



Province of Alberta

The 28th Legislature
Third Session

Alberta Hansard

Wednesday afternoon, December 3, 2014

Issue 11a

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta
The 28th Legislature

Third Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

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| Amery, Moe, Calgary-East (PC) | Lemke, Ken, Stony Plain (PC), Deputy Government Whip |
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| Campbell, Hon. Robin, West Yellowhead (PC) | Oberle, Hon. Frank, Peace River (PC), Deputy Government House Leader |
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| Khan, Hon. Stephen, St. Albert (PC) | |
| Klimchuk, Hon. Heather, Edmonton-Glenora (PC), Deputy Government House Leader | |

Party standings:

Progressive Conservative: 63 Wildrose: 14 Alberta Liberal: 5 New Democrat: 4 Independent: 1

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| Hehr | Rowe |
| Horne | Sarich |
| Kennedy-Glans | Stier |
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| McDonald | |

Standing Committee on the Alberta Heritage Savings Trust Fund

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Deputy Chair: Mrs. Jablonski

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| Barnes | Mason |
| Ellis | Sherman |
| Horner | |

Standing Committee on Families and Communities

Chair: Ms Olesen

Deputy Chair: Mr. Pedersen

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| Eggen | Quest |
| Fenske | Rodney |
| Fox | Sandhu |
| Fritz | Swann |
| Jablonski | Weadick |
| Leskiw | |

Standing Committee on Legislative Offices

Chair: Mr. Jeneroux

Deputy Chair: Mr. Starke

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| Fritz | Mason |
| Griffiths | McDonald |
| Hale | Sherman |
| Johnson, L. | |

Standing Committee on Private Bills

Chair: Mrs. Leskiw

Deputy Chair: Ms Cusanelli

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| Bilous | Rowe |
| Brown | Stier |
| DeLong | Strankman |
| Fenske | Swann |
| Fritz | Xiao |
| Jablonski | |

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Luan

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| Calahasen | Pedersen |
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Standing Committee on Public Accounts

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| Brown | Xiao |
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| Cao | |

Legislative Assembly of Alberta

1:30 p.m.

Wednesday, December 3, 2014

[The Speaker in the chair]

Prayers

The Speaker: Hon. members, let us pray. May we give thanks for the bounty of our province, including our land, our resources, our friends and neighbours, and all those whom we serve. Let us also pledge ourselves to act as good stewards on behalf of Albertans. Amen.

Please be seated.

Introduction of Guests

The Speaker: The hon. Government House Leader.

Mr. Denis: Thank you very much. Edmonton-Mill Creek is an interesting place. Many great people come from your constituency, Mr. Speaker, but one that shines out to me is my wife, Breanna, who is sitting in your gallery today. She is a graduate of J.H. Picard high school in Edmonton as well as NAIT. In addition to her career pursuits, she is currently pursuing a master's degree at Royal Roads University. I had the privilege of meeting her about four years ago in Calgary. She's obviously here to see the proceedings today. I want to say thank you very much to her for putting up with the long hours of this job and thank her for being such an amazing person.

The Speaker: Thank you, and welcome.

Let us move on to school groups, starting with Edmonton-Manning, followed by Edmonton-Riverview.

Mr. Sandhu: Thank you, Mr. Speaker. It's my great pleasure to introduce to you and through you 53 students from Edmonton Christian school northeast, located in my constituency of Edmonton-Manning. They are accompanied by their teachers, Miss Elaine Junk and Mr. Greg Gurnett, teaching associate Geri Kingma, and five parent helpers. These young and bright students are the future leaders of our province and country. They are seated in the public gallery, and I'd ask all my guests to rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Edmonton-Riverview, followed by Edmonton-Rutherford.

Mr. Young: Well, thank you, Mr. Speaker. It's truly an honour to rise today and introduce to you and through you 37 visitors from Crestwood elementary-junior high school. I had a chance to meet with these students earlier today, and they asked some really tough questions. They are joined today by teacher Trina Ludwig and parents Erin Nelson and Alexia Tsigozis. I'd ask them to rise and receive the traditional warm welcome of the Assembly.

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

Mr. Horne: Thank you very much, Mr. Speaker. I'm delighted to introduce to you and through you to all members 38 visitors from Westbrook elementary school, an exceptional school in Edmonton. They are seated in both the public and private galleries. I know that this particular group of students is going to be listening very carefully today to what they hear in question period, and I know my colleagues in the House will not disappoint

them. I'd ask them all to now rise and receive the traditional warm welcome of this Assembly.

The Speaker: Are there any other school groups?

If not, let's move on to other important guests, starting with Edmonton-South West, followed by Medicine Hat.

Mr. Jeneroux: Great. Thank you, Mr. Speaker. I continue to be impressed with the number of students who have decided to visit me – I mean us – here. Today I have in attendance two ladies from the University of Alberta. I'm very pleased to introduce Tristen Runzer and Melissa Nilsson. I ask them to please stand and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Medicine Hat, followed by Edmonton-Meadowlark.

