4 carried unanimously]

The Deputy Chair: Thank you, hon. members.

We are back to Committee of the Whole on Bill 2.

Ms Blakeman: Thanks very much, Mr. Chair. All right. Another amendment here. [interjections] Hey, you guys are welcome to spring to your feet at any time and call an end to the evening. [interjection] Okay. Happy to help. Thank you very much.

Once again, thank you to the security people that are assisting us tonight. And while I'm thinking about it, thank you to the *Hansard* staff, that have to hang in here as long as we hang in here.

1:00

Mr. Hancock: And record every word.

Ms Blakeman: And they have to record every word, so thank you for that.

Dr. Swann: And a few words that they never heard before.

Ms Blakeman: And a few new ones.

The Deputy Chair: Hon. members, we have before us amendment A5.

Ms Blakeman: You do. You have amendment A5.

The Deputy Chair: Proceed, please.

Ms Blakeman: Okay. Concentrate on this one because it makes a number of references here. In section 27(1)(d), which appears on page 35, what we're trying to do is make sure that both charter schools and private schools are included in all of part 3, which is the responsibilities and dispute resolution. What happens right now is that they're exempted. As I said, if we're going to have that list and we're going to say that charter schools are accommodated, then they're going to get accommodated like everybody else, and ditto for private schools.

It is unacceptable, particularly when there is public funding going to this – just another little bugbear of mine. You know, I'm a powerful woman, but I'm afraid I cannot quite defeat all of the votes of the men across from me. I think it's important that these considerations are placed upon people with charter schools and . . . [interjections] Can you just let him go out to the lounge and have a break? You have enough people here, Mr. Whip. Couldn't you let him go? Then quit poking him. Just let him sleep.

Section 27 is the application to charter schools. It basically says:

The following provisions and any regulations made under them apply to a charter school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the operator of a charter school or a member of the governing body of the operator of a charter school, as the case may be.

This says: okay; everything that's going to come under this applies to a charter school. Good. All right.

It names a number of sections, and then we get to (d), which appears on page 35, which is the responsibilities and dispute resolution section. It says, "Part 3 except sections 33(1)(k) and 34." Okay. Big mystery here. What's 33(1)(k) that it would be so amazing that it would exclude charter schools from its application? Well, 33(1)(k) says:

develop and implement a code of conduct that applies to trustees of the board, including definitions of breaches and sanctions, in accordance with principles set out by the Minister by order.

Well, why on earth wouldn't you include charter schools in that? [interjection] Okay. Well, you guys are going to have an opportunity to get up and explain this one. What I'm being told

from across the floor is that it is excluding charter schools because they don't have trustees on a board.

Mr. Hancock: But not as defined by the act.

Ms Blakeman: But not as defined by the act. But they do have people that are in charge of them, and I don't see why they'd be excluded. The government is going to have to prove to me how charter schools still have to develop and implement a code of conduct that applies to definitions of breaches and sanctions in accordance with the principles set out by the minister by order. So go ahead and prove that to me.

You know, once again, if you guys are going to do this stuff and you're going to create that list, if you're going to separate out and allow charter schools, then you need to be specifically including and applying everything that applies to a public school, that applies to a charter school, and that applies to a private school. Once again, I do not believe private schools should receive public funding. Just so I'm on the record.

Section 34 is the trustee responsibilities, which the government will now argue, because a charter school doesn't have trustees in particular because they don't have a school board, are exempted from the responsibility to

- (a) fulfil the responsibilities of the board as set out in section 33,
- (b) be present and participate in meetings . . . and committees . . .
- (c) comply with the board's code of conduct, and
- (d) engage parents, students and the community on matters related to education.

I don't see why they have to be excluded from that.

Then it goes on. The second section under this amendment, section (b), is specific to private schools. Once again, it's saying in section 30(1)(d), which is on application of the act to private schools:

- 30(1) The following provisions and any regulations made under them apply to a registered or accredited private school and its operation, and a reference in those provisions or those regulations to a board or a trustee is deemed to include a reference to the person responsible for the operation of a private school or a member of the governing body of the operator of a private school, as the case may be.

Then 30(1)(d), which again is in part 3, sections 31 and 32 and division 7.

Section 31 is the student responsibilities, which I think you guys have already been through. Surely, I don't have to read this into the record. We've already talked about student responsibilities.

- A student, as a partner in education, has the responsibility to
- (a) attend school regularly and punctually,
 - (b) be ready to learn and actively engage in . . .

Mr. Hancock: It's all good.

Ms Blakeman: You've read it? I'm sure you have, but I don't know that the rest of your colleagues have. I did hear somebody talking about it earlier in the day, which is why I thought it might have been read into the record.

It's allowing that to be struck out, and it's allowing section 32, which is parent responsibilities, and part 7, the education professions

and occupations section – I don't even know if I can find it fast enough because I didn't mark the page number down. [interjection] Page 130? Thank you. Thank you very much for the assistance I'm getting from the previous Minister of Education, the current Minister of Human Services. It strikes out those exemptions and applies all of part 3 toward the private schools.

That's my argument. If you're going to be empowering and including private schools and charter schools under this act, you should be having all requirements, codes of conduct, responsibilities of people in charge, whether you call them a trustee or an owner or whatever else you want to call them. I don't think any of these people should be exempted from the requirements that have been put upon the public schools. There's just no reason to exempt them.

I'm asking for support. I'm getting a lot of giggling and yawning from the other side, but I still assume you're hanging in there with me. I would like to see this amendment passed.

I'd like to officially move amendment A5. Thank you.

The Deputy Chair: Thank you very much.

Are there any other speakers to amendment A5?

Seeing none, are you ready for the question, then?

Hon. Members: Question.

[Motion on amendment A5 lost]

The Deputy Chair: The hon. Government House Leader.

1:10

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

[Motion carried]

[Mr. Zwozdesky in the chair]

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

Mr. Elniski: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: 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 Acting Speaker: Thank you, hon. Member for Edmonton-Calder.

Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Those opposed? Accordingly, so ordered.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. In light of the hour and the progress I move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 1:12 a.m. on Thursday to 1:30 p.m.]

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