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The 28th Legislature
First Session

Alberta Hansard

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Wildrose: 17

Alberta Liberal: 5

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Legislative Assembly of Alberta

7:30 p.m.

Tuesday, October 30, 2012

Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

Bill 1

Workers' Compensation Amendment Act, 2012

The Chair: Hon. members, the Committee of the Whole is back in session.

We are discussing amendment A4. I would ask for any additional speakers on amendment A4. The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chair. As I had said earlier tonight, it's a pleasure to bring the first amendment to this House. This amendment is specific to time limits on claims. Now, as I had referred to in the speech on second reading, there are some factors that I believe will impact when a first responder will choose to make a claim for posttraumatic stress coverage.

In the unwritten rules in the fraternities that they work in, whether that be the fire hall, the police hall, again, there is an element of: you do not appear weak while you are in this, or you face rejection. Showing emotion is not something that is necessarily approved of. It's relatively frowned on, and having a mental disorder and filing a claim may result in reduced duty, removal from the front lines, or potentially even ending your career. The very real fears that may prevent individuals from coming forward may cause them to choose to live with the symptoms of posttraumatic stress disorder so that they can hang on to that identity of actually working in the field that they are in.

I would suggest that the second reason we need to consider this is that there is the reality that delayed onset can happen with posttraumatic stress disorder. It is not necessarily that there is an event, and then your symptoms start immediately.

The act currently reads that there is a two-year limitation from the point of the accident.

26(1) Subject to subsection (2), the Board shall not pay compensation

- (a) to a worker unless the worker reports the accident to the Board within 24 months after the date of the accident or the date on which the worker becomes aware of the accident.

Due to the nature of posttraumatic stress and (a) how it is not necessarily just one event, (b) with the delayed onset, and (c) the fact that many first responders will choose not to actually seek treatment out of fear of rejection from their colleagues, I believe that we need to amend this bill to allow for a greater period of time for them to receive coverage once diagnosed with posttraumatic stress.

So this basically asks the government to consider amending this bill to allow for a five-year time frame. I look forward to hearing others' thoughts on this and debating from there.

Thank you.

The Chair: Thank you, hon. member.

Are there others that wish to add? The hon. Member for Airdrie.

Mr. Anderson: All right. Thank you, Mr. Chair. A very interesting amendment here. I know that this member brought this up in our caucus the other day, and it was a very good learning experience because I don't know much about PTSD although after

question period today I think that some of us might be in trouble in that regard if things continue.

It is a very serious diagnosis, and what happens, of course, as we've heard here today, is that it's a cultural thing where for front-line folks, first responders there's an idea that if you say that you have a problem or admit to having a problem, that's some sort of weakness or a show of weakness. That's kind of built into the culture a little bit. From the statistics that have been given by members opposite and by members over here, that's quite clear. There are obviously a lot of these cases going undiagnosed or perhaps diagnosed but not admitted to, so many folks are going without treatment. That's why, of course, we agree with this bill.

Of course, that can be an ongoing process. PTSD is not like a car crash, where, you know, there's an event. It's an injury, and like with other bills that we have, there's generally a two-year limitation period on them wherein you have to bring a claim in civil court. Or sometimes if you're making an insurance claim, there's a limit, and often that limit is two years from the time of the incident. That's generally what we do in our legal system, but because in this case we're dealing with something that often goes undiagnosed for a long period of time from the time that it starts, the accident that maybe triggered it, going forward sometimes takes more than two years. Sometimes it takes three years. Sometimes it takes 10 years. Sometimes it takes five years. It does take a lot of time sometimes to diagnose and often to admit, too, that you have a problem.

I think that the spirit of this law is the right one. We should recognize that that culture exists and make it easier for folks who maybe have been in denial of it or are unwilling to come forward on it, allow them to have a little bit more time to think it through and come forward and make a claim and get compensated for their treatment for PTSD.

This isn't completely unheard of, too. The law has changed recently, for example. Well, not very recently but in the last decades it has changed with regard to, for example, abuse of children. It's not when the event happens. It used to be, but it's not when the event happens that a statute of limitations period starts. It's from when there's a realization that it has occurred, and that can happen much later on in life, obviously.

So this isn't unheard of. There is precedent for this sort of extension for certain circumstances. I think that this is good, whether it's five years, whether it's 10 years, 15 years. I don't know what the right number is for it. I don't. But I know that two years is probably too short a time given the culture surrounding PTSD with regard to first responders.

I think it will get better, now that this is in place, and I think that over time it won't be such a stigma. A stigma won't be as attached to it as knowledge and awareness of this condition happen. I think you already see that in the military, for example, where this would be essentially unheard of to be claimed 20, 30 years ago, but now it's something that people are very aware of. There's an awareness of it. The soldiers certainly in Canada as well as in the United States are getting more treatment for it, getting better treatment for it, getting treated quicker than they ever would have before. I think that happens with awareness.

If we can extend this for five years, I think that that would be a good idea. I'd love to hear people's suggestions on that. This is certainly an amendment that I can support, but I would like to hear from the associate minister opposite if he possibly has any subamendments to this amendment. If he's not happy with the timeline, if he thinks it should be longer or what have you, I think this would be a very good opportunity for a subamendment on this or something to that effect.

With that, Mr. Chair, thank you.

The Chair: Thank you, hon. member.

I'll recognize the Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Thank you so much, Mr. Chairman. I do have comments directly on the amendment. I just need to clear up a comment that was made earlier in my response to the Member for Edmonton-Strathcona. In earlier discussions she indicated to this House that the College of Social Workers had contacted our government and had not received any response. I thought that was odd, and in the break here I went back and checked. The College of Social Workers did write to our Premier a letter. It was forwarded to my office, and it slipped my mind, but I did receive a copy of that letter, and I wrote a response. They did not ask for a meeting or a conversation of any kind in that letter. They just said, "Think of us," basically. I will be tabling at the appropriate time tomorrow a copy of the College of Social Workers' letter to our Premier and my response to them just so we can clear that up. I thank you for the opportunity to clear that up.

7:40

With respect to the amendment I think I understand what you're trying to achieve. I think you're trying to extend the timeline in recognition of a bunch of things. I wholeheartedly agree with the sentiment. I'm a little confused by the approach, and I need somebody to help me clear this up. The amendment says that a worker diagnosed with a posttraumatic stress disorder has five years from the date of diagnosis to file a claim with the WCB. The potential delay in the PTSD case is not that once you're diagnosed, you sit on it, and because of a stigma or whatever else you may not file a claim right away. The delay is from the traumatic incident until you get a diagnosis. Once you get the diagnosis, you're already on the path to healing. You have talked to doctors, psychologists, and your employer. Your employer has likely shared information with the psychologist because you're going to talk about what traumatic event may have triggered this.

The delay is from a particular traumatic event or a series, perhaps, of traumatic events, no identifiable one of which triggered your condition, and a long period of the symptoms that the hon. Member for Calgary-Shaw laid out – sleeplessness, possible addiction problems, all sorts of problems – until finally a light is shone and you have a conversation with somebody that leads you on a path to healing, the first step of which is diagnosis. That diagnosis is likely even part of the claim. In fact, the diagnosis might be advised by the WCB: go see this person or follow this path.

I think the delay – and I wholeheartedly respect the member's desire to ensure that nobody is excluded by this because they waited too long – is between a traumatic event or a series of traumatic events that actually caused the syndrome and the diagnosis that says: here's why you're going through what you're going through, and now you're on the path to healing. The amendment doesn't address that potential for the delay. However, I would also point out that I don't believe the bill sets up a time period there. All the bill says is: if you were diagnosed with a posttraumatic stress disorder and you're in any one of these categories of workers, it's presumed it was caused by a workplace incident. It doesn't say: if it's more than two years ago, too bad. It just says that it's presumed to be caused by a workplace incident, and it has to be proven otherwise. When you have a disorder that's diagnosed and presumed to be caused by a workplace incident, you're in the system. I don't see where the bill imposes any timeline on anybody.

So I wholeheartedly agree with the sentiment, and I applaud the opposition for it. My question is that I don't see where the bill imposes a time limitation. Second of all, the period between diagnosis and filing a claim is not really the delay issue. It's between the incident and the diagnosis. I really do appreciate the sentiment. I understand what you're trying to achieve, but can you help me with those two incongruities there? It doesn't seem to address anything.

Thank you, Mr. Chairman.

The Chair: Thank you, hon. minister.

The hon. Member for Calgary-Buffalo, followed by Edmonton-Calder.

Mr. Hehr: Well, I think I agree with the sentiment expressed in this amendment. I believe, obviously, that PTSD has many forms and causes. It can have many delays from people reacting to getting help or being diagnosed with their PTSD. The spirit of the amendment that was addressed was very good in recognizing that sentiment and the nature of the professions that are being covered by this act and the nature of people having a social stigma attached to it.

I also appreciate the explanation given by the hon. associate minister. I was following along pretty well, but I may need some more clarification on it. I like uniformity in laws, and laws across this province have general application. I don't like making distinctions for different situations. I know there's a term in law that says: two years from when you knew or ought to have known. That is essentially the situation for most legal claims. That's when you have to file them by, two years from when you knew or ought to have known.

For instance, say you were injured in a car accident, but you didn't really have anything happen to you until five years after the accident happened. Finally, you get a diagnosis from the doctor, who said: "Oh, yeah. You crashed your car. You had a vertebra go loose here. That's what's causing your problem." The time limit starts from the time when you ought to have known. I guess the argument that lawyers would make is that you didn't know until you got that diagnosis from the doctor that this accident caused it five years ago.

Is that the situation we're looking at here, that it's two years, 24 months, from when you knew or ought to have known? Is that essentially what it is, a two-year limitation? Or is it a limitation that runs from when you should have known that the PTSD troubling you was presumed to have been caused by your workplace? Or am I misguided in even that interpretation?

The Chair: Looking for a clarification, hon. member?

I'll recognize the hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. Perhaps I can have a go at it. Section 26 of the Workers' Compensation Act provides that compensation is not paid to a worker unless the accident which gave rise to the call for compensation has been reported, and that report has to be within 24 months after the date of the accident.

By bringing in presumptive coverage, we're basically saying that we're presuming that the nature of the job has caused the result, so the 24-month limitation, in essence, is not relevant because you're not actually filing an accident report. You're not saying that this incident happened, and that's where I cut my leg off. You're saying that the nature of the work has caused the condition, and because you fit into one of these categories where you have presumptive coverage, you don't file an accident report. So the section isn't particularly relevant. It's covered.

The Chair: Thank you.

I'll recognize the Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I appreciate the explanation by both the MLAs from Peace River and Edmonton-Whitemud, but perhaps we can just clarify this one step further. If an individual reports the incident within 24 months, then that incident is on the books. Then after that, I'm asking: how long does an individual have to make a claim for PTSD? I understand that there might be some confusion here with this amendment, but I think we need to get to the heart of the matter. Once that incident has been put onto the books, I would like to know how much time can elapse before a person does actually get the diagnosis because, of course, that's the real essence of this condition, right?

Thank you.

The Chair: The hon. associate minister.

Mr. Oberle: Thank you. I think you need to separate a workplace accident that causes an injury and some presumable disability as a result from this situation, which might not even be a specific incident. It's not a claim that a worker is going to file with the Workers' Compensation Board. The fact that they get a diagnosis is the claim. It's done. Once they are diagnosed, the bill specifically says that they're included. There is no claim to file.

When you are injured in a workplace accident, if you don't report that accident within a period and then you go back five years later and say, "You know, I was working there, and I broke my arm," there's no claim. The bill excludes the possibility of that claim.

In this case, however long it takes for you to come to grips with your difficult situation – it might be five or might be more years, and I think there's documented evidence of longer than that – once you get to that diagnosis, which is already on the path of healing, you're in. That's your claim right there. It's presumed that that was caused by workplace incidents unless proven otherwise. So there is no claim to be filed at that point. You are covered, and from there on you have the resources, the regular coverage of the WCB, on that point.

The act does not impose any time limit on those persons. It says that when you get the diagnosis, it's presumed. You're already there. It would be that you would have to prove that it was work related – right? – so you'd need a claim and an investigation and all that. This says that if it's proved that it was caused by your work, that's it. There's no time limitation, no claim to file. You're already in the door. That, I hope, is providing some clarification. It's quite a different situation from a workplace accident, a specific incident which caused an injury, but you didn't report it. Quite a different situation.

Thank you, Mr. Chairman.

7:50

The Chair: Other comments? The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, and thank you for the clarification. It is appreciated. I'm glad that we see sort of the intent of what we're trying to put forward here. I think it's important to remember – and the WCB actually suggested it – that in the case of mental claims quite often the individual will seek treatment prior to approaching their employer with it. There is a reality that they could have a diagnosis of PTSD and know that it's there. So I'm happy to see that you're not suggesting there will be any time limit.

I just worry about some of things that have been said about the Workers' Compensation Board here, that they've got a reputation for not wanting to do things and for falling back on legislation and regulations at any given time that they can. The reality is that section 26(1) does still say 24 months. If what you're suggesting is that there will not be a time limit and if you're confident this is not something that needs to physically be written into the bill because this is going to amend the act that says that there is a time limit, I'm happy to move forward. I would like to know your comments on that if I could, please.

Mr. Oberle: And the act does put the onus on the worker to report an incident. In the case of PTSD they don't often understand that there has been an incident, and there is no incident, really, legally until such time as there's a diagnosis of PTSD. Then it's presumed that it's the result of an incident. Neither the employer nor the worker might even know which particular thing was the cause. So there's no reporting of the incident. There is no timeline involved here. I wholeheartedly support the member's intent here, but there is no time limit imposed on the worker.

I do agree that a worker may choose privately on his own, as part of his or her own path of healing, to seek a diagnosis outside of the system. Once that diagnosis is made known to his employer or to the workers' compensation, it's automatic. Even if he got the diagnosis two years ago, it doesn't matter. Once that diagnosis is accepted by the employer and the workers' compensation, he's in. There is no time limit at all.

I do need to take a slight exception to a comment by the hon. Member for Calgary-Shaw. I, of course, am responsible for the workers' compensation organization. I just had dinner with the board, actually. Or, actually, they had dinner and I watched because I had to race back here, and I didn't get dinner. But I can tell you that I've been elected since 2004, and in that period I would say that issues surrounding workers' compensation occupied a third to a half of my constituency time. It was significant.

I would honestly tell the member that in my constituency and overall I think that the Workers' Compensation Board has worked very hard to rebrand themselves. I think they've worked very hard to gain the respect of employers and employees, and I think they've changed that organization. I hope that in some small way in my tenure I can contribute to that because I think it's the right thing. I agree that they did have a bad reputation, and they were thought to lean on one side of the equation more often than the other.

I have a great respect for the hard work that those people do, and I think it's very evident that they've worked hard to change their brand and that they've done so. I'm going to continue to work with them, and I invite hon. members to do the same.

Thank you, Mr. Chairman.

The Chair: Thank you, hon. minister.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. If the hon. member could sort of help me with what he just stated, as I'm listening to the motion and the explanation, I just took a quick look at the act, and basically what it states is that the worker must report "the accident to the Board within 24 months after the date." I was wondering if you could comment on a situation where posttraumatic stress disorder may be diagnosed somewhere along the road, and the physician would say that it occurred as a result of this, this, this, and that. In other words, it wasn't one incident. It was a series of incidents. They went back, say, two and a half years, and that report date of the accident is somehow registering with the WCB

as not being within the 24-month period. Could you sort of elaborate upon that so I could get some clarity?

Mr. Oberle: Again, this more properly describes a specific accident. You had a car accident while you were driving a company vehicle on the job or something like that, a specific incident which caused a specific injury, possibly a longer term injury, disability, something like that, which is not really the case in PTSD.

But just assuming for the moment that the cause of your PTSD could actually be traced back to a specific incident, section 26(1) actually states that:

The Board shall not pay compensation

- (a) to a worker unless the worker reports the accident to the Board within 24 months after the date of the accident or the date on which the worker becomes aware of the accident.

Now, that very much defines the PTSD case. The worker isn't even aware until he goes through the diagnosis and understands the healing path.

If that doesn't cover it for you, putting aside the 24-month question, if you think there's a problem there, what section 26(1) is saying is: you don't have a workplace accident; you never reported it. But in the case that we're talking about tonight of PTSD, when you're diagnosed, you've had a workplace accident. It was caused by your work. Never mind when it was reported. This bill presumptively says that if you were diagnosed with PTSD, it was the result of a workplace injury, which right there means that you will be covered. There's no claim to file after that point. It is a workplace injury, and it will be dealt with in the way that WCB deals with a workplace injury, depending on what medical coverage and whatever else you need going forward.

The timing is irrelevant here. This section 26(1) says that if you don't report your accident within two years or within the time that you ought to have known, your injury is not a result of a workplace injury, but in the case of PTSD it automatically is. That's the bill that we're debating, the larger bill, not the amendment here. That instance is already covered. There is no time limitation. It's irrelevant.

When you are diagnosed, it is the result of a workplace injury. It doesn't matter when the incident happened. Maybe people won't even know what incident caused it. That's one of the reasons for the presumptive coverage here. It's a workplace injury, and you're covered when you're diagnosed. End of story.

I hope that clears it up for the hon. member.

The Chair: Thank you, hon. minister.

The hon. Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Mr. Chair. I can appreciate the passion coming from the hon. Member for Peace River, and I appreciate your clarifying the time limits in section 26 and how they relate to this amendment and this act. We can all agree that lots of times these are multievent situations, that the person who is claiming PTSD may not have even known when that event happened, and often maybe they don't even know they have PTSD. In some of the examples of the people that I've spoken to, it's oftentimes, actually, the family member who identifies a problem. There's an issue in the home, it escalates to a certain point, they start seeking help for their loved one, and it all sort of rolls back to where they work and the stresses of where they work. Given the discussions that we've had all day today with regard to, you know, certain traumatic situations which people who would qualify for this type of act would fall under, we can all appreciate that, so I appreciate your clarification.

The one thing that I'm wondering, though. I can appreciate that the WCB is rebranding, but the WCB is ultimately an insurer. I don't know that it's a question for us in this House. I'm not so sure that it wouldn't be a question for those enforcing the Workers' Compensation Act, that there couldn't be some sort of mistaken idea that it is 24 months. I'm not so sure, looking at this act, that it clearly states that there is no time limit.

8:00

I can appreciate where you're coming from, and that sounds fantastic. I think that everybody on this side of the floor, certainly in our party, would support that there is no time limit, but that doesn't seem to be identified, yet in section 26 it's clearly identified. So I think that that will leave some room for interpretation, and WCB sort of doesn't have the best reputation at the moment when we're talking about interpretation versus what is actually stated.

I guess what I would suggest is that if that truly is the situation, that there is no time limit, could the hon. member actually make that very, very clear and do a subamendment to the Member for Calgary-Shaw's amendment where he could actually make it very clear for those who are interpreting this act and applying it to the individual that there is no unjust punishment for not reporting in the 24 months, that there is no opportunity for anyone to be confused on if there is a time limit or if there is not a time limit. That would ensure that this act is actually intended for getting the care and the clinical help that they need, which is clearly your intention, and I appreciate that intention.

I think we also need to realize going forward that everybody in this room likes to have everything very clear. Any time there's a grey area, your side or my side or anyone could be confused by that grey area. So I would implore the hon. member to help us out with that. If there's no time limit, then let's make it very clear that there is no time limit.

Thank you.

Mr. Oberle: Again, I'm wholeheartedly in support of the sentiment here. I'll just give you another example of how this applies. When you have a workplace accident, if you don't report it within two years, it's not a workplace accident. End of story. Right? You can't file a claim and say, "I had an accident, and it caused this injury." If you report it within a certain amount of time, then you can file a claim, and there's an investigation. It may have been a workplace accident, but if you don't report it within two years, that's it.

Presumptive coverage is an end around on section 26. In section 26 it defines whether you're going to get coverage or not. Presumptive coverage is an end around on that. It presumes coverage.

I'll give you a parallel. Many Legislatures give presumptive coverage to certain kinds of cancer for firemen. This has been tested. This is one where the time limitations clearly don't apply. If you have a certain kind of cancer as a fireman, it's presumed to have been caused in the workplace. In that case it's possible that there's a specific incident but probably not. It's probably a prolonged exposure to certain toxic fumes and those sorts of things. It's possible that it was caused by one incident. It's irrelevant what particular incident caused it. What's relevant is the fact that presumptively you're covered. It's presumed that it was caused in the workplace, which means you're covered. That's what you're presuming. It's caused in the workplace; therefore you're covered.

That's what we're presuming here. We don't know which incident. Maybe we might; we might not. We don't know how long ago. If you are diagnosed with PTSD, it's presumed to be

caused in the workplace. That's the definition of covered, that the injury, the syndrome was caused in the workplace. Therefore, the WCB has to cover you. That's the definition of the WCB. If you have something that happened to you in the workplace, they have to cover you. So it's an end around on section 26. Actually, 26 is kind of irrelevant here, and the cancer in firemen thing has been tested. You know, this presumptive coverage of PTSD is new but only the syndrome, not the mechanism here. This defines: don't care what happened; it's a workplace incident. End of story.

So all it takes is a diagnosis. You know, the hon. Member for Calgary-Shaw knows what's involved in that. That's not an easy thing. Even getting to the diagnosis is not easy. But once you have that, you're covered. That's what this clause says. You presume it's a workplace incident; the WCB has to cover you.

Now, I'll just add one thing to your comment about the WCB. Yes, they are an insurer, but they're not a private-sector insurer that operates under their own rules and policies. They operate under the legislation of the government and the guidance of this Legislature. We decide what their policies are and how coverage is assigned and all those things, which is why we're passing this bill. We want this class of people to have presumptive PTSD coverage because we know that we're not going to be able to identify a specific incident, and we're often not going to be able to make the employee prove it, you know. So people that are exposed to these kinds of risks, we're going to give them presumptive coverage.

Thank you, Mr. Chairman.