Mr. Pedersen: Thank you, Mr. Speaker. It is my pleasure, as always, to rise and introduce to you and through you to all members of the Assembly Navneet Khinda and Beverly Eastham. Navneet and Beverly are no strangers to my fellow members, and they are here today to represent over 100,000 postsecondary students and ensure that there is stable, predictable, and sustainable funding for all Alberta's postsecondary institutions. I would ask that they rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. leader of the Liberal opposition, followed by Calgary-Hawkwood.

Dr. Sherman: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly Mr. Sukhdev Aujla and Patricia MacGarvie. Mr. Aujla was a practising High Court lawyer turned corrections officer in Canada, and he served the Alberta Solicitor General's branch for 31 years. He's a successful businessman and a community leader. He's here to get a taste of what it's like to work in the Legislature as he prepares his run to serve in the Parliament of Canada as a federal Liberal candidate for Edmonton-Manning. Patricia is Mr. Aujla's campaign manager as well as a current riding president for Edmonton-Manning. I'd like to thank Sukhdev and Patricia for their service to our province and ask them to receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Calgary-Hawkwood, followed by Drumheller-Stettler.

Mr. Luan: Thank you, Mr. Speaker. I rise to introduce to you and through you to all members of our Assembly my fabulous constituency assistant, Maria Somers. She is sitting in the members' gallery. I'd ask her to stand as I introduce her. She's been with me since day one, when I became an MLA. One phrase we go back and forth with all the time is that when I say to her, "Maria, when we have a slower time, we'll do this," she says: "Jason, I don't believe you anymore. Since I joined you, there's never been a slow time." So that goes to show how hard she works with us. I ask my colleagues in this House to help me give her a round of applause and the traditional warm welcome.

The Speaker: The hon. Member for Drumheller-Stettler, followed by Calgary-Mountain View.

Mr. Strankman: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly my wonderful constituency assistant, Laura McDonald, who serves the people in and around the town of Hanna. Without her I

would be lost. Could she please rise and receive the warm traditional welcome of this Assembly.

The Speaker: The hon. Member for Calgary-Mountain View, followed by Fort McMurray-Wood Buffalo.

Dr. Swann: Thanks, Mr. Speaker. It's my honour again to introduce Mr. Eric Musekamp and Darlene Dunlop, who have come here at their own expense as the Farmworkers Union, demonstrating and challenging the lack of political will to extend constitutional rights to the people who feed us and consistent with law professor Jennifer Koshan, who cites several Charter violations in Alberta: freedom to associate, security of person, and equality before the law. I'll ask them to stand and receive the warm welcome of the Legislature.

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo, followed by Calgary-East.

Mr. Allen: Thank you, Mr. Speaker. It gives me great pleasure to rise today and introduce to you and through you to all members of this Legislature a good friend of mine who's visiting the Legislature for the first time, Ms Diane Edison. While Diane originally hails from Newfoundland, she decided to make the trek out and make the second-largest city of Newfoundland, Fort McMurray, her home. She is the community affairs and public relations manager right now for the hon. Member for Fort McMurray-Conklin. She is seated in the visitors' gallery, and I'd ask that she rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Calgary-East.

Mr. Amery: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly three visitors, three good friends, all the way from Lebanon. We have Dr. Abdallah Al Tassi, Dr. Khaled Smaili, Dr. Jihad Hamdan, and a dear friend of mine from the great city of Calgary, Mr. Akram Idriss. The three fine doctors have visited five Canadian cities: London, Ontario; Windsor, Winnipeg, Calgary, and Edmonton. They are here promoting their charitable work. They are in the gallery, and I see they have risen. I would like to ask all members to give them the traditional warm welcome.

1:40

Members' Statements

The Speaker: We have two minutes each for these. Let us begin with the Leader of the Official Opposition.

Health Care System

Ms Smith: Since this session started, we've talked a lot about the problems in our health care system. We've talked at length about hospital maintenance and infrastructure spending, about long-term nursing care beds and chronic disease management. Albertans are deeply dissatisfied with how this government has handled health care. It is Albertans' top issue, and it is an issue that this government gets its worst ratings on. Health care is the largest part of our provincial budget, and given that "belt-tightening" is the Premier's new favourite word, getting health care right is essential.

Everything we've talked about for the last three weeks can be traced to the fact that this government is centred on a hospital-based model of health care. Hospitals are critically important – no one denies that – but the more health care we can provide out of our hospitals, the better the system will run, and by better I mean

better health outcomes for patients and better efficiencies for taxpayers. Mr. Speaker, this government needs to understand that getting seniors into real long-term care nursing beds and out of acute-care beds will make our hospitals better. This government needs to understand that moving chronic disease management out of hospitals and into primary care networks, with family doctors, pharmacists, and other professionals working together, will make our hospitals better.

I was dismayed to read that the Health minister thinks that Alberta Health Services should own improving the chronic disease management system. The Auditor General rightly notes that improving chronic disease management should be in the Health ministry because the key players – family doctors and the teams of professionals who can help those afflicted with chronic diseases – are not paid for by AHS.

Mr. Speaker, sometimes when I listen to this government, it sounds like they want to make AHS a parallel Health ministry, one they can repudiate when they need to for political reasons or pressure into decisions when it's politically expedient. This government will never make improvements in the health system unless and until it figures out where the Health ministry begins and where AHS begins and ends. This model we currently have doesn't work, and the government does not have any willingness to admit it.

Government Effectiveness

Ms Notley: Mr. Speaker, the following phrases have been in far too many media reports this week: lack of transparency, subject to manipulation, crumbling, leaky, mouldy, unreliable. Most of these were references to the critical condition of Alberta's hospitals, but they could just as easily be referencing the current state of this PC government.

According to a recent poll Albertans continue to rank health care as their top priority. At the same time they acknowledge that this PC government is not that good at providing, administering, or supporting health care services. But why would they be? The critical condition of Alberta's hospital infrastructure bears a striking resemblance to this PC government. The government, whether the new management, the old new management, or the old old management, continues to play politics with the needs and well-being of the people it was elected to represent, just as it plays politics with school modulars and hospital infrastructure funding. This four-decade-old PC government dynasty has reached the same critical milestone as two-thirds of Alberta's hospitals, clearly past their best-before date.

In the construction business professionals operate on the assumption that even with regular maintenance buildings will need a major overhaul or sometimes outright replacement right around the 40-year mark. It's at 40 years that the risk of breakdown gets higher and higher and maintenance costs rise out of control. Mr. Speaker, does this sound familiar?

For more than 40 years this province has been ruled by one PC government or another. Today's PC government is one of the most secretive in the country. Its broken promises and outright neglect of the things that matter most to Albertans are so extensive that this government's foundation is crumbling. This province has seen five Premiers in nine years, with each one's term shorter than the last. Albertans can no longer rely on this government, just as they are increasingly skeptical that their hospitals are safe and sound.

The Speaker: The hon. Member for Edmonton-South West, followed by Innisfail-Sylvan Lake.

Child Care and Schools

Mr. Jeneroux: Thank you, Mr. Speaker. Coming from the new and growing constituency of Edmonton-South West, I speak every day with young families, parents with small children, and people new to the workforce. As a parent of two young girls myself, their concerns and aspirations resonate with me.

With young children you constantly worry about the schools they go to, the communities they play and socialize in, the care they receive from professionals, and, most importantly, their well-being. It can be difficult when schools and child care services are in high demand and short supply, as is the case now in Edmonton-South West. To an extent it's also the case across the province, Mr. Speaker.

Edmonton-South West is a perfect microcosm of the situation in Alberta with its growing population and increasing demand for schools and supports for families raising children. Innovation counts the most at times like these, and I'm happy to say that my daughters' school serves as a great model for how we might tackle this issue. Their school also houses a daycare program, run by the YMCA, meaning they do not have to change locations at the end of the school day. They also have a health clinic on-site, which does wonders to ease the strain on a parent. Besides this, it is also a great, innovative way of applying multiple-use facilities. It'd be great if we could apply this model more broadly. We could help parents like myself as well as our budgets.

Like I said, Mr. Speaker, my constituency of Edmonton-South West is a perfect test case for this type of system, and it works remarkably well. As our communities grow and continue to attract new families, we're going to have to find new ways of fulfilling their needs and the needs of their children. This means more schools and more child care supports. Preferably, we can do this in innovative and efficient ways, which will also strengthen our communities as a result. Our children should be front and centre in every decision we make here. Let us never forget that.

The Speaker: The hon. Member for Innisfail-Sylvan Lake, followed by Grande Prairie-Smoky.

Charity at Christmas

Mrs. Towle: Thank you, Mr. Speaker. The Christmas season has started, and for many of us it is a time for our families to come together, exchange presents, and eat lots of great food. However, for some Albertans Christmastime is a time of depression, loss of family, and crisis. There are many Albertans who rely on the help of others, including shelters and food banks, to make it through the winter. I would like to say thank you to each and every one of them for all of the individuals and the organizations who help those in need in our province, and they do it with a smile.

Inn from the Cold is a great example of this kind of charitable work. They provide emergency shelter, support, and programs to homeless children, their families, and others in need. They have a goal of building healthy, stable families and ending homelessness. Inn from the Cold is the only shelter program in Alberta that houses families. At over 60 locations their kindness provides a hot dinner, fellowship, breakfast, a bag lunch, and a safe place to stay. Let's not forget the great work of our Alberta food banks. They are kind and compassionate and help those who are hungry by either providing a meal or a care package with a week's worth or more of food.

We can all take a look at our communities and see how we can make a personal difference to someone. This past weekend 21 of us got together and made 36 baskets of hope for the central

Alberta women's shelter. These baskets will bring a moment of joy to women fleeing domestic violence and will show them that we support their courage. We all have a special role to play in sharing our kindness and ensuring that those less fortunate than us have a positive experience during what can be a very depressing time of year.