The Chair: Thank you, hon. minister.
The Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. While we're just on the point of clarification around timelines, in Bill 1 it does also suggest: "a worker who is or has been" a first responder. Are we to also assume that there's no time limit on when they were a first responder? I'll take it one step further. If there is an individual who was a first responder, has been diagnosed with PTSD, is no longer a first responder, has paid for his own coverage because he couldn't get coverage through WCB, is there now recourse for that individual based on this act?

The Chair: The hon. minister.

Mr. Oberle: Thank you for the opportunity to respond to that. That's very much the case. This also covers the incident of a volunteer firefighter who was a first responder but is not actually employed as a first responder at the present moment. He's in his original job. The PTSD is presumed to be caused by that workplace as a first responder, and yes, he's eligible for WCB coverage even though he's not employed as a member of an ambulance service or a fire service. Yes. In fact, that could very well be the reason that that person, if they were an employed first responder, left the employer. They just couldn't do it anymore. Almost certainly the cause of that. So yeah, absolutely. That's why the bill says: is or was a first responder.

Thank you, Mr. Chairman.

The Chair: Thank you, hon. minister.
The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. My compliments to the member. You explained it to me really clear. I understand your intent, and it's an honourable intent. I agree with it. I'm hesitant to put this question out to some of the lawyers in the room because I only have enough legal training to cause the lawyers heartburn,

not much more than that. When I look at legislation and I hear the member's intent and when I read the legislation, I can follow his train of thought. But what I try to do when I look at legislation is ask: how would the opposing lawyer try to manipulate the language – I apologize if I offend anyone with the word "manipulate" – to try to make a case for the other argument? I know that some lawyers – I just saw one smirk on the other side – have trained legal minds. Given the intent of the hon. member and what he's trying to accomplish with this, can they read this language and agree that this cannot be twisted any way other than the intent that it has been designed to have? If there is a grey area, would it make sense, then, to maybe bring something forward in the amendment just to exclude section 26, just as the intent has been communicated?

Mr. Oberle: Mr. Chairman, I apologize. I'm not a lawyer, and I don't play one on TV. I'm going to ask the hon. House Leader if he could give us a legal opinion, which, of course, according to the rules of the House, I'm not allowed to do. I wonder if I could ask him to comment.

Mr. Hancock: Well, I'm not allowed to give a legal opinion either, and I wouldn't ever, ever suggest that lawyers try to manipulate wording. That's not what we do.

What I would say is that it's pretty clear in the way that the various sections – the amendment refers to 26. So if you go to section 24, the hon. member was referencing the presumptive coverage for certain cancers. We have in the act a triggering mechanism; the act comes into play for a worker if they're injured at work. It has to be an accident or incident which triggers the coverage.

8:10

When there's presumptive coverage, we're presuming the accident happened because of the nature of the work. If you're a firefighter and you have certain cancers, it's presumed that you breathed too many fumes. That's just one of the things that happens on the job, and it's been shown over time with the incident reports, et cetera. So we have as a Legislature accepted that and said that you shouldn't have to go back and try and pinpoint the fire or the incident because it's impossible to do, perhaps, and because we know that this type of cancer is something that firefighters get.

We're now saying that this type of posttraumatic stress disorder is something that first responders can get because they may have had one incident that triggered it, as was mentioned earlier in one of the speeches in the House. It could be a triggering incident, but it could be a triggering incident based on a number of cumulative effects of incidents. So it's unfair to actually say that you have to go back and pinpoint the accident, the triggering event. By making it presumptive, you don't actually have to file the accident report that says: this is the day that I broke my leg.

The Chair: Other questions or comments?

Mrs. Towle: I just have one for clarification, hon. Member for Peace River. I just want to be clear. You're saying that if a person was ever – ever – a first responder and suffered from PTSD but may not have the diagnosis at this point in time, then because there are no time limits, they can come back to WCB, claim PTSD, go through the process, and get the proper diagnosis. There would be no time limit on that. They would then qualify because it's presumed that they have PTSD, and the WCB would then cover all of the costs that were out of their own pocket because

they were not covered by WCB in the past. That's the first point I want to clarify.

The second one: is the government worried or is the WCB worried that all of a sudden we could have a multitude of claims coming forward to WCB now claiming, "I have PTSD," go through the diagnosis and do everything properly as it has to be done – and I know that's not an easy process; I know it's not as easy as one thinks – go through that process and then have an abundant claim or an excessive claim that now all of a sudden WCB will have to pay out? If that is the case, has WCB budgeted a certain allotment of money to accommodate for that possibility?

Mr. Hancock: Let me start with the second one first because the hon. member is now catching on to exactly what the problem is with the previous amendments that we were debating in the House. If you open this up on a presumptive coverage on a total wide frame as the previous three amendments that we were debating suggested we do, you haven't done the actuarial analysis, you don't know what the incidence piece is, and you can't have levied the premiums that you would need to levy to cover it. So, of course, the Workers' Compensation Board would be very concerned if we opened it up wide. In fact, they're very concerned at all about presumptive coverage. The Workers' Compensation Board has never liked presumptive coverage because they can't plan for presumptive coverage in the same way. That's why it's very necessary to do this on a cautious basis and why it was necessary to not adopt the three previous amendments.

With respect to this amendment and if you understand the way Workers' Compensation works, if I'm injured in an accident or hurt in an accident or have an incident at work and I file my report and 15 years later I have a medical condition that causes me to be unable to work, if I can prove a causal effect that goes back to that report, that individual incident, I am covered. There's no limitation there as long as I filed my accident report.

When you've got presumed coverage, there's no accident report. Essentially, if you were a firefighter or a first responder and you have PTSD, it's presumed it was caused by your work even if you haven't been in that work for 10 years. Now, that's why you need the qualifying phrase "unless otherwise proven." You know, you may be able to say that, well, you were a firefighter, but then you joined the military, and you went off to war. The onus is on the WCB to say: well, let's look at what else might have caused this, and let's see if there's a different causal connection than the fact that you were a firefighter or a policeman or an emergency responder.

The way the system works is that if you file your accident report, then any subsequent claim that you might have, as long as you can prove causation back to your accident, is covered. The difficulty, of course, that people have is that the longer the period of time between your claim and the accident, the more difficult it is to prove causation. In the case of presumptive coverage you're saying that the onus is otherwise. The onus is on somebody else to say that it wasn't caused by that.

The Chair: Thank you, hon. minister.

The Member for Rimbey-Rocky Mountain House-Sundre, or was your point covered?

Mr. Anglin: Thank you, Mr. Chair. I want to thank the member for his explanation. It was clear. The question really came down to the exclusion of section 26. I follow your points, and it all makes sense to me, but when I'm trying to follow the language, what I'm just looking for is assurances in the language. As I understand what's being conveyed, the onus of presumption, once it's estab-

lished, which it is once they file their claim, is there. What you're telling me is that when I read this language, section 26 will not apply because the presumption has been made. That is what I was looking for clarification on.

The Chair: Thank you.

The hon. associate minister.

Mr. Oberle: Yeah. That's very much the case. If you look at the Workers' Compensation Act, section 24 relates to presumptive incidents of cancers, and that coexists with section 26 quite nicely in the act right now. If you have a type of cancer, if you are the fireman that's described in here, you have it. You don't need a claim. The claim is made by the fact that you have the cancer. Or, by what we're trying to add here, the fact that you have this syndrome, the claim is made.

I just want to address the Member for Innisfail-Sylvan Lake. I guess it's always possible. If you're worried that there will be a rush of complaints or files, if that were the case – and I really don't think so. You know, I think we all understand the mindset of people that do first responder work, and I don't think there will be a rush. If there was an increase, it would be in the number of people seeking diagnosis.

The diagnosis process itself is pretty rigorous. The people that have come out of the other end of that with a diagnosis of PTSD: we want to cover them. If you are now unable to work or sort your own personal life out because of that, we want to cover it. For the reasons that the hon. minister pointed out, with the Workers' Compensation Board being an insurer, it makes it difficult for them to plan, but they do around this cancer piece, and they will around the PTSD piece.

There is still the possibility that, you know, you worked as a first responder for a day and a half, never actually got a call out, and now you're doing something else, and 15 years later you claim PTSD. Well, this section still allows an out. You can still prove otherwise. I mean, somebody would look at your work history, and if that was the case, they would say, "Well, you know, you worked a day and a half, you didn't actually get a call out, and in the meantime you were a Maytag repairman," which, as we all know, is a very stressful job, which we didn't get to in the amendments. You know, you get the picture. It would be possible to say: "Well, wait a minute. That can't be traced back to the workplace."

That puts the burden of proof somewhere else. If that proof isn't there, then the worker is covered. That is the intent of this bill. If you've served our province that way, we want to recognize you. We want to make sure you're covered.

The Chair: Thank you.

The Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you. Hon. minister, I appreciate your clarification. I actually appreciate all of this dialogue going back and forth. It's been really informative, and as somebody who came from the health care industry before, I'm familiar with how the WCB works and the causal effects, that 15 years after something happens, if you have injuries that are related back to the first claim, yes, you're covered. I understand all of that.

I have to commend you because you're very clear and concise in your answers. I find them very factual, and I think they've helped a lot. The only thing that I didn't hear in this conversation, though, is: in the budget for the WCB are the premiums going to be enough, or is there any opportunity or will there be a possibility that the WCB will now need to raise the premiums on these affected industries, costing taxpayers and private industry dollars

to cover off the possibility that some of these people may come back?

8:20

I agree with you. On the nature of first responders you're absolutely right. I think most of them don't, and I don't expect there's going to be a stampede at the door to be covered, but of course, you know, these are questions that we need to ask to be responsible and diligent in our duties. My concern would be: are we going to be passing these premiums on to the people paying for them to cover off the possibility that someday, somewhere, somehow, because it may not happen today, as people become more comfortable with – right now PTSD has quite a stigma to it. So did depression at one point in time. Today depression doesn't have as much of a stigma. More and more people are coming forward and saying, "I am depressed, and I have this, this, and this," and they're seeking help. You're absolutely right. This is what we want people to do because it makes for a healthier Alberta, and it makes for healthier families and healthier people.

As we go forward, you know, for the next 10, 20 years, this is legislation that is taking us into the next generation, and that generation might be quite comfortable with PTSD and might be quite comfortable with: I had this experience in my job, and I didn't have any other causal factors that would create a reason not to grant me this claim. Have we built in some sort of security for that, and/or are we looking at the possibility of having to raise premiums? And I'm not talking about just having to raise premiums for the sake of raising premiums, because of cost of living and all of that. I'm talking about actually having a direct effect on those claims coming through for PTSD as we go forward. I don't think the generations behind us are going to stampede to the door, but as it becomes more acceptable, we may have this issue come up. How is that going to be passed down, and how are we going to cover off those costs?

Mr. Oberle: Therein lies the black art, perhaps, of insurance operators in trying to figure out the actual game of what their expenses will be and how to properly assess what insurance premiums are as a result. First of all, I need to point out that you are talking about public employers here. First responders are employed by the public, by the government or municipal government, or by an agent of a municipality; for example, a fire service, those sorts of things. But, yeah, they very much have to figure out: what's an appropriate premium?

Now, this in some ways is where the PTSD diagnosis and the accident diagnosis are a little bit more in parallel. If you've had an accident and you report it within the two years and then 10 years later you find out that it's actually had some effect – it's causing you some impact; you can't work; you can't do this – then you are compensated as long as you reported that accident. Same thing here. If you get diagnosed with PTSD, it's presumed that you're covered, but it's not like: "Oh, you have PTSD. Here's a big payment."

The PTSD diagnosis is related to some injury or debilitating condition you now have. You can't work, and you need compensation. In those cases we owe that compensation. Those people are injured, debilitated as a result of their work. It's not like, you know, "You have PTSD." "Okay. Give me my money, and I'll go back to work tomorrow morning." These people are injured as a result of a workplace incident, and they need compensation.

Yes, the Workers' Compensation Board has their actuarial work to do, but they have some idea. There is evidence from across North America and other jurisdictions that they regularly use to understand incidents in certain types of workplaces, and they set

and adjust their rates accordingly. I can't answer you on whether it will cause a change in the rate. It wouldn't surprise me. I don't think it'll be significant. We deal with PTSD today. We have diagnosed PTSD sufferers in the first responder community today, so I don't think it'll be a significant change, but it's possible that there will be a change, absolutely.

The Chair: Thank you, hon. minister.

The Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chair. A sincere thank you to the ministers across for your clarifications. I think it will go a long way to, I guess, ease our minds as to the interpretation of Bill 1, and I'm more than happy to call the question on the amendment.

The Chair: Thank you, hon. Member for Calgary-Shaw.

We'll call the question, if there are no other speakers, on amendment A4.

[Motion on amendment A4 lost]

The Chair: We've dealt with the amendment. We're back on the bill. The Member for Calgary-Shaw.

Mr. Wilson: Yes. Thank you, Mr. Chair. I do have a second amendment that I would like to propose to the House, please. I'll pass this off with the requisite number of copies and explain it once the members have it in front of them.

Thank you.

The Chair: We'll wait for that amendment to be circulated. When it gets to you, it will be noted as A5.

Hon. member, do you have the original?

Mr. Wilson: I do. I'm sorry.

The Chair: Please send us the original. We'll trade you for a copy.

Hon. member, you can speak to your amendment.

Mr. Wilson: Thank you, Mr. Chair. In an attempt to keep the preamble relatively succinct on this, I have spoken on some of the administrative stressors that first responders go through when dealing with posttraumatic stress disorder. This amendment is an attempt to ensure that when first responders are diagnosed with PTSD, they receive treatment that uses the research and understanding around the unique lens that first responders experience posttraumatic stress disorder with.

I would like to flag the feelings of abandonment as their family turns their back on them – the family of the firefighting community, the police community, the EMT community – and their loss of identity. The potential for administrative hearings after traumatic events and analyzing the actions of the individual under extreme stress causes them to relive events. This is, again, something that is unique for first responders. To have to go through hearings to justify or explain what had happened with their posttraumatic stress and the depression linked to these factors compounds the trauma.

Now, my concern is that we do not have any protection for first responders that are receiving treatment, and I'd be happy to be corrected if I am wrong. The WCB, I believe, would assign a psychiatrist or a psychologist to treat the individual who has been diagnosed with PTSD, the concern being that the psychiatrist that they're being sent to may not fully understand the stressors that first responders have to deal with. If they do not, the first responder under treatment may begin to feel that the doctor is not helping them, and again, because of the unique nature of post-

traumatic stress, they may stop going to this doctor because they don't feel that they're helping them or they're pressing them in a different direction than they're willing to go. If they do that and they stop going, there's also the potential that the WCB can then say: well, you're not following our treatment plan; we're now yanking it from you.

The problem with that is that now you've got an unstable individual who may be on medication prescribed by the doctor to help them sleep at night to get through the early stages, who may be unable to pay their bills, who still has the family pressures of PTSD, the additional administrative pressures of the work life that they left behind, and all of this can add up to an increased risk of suicide.

How do we ensure that this doesn't happen? I think that there is a simple solution to it, and it is to legislate that first responders will have access to culturally competent clinicians familiar with the research and realities that first responders face when diagnosed with PTSD.

Again, I look forward to an engaging and open debate. Thank you.

The Chair: Thank you, hon. member.

The hon. associate minister to respond.

8:30

Mr. Oberle: Yeah. You know, again, I support the intent here. I'm quite willing to accept this. It probably goes without saying, I think, that the WCB, being a public entity, has to deal with health and the health of the people that certify: psychologists and doctors and all those sorts of things. We have the College of Physicians & Surgeons and the college of psychiatrists.

I think it kind of goes without saying that it would be presumed that the person would get the best help available. I actually don't mind saying that if – and this is a question. If you look at section 24, for example, it doesn't say that a firefighter who has a presumptive cancer gets the best, latest cancer treatment because it's presumed. So by accepting this amendment, do we say anything about, in the case of those other ailments, that it's okay if you don't get the latest treatment? I don't think so.

Frankly, I'm prepared to accept this amendment. I don't see where it detracts. Let's put it that way. I'm prepared to listen to other comments, but I don't have a problem with it as written.

The Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I'm going to rise in favour of this amendment, unless I'm swayed a different way, for one reason and one reason only, the issue dealing with culturally competent clinicians. We are a diverse society. We have, actually, many different cultures. In my own riding we have First Nations, we have Métis, and we actually have a number of other cultures that are represented. All across this province it is something that we both value and cherish.

When I first looked at this, I would agree with the member that the presumption that we would do that is an honourable presumption, but to actually put it in the bill and make sure it is clear in writing, where I sit, is worthy of merit. So that for individuals who are in the system, who fall within the parameters of what we intend to do, there's absolutely no question when there are these culturally sensitive issues that they can deal with them on a culturally sensitive basis. That is really where I think the member was going with it, and I support that completely.

The Chair: Are there other comments? The hon. Member for Airdrie.

Mr. Anderson: Thank you. I just wanted to compliment the associate minister across as well as the Government House Leader for a very, very good exchange of ideas on this issue. I think I've learned a ton from the discussion tonight. I think all of my Wildrose caucus colleagues have. I just hope that for other bills that we talk about in Committee of the Whole in the future we can have this kind of constructive dialogue. I think it has certainly been a great way to start out the session.

We'll support this amendment, and hopefully we can vote on it and move on to other matters.

The Chair: Thank you, hon. member.

Are there any other comments?

Seeing none, I will call the question.

[Motion on amendment A5 carried]

The Chair: Now back to the bill.

Hon. Members: Question.

[The remaining clauses of Bill 1 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Mr. J. Johnson: Mr. Chair, I wonder if we might briefly revert to introductions.

[Unanimous consent granted]

Introduction of Guests

Mr. J. Johnson: Mr. Chair and colleagues, I'd like to introduce a couple of guests that I see in the gallery. We have Tony Sykora, the president, and Dean Samecki, the new executive director, from the Alberta Catholic School Trustees' Association. I would welcome them here in the Assembly.

Thank you, Mr. Chair.

Bill 3 Education Act

Mr. J. Johnson: Before I get started, I want to thank everyone who's taken time to share their support for this legislation. Since it was introduced last week, my office has received many calls and e-mails supporting the act and encouraging us to move quickly to get the bill passed and get on with the important work of reviewing the supporting regulations and, of course, implementation. In the spirit of moving quickly, Mr. Chairman, I won't take too long this evening reinforcing what we're trying to do with the act, but I do want to address a few of the questions that were raised last week with respect to the Education Act.

I'll start with a few concerns raised by the Official Opposition about extending the age of completion to 21 and what it might mean in the classroom. I believe the specific concern was about the potential for 15-year-old students to be in the same classroom with a 21-year-old. Mr. Chairman, let me make it clear that while this change does allow young people up to the age of 21 the ability to access education and the funding that goes with it, school boards are still able to direct students to a particular location for these services. So not all these older students will go to the

traditional high school. School boards can support older students through online distance learning programs, outreach centres – the Chinook Learning centre in Calgary is a great example – which are becoming more and more popular.

Mr. Chairman, members also raised questions about how we consulted on the legislation and specifically if we worked with teachers or our First Nations partners. I can tell you that this act is a result of some of the most comprehensive and far-reaching public consultation in Alberta's history. We all know that since it spanned two years in this Assembly and now is in its third version. The opinions of stakeholders and teachers from across Alberta are definitely reflected, including feedback from parents, students, school trustees, administrators, postsecondary partners. Specific to our First Nation partners and Métis stakeholders, communities were consulted during both the Inspiring Education initiative and Our Children, Our Future consultations as well as Setting the Direction and consultation for Bill 18.

There were also several comments raised about charter schools, Mr. Chairman, and specifically whether the legislation supports these schools enough and if we're making it harder for charters to establish. As you've heard me say in this House before, one of the reasons Alberta has an education system that's as effective as it is and world class is because we offer choice. Parents have options about what kind of educational environment is going to help their child succeed. This bill very strongly reinforces the government's ongoing commitment to that choice, and charter schools will continue to play a key role.

What we have done in this legislation is capture the current process we are using to create charter schools and make sure the school boards are given the opportunity to establish alternative programs if they want to do so. So if a group of people have an idea for a school that's innovative and they want to see it available, they can first take that idea to a school board as an alternative program. If that school board doesn't introduce the program for whatever reason, then that group can go down the road to apply for and open a charter school. This amendment was agreed to in this Assembly last March, and I don't believe there were any objections to it at that time, Mr. Chairman.

I was encouraged last week to hear a great deal of support for the fact that this legislation does so much to encourage and respect local decision-making. We have locally elected school boards in this province for a reason, Mr. Chairman, and it's good to hear that they have so much support. That said, I did hear a few issues raised by members opposite that go against that principle and would potentially have my office, the office of the minister, step in on issues like limiting school closures, dictating assessment policies, or setting local fees.

8:40

Mr. Chairman, let me make it clear. School closures are not something anyone looks forward to. I know in my constituency over the last several years we've had several school closures, three in the last four years to be precise. Those decisions are never easy, but they are decisions that need to be made locally. I have no intention of stepping in and limiting boards from making these decisions. We will and have included in the legislation requirements for school boards to consult with parents and the community when they are considering closing down a school.

Similar to this, Mr. Chairman, there have been calls for me to ban some types of assessment in this act. Again, this goes against the philosophy of local decision-making that is a key pillar of this bill. We can't claim to support local autonomy, local decision-making, then step in every time we disagree with it.

To be clear, Mr. Chairman, this government expects that our children earn their way through school just like every parent and every Albertan expects. We expect teachers to assess children based on policies set by administrators in keeping with feedback received from parents and using the latest research. I also expect that the assessment approach as used by one school for one child may not always work for another. The act clearly states that teachers are responsible for the day-to-day assessment of students and that principals are responsible for overseeing that assessment, not this Assembly.

In addition, school boards are responsible for ensuring they have policies in place to allow them to be able to assure parents that learning outcomes have been met. The only place where the minister has a role in assessment directly is in relation to our standardized tests, so our provincial achievement tests and our diploma exams, Mr. Chairman. The PATs are not mandatory, so parents can opt out of them, and with diploma exams if you don't write the exam, you get a zero. So for anyone to suggest that we have a provincial no-zero policy in Alberta simply is not true. Assessment happens on the ground day to day and is treated as such in this legislation. I think that's exactly where it needs to stay.

Addressing assessment locally works. Take what's happening in Edmonton, where concerns around the no-zero policy started. The school in question now has a new and engaged school council of parents who are working with the principal to ensure that assessment policies meet their children's needs, and the school board is reviewing assessment practices and encouraging the public to provide input. Albertans have expressed concerns about a local policy, and those concerns are being addressed. Let's be clear. This is a local, not a provincial, policy.

In addition, Mr. Chairman, I might add that we are in the process of evolving our system to fulfill the vision set out in Inspiring Education. One of the key shifts is moving from a focus on content regurgitation to a focus on mastering competencies. When we revise our curriculum and assessments to be focused on competencies, students will need to prove that they have mastered the skills and they have those competencies before they can advance. Advancement will be less tied to how much time they've spent at a desk or in a classroom or even on how many assignments they've done, more on what kinds of skills they have achieved. If they've proven they can master it, they can move forward. Once we get there, zeros really become irrelevant because if you don't do the work, you won't progress.

I've also learned through media reports that members of the opposition want to bring forward an amendment to ensure teachers can't be fired for giving a zero. Mr. Chairman, the Education Act sets out clearly that a teacher is the employee of a school board and as such needs to work within the policies set by their employer. It would be inappropriate for the Minister of Education to start to impose himself in that relationship and skirt the role of parents and teachers in setting any local policy.

While I know the members are referring to a very specific situation between an employer and an employee, one where I believe the opposition claims someone was terminated solely for giving a zero and the employer asserts other factors were at play, I want to be a little cautious here, Mr. Chairman, because that case is currently being appealed. We will need to let the process work and get to the end of the appeal before we jump to conclusions about legislative solutions.

Several questions were raised during second reading debate about funding for schools, whether it be funding for special education, reducing class size, or implementing full-day kindergarten. I'm happy to share what we're doing in these areas, but the

time to debate that funding is when the budget is in front of the House, not in relation to the Education Act legislation here today.

We've also heard about school fees. We take pride in an education system where children with athletic skills can focus on being tomorrow's Olympians while those that have musical abilities get the chance to reach for those goals. But these program options all have different costs, and I do not think it unreasonable for these opportunities to be a partnership between those that benefit from them and those of us that finance them. That said, fees should not be used to fund the basics, and parents should have a clear understanding of what fees are being collected and why. Students should never miss out on programming options just because their parents can't pay. I know we're all concerned to hear of the engagement of collection agencies. Parents have made it clear they want us to look at the rules around school fees. Once we pass the Education Act, we will be asking Albertans for input on our school fee regulations to ensure that it is clear where and when fees can be charged and for what.

Finally, Mr. Chairman, some members opposite claim that the changes we have introduced in Bill 3 somehow are a sign that we are softening in regards to expectations around diversity and respecting human rights. This could not be further from the truth. Albertans have told us that they want an education system that respects diversity, and the Education Act does that. All courses, programs, and materials used in schools must reflect the diverse nature and heritage of Alberta, promote understanding and respect for others, and honour and respect the common values and beliefs of Albertans. I don't think I need to remind this House that all legislation and all public programs in Alberta must be consistent with the provisions of both the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act, and rightly so. They must be consistent whether the Charter and Human Rights Act are referenced or not.

We removed the reference to the Charter and the Human Rights Act out of section 16 simply because it was being misinterpreted, not because we have changed our position with respect to human rights. Mr. Chairman, the Human Rights Act is still referenced in section 33, which requires school boards to develop a code of conduct to ensure that it addresses prohibited grounds of discrimination as set out in the Human Rights Act. All of us have the right to believe what we choose, practise the religion we choose, love whom we choose, and teach our children the values we choose are important. We have no intention of changing that, Mr. Chairman.

I also at this time, Mr. Chairman, need to bring forward an amendment to Bill 3. I believe that the pages have copies of the amendment, and I'll wait for them to be passed out before I cover off what that amendment is.

The Chair: Hon. minister, I believe everyone has a copy of the amendment. You can speak to it.

Mr. J. Johnson: Thank you, Mr. Chair. It's come to my attention that a clause giving the minister authority to make regulations with respect to private schools was mistakenly left out of Bill 3. I can assure this House that this was an oversight. It was not meant to be deleted. This regulatory-making authority is currently in place under the School Act. It was included in both Bill 18 and Bill 2 under subsection 29(7). I apologize for the oversight or any confusion this may have caused. I've spoken to all my critics ahead of time with respect to this. We'd like to make sure that it's reinserted in the bill, and I hope that we can just get a fairly quick question on this one.

The amendment reads as follows. In part A section 29 is amended by adding the following under subsection (6):

(7) The Minister may make regulations respecting private schools, including, without limiting the foregoing, regulations establishing eligibility criteria that must be met by a person who proposes to operate a private school.

Mr. Chairman, it gives the minister the ability to set regulations with respect private schools, which, of course, we want. It has always been the case, and we want to continue.

With that, if there are questions or additional comments anyone would like to bring forward on this amendment or the bill, I look forward to the discussion, and I thank everyone for their input the other day and over the last two years and in the coming hours.

8:50

The Chair: Thank you, hon. minister.

I'll recognize the Member for Airdrie, followed by the Member for Calgary-Buffalo, then Edmonton-Calder.

Mr. Anderson: Yes, Mr. Chair. I understand this is an oversight, but while we have it on the table, I wonder if the minister could clarify. This is a very open-ended power that we're giving the minister here under this act, and I understand that it might've been there in the past, so great. But what are some of the eligibility criteria that this clause is referring to? Can you give any specific examples of what that would be referring to?

Mr. J. Johnson: Well, Mr. Chair, I think one thing we should be very clear on is that any of the regulations for Bill 3 are up for discussion following passing of the bill. We're going to have to discuss with Albertans and make sure that we've got the regs right before Bill 3 actually comes into force. If I'm going to talk about regulations, it would be ones that might already exist. But, for example, with private schools you'd set criteria in terms of how a private school actually gets accredited: when they can apply for that, how much time the ministry needs to have a look at that. Right now they need to operate for a year and show they're viable before they actually get funding as an accredited private school.

Things like that and other things would be within the regulations. All those things will be discussed in the reg review coming forward for every piece of the bill to make sure we put the fine points on all the broad brush strokes.

The Chair: The hon. Member for Airdrie.

Mr. Anderson: Okay. Is it this government's policy, when they're doing the regulatory review on this, to create a very broad set of criteria about who can set up a private school? Obviously, we know that they have to be accredited, and I understand all that. But are we going to keep and respect the freedoms of individuals to start a private school, whether it's based on a specific religion or it's based on a specific learning pedagogy? So, for example, if someone wants to start up a special-needs private school for special-needs kids, is it this government's intention to continue – I would say continue – its track record of creating a lot of leeway with regard to who can set these private schools up? As long as they're accredited and staying within the curriculum and so forth, there's not going to be any movement in future to restrict any further than what is currently the case an individual's ability to start a private school?

Mr. J. Johnson: There's no intention to narrow the scope, narrow the focus, or narrow the eligibility for private schools. We have three types of private schools. We have registered, we have accredited, and we have accredited funded private schools in the

province. Their level of oversight or their level of alignment with Alberta's program of study and diploma exams and all of those things dictates the level of funding, so we do have conditions we can set on the funding side as well. But there's no intention to change the scope or narrow the focus on who is eligible for these schools.

The Chair: Thank you.

I'll recognize the Member for Calgary-Buffalo, followed by the Member for Edmonton-Calder.

Mr. Hehr: Thank you, Mr. Chair. Before I talk about this amendment, I would just like to thank the minister and his staff for all the briefing that has been done and the discussions we've had and for keeping me apprised and for listening to some of my concerns at times over the course of this Education Act. It has been greatly appreciated.

Nevertheless, in speaking to this amendment, I want to make it clear that I am for people being able to have the choice of a private school. I'm all in favour of people who choose to have a private school. They can also pay for it themselves. I realize that that is not the nature of this amendment, but I will go more to what this amendment speaks to, dealing with who proposes to operate a private school.

It was widely reported in the *Calgary Herald* when we had an incident with the International School of Excellence. I believe the minister is familiar with this. We have a school operated in the private system that is receiving 70 per cent of the per-student grant that our public schools receive. At least the *Calgary Herald* reported that the person operating the school was deemed ineligible to teach in our Catholic school system, was using funds derived from the education system to not only pay for a BMW lease but also a mortgage on his house and somehow this private school, and furthermore, allegations of grade fixing, not even allegations but almost proven facts of people receiving inflated grades. This has been on the record and openly reported. I note that this private school continues to be in operation today. It seems to be, if I read the response from the ministry that was quoted in the papers, that we take a laissez-faire approach to private schools. That was a quote from your ministry.

Now, in my view . . . [interjection] I understand the Member for Airdrie seems to be applauding the International School of Excellence record. I would ask him to go back and review the facts on this matter.

Nevertheless, it appears to me that at least this one situation leads me to believe that there has to be something done in this regard. Will you be addressing through regulation some of these concerns brought up by the International School of Excellence? The grade inflation, the purchasing of a BMW car with funds derived from the school, a house mortgage from the school, the fact that the member who started the school was deemed unable to teach in our Catholic school system: are these some of the things you'll be looking at dealing with in regulation?

Mr. J. Johnson: Mr. Chair, I know this particular member has been a strong supporter of private schools. Based on his comments, I'm sure he supports the amendment. Once we can get the amendment passed, then we can have a lot of discussions about the regulations, which is really what he is talking about.

The Chair: Thank you.

The Member for Edmonton-Calder.

Mr. Eggen: Thanks very much. I, too, want to thank the minister and his staff for keeping me tuned up as to what is happening here. We have, I think, a great responsibility when we open up

such landmark legislation as the Education Act to ensure that we get it right. Perhaps this three-times-lucky situation that we're in will bear some fruit this time. I hope so. This particular omission, I guess, is an indication of that, how perhaps by slowing down a little bit and being able to look very carefully at each section of this bill, we will get it right. So that's great.

I'm glad that the private school provision is here. It's an interesting thing because although sometimes our reputation as a province is more to the right side of the spectrum, we have probably more public schools and fewer private schools than almost any other province in the country. I think that's a testament to the fact that we value our public education more and certainly don't preclude the possibility of people making a choice for a private school, nor would I ever suggest that we should as long as people are paying for it themselves. I think it's a bit duplicitous that we actually direct public funds to a private school, but that's a discussion for another day.

We do have the fact that we do have proportionately fewer private schools to public schools, and I think it's a testament to our strong public education system, right? Why spend \$10,000, \$20,000, \$30,000 on a private school when you probably get a better education in the public school down the street? That's great, and part of the reason I signed up for this job is to ensure that we keep it that way here in this fine, fine province.

9:00

Finally, I just wanted to ask the minister, then: has he or his staff found any exercising of this clause previously in your own experience or in the experience of your staff? You may not be able to answer that right now, but maybe you can check back. I'm curious to know how this particular clause has played out historically in our province to ensure that we properly regulate our private schools here.

The Chair: Hon. minister, do you care to respond? You will get back to the member?

Mr. J. Johnson: Yeah.

The Chair: Member for Chestermere-Rocky View, did you wish to speak at this time? I think I had you on the list earlier.

Mr. McAllister: Thank you, Mr. Chairman. I think I'm fine on this amendment, really, but since you called me out, maybe I'll just make a couple of points. I believe in the value of time, so I assure you I'll be brief. There was so much in the minister's comments that I think we are going to get to talk about. Some of the amendments that we're bringing forward and that some of the other members are will require more time and more discussion. So maybe I'll just leave it at that on this amendment. I don't have any problems with it.

The Chair: The Member for Little Bow.

Mr. Donovan: Thank you. The question brought up from one of the schools in my riding was just on some of the wording in the act, and it's independent school that is the preferred language compared to private school. It's on the whole thing, and it's also in the amendment, but it's just preferred language that some of those schools like to hear. Instead of "private" they like to hear "independent." That was just a comment that was brought up to me by one of my schools, so I thought I'd pass it on to you.

Thank you.

The Chair: Other comments? The Member for Innisfail-Sylvan Lake on the amendment.

Mrs. Towle: Thank you, Mr. Chair. I just actually want to express to the hon. member across the way there that I appreciate that you're taking the opportunity to include private schools in this amendment and that I completely have no problem supporting this amendment. I appreciate that you acknowledge that it was missed in your first draw of the act. Thank you for bringing it forward.

The Chair: Any further comments on the amendment?

Seeing none, I'll call the question.

[Motion on amendment A1 carried]

The Chair: Now back to the bill. Speakers on the bill? The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Yes. Mr. Chairman, I would like to propose an amendment to the bill and circulate it and then speak to it.

The Chair: Hon. members, we have before us amendment A2. I would invite the hon. Member for Chestermere-Rocky View to speak to amendment A2.

Mr. McAllister: Mr. Chairman, thank you. For me, too, as my colleague stated a few minutes ago, it's a pleasure to bring my first amendment forth here in the Chamber. I'd like to move that Bill 3, the Education Act, be amended in section 57, as you can see in front of you if everybody has received it to this point, in subsection (1) by adding "and subject to subsection (1.1)" after "Notwithstanding section 13" and by adding the following after subsection (1):

- (1.1) A board shall not charge a parent of a student a fee relating to
- (a) a program or course that is considered mandatory, or
 - (b) administrative costs.

So many ways to go about this. There are so many different points to make on fees. I'm just going to try and roll through a few, and I'm looking forward to a good discussion on them.

I would say, first off, that I appreciated the minister's comments as he introduced the bill and all of the things that he was able to speak to. We were able to talk beforehand. It was my hope that in those discussions beforehand we would be able to work through a consensus on a couple of these although I didn't get the indication from his comments that maybe we're going to be able to, but I still have hope on that.

If anybody is following the way school fees work in this province, you'll know that something is screwed up. We have somewhere around 62 boards, and anybody can do it any way they choose. While that's all about local autonomy, and we appreciate that, the people that are suffering in this are parents and families because what's happening with mandatory fees is that September, Mr. Chairman, is becoming Cheque-tember, and you're not really sure what you're paying for anymore.

I just want to make a point, when I raise these mandatory fees, that we're not talking about transportation fees or busing fees – I think there should be a discussion on that – or extracurricular fees, you know, field trips and those things that aren't mandatory to graduate from high school. What I heard from parents around the province as I travelled this summer was that when you're paying for textbooks and noon supervisory fees, administration and photocopying fees, this is where things are bordering on ridiculous.

We don't ever want to put boards in a place where they don't have the money to do what it is they need to do. What we had hoped to do was find out from the government exactly how much money school boards need in terms of mandatory fees to carry on

with the work that they do and the services that they provide. I don't think we were ever given a number. We tried at one point to compile them. There was an estimate of \$40 million to \$80 million, I believe, come up with probably before I came onboard. But \$40 million to \$80 million in mandatory fees across the province is obviously a sizable chunk of change.

As I call for the province to make that money available to boards so they don't have to pass these hidden fees and taxes on to parents – well, they're not even hidden – I also want to note that I'm fiscally responsible enough and aware enough of the debate in this room to not suggest that we pay for everything and we have a blank cheque for everything and then turn around and say: "How come you guys are running a deficit? What's wrong with you over there?" I get that presentation.

For me it's about prioritized spending. There are some things that I'm very open about, and I think most of us are about disagreement on where money is allotted. Perhaps that's a debate for another day, but I raise it just to say that I don't say openly: "Hey, \$40 million to \$80 million, guys. Dig it out of your back pocket, throw it to the boards, and everybody is happy." I don't think money grows on trees, and we just can't do it like that. But I would prefer a prioritized approach. If the Minister of Infrastructure over there knows what tree it's on, I'd love to walk to it with him.

There is in Calgary right now a serious situation, you know, that I think we should all be troubled by. Whether we work this out tonight or not on this issue, we should be troubled by the fact that 3,000 parents in the Catholic school board are being chased down by a collection agency. Something is wrong when we have that many parents, or any parents, being approached by a collection agency to pay their fees. This is why we're looking for clarity on the issue and to eliminate mandatory schools fees. I mean, we all pay handsomely, I think, in our property taxes for education, and we all pay, you know, for extracurricular activities openly, I believe.

Might I make another point? If you know any of the administrators or principals or teachers in your local schools, you know that they go above and beyond to help students that are in need, and I think that there are a lot of things that go unreported. When somebody shows up at school and can't afford to go on the swimming trip, I'd bet dollars to doughnuts that most administrators and teachers and principals are aware of that child's situation and probably make an extra effort to get them there. I raise that just to throw a bouquet out to the people in the system. I know that they're doing their best to make sure that kids are not alienated because of a lack of funds. But, clearly, we've got a situation that we need to look at when we have 3,000 sets of parents being chased down by a collection agency.

9:10

I would also say that there is a board that's doing it right, and I think we can applaud the Lethbridge school board. You know, there's a board that doesn't charge any fees somehow. I always believe, no matter what the subject, that there's a template out there to look at for success. We're always wise to look around and see who's doing it right and what we might learn from it. Maybe that's the province's intention on this, to take some time with it. But, clearly, they've done something differently, and they should be applauded for it.

I would just say in general on this amendment that we've gotten to a point where education seems to parents – you know, I've said that September is Cheque-tember – to be at a point where you're reaching into your wallet every other week for something. If you have a few kids, it does add up. For families it does make a differ-

ence. We'd like to be able to do it – I know we all would – so that kids could get their public education and get through graduation without being fee'd to death on the mandatory side. I'll leave it at that for now.

Again, I appreciate your time, Mr. Chairman and colleagues, to bring forth my first amendment. I look forward to the discussion.

The Chair: Thank you, hon. member.

Hon. minister, did you want to respond?

Mr. J. Johnson: Thanks, Mr. Chair. I can say a few comments on this item. I appreciate the member bringing it up. I don't disagree with some of his comments. Obviously, as a parent and as the Minister of Education I know that we pay very close attention to these fees. We're concerned when we see them. We're hearing from constituents that Albertans are concerned when they see them. The question to this House becomes: what is the best way to deal with it? What's the best way to address it and put some fences around this that all Albertans can agree with and all Albertans can have some input on?

I will also agree with his comment that we won't be able to work it out tonight because this is a far broader issue than just limiting fees with respect to mandatory programs or administrative costs. I would point out that we do have some very good regulations on administrative costs. The member would know that Alberta school boards are limited to spending only between 4 and 6 per cent of their budget on administration. We're one of the few jurisdictions in the entire country that has restrictions like that.

What about the transportation fees? This is one of the things that's really burning many Albertans, but that's not included in the amendment.

There are a lot of things worked into fees, Mr. Chairman, and the member was right again when he said that some boards do it right. The boards are important. They play a very important role. They deliver the day-to-day operations of education in the classrooms in those schools, and they need that autonomy to be able to do that.

Coming from the Official Opposition, that has been very vocal in their view that we need to respect local autonomy, this amendment is a little baffling in that we can get into this far broader, far deeper, and with far more consultation with Albertans and still respect local autonomy if we get at it through regulations and we get at it through a regulatory review, which is what's coming next and which is where we would be now, oddly enough, if this bill had passed last spring.

I don't disagree that we need to understand these costs, and we need to put some fences around these costs. But I don't agree that we need to take away the local autonomy of the boards and that we can fix it with one fell swoop with legislation. This is something that needs to be dealt with in regulation, with a fulsome discussion with the boards and with Albertans.

The Chair: Thank you, hon. minister.

The hon. Member for Edmonton-Calder on the amendment.

Mr. Eggen: Yes. Thank you. I appreciate the chance to speak on this amendment, and I would thank the hon. opposition critic for bringing this forward. I think it's a well-reasoned amendment, and I think it speaks to, again, what I had said before, that we are making landmark legislation in opening up this Education Act. It only happens once in a generation or so. We need to make sure that we get it right. We're sending elements of guideposts not just for those of us in this room today but for people 10 years from now and 20 years from now, reasserting that principle of public

education and that it is a universal program that does not have instructional fees.

You know, you can take this argument of the autonomy of school boards to a certain extent, but they are elected and charged with the responsibility of public education. When we put out a new Education Act here ultimately, hopefully, we're sending and reasserting not just the laws they must be governed by, the regulations, but the spirit of how we want our public education system to unfold. The cornerstone of that is that we provide public education without regard to the financial circumstances of a student or their family, right? This is a foundational belief that serves as the basis of our public education system.

We might be able to put in regulations that might control this, but I say that it's important to have overarching statutes and sections that do so in an unequivocal sort of manner. I mean, we're not precluding the possibility of charging fees for noncore programming like school trips and sports and that kind of thing. We're talking about core educational sections. I know that we have had a lack of unanimity across the province, some individual schools, you know, making provisions to not charge and some that are charging. It is our responsibility here as elected members to send a clear message down to every single school under our charge to ensure that they do not have school fees for core education. Please, I certainly urge everyone to support this amendment. I think it is useful, and I think that everyone will benefit from it in the end.

It's interesting because here in Edmonton we have quite a number of schools, I see, that will advertise that there are no school fees. "Come here to our school. No school fees whatsoever." They're doing that because often the parents are burdened by those fees. I know that if you have two or three kids in high school, let's say, those fees can be quite substantial. As both a teacher and a parent I could see those fees causing distress for people with moderate incomes and several children. I just don't want to see that going forward. There's no reason we should be doing that, and it needs to be enshrined in law.

Finally, I just want to say that, you know, so often when we're collecting these fees, the process of collecting these kinds of fees will eliminate any fiscal advantage that you might gain from the extra fees. It's like when we were trying to collect those health fees years ago. We spent a good portion of that money just on the administration of chasing people down who didn't pay the fee, right? We could probably unburden our schools by not having them deal with this, and it certainly sends the best message for public education into the future.