Mr. Speaker, I encourage everyone this holiday season to spend some time with their families but to go and serve dinner at the drop-in, donate a toy, or just give someone a hug. Let's all stop and reflect at this time of year. It's not all about politics; sometimes it's mostly just about people.

The Speaker: The hon. Member for Grande Prairie-Smoky, followed by Rimbey-Rocky Mountain House-Sundre.

International Day of Persons with Disabilities

Mr. McDonald: Well, thank you, Mr. Speaker. Today I'm pleased to join the millions of people around the world who are recognizing the International Day of Persons with Disabilities. This annual event is a great opportunity to highlight and learn how Albertans with disabilities contribute to our province. It's also an important time for increasing awareness and understanding of people with disabilities. Communities all over Alberta are holding events to celebrate the valuable contributions of Albertans with disabilities.

I'm also pleased that several Albertans are being recognized with awards today for their outstanding leadership in helping to increase opportunities for people with disabilities and to promote inclusive schools, workplaces, and communities.

Mr. Speaker, our province is one that not only promotes but embraces inclusion, so this is a day that we must also embrace. I wholeheartedly encourage all of the members of the Assembly to take a moment today to show your support for the thousands of people with disabilities living in our communities. Let's remember to make inclusion a part of everyday Alberta.

Thank you.

The Speaker: Thank you.

1:50

Oral Question Period

The Speaker: Hon. members, you're reminded: 35 seconds maximum for the question and 35 seconds maximum for the answer.

Let us begin with the Leader of Her Majesty's Loyal Opposition.

Hospital Infrastructure Evaluations

Ms Smith: Mr. Speaker, political manipulation between Alberta Health Services and the Health ministry officials is rampant. Recent reports make it clear that objective evaluations of hospital maintenance priorities are ignored and facility condition scores are routinely lowered for hospitals in government ridings in order to move them up the priority list. Does the Health minister understand that playing politics with hospitals threatens the lives and safety of Albertans?

The Speaker: The hon. Minister of Infrastructure.

Mr. Bhullar: Thank you very much, Mr. Speaker. What the member has said I categorically disagree with. But to make sure, what we will do is ensure that in any report where a consultant's view is disagreed with by Alberta Health or Alberta Infrastructure, the revised document with reasons for why the decision is

disagreed with must be posted online. We'll start doing that tomorrow.

Ms Smith: Well, I look forward to that, Mr. Speaker, but freedom of information requests are pretty clear about the problems.

Everything about the process of evaluating hospitals is a mess. AHS brings in outside engineers and architects to evaluate hospitals but frequently rejects the reports. Even when reports are accepted, Alberta Infrastructure edits them before they're made public. The reports are used to create a facility condition index score that determines their priority, but then these are inexplicably changed up and down without new studies being done. Will the minister please explain how a hospital's priority can shift when no work has been done?

Mr. Bhullar: Mr. Speaker, once again a lot of what the member has said I completely disagree with. There are reasons for changes to reports. Some of them could be, for example, that a consultant could perhaps not get into some areas of a hospital during their review such as an operating room that is in use virtually all the time. In those cases Alberta Health Services provides additional information that then changes the report.

Now, what I am committing to is to ensure that that work is done collaboratively beforehand so that the document that goes out is something that everybody has seen . . .

The Speaker: Thank you.

Ms Smith: Well, there is another explanation, Mr. Speaker, and that's the obvious one, political manipulation.

The government avoids publishing individual hospital condition scores. Instead, they aggregate scores and publish those numbers in their annual report. The latest report says that 75 per cent of Alberta's health infrastructure is in good shape. That percentage appears to be among the best the ministry has had for a while, but as the *Edmonton Journal* noted: "That isn't because the government has done a lot of repair work. It just changed the way it adds things up." Will the minister admit that manipulating the data on hospital maintenance does not fix the problems?

Mr. Bhullar: Well, Mr. Speaker, if we're on the subject of manipulation, I think there's a lot going on over there.

Regardless, the fact remains that when you're taking in the condition of a building, Mr. Speaker, you must take into account things like the size of the building. Why? Because you need to be able to determine the replacement cost of the building. It just makes sense. The replacement cost of a building is something you must take into consideration when looking at the amount of maintenance that is required for that specific facility.

The Speaker: Second main set of questions. The hon. leader.

Health System Concerns

Ms Smith: Well, Mr. Speaker, when it comes to managing health care, the new management is the same as the old management, and that's no surprise because they are, after all, the same managers. The Infrastructure minister keeps telling us that AHS decides which projects get funded. We're pretty sure that's not true. Reports show that last year only one of 10 AHS-recommended projects was actually funded by this government. Either the reports are wrong, or the Infrastructure minister misspoke. Which is it?

Mr. Bhullar: Mr. Speaker, as I've said before, when it comes to the maintenance projects of health facilities, those are decisions that Alberta Health Services makes. They must account to us, they must report to us, and we must work collaboratively on them, but the prioritization of the maintenance and repair projects is something that Alberta Health Services does.