The Chair: Thank you, hon. member.

I'll recognize the Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. I'm privileged to speak to this amendment, moved by the opposition critic from the Wildrose Party. It speaks to a lot of the core values of what I believe in. I believe that public education should be one of those systems in place that governments, taxpayers, and the like buy into and choose to support and support through tax dollars in order that everyone can attend. The public schools are not only for the rich, the middle class, or the poor, but they're for everybody. They're the essential building blocks of our society.

When we start layering on fees, school fees or otherwise, on top of the simple ability of children and families to go to the public school, I believe we are starting to chisel into that core principle that I believe has made Canada and, in fact, this province quite successful in terms of its education system. I would even go so far as to suggest that the amendment doesn't quite go far enough.

9:20

I ran for a political party that had the boldness or the temerity to suggest that all school fees and busing fees should be eliminated. We, in fact, recognized that in our platform and recognized that revenue collected in this regard would be better collected through a progressive tax system or otherwise to fully fund public education. If we really think about it, if public education is going to provide a music class, should there be a fee for using the horn? If a science class is going on a field trip, should there be a fee to go to the museum? Those are real questions for us to ask in this regard. Are we just simply penalizing kids who go to that school who may come from more difficult circumstances than I was fortunate enough to be raised in? If they say, "No; band class has an extra 50-buck music fee to it," you're not taking band class. That happens out there, Mr. Chair, and I don't think that is right. I don't think it meets with the spirit of what our public education system is.

You know, I do understand that you have two ways to pay for things in Alberta. You can go to user fees and/or general taxation, or I guess we can continue on the path of spending all the royalty wealth in one generation, but I don't subscribe to that. I subscribe to education funding coming from general taxation, and it should be in regard to providing opportunities for all our children. This is one of those important core values. That's why we have people pay into a system, to ensure everyone has those opportunities.

I'm willing to support this amendment, and I believe it's important enough to be enshrined in legislation because we all know that if it's enshrined in legislation, it has less chance to be whittled down in regulation. Often what I call the large print in legislation is sort of what we're going to follow. The regulation is often the small print. It's like an insurance policy. Often what the large print giveth, the small print taketh away.

Sometimes I see that in regulations, what we're going to whittle down, what we're really going to do. Furthermore, regulation can be changed often, regularly, and at whatever whim the minister may have. Now, with this minister I know he's going to do a good job of consulting, so I don't have to worry that much about this minister. But I don't know who the future Minister of Education is or what his belief system is or what, in fact, his ideas for public education are, okay?

So that is why I would support this, yet I think we should use this as an opportunity to understand what public education is, that it has to be inclusive of all people. By the nature of what was brought up by the hon. member, 3,000 people being chased down for school fees, you know, probably averaging \$180 per student across this province – I have the general understanding that people aren't not paying these just out of spite or out of a willingness not to contribute to their children's education. I come from the belief that there's probably some reason for this. It's probably because they have difficulty paying for it. Okay?

With that understanding, I support this amendment, yet I think that even with some of the rhetoric coming from the mover of this, there is also an understanding that this has to be covered. If we are going to eliminate school fees or eliminate some fees, there have to be some means to pay for this, and that would be through general revenues and through general taxation, okay?

Thank you very much, sir.

The Chair: I'll recognize the Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. I rise in support of this motion. I want to comment on some of the comments already made by my colleagues here, both in my party and on that side of

the House. One thing that I think we need to focus on is that this is only talking about those fees that deal with mandatory programs, not the extracurricular activities, although the minister did bring up the issue of transportation, which is a big issue in my riding. I don't know of too many students who have the ability to walk to school. Many of our students will spend easily an hour, hour and a half on a bus to and from school, and that's a huge issue.

But focusing just on this particular issue is significant in a number of different ways. I'm not so sure we need to raise more funds. The reason I say that – and the minister brought it up, and it was also mentioned here – is that some school boards do it right. Some school boards actually advertise.

I did bring up in an earlier debate on a different bill an issue in my riding, where the teachers of the local school division are going to be on a plane to Las Vegas to attend a conference, and this is all to do with professional development. I'm in favour of professional development, but do teachers really need to go to Las Vegas for professional development?

Mr. McAllister: London.

Mr. Anglin: London.

The answer is: it's about priorities. I can't help but think that the school divisions, the school districts that are doing it correctly are prioritizing things correctly. If school fees have to be part of all the extracurricular activities, we know that they are not the sole funder of those extracurricular activities. There are some funds that come to these schools for these various programs. As a parent I know this because I pay school fees for both of my children for a variety of different extracurricular activities, for some of the programs that they take outside the normal course of their school work.

What I think is happening here is that sometimes we forget those of low income and those who are poor. I was in a discussion with the mayor of Rimbey recently. We are a small town. He was under the impression that the town of Rimbey does not experience homelessness, and it was pointed out to him that when we have a child living on somebody else's couch – when I say a child, I mean a teenager – who has no home, that would be considered homelessness. That child has no way to pay fees even though they're still attending school. Although we don't experience homelessness to the degree any of the urban areas do, it comes and it goes. We could have it at some given point in time, and it might dissipate as this person moves along. But the reality is that we do experience that.

And we do have children who are raised by single parents. We have a lot of children who are raised by single mothers who work two, three, four jobs to make ends meet. They're not on subsistence, and they refuse to be on subsistence. They qualify, but they absolutely refuse to live that way. They don't believe in it. The mandatory fees, the fees for those mandatory programs, penalize them unfairly.

I have some questions for the minister, and maybe he can clarify this. Again, we're not talking about all the fees. We're just talking about those fees that deal with those programs that are mandatory. What kind of dollar value are we talking about? How is it that some of these school districts can do it correctly and are so successful at it and others are not? Can this actually be prioritized so maybe we're not sending teachers to Las Vegas, as an example, yet we are funding the mandatory programs so that somebody doesn't have to pay a fee?

When I look at this, I think there's room to work together to try to find a solution. Maybe one of the ways to force some of these school boards to look hard for those solutions is to make sure that

we don't eliminate all fees, but we eliminate the fees just on those mandatory programs. It doesn't usurp their authority, but they have the flexibility in the jurisdiction to figure out how they're going to spend their money and prioritize their money, just as we as a legislative body are trying to do that on a provincial level.

Thank you very much.

9:30

The Chair: Thank you, hon. member.

I recognize the Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Mr. Chairman. School fees: boy, am I ever glad we didn't have them when I was raising my 13 kids. I'd be broke.

An Hon. Member: You could have made money home-schooling.

Mr. Bikman: Yeah, we would have been home-schooling.

Now, this is a significant issue in my riding. We have larger families, and it isn't just because we're a rural riding and we don't have cablevision. I don't think for a minute that it's a money grab by school districts or school boards. I think it's partly a symptom of deeper issues, and I think that, obviously, one of them is inadequate funding from the province. If it's not that, then what is it? If we don't know, we need to because it's serious and needs to be rectified.

I think there needs to be more focus, provincially, at least, on seeing that more of the money that comes in at the top of this funnel gets to the bottom. Instead of it being like this, it needs to be inverted, like a typical pyramid, with a little at the top. All of us who have any business experience or have audited businesses know that one of the things that contribute to their failure is when they don't control their overhead and don't deliver enough funding to the delivery end of their businesses. The same is true in the case of schools and the school systems. We need to make sure that we don't have extra expenses at the top.

Public and universal schools by very definition imply that they're provided and paid for through the taxpayers' assessments. I think the taxpayers believe that they're paying a big enough portion of their taxes for the school requisition that it should be able to cover things like what are currently fees for mandatory – not optional, not extracurricular but required – courses that will lead to a proper education, a complete education, and graduation.

I was so pleased earlier tonight by the comments of the minister regarding the principle or the concept of mastery of the subject. That's something that we've stressed in our home with each of our 13 kids. We didn't say: we want you to get A's. We said, "We want you to master the material" and then taught them the concept that this is done by doing your homework daily and reading ahead where possible. We budgeted time and required through family rules that they set aside a couple of hours every evening after supper to do nothing but either read or do their homework if they had homework.

I'm concerned that the issue of these fees, that appear to be almost ubiquitous except for those few successful jurisdictions that seem to have mastered this concept of prioritizing their expenditures, can be traumatic for kids and parents. We've had some discussions about trauma tonight, and I would hate to see this issue lead to workers' compensation claims. Also, more seriously and significantly, are we unintentionally making some parents and kids feel like second-class citizens? I think we are. You know that it's talked about in their homes. You know that their kids hear this and think about it. The kids do think about it, and I think we need to think about it.

In some cases, I submit to you for your consideration, it may contribute to kids feeling guilty and to their decision to drop out of school. If this is harped on, if this is raised, a kid naturally could misinterpret the parents' concerns or complaints and feel responsible. We know that, for example, in situations of divorce sometimes the kids are asking, and when they're counselled, therapists are saying: "It's not your fault. It's not something that you did." But kids will take ownership for situations if parents aren't very careful with the language that they use. Now, I'm not in any way suggesting that we should try and legislate what parents can talk about with their children. In fact, that's one of the reasons it took till now to pass this bill. It had to be modified in that area.

Anyway, I think this is a serious issue, and I suspect that each of you understands that it is. We may not feel like we want to theoretically meddle in the affairs and the local autonomy of school boards, but at the same time we mention in the bill in 59(2), I believe, that the minister reserves the right to force boards to co-operate with transportation where he determines it's necessary. Well, I agree with that principle, and I also agree with the principle of oversight. I don't think that it's meddling when we do our job to see that the funding is doing its job, that there's enough of it to do the job, and that it's being spent wisely. There needs to be oversight. There needs to be accountability, and in some cases that accountability needs to extend beyond the local school board. I think we have an obligation as a province, and I think the Department of Education, if that's its current name, plays a role in that.

Thank you very much.

The Chair: Thank you, hon. member.

The Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Mr. Chair. I applaud, you, Minister of Education, for how you have handled this bill. It's been a very interesting change to the previous Minister of Education, who is now the Deputy Premier. I have appreciated that you appear to be open to suggestions and that you're aware of the concerns that are coming forward. I would hope that the hon. member has not pre-made his decision on these amendments without at least hearing and actually listening to the issues that are coming forth from the floor. As we saw in Bill 1, with the amendments that were made there, there was a very good dialogue going back and forth. Each of us had the opportunity to debate, and it was in a very respectful manner, and there was value in keeping an open mind and ensuring that we're acting on behalf of all Albertans.

As a parent of two children, one in school and one already out of school, this issue is of real concern to me. Each day I send my absolutely stunning, superfantastic, awesome daughter Madison off to grade 5 and know that she's getting a good, quality education. I understand that I have a responsibility to pay my fair share of taxes to ensure that her education is secure. However, mandatory fees are really concerning because, really, they're just an additional method of taxing Albertans without the province really telling them that they're raising their taxes.

The problem with mandatory fees is that, really, they seem to vary. There's no real consistency. You just get that note home every September, and it has a list of extra fees that you have to pay, and if you don't pay, then there might or might not be the threat of going to collection. The fees appear to be, you know, applied arbitrarily. There doesn't appear to be any recourse for the families, no ability to appeal the fees.

There's also a direct effect on the credit rating as some of these school boards are sending these families to collection. As my

colleague here mentioned, there are 3,000 families in the Catholic school board in Calgary that are going to collection. That should cause great concern to all of us in here because that basically says: "We're going to charge you more than you're already paying in your taxes, and if you don't pay that, we're going to send you to collection. Then if you don't pay the collection bill, you're going to have a direct hit on your credit rating, which may in turn make it detrimental for you to get a loan, a mortgage, to buy a car, which might be the key to the job that you need to have to pay for your taxes to put your child into the school." This should really concern each and every one of us because it seems a bit ridiculous to me that we would expect that any of these bills would ever go to collection. They are a bit onerous, and the process of going to collection is onerous not only on the school but on the parent.

9:40

There have been occasions where the parent has maybe paid the bill, and accidentally it goes to collection. Then there are costs incurred by the family to correct that error and all of those sorts of issues, not to mention the stress that it puts on the family if the family can't afford this bill. Clearly, for most of these families probably going to collection, if that's the situation they're in, then you've added extra stress to that family, extra hardship to that family, which then creates an atmosphere at home that can be very difficult for the child, who's expected to be learning, not to mention that we've now damaged the relationship between the parent and the school board or the parent and the principal. We should be encouraging that they have a collaborative and co-operative arrangement so that we have provided a better learning environment to the student. I strongly would think that people in our position as elected officials, who are here to represent Albertans all across this great province, should be very uncomfortable with that perception of how we're expecting families to deal with this sort of burden.

Now, let's talk about the burden. In my own constituency there are many families who cannot afford extra fees, and in my own constituency and in my own school I get the little note home, and they talk about lunchroom supervision, and they talk about an extra fee for textbooks. I've questioned it before, and they tell me that they're not properly funded and that in order to get that extra money, they need the parent to kick in the difference. I'm fortunate in my area that I don't have a transportation fee, but I know that in my neighbouring constituency they certainly do. Not only are they being charged for a textbook and not only are they charged for lunchroom supervision, but now they have an added fee of a transportation fee for a bus service that, really, should already be covered.

I have an interesting story to tell. My husband has a sister, and she and her husband have five children. Every September she dreads it. It's supposed to be this happy and joyous time, and really she wonders where she's going to get the money. She wonders how that money is going to come out of her bank account. It's not just school fees. I mean, there are extracurricular activities. There's the buying of all the clothes. She's got three growing boys and two beautiful little girls. You know, she has to buy them all new runners, and we all know they need two pairs of runners. One pair is not enough because the black soles mark up the gym and all that fun stuff. We need to have 18 boxes of Kleenex because we've got to make sure that every kid in the class might have a Kleenex. We've got to have 42,000 pencils because there might be some kid in the class that can't have a pencil, so we've got to make sure we're all fair with that.

This burden is put five times on a family that has five children, and then on top of that, we send that same family home with that

nice little letter that says, "Not only do you have to buy all of these things and supply your kids with school clothes and lunches and all that fun stuff, but you now have to pay these additional fees five times over," which is very, very expensive for some families. I happen to know that my brother-in-law and sister-in-law are on I wouldn't say a meagre income, but they're certainly not middle-class. They're hard-working Albertans, which I think most people are. I think that when we're asking families to have to decide, "Do I buy no new shoes for little Johnny, or do I buy no treats for the lunch box because I have to pay \$150 per kid?" I wonder what kind of message we're sending to our children. When families are left to worry and wonder what's going to happen if they can or cannot pay this mandatory fee or this mandatory bill, that's a very concerning situation to be in. And not only that, but it's a very distressing situation.

I've had the experience in my own family where in my daughter's class in grade 3 she had textbooks, and there weren't enough textbooks to go around. So they sent the little note home, and you pay the fee, and I did that. But there still weren't enough textbooks. So the solution to the textbooks was: "Well, you know, Johnny can take textbook A home today. You can have a photocopy of the page that they're working on, and then tomorrow you get the textbook, and Johnny gets the photocopy of the page that we're working on that day." Your kid is sent home with this textbook or a photocopy. There's no context to the photocopy. There's nothing that says what they learned that day in class because all you get is the one piece of paper, and that's after paying the extra fee for textbooks. One has to wonder: if the mandatory fees are supposed to be going to textbooks and I still have to share a textbook and share a photocopy and share with little Johnny, I have to question where the mandatory fees are and what the purpose of the mandatory fees are.

It seems that if we're talking about this and it's important to us – and, clearly, the Minister of Education has said that the education of our little children, the future of our province, and our future leaders . . .

An Hon. Member: The Premier said that, too.

Mrs. Towle: That's right. The Premier has expressed many, many times that children are our future and that they're the future of this province and future leaders in this House. I would think that it would be imperative that every school have a substantial amount of textbooks so that every day no child should have to worry about coming home, whether or not they pay a mandatory fee. That should just be a given. There should never be a mandatory fee for anything but certainly not attributed to learning, and apparently there is.

There seems to be no rhyme nor reason, no decision on why we pick which textbook or which class even. Are we short? Is the producer of these textbooks for science not in production anymore? So you need to say: "Okay, we don't have this book anymore. We all have to share. The math book is not going to be in circulation for the next two years. We're phasing it out, so we don't want to buy any new ones." No, that never comes home to the parent. All that comes home is: pay here, pay here, pay here, pay here, and please send your cheque. As a side note to that, just so you know, never does a thank you come home to the parents saying: thank you for sending your cheque; we'll still send you home with a photocopy of the textbook.

There seems to be a clear disconnect between the funding of the school and what they're providing to the students. More and more they're asking parents to do more in their schools. They're asking them for lunchroom supervision. In my school I pay a minimal fee

for lunchroom supervision, but there have to be two parent volunteers every day on the playground to cover off recess because, apparently, we don't do that anymore either.

I wonder what we are paying for, and I wonder – I have all these questions in my head – where exactly the Education budget goes. Clearly, if it's not going to recess supervision or lunchroom supervision or textbooks or possibly even transportation, one has to then question: what exactly are we spending our money on? Not only that, but then the letters start coming home saying: "Mrs. Mum of Johnny, you need to not only pay for your textbooks and all those sorts of things. You now need to donate all your time."

To go even further, what happens on September 15? The fundraising letters start to come home. Not only do we have to do the mandatory fees, but we now have to do the fundraising to raise money for little Johnny's band camp, and we have to raise money to cover off, you know, some painting in the school gym. All of a sudden we want a mural on the side of the school, and that can't possibly be covered in the Education budget.

Not only is it enough that you pay taxes, not only is enough that you raise this little kid, not only is it enough that every night you're doing 10 times more homework than we ever had to do in the past, but now we have to pay mandatory fees, and we have to donate, and we have volunteer. One has to start to question: what is the funding model for the Education budget if all of these demands are put to the school board and the school board clearly cannot manage with the money that we have?

Look, as a Wildrose MLA I know that keeping our decisions local is our number one priority. We need to keep them with our communities. We know that keeping them local and in the communities is the best thing for the children. It's a way to get community engagement. It's a way to get parents involved. Everybody has a say, and they know where their money is being spent. That being said, when the school board is not being appropriately funded, this creates a situation where they pass it on to parents in a nondiscretionary manner, in an arbitrary manner, with no ability to have any discussion on what those fees are. This causes me great concern.

Each and every one of us that sit in this House should take a quick breath and literally have a discussion in our heads or with our stakeholders or with our children or with our parents. You know, it might cause us to take a moment to actually ask our mums and dads: "You know, Mum and Dad, when you were in school, did you have to pay X, Y, and Z? Exactly what did your taxes cover, exactly what did your fees cover, and exactly what was expected of you by the teacher? Exactly where did your money go, and how much volunteer time did you have to do? How many volunteer hours were you demanded to do? How many PAC, parent advisory councils, did you have to sit on, and how many meetings did you have to attend, all for the good of your children?"

I think you would find that, quite literally, our predecessors, quite honestly, did not have to do all of this effort. Yet take a look. I'm 38. Most of the people in here have gone through the school system. Most of the people in here had parents who didn't have to pay all these mandatory fees. Most of the people in here have had children who've already gone through the system and may or may not have had to pay mandatory fees, but I can tell you that the generation that's coming up behind us has to pay mandatory fees. There seems to be no rhyme nor reason as to why they have to do that.

9:50

So when you're sitting there having that conversation with your mum or dad and you're talking to little Johnny and you're trying

to decide how that money is best spent, we maybe need to take a look at that it's our job as legislators to ensure, when these mandatory fees are coming out, that we have a logical reason for why they're doing that, that we have an understanding of what that money is going for, and that we have a clear indication to Alberta taxpayers as to why we are replacing one tax with, really, an additional tax.

That's really what it is. Let's get right down to it. Mandatory fees are a way to tax Albertans further and further and further, and this government does not have to stand up and say: "Albertans, we are going to tax you mandatorily. We're just not going to tell you about it. We're going to hide it under the auspices of mandatory fees. Not only that, but we're going to redirect funding from you so that you have to impose mandatory fees on families."

Then we put our school board trustees into a situation where it's negative. They're having to go back, and every time they have these little meetings, they have to go in camera and out of camera and all those sorts of things, and everybody has hurt feelings because they've passed a new mandatory fee.

Thank you.

The Chair: The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Mr. Chair. I applaud my fellow colleague for speaking very passionately on this issue. I also applaud our Education critic and, of course, our leader that during the election we made this a very important plank of our platform. It was even more popular than the lake of fire.

Part of the Wildrose plan would be to ban mandatory fees for all Catholic and public schools to ensure that there would be no unfair financial barriers to education. I know that the Premier campaigned against this idea, but I know that she's proven from time to time that she can alter her promises. I hope that we can have a discussion and a conversation on this, and I hope that she'll support young families and children, support this endeavour.

Of course, we understand that this is an investment. There is a cost to this measure, but of course Alberta's young families and children are a major source of wealth and energy, and they are our future. I don't have 13 kids. I don't have a child, but I do have nieces and nephews, and I think our government should support them and support hard-working families to keep more money in their pockets. I personally feel that, you know, these types of fees are like nickelling and diming our Alberta families. I think that the amendment that the Member for Chestermere-Rockyview has put forward will ease the undue cash burden on our families.

You know, the Member for Rimbey-Rocky Mountain House-Sundre referenced that this isn't in relation to extracurricular activities. You know, this isn't something that parents and children do on their time outside of school and so forth, that isn't relevant to, you know, the core courses. It's mandatory. These are new fees that I think we're seeing coming up. It's photocopying charges, textbook fees, and registration fees. I think that these fees have popped up in recent years. I mean, I'm 31. I didn't see these fees even when I was in high school there.

There is also the topic of the fact that collection agencies are trying to collect these from parents. You know, just the stress of going through a lawsuit, having these collection agencies hound you and go to civil court and get a judgment and then continually pressure parents in this situation. Of course, if the parents don't pay on time, I'm assuming that the debt collectors would charge the prescribed interest rate in the relevant act for such fees.

There was a suggestion by the minister that this could be done in regulation. You know, if this is a priority for government, this

should be explicitly stated in the act, in the constituting documents, not left to the minister or his bureaucracy to meddle with after the fact. I think, you know, that the Education Act is supposed to set out the overarching parameters upon which our education system will be based. I think that if this were a priority for this government, it should be placed explicitly in the act. This amendment does just that. It places the elimination of mandatory school fees right in the legislation so it's clear to everybody.

You know, we talk about costs and where we get this revenue from. I think it's important that we look and understand that everything is a question of priorities, wants versus needs. There are a lot of things people want. They may want \$2 billion in corporate subsidies to pump CO₂ into the ground. They may want brand new MLA offices down the street for \$500 million. They may want these things, but when it comes to the children and families, some of those families are really strapped for cash, and this type of amendment will really help those families. You know, it's probably on average about a hundred bucks a family or something like that. I think that we should really look at the priorities that we have right now. There are just so many ways. Looking at hotel rooms at the Olympics, I think that when families are getting nickelled and dimed each and every day on these types of fees, we have to look at those types of expenditures. If we actually were very prudent with our fiscal resources, we could help those families.

On that note, I would just like to commend our Education critic. Of course, our leader was very instrumental in putting forward this campaign promise. I hope that, like other legislation, perhaps they might adopt this promise as well. Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

I'll recognize next the Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Mr. Chairman. I rise to make a couple of points on points already made, hopefully not to go over from scratch on some of the things said. First of all, to my colleague from Innisfail-Sylvan Lake: I know you misspoke. She's gone, but I'll correct the record anyway. I think she referred to collection agencies looking for 3,000 parents in the Calgary Catholic board of education. What she meant to say was the Calgary board of education. It's the public board.

I want to talk about what the minister had said to me a long, long time ago when he got up after I did the very first time. He asked me why the amendment doesn't say: why don't you also ban transportation fees and all fees? Well, because that wouldn't make sense. You know, we're trying to do something that we can work with for families, and we recognize that we can't pigeonhole boards, so I'm not sure if it was sort of a sarcastic implication of: why don't you just do that? Clearly, I don't want to do that. I don't think anybody wants to do that, put boards in that situation. So that's why.

The issue of autonomy is almost used as something to hide behind when it's convenient. We very much support regional autonomy, and maybe before I make the point, I'll say this again so that it doesn't seem like we're saying to boards or those in schools that they don't know what they're doing. I believe that the administrators, the principals, and the teachers in our school system would be first in line to best represent our kids and stand up for them and lead them on the path that we want them led on. I believe in what they do.

We're talking about public education and our role in it, so it's not about: we're not going to tell you what to do. In fact, you know, I just grabbed the Education Act, and I opened it to a random page. It's all about what the minister can do. Read it. I

mean, pick it up, and flip it open to any page. "A board shall . . . where the board makes an application under subsection (1), the Minister may . . ." It talks about the minister in virtually every paragraph, so I believe it's our job for oversight, to refute the point that is going to be the theme, I think, going forward, which is regional autonomy. Again, we very much support regional autonomy. But this book effectively says, "I'm the king of the castle," if you read it. Now, I know that's not how it's applied, and I don't think we have an Education minister currently that would act that way, but it does give the room for oversight and responsible oversight to work with boards.

The amendment we propose I believe to be very reasonable, and we propose it for all the right reasons. We propose it because families asked us to propose it as we travelled around. We can still do this, but my concern with the amendment, from what I heard in the opening speech from the minister, is that the decision has already been made. If that's the case, I'm very disappointed because we met a few times to discuss some of the things that we might do under the premise that we would work on them together going forward and that maybe we could find some common ground and do Alberta families some good. So I was very forthcoming. This is what we're going to be proposing. This is why we're going to be proposing it.

10:00

Now, I know there is no guarantee . . . [interjection] All right, Bruce. Gotcha. Sorry. All right, minister of Chestermere-Rocky View. Got you. Not minister. All right, Member for Chestermere-Rocky View. Do you see what I'm trying to say? Jeez. This must be another late night.

The point is that you get together and try and work together. That's the point. It's not to help prepare a speech to rebut all the points that you know are coming, but that's essentially what I heard.

Now, there'll be another contentious issue coming forward, one that we all want to speak on. I'm concerned that the decision has already been made, from what I heard in the opening comments. Isn't the point of this, looking at these amendments, to work together and see that we might make a difference? That's the point of this amendment.

Thank you.

The Chair: Thank you, hon. member.

Are there other comments on amendment A2? The hon. Member for Medicine Hat.

Mr. Pedersen: Thank you, Mr. Chair. I appreciate the opportunity to rise and speak to this amendment. I also want to outright commend the Minister of Education for tabling this bill. It's obviously a huge improvement over the renditions that were put forward earlier. I guess, in relation to a comment he had made earlier, that the reason we are debating this new bill in this session is because the previous bills were faulty. I know he made that comment in the opening remarks. I'm glad we can stand here and debate the issues of what is going to make this improved bill, hopefully, even better.

I think this a great amendment brought forward by the Member for Chestermere-Rocky View. I think it's just a great idea, and I fully support this. Also, in following up a comment from the Member for Calgary-Buffalo, I too believe that this should be supported in legislation because in talking to stakeholders, their primary concern is that legislation is passed and that we leave too much decision-making on the regulation side, to bureaucrats, and the conversation with stakeholders stops at that point in time. I

think that's a really important point. The people that I talked to said: you know, if you leave it up to bureaucrats to make the regulations, you're just cutting them loose. I think that is valid. That's from the stakeholders; that's not from me. That's from individuals that I've talked to. So I appreciate that comment. Again, I back up what the very wise Member for Calgary-Buffalo mentioned earlier, that it's better to have it in legislation. We put the idea forth here, and it's decided, and the case is done. I want to commend that.

I also feel that if we don't legislate, then the regulations open the door for what fees are justifiable: how much is enough and at the end of the day how much is too much? Autonomy allows all those questions to be asked. Autonomy also allows the broad range of: "We don't charge fees. We charge fees. How much do we charge? What are we charging for?" I think, you know, that if we can do this right and have a really good, open discussion about this, we might close those gaps and loopholes and just sort of make it very straightforward for the parents and children who are using this resource.

As mentioned, collection of the fees was another issue brought forward by stakeholders and the fact that this task is at times very onerous. It's very labour intensive. I had no idea that there was – you know, the number of 3,000 was tossed around for the Calgary board area chasing delinquent fees or fees owed. There are costs involved there. I think that we have to ask ourselves: where is the time and the energy best spent by our educators and our administrators? Do we want them concentrating on education, our children? Or do we want them to be creditors, collectors of bills? I think that's a very valid point. Again, it's adding layers of bureaucracy and duplication of efforts that it shouldn't be. It just shouldn't.

I don't have children. I pay taxes every year to the education system, and as somebody who is paying into a service, I'm assuming that I'm fully funding that service. I think that's the way it should be. I think education should be truly and fully funded. Full stop. I mean, at that level. I think that's very important to meet the curriculum. You know, there are some disclaimers, but your average basic public schooling system: we should be able to send our children there and not be nickelled and dimed to death as was earlier mentioned.

Again, because I don't have children, it's the idea that I'm willing to pay for that, but I also want some good results back from that. The results come from the stakeholders and the people that I represent. If they're happy, then I guess we're doing a pretty good job. Right now I think there's a little bit of a contentious issue around this. I think there are some possibilities for making this amendment work and making this system better, making this bill better and stronger, which you already have done. I really, really commend you for that, not being here in the previous session. I think there is huge opportunity.

In saying all of that, I want to say thank you. I appreciate the opportunity to speak on behalf of myself and the stakeholders in my constituency.

The Chair: Thank you, hon. member.

The hon. minister.

Mr. J. Johnson: Yes. Mr. Chair, I appreciate the comments of the Assembly. I just feel compelled that I need to comment and respond to a few things. I appreciate the hon. Member for Medicine Hat. Yes, there has been a lot of work done on this bill. I think it's come to a good place, and there have been some good compromises. But his comments that the system should be fully funded: when you match that with comments from the hon.

Member for Cardston-Taber-Warner, where he suggests that fees are a result of the insufficient funds, boy, those things sound like a page right out of the NDP playbook.

Mr. Hehr: The Liberals as well.

Mr. J. Johnson: And the Liberals as well, as so rightly noted by the hon. Member for Calgary-Buffalo.

I want these folks to know how well funded our education system is, Mr. Chairman. The funding for our education system in Alberta dwarfs that of other provinces, whether you look at it in terms of how much we fund teacher compensation, how much we fund on a per capita basis, or how much we fund on a per-student basis, which was just reported in the OECD report.

As a matter of fact, in the last numbers I looked at, which was a couple of years ago, Alberta Education funded our system to the tune of about \$1,600 per man, woman, and child. When you compare that to the rest of the country, most provinces are around \$1,000, \$1,100. Number two in the country was B.C., at \$1,200. To suggest that we should be putting more money into the education system, I'm not sure how that reconciles with all the demands every day during question period that we need to cut the budget, balance the budget, reduce the deficit. It seems like we're talking to a different group of individuals here during the day versus in the evening, when they ask for schools and roads and seniors' facilities and now more funding for the education system.

The other thing that was very concerning to me to hear was that the lake of fire comment was actually a plank in their platform. I thought it was just a comment from just one kind of wing nut. But the commendation that the hon. Member for Lac La Biche-St. Paul-Two Hills made to their leader in terms of the fees plank of their platform being more popular than the lake of fire comment was, I think, a little insensitive. To make a joke of something that impacted Albertans so greatly is, I think, a little irresponsible.

Mr. Anderson: That's the reason you're there.

Mr. Eggen: It was a gift.

10:10

Mr. J. Johnson: Well, thank you for that gift. I still think it's irresponsible.

I would like to say emphatically that we do support a fulsome review of school fees. We recognize the issue. We realize that it is an issue. The Education Act that we have before you goes further than the School Act of today does. It allows the government the ability to set regulations for school fees, which we don't have today. We think that we need a fulsome discussion on that, but we also believe that the locally elected officials – and I know the Member for Innisfail-Sylvan Lake talked about that she's an elected official. Well, so are local school boards, and they're elected for a reason. The question is: what would you have local school boards do? Do you want to take away their ability to establish fees, potentially take away their ability to fire teachers for whatever they think they should fire them for? Many would argue that that is fairly limited today, and I think there's good reason for that. You can't say that you respect local autonomy, which was another plank in the platform of the opposition, unless they disagree with you.

The hon. Member for Rimbey-Rocky Mountain House-Sundre talked about restricting PD and PD trips and forcing solutions on school boards. Again, I'm not sure how that reconciles with respecting local autonomy. We're seeing several reversals of the platforms of the Official Opposition and even comments that they make during the day. There's one interesting one here, Mr. Chair,

where the Member for Innisfail-Sylvan Lake talks about – and I believe I have the quote right here: Albertans should never have to pay a mandatory fee for anything. Well, I wonder how she feels about her leader's comment that was written in the *Herald* in 2003 that says that this province votes overwhelmingly Conservative, which means Albertans should believe it is the responsibility of an individual to provide for themselves, their families, and their dependents; besides, if parents aren't willing to pay out of pocket to support the education of their own children, why should I? So I'm a little confused on the position of the Official Opposition because it seemed to change from March to now, and it seems to change from the afternoon to the evening.

I want to emphatically say that the system is well funded. We just need a really fulsome discussion about this. It needs to be through regulation. We are in agreement on that fact. I think we're just in disagreement on what the right avenue is to get at that.

The Chair: Thank you, hon. minister.

The hon. Member for Airdrie.

Mr. Anderson: Thank you. Boy, that was a chippy little reply. It's like question period in here all of a sudden. That's very nice. You know what? We were having a very constructive discussion here, and I wonder if the fact that you got all chippy there, Minister, is because the Premier showed up and you want to look good or something like that. [interjection] No, the Premier was here for that. Absolutely. I can certainly say that someone is here, and she was definitely here for that.

A fantastic, fantastic job of brown-nosing. Anyway, let's talk about the Education Act. [interjections]

The Chair: Hon. members, please. The Member for Airdrie has the floor.

Mr. Anderson: All right. Hopefully, we can go back to being constructive after that little, you know, relapse. That's fine. The Education minister said a lot of things. Some were relevant. Some were completely irrelevant to what we were talking about. I think he knows full well that he was taking a member over here's comments completely out of context with regard to certain things, but he knows that. What can you do?

With regard to school fees – and I was hoping we could vote on this, but now everyone's blood pressure is up. Jeepers. I guess we might as well still go for it. I think it's very clear that this minister has an issue with basic math. Here's the problem. He seems to think that if we somehow live within our means, if we somehow keep the spending to below what the revenues are for this province, whatever that would be, \$37 billion, \$38 billion, that if we only spend \$38 billion after taking in \$38 billion instead of \$43 billion or \$41 billion or whatever it is, somehow that means we will not spend any money whatsoever. He seems to not understand that \$38 billion or whatever we're taking in this year in revenue, whatever it turns out to be, is a heck of a lot of money.

If you spend it properly on priorities, if you are able to get your head around the fact that you cannot spend everything, that you cannot ask for absolutely everything at once but that you have to prioritize – you have to do it. You do it all the time. You say that you do. You have to pick some things over other things, and that's okay. That's good. That's called basic common sense and just basic fiscal sanity.

What I'm not understanding is why this minister can't understand, for example, that instead of paying \$2 billion to your buddies at Shell and, you know, to whomever else wants to do a carbon capture and storage project so that we can pump hot CO₂ into the ground, why not take an absolute microscopic portion of

that amount and, instead of pumping CO₂ into the ground, put it towards ending a regressive tax on the poor families of Alberta, who want to send their children to school and don't think that they should be nickelled and dimed to send their kids to public school? I think that's a pretty reasonable priority to have, personally. It would cost \$40 million to \$80 million. You would have to reimburse the school boards for it, but guess what? That means you'd have to not spend it somewhere else. So don't pump hot air into the ground. Don't pay for that. Let somebody else pay for that. Shell doesn't need your charity. Shell Canada doesn't need your charity. The people of Alberta need it.

Mrs. Forsyth: Don't give yourselves raises.

Mr. Anderson: Don't give yourselves raises – that's another example – or an RRSP increase. Don't go to London for an all-expenses-paid trip to the Olympics. That's a million dollars right there. You could put that towards it.

See, this is called prioritization. It's not that hard. Build the things, do the things, have the programs that you need, but do first things first. That's all we're saying here, and this is a priority. Parents should not be nickelled and dimed in this way, and they are being nickelled and dimed by these mandatory school fees. We're talking about mandatory school fees for courses that the children have to take in order to move on, in order to progress to the next grade or whatever. We're not talking about optional field trips and things like that. We're talking about mandatory stuff. That is a reasonable position to take, and it is completely consistent – completely consistent – with running a balanced budget. Now, we have tried over and over and over again to explain to the folks on that side of the House that you can balance your budget, live within your means, and still do what's important for Albertans. You can do it.

We have this false debate in here, you know, that if you're for a balanced budget, you are for slashing programs, throwing people out on the street, kicking seniors down the stairs. I mean, it's just endless. It's the bogeymen that are brought up in this. It's just ridiculous. You can have a balanced budget. Even the folks in Manitoba, the NDP of all people . . . [interjections] I know. Gary Doer had a great record of balancing the budget. That fiscal conservative, that right-wing extremist that wanted to throw seniors out of their homes balanced the budget. He was able to balance the budget. He was able to prioritize. Why aren't you guys able to prioritize?

Why don't we start moving the debate instead of saying, "The Wildrose wants to cut everybody and throw the kids out of their classrooms, not build any schools, shut down all the road construction; they're going to just shut 'er down, boys; that's what the Wildrose would do if they got in"? Why not, instead of having that ridiculous debate, start debating what the priorities are? If we did that, I bet you that we'd all have a lot of common ground. I bet you that we would agree on a lot of stuff.

We could start eliminating some of the obvious things that should not be priorities, and then we could make sure that we could build the schools that we need, that we could hire the teachers that we need and the doctors and the nurses and build the health facilities and the roads and all those good things and do without some of the other things that we can do without or delay some of the things that aren't as important, like a hundred-million-dollar new professional sports arena, for example.

Those are my thoughts on this. I hope that we can again return to a constructive debate for the rest of the evening. I think we had some very good comments, certainly from this side of the House, on this.

10:20

I would say to the member opposite that, you know, there are reasons there are 17 MLAs over here. There is a reason why a party that didn't even exist, didn't have MLAs at all four years ago, and wasn't even on the radar has 17 seats, won 34 per cent of the vote, won almost 500,000 votes of Albertans. It's because we do have some good ideas, and a lot of people, a lot of parents in particular, voted for those ideas in the last election. That's why we're here. If the Education minister wants to win a few of those votes back and not lose any more votes, because if he keeps losing the votes at that rate, we will be government next time, then maybe he should think very seriously about some of the ideas that we're bringing forward instead of some of those comments that I heard earlier.

With that, I hope we can vote on this motion. We obviously know that the government doesn't support it. The Wildrose supports it, and hopefully we can wrap it up. Thanks.

The Chair: Thank you.

Hon. Member for Airdrie, might I remind you and all members that *Beauchesne's* 481(c) states that a member, while speaking, must not refer to the presence or absence of a member.

Mr. Anderson: Oops. My apologies.

The Chair: Thank you.

Also, hon. members on all sides of the House, just a reminder that while discussing the amendment, the debate should as much as possible be relevant to the amendment.

With that, I believe the Member for Chestermere-Rocky View would like to call the question on the amendment.

Mr. McAllister: Yes, Mr. Chairman. We could call the question.

[The voice vote indicated that the motion on amendment A2 lost]

[Several members rose calling for a division. The division bell was rung at 10:22 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anderson	Hale	Saskiw
Anglin	Hehr	Smith
Donovan	McAllister	Stier
Eggen	Pedersen	Strankman
Forsyth	Rowe	Towle

Against the motion:

Allen	Goudreau	Olson
Bhardwaj	Griffiths	Pastoor
Bhullar	Hancock	Quadri
Calahasen	Horner	Quest
Campbell	Hughes	Sandhu
Casey	Johnson, J.	Starke
Dallas	Johnson, L.	VanderBurg
Dorward	Khan	Weadick
Drysdale	McDonald	Xiao
Fenske	Oberle	Young

Totals: For – 15 Against – 30

[Motion on amendment A2 lost]

The Chair: We'll go back to the main bill. The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chair. I'm pleased to rise in the House this late evening and propose an amendment. I'm going to start off maybe three times lucky on this particular amendment. The amendment that I'm proposing is to move that Bill 3, the Education Act, be amended in section 256 by striking out "or" at the end of clause (b) and adding the following after clause (c):

- (d) conduct themselves in a manner detrimental to the safe operations of a school.

The Chair: Please circulate the amendment.

Mrs. Forsyth: Before I start speaking, I think, you know, that we talk about co-operation in this house. Co-operation is a wonderful thing, and I would like to personally thank the Member for Edmonton-Riverview. His experience as a former police officer has been very, very helpful in regard to bringing this amendment forward. I also want to talk to all of the stakeholders in the police that I've worked with on this particular amendment.

I'm going to take people back in history as this is the third time this has been brought forward.

The Chair: Hon. Member for Calgary-Fish Creek, if I may, we just need to get the original so that we can proceed. Do we have it? We do have the original. I'm sorry. We need your original for the record. Thank you very much.

You can proceed, hon. member. Thank you.

Mrs. Forsyth: As I was saying, I would like to hearken back for some of the members to this particular amendment that was debated in the Legislature under a private member's bill, Bill 206, the School (Enhanced Protection of Students and Teachers) Amendment Act, 2009. What is particularly exciting and positive is that some of the speakers on that side of the House spoke to this particular bill back then. The hon. Premier spoke in support of this. The hon. Justice minister spoke for it. The Member for Bonnyville-Cold Lake spoke for it. Lethbridge-East spoke in support of this particular amendment. Calgary-Bow, Lesser Slave Lake, Calgary-North Hill, Red Deer-South, Edmonton-Decore, Edmonton-Rutherford, and Strathcona-Sherwood Park all spoke in support of the private member's bill.

I would like to talk about this particular section. What we're doing is that we're adding an amendment to section 256, which says:

- No person shall
 - (a) disturb or interrupt the proceedings of a school,
 - (b) disturb or interrupt the proceedings of a school meeting or board meeting, or
 - (c) loiter or trespass in a school building or on property owned by a board.

It's proposed that an amendment subsection be added to 256, an offence which will read:

- (d) conduct themselves in a manner detrimental to the safe operations of a school.

Now, Mr. Chair, I would like to talk about this particular section and the idea of weapons and drug paraphernalia being brought into the school. This section would include possession of any weapon since we know that possession of any type of weapon can be dangerous in the context of a school setting. It would also include drug paraphernalia and bullying incidences. Presently – I want to make this clear – the Criminal Code does not cover drug paraphernalia, but the school community is intolerant of any association to drugs or illegal substances for obvious reasons. With this subsection in place it can also make – and I think it's important – antibullying legislation province-wide. I think what falls under this and falls under the Minister of Education: the goals

are to maintain safety in the school communities and create a meaningful consequence for our troubled youth.

The purpose of this proposal is to fill the gaps in legislation between the Education Act and the Criminal Code. Often inappropriate actions that can jeopardize school safety are not covered by either the School Act or the Criminal Code, making it difficult to compel the offender to seek the help that they need.

10:40

Let's just for a minute talk about drugs. First, we all know drugs are a major issue in the schools, and they're a major issue no matter how big or how small they are. I think it's important for us to understand that the most common drugs of choice in the schools right now are marijuana, meth, cocaine, and ecstasy. I think it's important also for people in the Assembly to understand that drug use in schools has increased in the last decade and, obviously, even since 2009, when Bill 206 came forward, and 2008, when I brought Bill 10 forward. There are still drugs in the schools, still weapons in the schools, and they're increasing.