Ms Smith: It still doesn't explain why they only approved one of the 10 recommended priorities from AHS.

This government, though, also can't manage chronic diseases. The Auditor General recently pointed out that six-year-old recommendations on how to improve chronic care management have not been acted upon. Public Accounts heard about this issue yesterday. All the experts agree that there can be savings and quality-of-life improvements if we just had some leadership. To the Health minister: what will this government do to improve chronic disease management?

The Speaker: The hon. minister of the environment.

Mr. Fawcett: Thank you very much, Mr. Speaker. I'm wearing a slightly different hat today. The Auditor General rightly pointed out that chronic disease management is best managed through primary care and family physicians, with referral to these specialists as needed. That's the responsibility of AHS, and it's an essential part of the picture but not the whole thing. You know, our government supports PCNs as a medical home for each patient to focus on managing these chronic diseases.

Thank you, Mr. Speaker.

Ms Smith: Mr. Speaker, the experts all agree that the key to chronic disease management is a robust, easy-to-access, integrated electronic medical records system. We don't have that. The Member for Edmonton-Riverview summed up the situation the best. He said that the government

spent \$300 million . . . and really got nothing more than electronic isolated file systems . . . We went down this road without any kind of data exchange standards . . . it [just] blows my mind.

Well, it blows my mind, too. How does the Health minister justify wasting \$300 million dollars?

Mr. Fawcett: Mr. Speaker, as the Auditor General indicated, strong medical health records and information records are critical for chronic disease management. I know that in conversations with the Health minister this is a focus for him, and he's going to move on those recommendations by the Auditor General.

The Speaker: Third, and final, main set of questions.

PDD Supports Intensity Scale

Ms Smith: Mr. Speaker, today is the International Day of Persons with Disabilities. We celebrate individuals with physical and mental disabilities and the many organizations that make their lives better. To the Minister of Human Services. The supports intensity scale is used to assess what supports people need who have disabilities. The problem is that it's humiliating. The questions they must answer during the interview are intrusive, insensitive, and degrading. Why is the supports intensity scale still in use?

The Speaker: The hon. associate minister.

Mr. Bhardwaj: Well, thank you very much, Mr. Speaker. This government is focused on ensuring that all Albertans have the best

quality of life. The supports intensity scale is one of the tools which is used to assess what supports an individual needs to be successful. In terms of some uncomfortable questions this summer we toured the province. We had conversations with Albertans, we had conversations with people who are receiving these services, we had conversations with service providers, and we are doing everything we can to accommodate them without losing the integrity of the tool.

Ms Smith: Actually, Mr. Speaker, it's the only tool they use.

Just to remind the minister, here are some of the questions individuals are asked in their SIS interview. What assistance would you need to have a romantic relationship up to and including an intimate one like other regular people? If you were a regular 28-year-old woman who wanted to take a course, would you need help? Did you ever expose yourself inappropriately? Do you steal? Mr. Speaker, these questions are demeaning and discriminatory. Can't this government assess the needs of Albertans with disabilities without comparing them to regular people?

The Speaker: The hon. associate minister.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. The hon. member is wrong. That is not the only tool which is used. That's one of the tools which is used to assess. The natural supports for the individuals play a role. The needs, the goals, and aspirations of the individual play a role. Of course, this is an internationally renowned tool, which is used in 13 different countries. For the first time, probably, in the history of the province people are getting consistent services right across the province.

Ms Smith: Mr. Speaker, in last year's budget this government slashed \$42 million from PDD. The cuts threatened programs that bring developmentally disabled Albertans out of their homes and into their communities to socialize and volunteer. That is equal to about one-tenth of what they've wasted to build the sky palace and new MLA offices in the federal building. This government's record on supporting individuals with disabilities is dismal. On this International Day of Persons with Disabilities as a goodwill gesture will the minister finally abandon the demeaning supports intensity scale?

The Speaker: The hon. associate minister.

Mr. Bhardwaj: Well, thank you very much, Mr. Speaker. This government is absolutely committed to making sure that every single Albertan enjoys the best quality of life. Using an internationally renowned tool to assess the needs of the individuals – their needs, their goals, their aspirations – and support them to lead successful and meaningful lives: that's what this government is committed to.

Thank you.

The Speaker: The hon. Member for Calgary-Mountain View, followed by Edmonton-Strathcona.

2:00 Child Death Investigation Process

Dr. Swann: Thank you very much, Mr. Speaker. The resignation in frustration of Dr. Lionel Dibden as chair of the council for quality assurance is disturbing. The council reviews problems in the child intervention services, especially since the death review last year. He cites a lack of commitment to thorough and transparent internal investigations of all serious injuries and deaths

in care to enable real improvements in Human Services. This highlights the ongoing dysfunction in Human Services one year after the minister committed to a full review and fixing the secrecy and shame around children suffering and dying in government custody. To the minister: why is this expert council not free to address child health and safety concerns, and why don't you follow its advice?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Thank you, Mr. Speaker. First of all, the safety and well-being of children remains a priority for this government. I would like to thank Dr. Dibden for his service and all of his work over these last couple of years. I expect the council to work collaboratively with each other, with ministry staff to solve these problems. I know that Dr. Dibden has expressed concerns. I have as well. When I did meet with the council, I asked exactly what some of the priorities were. We had a great discussion. Today I'm going to be tabling letters I sent to the council outlining the clear expectations of priorities moving forward.

Dr. Swann: Decades of cover-up, Mr. Speaker.

Dr. Sauvageau, the former Chief Medical Examiner, recently criticized the Justice department for interfering in death investigations, a shocking allegation that the Justice minister never denied. Dr. Sauvageau has since been let go; also disturbing. Interfering in death investigations in any other jurisdiction would cause outrage and demands for a full investigation, but not in Alberta. To the Human Services minister: what have you done to address the concerns of Dr. Sauvageau about Justice ministry interference in child death investigations?

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. With respect to this member I reject the premise of this question. It is correct that Dr. Sauvageau's contract was not renewed. I looked in our department, I've had many meetings, and I've yet to find any information that would even warrant an investigation about any interference by my department.

Dr. Swann: Well, that leads me to the next question, then, Mr. Speaker. Can you table the results of your investigations around the allegations of Dr. Sauvageau, and if not, why not?

Mr. Denis: I again reject the premise of that hon. member's question, Mr. Speaker. As I've indicated before, we have not seen anything that would actually lead towards an investigation, that would need an investigation. There has been no investigation, and no investigation is warranted.

Hospital Infrastructure Evaluations

(continued)

Ms Notley: Yesterday we learned about the dire straits of Edmonton's health infrastructure through reluctantly released FOIP documents. Today we learned that information the government does voluntarily release is misleading and disconnected from real infrastructure priorities. Albertans deserve the truth about their health infrastructure, so today I asked the Auditor General to review and report on how these decisions are being made and how they can be made better. To the Premier: will he join me in this request, and if not, why not?

The Speaker: The hon. Minister of Infrastructure.

Mr. Bhullar: Thank you very much, Mr. Speaker. As I've said before, I have made a commitment that every single report on our health facilities that is completed needs to be made publicly available. If there are any changes to that report on account of Alberta Health Services or Alberta Infrastructure, the reasoning for those changes, the reasoning for any changes in the rating of a facility must be provided and made publicly available, and we're going to start doing that as soon as tomorrow.

Ms Notley: It's a little late, 40 years overdue.

This government has clearly been playing politics with the health of Albertans by manipulating objective records of need. When it comes to the Ministry of Infrastructure's overall rating system, the information published appears to have a very distant relationship with the truth. To the Premier: after decades of neglect and now in the face of this misinformation why should Albertans trust you to build a snow fort let alone something as important as our hospitals?

Mr. Bhullar: Mr. Speaker, I think I need to remind the member that I am only 34 years of age.

You know what? The fact remains, Mr. Speaker, that of all capital spending in this country it's the Alberta government that is investing the most amount of capital to build the infrastructure we need in this province: the schools, the hospitals, the roads. We're investing to make sure Albertans have the best quality of life today and for years to come.

Ms Notley: Well, Mr. Speaker, of 18 rural hospitals that had their status arbitrarily changed in order to increase their priority, 14 are in ridings held by PC MLAs, and four are in ridings that PCs lost by less than a thousand votes. It seems that when it comes to infrastructure needs, the government is willing to either dial it up or dial it down to suit the political purpose of the day. To the Premier: don't you think Albertans deserve to have their health care needs put ahead of the government's own political objectives, and if so, why not just start doing that?

Mr. Bhullar: Once again, Mr. Speaker, I absolutely disagree with the premise of that question. You know, it's very simple and very easy for members of the opposition to read articles in the newspaper and then quote them in question period, but I would ask them to bring forward facts. I, on the other hand, am willing to make every one of those reports public so the public can know why anything was changed, so the public will understand why ratings were changed. On a go-forward basis we will ensure that any report that has disagreement in it is made public.

The Speaker: Thank you.

From this point onward please curtail or preferably eliminate any preambles so that more members can be recognized for their questions. Let's see how this works.

Alberta Land Stewardship Act

Mr. Barnes: Earlier this session I questioned the minister of environment on Bill 36 and how it diminishes the rights and property values of Albertans. He said that Bill 36 is a fair piece of legislation and will not be repealed. This despite the fact that Bill 36 blocks a landowner's rights to access the court when the government runs roughshod. To the minister. Let's take this one important step at a time. Will you repeal section 13(1) of Bill 36, that prevents landowners from having access to the courts, and if not, why not?

Mr. Fawcett: Mr. Speaker, the regional plans that are developed under the Alberta Land Stewardship Act do not change or alter property rights or freehold mineral rights in Alberta. The Alberta Land Stewardship Act contains a clear statement that government must respect the property rights of individuals, and it continues to have in place the existing rights to compensation under the Water Act, the Public Lands Act, and the Mines and Minerals Act.