Unfortunately, the drugs that are used in schools have increased, like I said, and with it we've brought gangs, we've brought gang-related problems, we've brought violence, we've brought weapons, and we've brought all sorts of bullying. We also know that when a drug dealer comes to the school, school security is breached. It's also known that our courts are busy, and they can't deal with small offences like this.

I think the thing that people need to know is that, secondly, weapons are the primary reason that kids are being kicked out of school.

I waited very patiently for the Minister of Education, that being the Minister of Education, when he was the minister from Edmonton-Whitemud. We had another minister of education from Edmonton. I can't remember where he was from.

An Hon. Member: Athabasca.

Mrs. Forsyth: No, the one before that. Castle Downs. Now we have Athabasca.

I remember when I was in conversation on Bill 206, the then education minister, the Member for Edmonton-Whitemud, when we were running out of time on my private member's bill, talked about the fact and talked to I think it was the Alberta School Boards Association at the time – I'll have to go back in my notes and get those notes – saying that he would be incorporating what Bill 206 contained into the Education Act.

So it was important for us to look at Bill 3 and see what the minister had provided in his bill. It's a little disappointing on some of the things, but I know that the minister has a lot that he wanted to incorporate in the act, and I give him credit for that.

What I would like to do is have the motion that I have put in front be accepted by the government because I think it's the right thing to do, Minister. I think it's the right thing to do on behalf of the police in this province, it's the right thing to do on behalf of the school resource officers in this province, and I think, more importantly, it's the right thing to do on behalf of the children that attend the schools in this province when we're talking about such a serious issue as bullying.

Along with bullying, as I said the first time I got up and spoke in this Legislature, it's hard to rationalize why a child would be carrying a billy club in their backpack. I don't remember any education classes that I've taught, and I'm sure under what you're teaching them today – I've been out of school a long time – we don't have any classes on billy clubs whatsoever.

I'm eager to sit down and listen to what some of the government members have to say about this amendment, and I look forward to the support of the government on this amendment.

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. Not to intercede in debate at this point, but simply to ask if the House would agree to unanimous consent to shorten the bells to one minute in the event that we need them later this evening.

The Chair: Okay. Thank you.

Hon. members, this saves time. As you know, between bells we have 10 minutes if the House does not see fit to agree to this request. This requires unanimous consent.

[Unanimous consent granted]

The Chair: The hon. Minister of Education.

Mr. J. Johnson: Yeah. Mr. Chair, I'd like to suggest to my colleagues that we support this amendment. This is actually something that I know the hon. member has been very passionate about for many years, and while we may have disagreements on some things, I think all of us in this House certainly can agree on anything that's going to make our schools a safer place. We have been in discussions with our whip, who is a former police officer, and some of the resource officers in the province as to how to best address this.

I think she has brought forward a very good amendment that the entire House can support and vote on this and get on to the other pieces of the bill. I commend her for bringing it forward.

[Motion on amendment A3 carried]

The Chair: We'll go back to debate on the bill. The hon. Member for Airdrie.

Mr. Anderson: Thank you, Mr. Chair. I have an amendment, as well, I'd like to propose, and I'll take a minute to circulate it.

The Chair: Yes, please.

Hon. members, this amendment being circulated will be A4, and we'll just take a moment to get a copy to all members.

You're just about there, hon. member? Proceed.

Mr. Anderson: All right. I'm moving that Bill 3, the Education Act, be amended in section 24 by striking out subsection (2). Subsection (2) currently states with regard to charter schools:

An application may be made to the Minister only if the board of the school division in which the school is to be established has refused to establish an alternative program under section 19 as requested by the person.

In other words, in an application to establish a charter school, the new act would read, if the amendment is passed:

24(1) A person may apply to the Minister for the establishment of a charter school to be operated by a society incorporated under the Societies Act or by a company registered under Part 9 of the Companies Act.

Then section 24(2) would read:

An application must be in the form and contain the information prescribed by the regulations.

So it still gives the government the ability to make regulations with regard to this.

Now, the reason for this. The government in Bill 2, that we discussed previously, before the election, actually had this. They actually had taken out this section just as I'm amending right now.

There was, I believe, an amendment by one of the other opposition parties to put it back in, and for some reason it got back in. I have no idea what decision-making process went into that. It's, frankly, inconsequential at this point. I thought that what the government was originally trying to do by taking out subsection (2) was a very good idea. The basic reasoning for it, I think, was to essentially, first of all, streamline the process with regard to charter schools, make it easier to establish charter schools.

Let's remember what charter schools are, first off. Charter schools are not private schools. That has to be made very clear. They are not private schools. They are public schools. They are open to all children in the public, and there's a waiting list. If you've ever been on a waiting list for a charter school, you just take your spot on the waiting list if you're willing to sign up for the charter. There's no tuition paid, so it's not like a private school. You can't charge tuition to attend there. There may be some fees, but of course, as we discussed earlier, there are fees at every school.

10:50

A charter school is a public school. It's 100 per cent funded by the taxpayer. The great thing about charter schools is that they allow for great innovation in education. I think they're the laboratory of the public system a lot of the time. Not all the time. Our public schools sometimes – I know in Rocky View, for example, and I'm sure there are other examples across the province – come up with some really innovative, fantastically innovative, things within a public school setting without even the need for a charter school. That's great. I think it's fantastic. But a lot of the innovations that we get in our public system today have come straight out of the charter schools.

What charter schools do is allow a group of education innovators to try things that may not have been tried in the public system because you'd have to change things right across a large school board or whatever. You can try different teaching methods, different ways of teaching the curriculum. You can focus on different things; for example, trades or language. In charter schools, just so everyone knows, the difference can't be religious in nature. That's one of the things it can't be, which is fine. That's more for private schools. But they allow education innovators to innovate, and I think a lot of phenomenal things have come out of this.

Now, the problem is, unfortunately – not in all cases, mind you – sometimes there are some folks on local school boards that for some reason feel threatened by charter schools. I don't understand the reason. They are public schools. They're fantastic innovators, and public schools have used a lot of the innovations that have come out of charter schools. But whatever; it's there.

It doesn't make a whole lot of sense, if someone wants to start a charter school, to have to go to the public school in the area that doesn't want to see a charter school and ask, essentially, and demonstrate that their public school is not already offering that program. It's pretty easy in that case for the public school to say: "Sure, we're offering that program. We offer this, this, this. It's almost exactly like what you're asking for in that charter for that charter school." Unfortunately, it's not what is being proposed. It's a way of kind of allowing the public school system to essentially stall some innovation, some innovative ideas and new schools that are coming forward.

Also, charter schools – and it is getting late. I need some more caffeine. Holy smokes.

Mr. McAllister: You don't drink it.

Mr. Anderson: That's right. I don't.

Long story short because I do want to keep this short, thankfully, I know, to everyone across. You know, it's kind of like this. If Ford wants to build a new car, they don't have to go to General Motors to ask if they can build a new car. The fact of the matter is that we need to encourage innovation. We need to encourage this competition, especially within the public system, and this is within the public system. The innovation created is fantastic. We shouldn't make the charter schools and groups of educational experts and innovators that want to start a charter school to have to go to, essentially, folks who are competing for the same kids and ask permission from them to allow them to move forward with their project. I think it would lead to a lot more innovation in education.

I think the government was completely right when they first said that they were going to do this, what I'm proposing now. This is absolutely the government's idea out of Bill 2. Clearly, the minister will still have discretion and can set regulations, no doubt about it, but this will take a piece of red tape out of the equation. You won't see us pitting public schools, public school trustees against folks who want to start a charter school. I think the government should take the credit for what they did with Bill 2 on this particular piece, and we should pass this amendment.

Thank you, Mr. Chair.

The Chair: Hon. Minister of Education, did you want to respond at this time?

Mr. J. Johnson: Yeah. Sure, I can, Chair. I can say that I sympathize with the member and his sentiments because we certainly agree on the principle that we want parents to have choice. The role of family is very important, and we want that enshrined. We're taking those steps in the legislation, clearly.

What I'd like to say about this piece is that while I'm very supportive of that choice and that diversity in the school system and of charter schools because I think they're doing a tremendous job in many areas, the way the proposed legislation currently sits in Bill 3, the third time lucky bill, is the same as the current School Act, and it's the same as the current practice. So we're not actually suggesting changing anything from today, as the member is.

This was debated at length last March, before the election, Mr. Chair. It was actually an amendment brought forward by the hon. Member for Edmonton-Strathcona. It was passed, I believe, unanimously in the House. I don't believe anybody spoke against it at that time, from checking *Hansard*.

Although I sympathize with the sentiment because I think it goes to choice and the ability to establish charter schools, I think we have that today with the current process. Really, we do want those innovative ideas coming forward, but we want community engagement. We want those people that want those innovative ideas coming forward to their local school boards and saying: we want these programs offered in the local system. If they don't get satisfaction at that level first, then, absolutely, they should have the option to start up charter schools or private schools or whatever they think they need to make sure that those options are available for their children.

The first step should be to talk with the local school board, the local trustees. I think that even if we had a practice or legislation where they could go straight to establishing a school, many times, if we're going to set up regulations, we're going to ask them: "Have you talked to your local school? Have you talked to your local principals? Have you at least given them the opportunity to look at whether they can offer these innovative programs within

the schools that we've already built, within the programs that we've already funded, with the teachers we've already trained as opposed to setting up a stand-alone school?" Although we're not opposed to that either.

I would respectfully ask my colleagues to not support this amendment although I do support some of its intent.

The Chair: Thank you, hon. minister.

The Member for Calgary-*Buffalo*.

Mr. Hehr: Thank you very much, Mr. Chair. I, too, will recommend that all colleagues of this House to vote against this amendment. It's my view that the current legislation as drafted, as it is in the act, really is appropriate for the mechanism for starting a new charter school. You take your concern about what type of education you would like to see, and you make your application. You discuss with your locally elected officials, who are elected every three years. You see whether your charter, at least at that level, is unique or whether something in that system is being already offered that does this, so we can make sure that the t's are crossed and the i's are dotted to see whether that pedagogical approach is already being taken in the system to really have an understanding of what the public system offers.

Of course, it's my view that we should continue to encourage the public school system as the first stop for the majority of Alberta's children. Possibly, parents, when creating their charter, aren't aware of the fact that the school board or whatever jurisdiction already has that program in place. If they see that by going through this application process, they see that that program is already being offered, well, they're probably going to be satisfied at that point and will find that their charter is no longer necessary and understand that these systems are already in place.

I also think the legislation as drafted strikes a bit of a balance here. If you get rejected at the CBE, the minister has some authority to hear your arguments. So it's not the end of the legislative process. You're not just told: no; go away. There's an opportunity for you to make your arguments one more time. So I think it does strike a balance in that regard.

11:00

I would like to challenge some of the statements made by my hon. friend from *Airdrie* in that not all elected officials are seemingly against charter schools. They're re-elected every three years, so you assume they come in with their own values and principles and will decide accordingly. If they do have a problem with charter schools, maybe they have them for valid reasons. I'm not sure what they are, can't speak to them, but maybe they do have those concerns. They're locally elected. They get elected every three years. They can make their case as to what their value system is and what they believe.

I also note – actually, now I'm sucking and blowing, but that's nothing different than we often do in this House – that I have talked to some of those officials at local school boards who don't see some of this unique educational opportunity that is allegedly happening in our charters. They don't see the vast array of learning and sharing that is supposed to happen between charters and public schools and the like. They don't see that innovation. Charters are created to sort of stem further innovation throughout the system. They haven't seen that to date. In fact, to further that argument, it's not only locally elected officials who share that sentiment at times; it's the vast majority of members who teach in our public school system.

I will remind people that 95 per cent of our students do go to public schools; 95 per cent of our teachers teach in public schools.

Those teachers almost to a person, through various presentations, publications, and the like that you can find all over the place, have seen none of those shared learning opportunities or the so-called different pedagogical approaches that are not already represented in the public system.

I would encourage people to go look at some of that reading and to understand that charter schools maybe have not been the ultimate success point that we think they have been.

On that note, I support the minister as the legislation has been written. I think it serves our education system well the way it is drafted.

Thank you.

The Chair: Thank you, hon. member.

I'll recognize the Member for *Edmonton-Calder*.

Mr. Eggen: Yeah. Thank you, Mr. Chair. Just briefly, I think that this section was put into the previous legislation for a reason. I think that we managed to reinstall it here just previous to this Legislature forming and, again, for a reason. I think there were compelling arguments made and unanimous consent to have this put back into place before. So I certainly hope that we can keep this section going forward.

Thank you.

The Chair: Other speakers?

Hon. Members: Question.

The Chair: The question has been called.

[Motion on amendment A4 lost]

The Chair: We'll move on with debate on the bill.

Mr. McAllister: I would like to propose another amendment, Mr. Chair. I'll circulate it, give everybody time to look at it.

The Chair: Hon. members, this amendment will be referred to as A5.

While it's being distributed, hon. member, you might as well start.

Mr. McAllister: Sure. Thank you, Mr. Chair. I'll read it first for those that don't have it. It's short. We move that the Education Act be amended in section 197 by inserting the following clause after (h): "ensure that teachers are free to assign grades of zero for work not submitted by students."

My goodness, what an emotionally charged issue we have here in this no-zero policy. I think we all recall the furor across this province when the story broke in *Edmonton* that a teacher was going to be fired for having the audacity to give a zero for work that wasn't submitted. We heard it loud and clear from parents that it wasn't acceptable, yet for some reason that teacher was fired for giving that zero.

Now, I think it's important to try and take the emotion out of the debate, and it's hard because there are two very emotional arguments, for and against. Those that are for a no-zero policy will say: "We have a lot of research that backs it up. An incomplete is an incomplete. We want to see the whole body of work. A zero doesn't give us a look at how the student is doing, basically."

The other side, which I am firmly planted in and I believe Albertans are firmly planted in, says that when a teacher has exhausted every avenue – and I believe that they do. I don't think there's any teacher that's sitting inside his classroom, red Sharpie

in hand, waiting for a student to miss a deadline so they can scratch a zero and pass it to the student.

I can speak from experience to it, in fact, as the father of an 18-year-old who graduated last year and was often on the hockey bus late at night, you know, travelling and playing high-end hockey. I'm sure he missed his assignments all the time. I know because I got phone calls from teachers that wanted to see them turned in and went the extra mile to make sure that the body of work was turned in. They do do that. They do try and help students.

There are situations where students have problems in their family lives. You know, we don't all have the greatest social settings, unfortunately. I believe teachers are aware of that with kids. I don't think a teacher says to a 16-year-old that's dealing with things at home that none of us should see: oh, you're going to get a zero the minute you walk into my class today because you didn't prepare your work. I believe the teacher has the compassion to recognize those instances.

We always frame this as: we're telling teachers what to do. No, we are not. We're doing what Albertans have asked us to do.

Now, the side of it that bugs me so much is that the intolerance comes from the other side, and they try to paint someone that opposes it as ignorant. It's not ignorant. The Alberta way is about accountability. When a student has shown that they have no interest in doing their assignments and they have no respect for teachers, they have no respect for the system, we need to teach accountability. We need to say: this is how the real world works. There's no shame in that. It's how the Alberta advantage was created. I think that if all of us knocked on doors and talked to people in our ridings, the great majority of people would say: support this amendment. But I was led to believe earlier that we're not going to, and I can't imagine what it is that we're hiding behind.

We've got a simple philosophy in my home, and I bet it applies to many of yours. Prepare your kids for the path; don't prepare the path for your kids. I would subscribe that most Albertans probably believe in that philosophy. If we truly do, then we should let our children be held accountable when they don't submit work and let them be graded accordingly.

For what it's worth, I wonder if we could all think back to high school. I recognize for some of us it would be a lot further back than for others. [interjections] I'm probably right in the middle of that. To the Member for Banff-Cochrane: I meant no insult that way. The point I'm trying to make is: can we all remember a time when we got a zero?

I'll be the first to admit it. I remember it was a similar situation to what I just talked about, my son and the hockey bus. It was the same thing. We were supposed to be doing trigonometry, and I was too busy messing around with my teammates. I didn't study my formulas, and the next day we had a pop quiz. I didn't know the formula. I specifically looked over at the smartest girl in the class, who happened to sit right beside me – she was cute also – and I looked over at her work, found the formula, did mine correctly, and should have got a five out of five if I was judged on my work. But it wasn't my work. I got a zero out of five and a nice little note from Mrs. Holland, my grade 11 math teacher: do your work yourself next time, Bruce. Well, I can tell you what. I wasn't proud of it, but I did what a 17-year-old would do to try and get an assignment in.

11:10

An Hon. Member: Oh, no.

Mr. McAllister: Yes, I did. Can you imagine? And all of you that are heckling get to speak, too. That's the good thing. You can

stand up and say to your constituents tonight on the record: I support the no-zero policy. Isn't that great? You'll have your time right away. You're up next. I can't wait. I can't wait to hear it. Thank you.

The point is that I got the big red zero, and my father didn't rush to the high school the next day to defend my honour. There wasn't an uproar in the community saying: "Oh, boy. We're going to hurt this guy's feelings. We better do it a different way." It's a line of thinking that flies in the face of where we are in Alberta. It's the same line of thinking from people that would suggest that all games end in a tie, and I just believe Albertans disagree with it.

If we all agree that our kids should get a zero when every effort is warranted or at least some effort to try and get their assignments in, then let's find a way to allow it to happen. I want to read the amendment again because I tried to make this something that wouldn't offend anybody on that side, that we could make it about the greater good and not: what did the Wildrose come up with for the PCs? It is relatively straightforward. "Ensure that teachers are free to assign grades of zero for work not submitted by students." If you took that to the doorsteps in your riding, where do you think the people that put you in those chairs would vote? We asked parents how they feel, and we heard them.

You mentioned autonomy and that you don't want to weigh in on decision-making, yet we do in so many other areas. If that's the cloak you're hiding behind and you see that as doing the right thing, well, in my view, doing the right thing isn't the right thing to do, and I think there's a big difference in the two. Let's be bold enough and courageous enough to do what we were asked to do: to read the public, to listen to Albertans, to make a mark. Let's be bold enough. I would love to see some vote for and some vote against because I know in my heart that you support and agree with this amendment. So don't be whipped into following and toeing the party line for the sake of toeing the party line.

Thank you.

The Chair: The hon. Minister of Education to respond.

Mr. J. Johnson: Thank you, Mr. Chair. Yeah, we certainly can talk about let's not be whipped, but I haven't seen anyone vote other than along party lines on the other side of the floor tonight either.

So can we talk about this amendment? The member brings forward a very interesting discussion that could go on at great length tonight on a whole bunch of different tangents. The concern I have with it is, first of all, what it's predicated on. It's predicated on the belief that a teacher was fired for giving a zero. This is something where I have to be very careful about how I speak to this. Certainly, if you believe the opposition and some of the media, a teacher was fired for giving a zero. If you believe the employer, he was fired for other things. There is an appeal of that termination with my ministry now, Mr. Chair. To establish legislation predicated on something that we're not sure happened I think is something that as legislators we need to be very careful about.

The second piece is, I guess, the principle of this. Once again, I think we agree more or less on the intent here. Many Albertans were flabbergasted that a teacher can't give a zero. Myself I personally don't support that. I would tell you that anyone who leads you to believe that the province or this ministry or this Department of Education has a policy that we don't give zeros is not telling you the truth. We do not have a no-zero policy in this province, and we have no intention of implementing one, Mr. Chair. As a matter of fact, as a province we assess kids four times throughout their K to 12 life in terms of standardized assessment,

three PATs and the diploma exam, and if those kids don't show up to write those exams, they effectively get a zero. That's the provincial policy.

The other thing that I think we need to keep in mind is that we entrust the day-to-day assessment of kids to their teachers and their administrators and their school boards. Why would we remove that ability? Why would we meddle with that? Why would we be legislating that? Is it because there's a belief that one teacher got fired for giving a zero? I'm not sure that that's enough.

We certainly want to make sure that kids are earning their way through, with no free passes, and I think this is what struck at the heart. This is the foundational piece of this for not only myself but all Albertans. We want to make sure that the system is not soft, that kids aren't just being socially progressed. You spend your 10 months in grade 2, and in June you're qualified to go to grade 3. Then you spend your 10 months in grade 3, and in June you're qualified to go to grade 4.

What if – what if – the system was different? What if we changed our curriculum and our assessment so that there was flexibility and self-paced learning? What if kids could progress through the system based on actually attaining the skills or the competencies they need and could progress at different rates? I'm going to suggest to you, Mr. Chair, that that's exactly what Inspiring Education has been talking about for four years, that's what we're trying to develop in terms of curriculum and assessment, and in that kind of a model zeros are irrelevant. Why would we set legislation based on a model of the 1950s when we're trying to build an education system for 2030, 2040, 2050, and beyond?

Mr. Chair, the other piece of this that is just as concerning is once again the desire of folks in the Legislature to reach into the day-to-day operations of a school board and take away that autonomy. If we're going to continue to do this, of course, we have to set some parameters. We have to set some fences. There were amendments tonight on the fees, there was talk about limiting the professional development, there was talk about forcing them to do certain things, and now another amendment that's going to take away the local autonomy of educators in the classroom, of administrators to deal with their employees, and of school boards to make local decisions.

My question, I guess, would be: in that kind of an environment what do we have local school boards for? What is their purpose if they can't even make local decisions with respect to assessment and day-to-day assessment? If we're going to legislate this and on how we assess on a day-to-day basis, are we going to run back into the Assembly every time new research comes forward or we change curriculum or assessment?

Although the spirit of it, I think, is valid, the vehicle to do this is very problematic. It's backward looking, not forward looking. It takes away the trust that we have in the people that run the system on a day-to-day basis. I think there are other ways to make sure that kids are earning their way through the system, and those are the things that we need to focus on, Mr. Chair, and we certainly will be.

The Chair: Thank you, hon. minister.

I'll recognize the Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Chair. It's an honour to rise and speak to this amendment. I'm going to speak against this amendment, and I would encourage all members of this honourable House to do the same thing.

I actually enjoyed many of the comments made by the hon. minister in this regard. Oftentimes in politics you can get caught

up into this web. If you ask a guy a loaded question, you're going to get an answer back that you expect. Yes, straight off, without thinking about it, without doing any detailed analysis about it, without understanding the nature of schools or the like, if you ask a guy, "Do you think a kid should get a zero if he doesn't hand in his paper?" it's: "No. No way. No way." It's kind of like asking a guy going into the liquor store if he thinks his case of beer is too much. You know what answer you're going to get. "Yeah, it's too expensive." It's the type of question you're asking, okay? That's the type of question that often has been thrown up in some of the articles written on this and some of the things of that nature.

If we really are worried about what kids are doing in school and what they're learning, sometimes we have to think deeper or get a little more information or ask a few more questions. Oftentimes in education a kid may need a zero. Sometimes he may need two zeros. But somehow what we have to be overwhelmingly concerned about is: what is the kid learning, what is the best way to get him the information in class, what is the best way to keep him engaged and not drop out of the school system, and what is best for the child, giving him every opportunity to succeed?

11:20

In my view, like the hon. minister said, if we look at some of the research around education, some of these policies and practices and the way they teach skills have been developed by experts – local school boards and teachers – who actually know what they're doing, who actually have a concept of what's going to keep kids engaged. Sometimes these policies have been derived from research, so they're not based on a loaded question to a gentleman on the street or through a poll in the *Calgary Herald* news: do you think kids should get a zero in these types of situations? It's very easy. You know the answers in the polls. You know what the answers to those questions are going to be. We need to ask ourselves to think deeper, to actually let teachers and school boards do the work that's necessary. They're the experts in the field, and they generally have an understanding of what's going to get the kids further on in the education system than not.

I would agree with the hon. minister when he says that sometimes we have to put fences around certain things in our education system. I understand that, that everything can't be left to chance, but sometimes we have to place confidence in the locally elected people as well as in the people who should know best, teachers, and also, with that, consulting with parents, as they did in your situation when they called home to you and said: "Hey, the kid is not doing his work. Yeah, we could use a little help and support on this. Maybe he'll get in the next assignment." These are reasonable, rational approaches that the education system has developed, and these policies haven't just come up overnight, okay? I understand the sentiment in this. We want our kids to do the best that they can, but sometimes overreaching from the Legislature, although it may be good politics, does not make for teaching kids better.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

I'll recognize the Member for Edmonton-Calder.

Mr. Eggen: Well, thank you, Mr. Chair. I just have some brief comments on this amendment. It's interesting. I can come to this story and this phenomenon from a number of different angles, first as a teacher myself for 20 years. I was a high school teacher mostly. Also, I've just had both of my daughters graduate in the last couple of years from high school, in fact from the high school from which this sprung, the ground zero, so to speak, of the zero

situation. We talked about this a lot in my family, and of course I also have lots of my colleagues, teachers, that I still keep in contact with and now as the Education critic. I was watching this whole thing with interest. Yeah, I was like, I think, most Albertans. I had that immediate, sort of visceral reaction that, you know, there was some injustice with the no-zero policy.

I recalled, of course, my own experience as a teacher, when I would use all manner of tools to not just assess students but to cajole and motivate them to get the job done and to learn the information that they needed to learn for the course that I happened to be teaching. I mean, I used zeros. Of course. It was a tool that I had available to me – and it was a very useful one sometimes – but only predicated on the idea that you would use it maybe to frighten or to shock someone into reality and then chase them down and get them to do the job, right?

You know, often just casting zeros about is abdicating in some way your responsibility to try to get that student to learn to do the job and have some discipline to get through the course. I sometimes heard a very discouraging comment from students that I would have. They would say, “Oh, well, just give me the zero,” and I’d say: “No, I’m not going to just give you the zero. I’m going to chase you down and make sure I do everything within my power to get you to do the work and to pass the course.”

So it’s a tangled web, and as I said before, of course, we were right there at ground zero of the zero thing with my own daughters. It was a mixed reaction because at the school in question there was one sort of strident situation, where it was clear what was going to happen, and then other teachers who were sympathetic but wanted to create a successful organic resolution to the whole thing, you know. I think we have to first of all recognize the autonomy and the sovereignty of teachers and of school boards to make the right decisions and to have a full complement of tools at hand to make assessments and to motivate students to do the job.

While I certainly think this amendment speaks to the strong reaction that we saw about this whole no-zero thing, I think we need to now move the debate into something more constructive so that we can come to a resolution that’s amicable and useful for everyone – right? – not to further polarize this debate but, rather, to lay it out in the open. I think that’s part of what Edmonton public is striving to do. You know, they’ve put a new principal in place and so forth. I know a lot of people on that school council now – it’s very close to where I live – and I think they want to have a full and honest and open debate on this issue.

As I say, while I do appreciate the sentiment of what this amendment has, I don’t think this is the place or the time to be doing that. Thank you.

The Chair: Thank you, hon. member.

The Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Mr. Chair. I find this whole conversation very interesting because every one of us has been approached on the street on whether you’re for no-zero or you’re against no-zero, and we’ve had conversations with our constituents and just in general have had conversations around the dinner table with our spouses and those sorts of things. This is a very polarizing issue.

There’s no question that local autonomy to school boards is the number one priority for everyone, but this amendment doesn’t speak to that. This amendment solely speaks to the ability to ensure that teachers are free to assign grades of zero for work that is not submitted by the student. It is all about student accountability and has no effect on the boards’ autonomy.

What we’re talking about here is teachers who have given every opportunity to the student, every single advantage to that student, to be compassionate, to understand why they don’t have the assignment in, and then allow them every opportunity to redo, offer alternative assignments. It is only after all of those efforts have been made that they would have the ability to assign a grade of zero.

I have teachers in my family, I have friends that are teachers, and in reality, you know, all they’re asking for is the ability to give the zero. I mean, if we’re talking about autonomy, if you want to talk that right down to the local issue, teachers are the ones that are closest to the student. They know the student. They don’t want to punish students. Our teachers are hard-working Albertans. They’re here to create a positive environment for our students to learn. They literally go above and beyond to keep our students in school. They literally donate time after school to do extracurricular activities they’re not compensated for. They are doing everything in their power. Then we say to the student: “Well, that’s okay. If you choose to do nothing, we still can’t hold you accountable because I can’t force you. I cannot in any way shape or form keep you accountable and give you a zero because you did no work.”

That’s what this amendment is, too. If you want to talk about politicizing this issue, quite frankly, at this point I think the only reason any of you are against it is because it is a Wildrose amendment. I think that if this amendment was coming from the other side of the floor, it would be: “Rah-rah-rah. Ha, ha, ha. Let’s give ’er.”

Every day we raise our children. I wake up every morning and tell my daughter that she has to be accountable for every decision she makes that day, to be a responsible Albertan. Every time she makes a choice, she has to answer for that choice. Whatever path she chooses is going to be the path she picks for her future, and it can go badly, or it can go well. This is no different. When we teach our children not to have a proper work ethic or that you’re not responsible for anything you do, we raise irresponsible adults. We’re tasking our teachers with this task, and then we’re saying: we’ll task you with that, but we’ll not give you any tools to actually deal with it.

11:30

The other part of this. I find it very interesting that our hon. friends on the other side of this House have not spoken at all to this bill, short of the minister. I am hearing from all over the province. You know, all you have to do is listen to Charles Adler. All you have to do is listen to *Rutherford*. All you have to do is door-knock. The hon. minister of intergovernmental affairs: there are members of his constituency who are phoning my office because we are defending the no-zero policy. I’m more than willing. I’ve actually referred them back to you, Minister. Literally, all you have to do is door-knock.

Are you honestly telling me that a hundred per cent of your constituents are telling you that they have no problem with this policy or that they’re not in favour of it a hundred per cent? Now, I’d understand if you say: “Hey, you know what? Fifty per cent of my constituency supports it, 50 per cent don’t, and I have to go with the bulk of my riding.” I get that. That’s not a problem. But none of you are actually standing up for your constituency. [interjections] Okay; 60-40, 70-30, whatever it is. But not a single one of you is even addressing the fact that, literally, there is nobody in your riding that has actually spoken to you about the no-zero policy? We know that’s not true. You can see every day that this is a polarizing issue.

All I'm asking for is that you actually look at the amendment without sitting there and getting all political about it. All it's saying is that teachers are free to assign the grade of zero for work not submitted by students. That's all it's asking for. Clearly, you're not going to support that, and I understand that, and that's fine. But if you actually break it down to what the amendment is truly asking for, it's asking for the right of the teacher to be autonomous and actually grade the student for the work they've done.

Thank you.

The Chair: Thank you, hon. member.

Are there other questions? The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I won't be long, but I do want to put a couple of things on the record with respect to this because the rhetoric that's coming in on this would suggest that this is somehow a question that we as provincial legislators should deal with and that if we don't deal with it, we're somehow letting down our constituents.

The fact of the matter is that even members on the other side of the House would also agree that Albertans don't want a lot of laws in their lives. We shouldn't necessarily run to pass a law every time an occurrence happens. We should be de minimis. We should be staying out of the lives of Albertans as much as possible. I think the people on the other side would agree with that. Certainly, as a Progressive Conservative, as a person with conservative values I believe that to the extent that government can stay out of people's lives – not write codes, not write rules – that's a better way to go.

Now, we also cannot be all things to all people. I am not a professional educator. I've had the privilege of living with a professional educator for the last 33 years. [interjections] I am a slow learner, yes. I live with a saint; there's no question about that. I think I've picked up a little bit along the way about education and about the process, but I'm not an expert in assessment, and I would suggest that very few others in this House are experts on assessment.

What we really need to understand is that we should let school boards do their jobs. We should let schools do their jobs. Within a school a principal has to have some authority to work with their staff and to create policies for the school working with their staff. Those policies might differ from school to school, depending on the nature of the school, the nature of the community where they are. Assessment is not a cut-and-dried thing, and it's not something, certainly, that can be codified in a provincial education act and shouldn't be codified in a provincial education act.

One of the critical issues around this whole question about no zeroes is this whole question, as the hon. member said, that there's polarization. Well, the polarization really comes because most of the reaction that I've on heard on this from people who want a no-zero policy focuses on the work ethic. In fact, I think the hon. member said something about: we want our children to be raised with good values. Well, I am raising my children, or I did – my youngest is 23 now – with good values. That's not an anticipation that I have for my teachers. What I want my teachers to do is to help educate my children, help challenge them to think, and help challenge them to understand the concepts of the curriculum. When a teacher provides a mark in, for example, physics 20 or physics 30, what I want that mark to be is an assessment of how well the student has understood the concepts in that course. I'm not particularly interested in and I can't actually tell when I get a mark in physics 30 how good the student's work ethic is. That's not really what it's about.

But we could spend a lot of time debating that issue, and quite frankly the debate would be of relatively little value because none of us actually have the pedagogical background or the background in assessment that's necessary to really come to grips with that. The root of this is not whether or not we agree or disagree on whether or not a zero policy makes any sense at all in any given school or whether it's a good assessment tool. The real root of this question is whether it should be codified in a school act at the provincial level, and the answer to that is very clear, no.

The Chair: Thank you, hon. Government House Leader.

Mr. Anderson: Whenever I see the Government House Leader get up, he just inspires me.

Mr. McAllister: At least he did get up.

Mr. Anderson: I know. He does get up, and he inspires me. I do appreciate his comments. I do appreciate that he takes the time to respond to these bills. I wish more people would do that. He's a true parliamentarian.

I do have to take issue, though, with a couple of statements, specifically that the Progressive Conservative Party doesn't want to pass unnecessary laws that affect people's lives. I got a little bit of a chuckle out of that. I'm just going through my desk right now. We've got Bill 9, the Alberta Corporate Tax Amendment Act, 2012. We've got Bill 3, the Education Act. It's, like, 500 pages long. We've got Bill 5, New Home Buyer Protection Act. We've got Bill 10. It's, like, 90 pages long. We've got Bill 8, Electric Utilities Amendment Act, 2012. We've got Bill 4, Public Interest Disclosure (Whistleblower Protection) Act. What else have we got? Bill 2, Responsible Energy Development Act. We've got Bill 1.

I mean, you just go through. There are just endless bills. They just keep throwing them. It's like a paper storm here in the Legislature. Every day we get a bill thrown at us. For this government to say that they don't like passing laws is a little rich because the amendments that we have are that big. You can hold them in one hand. Then we've got this storm of paper. So it's a little bit rich to say that, you know, we're bringing too many ideas forward or too many intrusive laws. Let's also make a note of this, not to mention Bill 50, Bill 36, Bill 19, Bill 24. Are there any others? I mean, we could be here all day. There are just tons of good ones in there. This is not exactly a government that worries too much about putting restrictions on the lives of Albertans. Oh, the .05 legislation: there's another very intrusive law for no reason.

Let's remember what the Education Act is. You would think from the comments opposite with regard to the no-zero policy that this Education Act would be as big as Bill 1. Bill 1 is, I think, the thinnest act here, a couple of pages long. You would think that Bill 3 was that thin from the way they're talking. We are talking about inserting about 15 words here. I don't know how many words; it's not that many words. It's a very small number of words here.

We have an Education Act for a reason. The reason we have the Education Act, the reason we have thousands upon thousands and tens of thousands of words in this Education Act is because we've decided in Alberta that we're going to have some minimum standards that apply to everyone. Now, we don't run around saying that that is going to intrude into the local autonomy of school boards. We do not say that, and the reason we do not say that is because I think we have a general agreement here that across the province there need to be some basic, basic standards of conduct. It's all throughout the act.

You can look at part 3 on page 39 of the act, student responsibilities.

31. A student, as a partner in education, has the responsibility to
- (a) attend school regularly and punctually.

Mr. McAllister: We had to put that in there?

11:40

Mr. Anderson: That's right. We had to put that in there, "attend school regularly and punctually," which, by the way, is kind of related to the no-zero policy. Ironically, it's related to the no-zero policy because it's saying right here that the student needs to attend "regularly and punctually," and you would think that meant handing in their assignments, but whatever.

"Be ready to learn and actively engage in and diligently pursue the student's education." Well, clearly that infringes on local autonomy. If a school wants to be out there and says that we have a policy that students should be free to not learn and to not actively engage in and diligently pursue their education, well, who are we to interfere with the local school board's autonomy in that regard?

"Respect the rights of others in the school." "How is that important?" they would say. Why do we need to have something in this act that says we need to respect the rights of others in schools if you're a student? Well, that doesn't make sense. That's infringing on local autonomy.

Well, that's bizarre. Of course that's not true. The reason we have this in here is because we believe in a minimum standard of conduct for these students, so we put in some basic, basic things that should be very clear, that should apply right across the board. We put them in here because they're principles that we believe in.

Parent responsibilities. The responsibility to "act as the primary guide and decision-maker with respect to the child's education." Okay. Well, what if there's a local school board that doesn't like that policy? Well, too bad. That's the policy that we have for all school boards across the province.

Board responsibilities. They're supposed to "deliver appropriate education programming to meet the needs of all students enrolled in a school operated by the board and to enable their success." Well, okay. Why are we telling boards what to do? We have board responsibilities right here. Why are we telling them what to do? We shouldn't be doing that if we follow the logic of the members opposite. We put these things in the act because there's a basic standard. I think we can agree that that's why we have Bill 3.

Now, the question is and where the debate is: should a no-zero policy be one of these basic standards that we put in the Education Act? I think it's very clear that it should be. I think that it offends – and the Minister of Education can say: oh, well, maybe he was fired for different reasons. Okay. All right. We'll let that process play out in the process that he outlined. That's fine.

But, really, do you honestly think that the majority of Albertans – frankly, do you honestly think that 20 per cent of Albertans actually agree that a teacher should be fired for legitimately – legitimately – giving out a zero to a student for not handing in his assignments or refusing to hand in his assignments? Honestly? Honestly, you think a teacher should be fired for giving an incomplete, a zero on an assignment? I mean, come on. What folks over there actually live in a constituency where the majority of your constituents believe that? Honestly, there's just no way. I refuse to believe that even in the most hard-core of PC ridings, Liberal or New Democrat ridings – if you polled that question, I guarantee there's not one constituency in this province, not one, that would even be close. Even close. And we know this because we do poll these things.

Anyway, the point is that we would know full out . . . [interjections] Fair enough. Fair enough. I have absolutely complete one hundred per cent confidence that every constituency in this province, everyone, on all sides of the aisle – left, right, up, down, no matter where you come from on the political spectrum – agrees that a teacher should not be fired for giving an incomplete to a student on an assignment. I mean, I hear that from the Education minister. He says that this government does not have a no-zero policy. Okay. Fine. So if you agree with the actual idea that a teacher shouldn't be fired for giving a zero on an assignment that's incomplete, if that's what you believe, then I ask you: what have you against putting it in this bill under board responsibilities, under teacher responsibilities? What's the problem with it?

It sends a clear message that – you know what? – we have an expectation across this province that we will respect our teachers enough that when they give out an assignment, students are expected to complete that assignment. They're expected to be in the classroom, learning and engaged and doing their homework and coming and putting in an assignment. We expect that of all students in this province, and that is a very reasonable basic standard that every child should be asked to follow. If we're saying that we're not putting it in because we don't want to take local autonomy out, well, there are about 500 responsibilities listed in here that in some cases are far more prescriptive than the no-zero policy that's being proposed here.

I would ask you to please do what your constituents are clearly asking you to do. They clearly are not in favour of this policy, so pass it, and let parents know and let teachers know that we have a minimum expectation for our children and that we will protect our teachers from disgraceful actions like being fired for doing their job and giving out a zero where it is well deserved.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

I'll recognize the hon. Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Thank you, Mr. Chairman. You know, I'll rise to offer a couple of comments. In no way do I intend to incite any reaction across the way. I'll just tell you that I'm in a hundred per cent agreement with the intent here, but I view it a little bit differently. I think the hon. Member for Airdrie is correct in pointing out that we do occasionally infringe upon the autonomy of school boards or municipalities or whatever.

I think the intent of the Education Act when it comes to students and teachers and school boards is that it defines some basic responsibilities. It's right to point out that we expect students to attend school, absolutely. We don't say how often, but we do say that we expect them to attend. You have to have policies around that.

When it comes to school boards, we expect them to do certain things, you know, establish health and safety standards and those things that have to be followed. Basically, what we're doing is empowering a corporation, just like a municipality, in effect a corporation. Their board is elected, they run a multimillion-dollar corporation, and they have a lot of employees. We expect them to establish policies, and when they establish policies, Mr. Chairman, as a parent – this is, I think, where I'm in agreement here – sometimes I'm going to disagree with those policies. I don't want to write my MLA a letter or phone my MLA when I disagree with those policies. I want to show up at a parent-teacher council meeting or show up at a school board meeting and disagree locally with the people who are charged with educating my children. There they are, right in my community.

That's why I'm against the amendment. Now, I agree that a teacher should not be fired for wanting to give zeros. I agree with that. I'm not actually aware, standing here, of any teacher that was fired for giving zeros. I'm not. If I can follow the media, I'm aware of a teacher that may have been fired because he didn't follow the policy of his school board. I have no way of knowing if that teacher tried to overcome that policy in any other productive way, like any employee is duty bound to do when he works for a corporation. If he took no such actions, then I think the school board would rightly have some concern with that teacher. I do. I'm not sure, as I say, that any teacher got fired for his approach to the zero policy. It's possible that a teacher got fired for not following the policy of his employer. That's a concern. We've empowered the school board to make policies. We have to allow them to enforce those policies.

That's the other thing about this act. As a parent I get to stand in my home community and hold those guys accountable – my educators, my school board, in my community – and I don't need to phone my MLA to do it. I like the idea that the policies are made locally and I get to hold them accountable locally.

I think exactly the same thing. I think my children deserve a zero if they don't submit their assignments. I don't think it belongs in the act. That's all I believe. I think we're on the same page.

11:50

The Chair: Thank you, hon. minister.

Mr. McAllister: You can't imagine how much I appreciate your comments, that you would rise and speak, and I believe that we are all on the same page, to not revisit all that's been discussed.

We have a duty to represent those that put us here. What we seem to be doing is finding 10 ways to not do one thing that we all know we should do. The public is right. As for the teacher and whether he got fired for the no-zero or not, you could make the case that we don't really know, I suppose. We'll let that play out. But it's raised an issue, and it's given us an opportunity to improve school for our kids. It's given us an opportunity to make a difference in their lives in a positive way.

What we're saying to them as the leaders of this community is: "We don't think it's important enough. We don't care enough. We're going to hide behind another cloak and turn our backs." I find that completely reprehensible and unacceptable.

The Chair: Thank you, hon. member.

I'll recognize the Member for Edmonton-Gold Bar.

Mr. Dorward: Well, it's a pleasure to stand and discuss this issue. I did want to put on the record exactly what I have done when I talked to my constituents who have spoken at times on this issue relative to the zero mark. I've asked them and encouraged them to go and talk to the Edmonton public school board, which I wonder how many of my friends on the other side have indeed done, talked directly to the Edmonton public school board. When I have, I've found that for the most part people don't come back to me because they found satisfaction in the things that they've discovered at the Edmonton public school board. I personally know that the people that I've talked to in Edmonton-Gold Bar are quite happy with the situation whereby the school boards in the province of Alberta get to determine this based on their local considerations and based on the experts that they would have near at hand to be able to make the decision.

Thank you very much.

The Chair: Thank you, hon. member.

Are there any other comments, or should we call the question?

Hon. Members: Question.

The Chair: The question has been called on amendment A5.