Mr. Barnes: It clearly says: no access to the courts.

Given that the environment minister clearly stated, "We will not repeal Bill 36," and considering that he believes that Bill 1 is a saving grace for this government on property rights, will the minister now be brave enough to steal more policies from the Wildrose by admitting the faults of Bill 36 and repeal section 15(3)(b), which prevents a claim being exercised by an Albertan, and if not, why not?

Mr. Fawcett: Mr. Speaker, Alberta is committed to responsible development of energy, and part of that is the land-use framework that was put in place by legislation that was passed by this Legislature a few years ago. We're committed to that legislation. I would suggest, if the member has any examples of individuals that have lost their property rights through this piece of legislation, bringing them forward to my office.

Mr. Barnes: Seventeen Wildrose MLAs are why we don't have any examples of that.

Given that the most controversial and devious section of Bill 36 is 17(4), which outlines, "If there is a conflict or inconsistency between [the Land Stewardship] Act and any other enactment, this Act prevails," essentially giving Bill 36 the ability to trump all other acts and extinguish property rights, will the minister do the right thing by property owners and repeal section 17(4), and if not, why not?

Mr. Fawcett: Mr. Speaker, I thought that was a puffball for a second. We won't go into the math there.

Again, this government is committed to being responsible developers of our energy and natural resource stewards. This province is growing. There are competing demands on our landscape for residential, growing communities, oil and gas development, forestry, agriculture, and we needed this piece of legislation to go in and provide some thoughtful planning about how we manage that because the landscape in this province isn't growing.

The Speaker: The hon. Member for Lesser Slave Lake, followed by Calgary-Fish Creek.

2:10

Elk Population

Ms Calahasen: Thank you, Mr. Speaker. Elk herds are increasingly becoming a nuisance, as my colleague from Cypress-Medicine Hat articulated earlier. However, I believe it's all over Alberta and affects all Alberta farmers, east, west, south, and north. Environment and Sustainable Resource Development has determined that no elk are to be killed even though the population has reached levels that are impacting farmers' livelihoods. To the Minister of ESRD: what methods and studies are being used to determine what a manageable and sustainable population would be for the elk herds?

Mr. Fawcett: Mr. Speaker, what we do in our department is determine how many elk there are and start to look at the growth rates and mortality rates of the population. We do aerial surveys

that help us do that as well, and models are created to look at the growth of that. Then the department makes decisions around what is a sustainable number and what is needed to be put in place to ensure that that number stays at that level. We understand that there are some problems. I've asked my department to go away and look and come back to me with a plan to deal with this issue.

Ms Calahasen: To the same minister, Mr. Speaker: given that we have imported elk to the north and we can't obviously seem to put a plan in place to address this issue, what initiatives are under way to revise how hunting licences can be issued to farmers to cull the herds?

The Speaker: The hon. minister.

Mr. Fawcett: Thank you very much, Mr. Speaker. My department has decided at this point in time, as we continue to do work on what a sustainable population of elk looks like in this particular area, to increase the number of licences for hunting. I've asked my department to go and look at what a longer term plan is and if there are any additional strategies that might be needed, but the point is to try to get to what that number is and get a plan out there and monitor that plan over a number of years. In 2013 there were 41,331 elk licences sold in Alberta, and if you want a licence, you can go to mywildalberta.com to get one.

The Speaker: Thank you.
Final supplemental.

Ms Calahasen: Thank you, Mr. Speaker, and thank you to the minister for that. I love the fact we have a strategy, and I would like to ask of the Minister of Agriculture and Rural Development: if ESRD can't seem to cull the herd, as we would like to see happen, what can your department do to help the farmers in addressing this issue?

The Speaker: The hon. minister responsible for Agriculture and Rural Development.

Mr. Olson: Thank you, Mr. Speaker, and I thank the member for the question. There is actually a program in place, and it is funded jointly by the federal government and our government. It's called the wildlife damage compensation program, and it's administered by Agriculture Financial Services Corporation, and it's one that has no cost other than a \$25 fee per section. That's just an appraisal fee. There is no administrative cost or premium to pay. So that program is in operation. Some might argue that it should cover more things, but that's something that we continually monitor.

The Speaker: Thank you.
The hon. Member for Calgary-Fish Creek, followed by Calgary-Lougheed.

Hospital Safety Issues

Mrs. Forsyth: Thank you, Mr. Speaker. Yesterday AHS finally released details of the major infrastructure concerns at hospitals in and around Edmonton: at the Mis, frequent sewage leaks in the OR and failing electrical centres, putting patients at risk; at the Stollery, significant safety, infection prevention, and privacy issues in the ICU; at the Glenrose, significant safety risks for children with mental health issues. To the Minister of Infrastructure: how can you say that the safety of patients and staff is not at risk when AHS says that it's clearly happening?