[The voice vote indicated that the motion on amendment A5 lost]

[Several members rose calling for a division. The division bell was rung at 11:53 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anderson	Pedersen	Strankman
Hale	Stier	Towle
McAllister		

Against the motion:

Allen	Goudreau	Oberle
Bhardwaj	Griffiths	Olson
Bhullar	Hancock	Pastoor
Calahasen	Hehr	Quadri
Campbell	Horner	Quest
Casey	Hughes	Sandhu
Dallas	Johnson, J.	Starke
Dorward	Johnson, L.	VanderBurg
Drysdale	Khan	Weadick
Eggen	Lemke	Xiao
Fenske	McDonald	Young

Totals:	For – 7	Against – 33
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[Motion on amendment A5 lost]

The Chair: On the main bill, the hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I am actually rising for the first time on the bill, so I'm very interested in doing so, but I also am conscious of the time as well. So I'll reserve my comments on the general bill for another time, but I do have some amendments that I need to put forward. The first one I just will get distributed.

The Chair: The amendment is being circulated?

Mr. Eggen: That's done.

The Chair: Thank you. Did you send the original, hon. member?

Mr. Eggen: Yeah.

12:00

The Chair: Thank you.

Hon. members, this amendment will be A6.

Proceed, hon. Member for Edmonton-Calder.

Mr. Eggen: Okay. Great. I want to move this along fairly expeditiously. This amendment, essentially to section 16 of Bill 3, is replacing what was taken away from, I guess, what was called Bill 2 in the spring session of the last legislature. This section covers diversity and respect.

Our amendment from the New Democrats changes the wording of the section to refer explicitly to the Canadian Charter of Rights and Freedoms and the Human Rights Act, essentially what was there before. Our amendment uses the exact wording that the government used when it first introduced the Education Act in the previous session. It's very important that we do so. We must ensure that the courses and programs of study in Alberta schools

are consistent not merely with vague references to diversity, understanding, and respect but are, in fact, in accordance with the basic rights outlined in the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act.

It should be noted that probably the same government or many similar members had spoken out so passionately for this act in the spring, and suddenly we found it removed in the fall. I don't think that that's a good precedent to set. We know what happened, right? There was a lot of politics in between. But it doesn't preclude the necessity of having this in this new bill. You seemed to be okay with it before, so what's changed?

Now, I've heard the argument: well, the Alberta Human Rights Act and the Charter still function over the other things that we do, including this bill. Well, I guess you could use that same logic, Mr. Chair, to talk about the bullying thing that is highlighted in here as well. We have laws on assaults. We have laws on defamation and harassment and so forth, but we also chose to highlight and emphasize an antibullying message in Bill 3. I would suggest, using that same logic, we would include and should include the Human Rights Act and the Canadian Charter like it was in before. It's not because those laws don't exist outside but because, in fact, we want to emphasize them and to make it clear.

Any time that I see the Alberta Human Rights Act, which is landmark legislation coming from a previous government here in this province, put forward and then taken away, it immediately gets my suspicions up, and it makes me want to investigate very clearly why and to emphasize the primacy and the importance of both the federal legislation and the Alberta Human Rights Act.

Reason and logic should prevail here, and we should put it back in. It was there before, and I think that a lot of people would be very reassured to see that happen.

Thank you.

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

Mr. Hehr: Thank you, Mr. Chair. It's a great pleasure to rise and speak in favour of this amendment and encourage all members of this House to consider it and vote for it. When I think about this act and the way the legislation is written, it appears to me and to many people that we have carved out an exception within this act that allows for some groups and some home-schoolers and others to avoid following what's the law of the land, the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act.

We see that in previous legislation this government had said as much by incorporating it by reference into section 16. They did it under the hon. Minister of Human Services when he was the minister. They did it when the hon. Deputy Premier was the minister.

As we know from writing legislation and otherwise, words matter. Words matter very much. It doesn't only matter what it says in the legislation, but it matters what it says about us as a people, us as a government, the overarching goals and aspirations that we value and hold dear. There are certain things that we will not bend or break. Those values are so important that they must be incorporated for all groups, regardless of how loud they squawk or how they might say that it's unfair or how their morals or otherwise say differently.

That's this type of legislation. This is the type of legislation that the Charter of Rights and Freedoms and the Alberta Human Rights Act say – they say that these are the things that we hold dear: our freedom of expression, freedom of religion, freedom of

association, and go on down the list. We also in these acts have the right not to be discriminated against on the basis of race, religion, gender, age, disability, and sexual orientation. Both of those things are evident in the Charter of Rights and Freedoms and in our Alberta Human Rights Act. Those protections are held so dear that we incorporated them into acts.

If we look at this, there's a case to be made that because of prior precedent and what we've done in this Legislature in the fact that we have had it in two previous acts, now this absence in this legislation carves out that exception, that it's not only invalid in this act but has to be interpreted as such. Essentially, when people look at this, they'll look at that and say: well, obviously the government meant something by this because they changed their wording.

When I look at this situation and because I see many groups are appeased by this legislation – the Wildrose for one is very happy about this; home-schoolers are very happy about this – it has to mean, at least to them, that they think this matters. Now, government members may say otherwise. Government members may say: "No, no, no. The act still applies. The act still applies because it's overarching legislation." But essentially what we're saying here by this change – by this change – is wink, wink, nod, nod. "Go ahead. It's okay for your group now to carry on business as usual, to carry on doing what it is that you do. Whether you don't like sexual orientation, whether you want to do it on school time or when you're teaching kids at home or otherwise, we will allow for that to happen."

That, to me, is wrong. Whether or not it's the message we are sending by this redraft of this bill, it's wrong. It says something about us as a society. It says something about us as to what we expect our citizens to uphold, and frankly I'm disappointed. I'm of the full knowledge that having this provision in the act will not change things in what happens in home schools. Frankly, I don't want it to change anything that happens with home-schoolers. Frankly, it's really not that much of a concern. But what is the concern is what it says about us as a society, what it says about us as a Legislature, and what it says about what we're willing to give in on. In my view, we've given in to a certain extent on human rights by not following through on this.

You know, there's a story that my uncle tells. I was too young to really remember it, but I was about nine or 10, and my cousins and I were monkeying around at my grandfather's dinner table. We'd been there probably for five days of the holidays. He was a little bit older, and he was getting a little tired of us running around and doing our stuff. I guess, as my uncle tells the story, he looked at my father and said, "Well, are you going to do anything about this?" My father looked at my grandfather, and he said: "L.F., you know, you had the right to screw up your children in any way you saw fit, and some people claim you did a pretty good job of it. Please give me the dignity and respect to allow me to screw up my children the way I see fit, okay?" I just know that because that story has been told to me and all that stuff.

12:10

Needless to say, I have every confidence that parents, whether they send their kids to a public school, a Catholic school, a charter school, a private school, or home-school them, will fill their heads with things. You know, it happened to me. It happened to everyone here and the like. There's nothing we can do about it, nor really should we. Kids are going to have to in the main figure it out for themselves. They're going to have to sort through all this stuff they're fed, a lot of mistruths that may be incorporated by reference into their growing up, and figure it out for themselves. I'm not wanting to change that process, okay?

What I am trying to change is what we as a society espouse in our legislation, what we espouse for all citizens of this province to follow regardless of race, religion, disability, sexual orientation, or gender, and this should be clear in all our legislation. Frankly, because the government has muddied the waters so much, it is unclear. It is unclear what we expect different groups of people to do, and that to me is highly disappointing. It sends mixed messages out there, and frankly I don't think it's right or moves to where we want to go in 21st century education. I said at the news conference that I think we'll be on the wrong side of history on some of the stuff we've done in the past. I was under the impression that with the election of the new Premier this day and age was over.

I don't have to go far back, but I will. You know, we were the last province to recognize sexual orientation under the human rights code. That just happened in 2008. We still have Bill 44 hanging over our heads, which much of the gay and lesbian community finds distasteful and our teachers find is not leading to a well-rounded society with the ability to teach about sexual orientation in our classrooms. And now this.

I think it stays with the storyline that has been crafted, that I wish was over, and frankly I thought it was over with the new election. But look at how the government, in essence, caved on this, caved on putting in the simple words, "respect the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act." It's not that hard. It wasn't that difficult. Guess what? Everyone, really, in how they teach their kids was going to continue on the same way, okay? We know that as a matter of practicality. I know that. You know that. Everyone knows that. But we caved on that. We're at least sending a mixed message that some people are allowed to discriminate, and we tolerate that.

I will support this amendment. I would hope the government would think about this and maybe bring it back in third reading, or maybe you're all going to vote for it tonight. But even if not, maybe you go back in third reading and you say: "My goodness. You know, this isn't that hard." Guess what? You bring it back in third reading. Can you put something back again on third reading, an amendment? Probably. You're the government. You can do what you want. [interjection] Exactly. Well, if you can, then there you go. But then you say: "Guess what? The debate is over. No one is going to be protesting these things. It's going to be over and done with, and everyone is going to go on with their lives."

Those are my comments. Thank you for allowing me to speak, and we'll go from there.

The Chair: Thank you, hon. member.

Are there other speakers?

Seeing none, we'll call the question.

[Motion on amendment A6 lost]

The Chair: Okay. Speaking on the bill, the hon. Member for Calgary-Buffalo.

Mr. Hehr: I'd just like to make an amendment in a similar vein in case you didn't like the wording of that one. I'm just trying.

The Chair: Hon. members, this will be amendment A7.

Hon member, proceed.

Mr. Hehr: You can see I've changed the wording of subsection (2) of section 16. It reads now with these changes:

For greater certainty, the courses or programs of study and instructional materials referred to in subsection (1) must not promote or foster doctrines of racial or ethnic superiority or

persecution, religious intolerance or intolerance or persecution based on sexual orientation, gender, disability, or social change through violent action or disobedience of laws.

As you can see, I've tried to craft my legislation so you don't have to incorporate by reference the Alberta Human Rights Act or the Charter of Rights and Freedoms. What I'm essentially doing is adopting the language written in some of the things you wrote there and trying to go along with the flow of what you were trying to do in your original act, which I don't have in front of me, but I think it said to respect diversity and race and religion or something else like. This act is essentially not incorporating by reference the Alberta Human Rights Act or the Charter of Rights and Freedoms, but it is still protecting some of those things that I believe our society stands for. Our society doesn't stand for discrimination based on sexual orientation, or at least we're not supposed to. We're not supposed to discriminate on the basis of gender or disability or the like.

I think this amendment may ease some concerns a little bit about adopting the Charter of Rights and Freedoms and the Alberta Human Rights Act lock, stock, and barrel, but it still does many of the same things. I won't go over the reasons that I just read into the record of why I think this is important. Actually, scratch that; I will. You know, I believe our legislation should be written to reflect our overarching goals and values. I believe the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act are so important that they should have been incorporated in this act.

That said, if you're unwilling to do that, can we at least put this in? I believe it would say a lot about us as a society, a lot about the direction we wish to go in, and a lot about the protection of sexual orientation and the understanding that we won't give a wink and a nod to those groups who find it distasteful. Frankly, it's just time to say: "Well, you may find it distasteful, but it's the law of the land. We're not going to walk from that. We're not going to obfuscate from that. We're not going to carve out little niches for various groups not to follow it. Simply put, this is the law of the land. We understand that."

Here's what we expect, especially with things coming from government, and here's how the Education Act applies to all things in government. The government is in charge of education under the Constitution Act. It is only in charge of actually providing public schooling, Catholic schooling, and francophone schooling.

Let's remember that home-schooling is a privilege. It's not a right granted under the Constitution. It's something we've allowed people. It's an accommodation, one that I actually support. Okay? I support the right of people to home-school. In certain situations it would probably be better, and many people find it advantageous. But understand that it is not a right to home-school. It is something we've allowed.

12:20

To say that our educational materials or what we expect from the government of Alberta should be watered down for any group, especially any particular group that is not one of our recognized constitutional responsibilities, I believe is troublesome. It sends mixed messages. It sends messages that we will allow a group of people where the rules do not apply to. Simply put, I find that unacceptable.

Nevertheless, we've had a long night. I'll leave it at that. If anyone else would like to speak to this, or we can vote on it, whatever people would like.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

I recognize the Member for Edmonton-Calder.

Mr. Eggen: Thank you. Very briefly again, I appreciate very much my colleague from Calgary-Buffalo taking another shot at this. My brevity does not reflect just how much I am concerned about this issue and the exclusion of the Human Rights Act. Any time you see something that has been institutionalized and explicitly describes the rights of humans in any jurisdiction, seeing it suddenly disappear, being pulled away or somehow altered, you know, is really a red flag for us to stand up and speak clearly and loudly and explicitly as to why and how this is taking place. We win each of these freedoms and each of these rights through hard toil and struggle, and I recognize the people that have come before us, as does the Member for Calgary-Buffalo, and who have fought hard and long for these rights to be enshrined in law. What better place to re-emphasize or remind ourselves of these things than in a landmark, once-in-a-generation re-examination of our School Act, the Education Act.

You know, when I saw that it suddenly – poof – disappeared, I was very disturbed. I think that it's a reflection that the thin facade of the progressive part of Progressive Conservative is not so strong and that the new paint job that they tried to put on the PC Party here to be more progressive is just that, a paint job on the same old vehicle. I know that Albertans are smart enough to recognize that, and here's an example staring us in the face in the very first, early minutes of Halloween 2012.

Thank you.

The Chair: Are there any other comments to be offered on this amendment A7?

Seeing none, I'll call the question.

[Motion on amendment A7 lost]

The Chair: The hon. Member for Edmonton-Calder on the bill.

Mr. Eggen: Yes. Thank you. I have another amendment that I would like to distribute, please, if I could. I'll try to make it happen here fast. You know, we could make this happen here faster if some of the members opposite could help pass out papers in the spirit of education. No? Maybe not.

The Chair: Hon. member, I think you can start. The paperwork will be at the members' tables very soon.

Mr. Eggen: Okay. You can give this amendment a letter or a signification.

This one is, I think, worth while and interesting because it speaks to taking back some of the whole issue around school closures, giving some ministerial responsibility to school closures. We know that school boards agonize over school closures, and it's a very difficult and disruptive thing to happen to a community, so I've crafted an amendment here to just speak on board responsibilities and ministerial responsibilities.

The Chair: Hon. member, if I may, I did not announce that this will be amendment A8. So for the record we are speaking to amendment A8.

Please proceed. Thank you.

Mr. Eggen: Thank you very much. Like I said, this section refers to the procedure for the closure of schools, and this amendment ensures that the minister's decisions regarding school closures are governed by a public input process. The reason I drafted this one is because school boards are authorized to permanently or temporarily

close schools in accordance with regulations in this act, but it also affords the authority to the minister to make regulations with respect to the permanent or temporary closure of schools.

This amendment clarifies that the minister may make regulations in respect to the authorization of school closures by a board, and in part B the new section 62 is included in this bill, outlining the rules that will regulate the minister's actions when closing the school. According to this amendment, the minister will be required to gain public input on the proposed decision to permanently or temporarily close a school. As such, the minister will be required to publish a notice on the department's website and have some consultation there.

This amendment also outlines the requirements of such a public notice, the time period that must be given, and stipulates that the minister must report to the Executive Council on changes to the proposed regulations. This amendment seeks to ensure that regulations governing school closures, which have always had a profound impact on students, parents, staff, and communities, will only be taken by the minister after proper consultation with the public and proper reporting to the Executive Council.

I'm sure that after you've heard all of that you will all leap to your feet and vote in favour of this amendment. Thank you.

Mr. Hehr: I think I can speak in favour of this amendment. Obviously, school closures and the building of schools are both necessary things at times, but they should be done with the public's input as well as the minister understanding the full realm of possibilities and ramifications thereof. I look at school closures that are happening sometimes in inner-city or sometimes under-utilized schools. Sometimes there has to be a broader perspective around that, some of the implications of what that means to the larger ends, about whether we're going to encourage people to live in certain neighbourhoods or whether we're going to continue on with their ability to provide the programming that those local communities need.

I think it's a decent amendment. I think it puts a little more onus on public consultation and hearing all sides. I think it's a decent amendment and worth voting for.

The Chair: Other comments to be offered on amendment A8?

Seeing none, I'll call the question.

[Motion on amendment A8 lost]

The Chair: On the bill, the hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I have another amendment that I would like to run through and run by. Am I too soon? I guess technically it's still just October 30 because we are in suspended animation here.

The Chair: Yes, it's October 30.

Mr. Eggen: So I won't wish you a happy Halloween.

The Chair: This amendment, hon. members, will be A9.

Mr. Eggen: Can I proceed, then, Mr. Chair?

The Chair: You may start, hon. member.

Mr. Eggen: Okay. This is an amendment concerning section 33(1)(c). This section concerns a board's responsibility as a partner in education. This amendment seeks to remove the reference to the business community and to relieve the board from the requirement to involve local business communities in board matters.

12:30

The reason I say this is not because I don't value the input of business in the section, but the stakeholders are an important part, in fact, of our public school system. School boards must engage with parents, students, and staff in order to ensure that the objectives of Alberta's education system are being met and implemented at each school. Moreover, local collaboration and consultation among stakeholders are an important part of encouraging innovation in education and meeting the present and future needs of Alberta's students. Community organizations, including municipal governance bodies, are also important stakeholders in school board matters and can be important partners in the development and implementation of a board's plans.

This amendment seeks to remove the reference of local business community, which is not a primary stakeholder in Alberta's education system and needs not be involved or privy to school boards' plans in the same manner as parents, students, and staff. We must ensure that Alberta's public education system meets the needs of students and does not prioritize the interest of business communities, which might have significantly different priorities and interests than our public education system has.

This amendment is designed to protect the rights of school boards, parents, students, and staff to plan and implement public education in their community while encouraging collaboration and co-ordination with the broader community. We should not seek to define the meaning of community other than to note the important roles that municipalities play in school board matters.

I'm sure that you all will have a conversion on the road to Damascus and vote for this amendment.

The Chair: Are there other comments on the amendment?

Hon. Members: Question.

[Motion on amendment A9 lost]

The Chair: The hon. Member for Edmonton-Calder on the bill.

Mr. Eggen: Well, thank you. Finally, I did find one more here, and it's the last one, the last amendment. Everybody is looking at me. You know, if we had sort of a longer session – right? – where we didn't immediately go into night sessions, then we would have a more civilized routine to deal from, and we wouldn't be staying up all night.

An Hon. Member: What time do the cleaners come?

Mr. Eggen: You have to lift up your feet while they vacuum underneath.

The Chair: This amendment will be A10, hon. members.

Mr. Eggen: This last amendment I have, can I speak to it, Mr. Chair? Yeah?

This one is including a reference to student achievement and health and the relationship between those two things. I took sort of some of this amendment wording from the Ontario provincial Education Act, and it was also brought to my attention through the good work on healthy eating and so forth that was taking place here in Edmonton.

The original clause in section 33(1) reads as follows:

A board, as a partner in education, has the responsibility to

- (a) deliver appropriate education programming to meet the needs of all students enrolled in a school operated by the board and to enable their success.

My amendment defines the responsibility of the board to include both student achievement and health, or well-being. This just seems like a logical extension.

Mr. Hehr: It's a good amendment, guys.

Mr. Eggen: That's right. Please. This is an important one because, of course, we deal with the intellect of students and the pursuit of excellence in one's mental capacity, but this is tying the importance of that to the physical health of a student as well, not just talking about physical health like phys ed but physical health in terms of healthy eating and healthy lifestyle and so forth, the old adage of healthy in body and mind. I think this amendment serves to do so.

Like I said, you know, you only open the Education Act once in a very long while, so it's time to update things in all ways. A healthy addition here is, I think, very apt and appropriate for Bill 3.

Thank you.

Mr. Hehr: I would like to speak in favour of this motion. I think that given the overarching concern we have in our society with healthy eating and overweightness – that's not a word – people being overweight and obesity and the like, this is one of those statements that I believe says a lot about the direction we'd like our society to go in. It's really not a substantial change. It's an aspiration, a statement, and being responsible for the health and well-being of students. That seems like what a public education system should be doing, looking after the health and well-being of all students.

We brought this up in the Legislature just the other day, with the horrible tragedy in St. Paul, how this local school was responsible for leading that community in some of the healing, some of the community getting together and being comforted in a time of need. That directly relates to the well-being of all students. We talk about health. We want them to be healthy and to grow up healthy and the like. The school system should be concerned about that.

In my view, this is a good amendment that really doesn't change things. I think it leads us in here to adopt an aspiration, a goal of what the local community and the local school system should look like. So a well-thought-out amendment. I assume the minister has done his due diligence over there and passed it around and gotten consensus that this will pass through, and we'll go from there.

In any event, thank you for allowing me to speak on this amendment.

The Chair: Thank you, hon. member.

Are there other comments? The hon. Member for Edmonton-Gold Bar.

Mr. Dorward: Thank you very much. In my former life as a chartered accountant there were times that I was doing corporate tax work after midnight. Occasionally I would have the streaming on and watch the Assembly and see people working, and that was good to help me to stay awake.

I can't support this amendment for a couple of reasons. Section 33(1)(b) comments that a board is accountable for student achievement, which is part of the amendment, so I'm not sure why that has to be there. And we have a Health Act in the province of Alberta which seems to cover the responsibility for the health and well-being of all students.

So I will not be supporting this amendment. Thank you.

The Chair: Thank you, hon. member.
Are there other comments?
Seeing none, I will call the question.

[Motion on amendment A10 lost]

The Chair: Are you ready for the question on Bill 3, the Education Act?

Hon. Members: Question.

[The remaining clauses of Bill 3 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.
The hon. Deputy Government House Leader.

Mr. Hancock: I've been demoted. Ah, well.

The Chair: The hon. Government House Leader. My apologies. You have been reaffirmed, sir.

Mr. Hancock: Thank you, Mr. Chair. I'd move that the committee rise and report Bill 1 and Bill 3.

[Motion carried]

12:40

[The Deputy Speaker in the chair]

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

Mr. Bhardwaj: Thank you very much, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills with some amendments: Bill 1, Bill 3. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Thank you, hon. member.
Does the House concur in the report?

Hon. Members: Concur.

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

Mr. Hancock: Thank you, Mr. Speaker. We have done excellent work today, and I would suggest that we leave it at that. I would move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 12:41 a.m. on Wednesday to 1:30 p.m.]

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