Mr. Bhullar: Mr. Speaker, the Alberta government and AHS obviously put the safety and well-being of patients first and foremost. Alberta has a very large number of hospitals, nearly a hundred, and, yes, some of those hospitals are aging. At the same time Alberta has a very rapidly growing population, and the need for new infrastructure has been very, very robust. As a result, we have to make very strong investments in capital, and that's what we're doing on this side of the Assembly, and I hope the members opposite will support our capital budget.

Mrs. Forsyth: Minister, these aren't new problems. Come on.

Given that the Alberta Hospital, a mental health facility, says that a lack of alarms creates higher levels of risk for staff and visitors and that patient crowding and buildings without sprinklers create significant safety issues, again, Minister, can you please tell me how you don't think patient and staff safety is not at risk when your own AHS says that it is?

Mr. Bhullar: Mr. Speaker, once again, we have made a very strong commitment to ensuring that the province of Alberta catches up on deferred maintenance. Our Premier has been very clear about that. He's been saying that long before media articles. He's been saying that long before members opposite decided to pick up the paper and talk about this issue. So it's something he's committed to. It's something we've committed to, and we will ensure that we're investing in capital, that we're investing in infrastructure to make sure Albertans have the best services at their disposal.

Mrs. Forsyth: Minister, we've been asking these questions since 2010. Ask the Minister of Mice about that.

Given that these AHS documents show this government and this minister were not forthcoming with Albertans about the significant risk to patient safety at Edmonton area hospitals, will the minister now admit that the same patient safety concerns are prevalent in hospitals in Wainwright, St. Paul, Bonnyville, Brooks, Sundre, and Calgary? And we can go on and on.

Mr. Bhullar: It's interesting to hear, Mr. Speaker, that the 17 – oh, I'm sorry – 14 people have been discussing these issues for some time because they are also the individuals that often object to our raising money for capital spending. When we, in fact, believe that we need to invest very heavily in capital, they are the same individuals that say no in many, many cases. They think that we're building too much infrastructure when it comes to schools and that some of our schools, in fact, are not needed. We're very clear when it comes to our infrastructure spending. We're growing – Alberta is robust – and we're going to continue to invest in infrastructure.

The Speaker: Thank you.

The hon. Member for Calgary-Lougheed, followed by Calgary-McCall.

Southwest Calgary Ring Road

Mr. Rodney: Thank you, Mr. Speaker. It has taken some time, but great progress has been made on the Calgary ring road. The project is and will continue to be vital to the livelihood and quality of life of an untold number of Calgarians and Albertans. It will lessen congestion on many of the arterial roads of the interior city and make transportation safer for everyone. To the Minister of Transportation. It's fantastic that we finally have an agreement on the Calgary southwest ring road, but the current stumbling block is the approval of the federal government. What can you tell my

constituents and all Albertans about when the official federal approval will occur and we can finally get this road built?

Mr. Drysdale: Mr. Speaker, we're committed to completing the Calgary ring road. It's part of the infrastructure needed to move goods and people safely across this province, and our growing economy and population depend on it. We expect the federal government will transfer the lands from the Tsuu T'ina Nation to the government of Alberta in 2015. At that time we'll proceed with the project pending Treasury Board approval.

Mr. Rodney: To the same minister. This project has great potential for every community connected to it, but many of my constituents are concerned about whether or not they will actually have easy access onto the southwest ring road. Can you assure them that they will have access to the east and west from the south end of 24th Street S.W. as well as access to the north from 130th Avenue S.W.?

Mr. Drysdale: Well, we want to ensure the safety of drivers and passengers on all Alberta roads, and the interchange at 130th Avenue would be too close to another interchange to provide safe access. The Anderson Road interchange will provide all directional access to this ring road. For safety reasons access to the ring road from 24th Street cannot be provided. Instead, we'll include a full interchange at 167th Avenue that does not impact the safety and operation of the ring road. At this time local residents can use both 167th Avenue and James McKevitt Road to access the ring road.

Mr. Rodney: Finally, to the same minister. At the recent open houses on this subject in Calgary constituents raised questions regarding noise in their neighbourhoods and construction of a second bridge right over Fish Creek park. What can you tell constituents that will address these serious concerns of theirs?

Mr. Drysdale: Well, we know that operating a highway in an urban setting may impact residents who live nearby, and we're committed to addressing these concerns. That's why we held nine information sessions this fall, and these sessions were well attended with between 100 and 300 attendants at each session. When it comes to noise concerns, Mr. Speaker, we're currently modelling the predicted noise that the ring road will generate as part of our planning project. The project will conform to provincial noise policy guidelines. To ensure the safety of users of the ring road, a second bridge will be built over Fish Creek that will carry four lanes.

The Speaker: Thank you.

Let's move on to Calgary-McCall, followed by Edmonton-Calder.

2:20 Infrastructure Project Prioritization

Mr. Kang: Thank you, Mr. Speaker. We know this PC government often makes decisions based on politics and not what is best for Albertans. We saw a clear example of this in the last couple of days. Now a news report shows that the PCs cannot evaluate Alberta's health care infrastructure needs without political interference. To the Minister of Infrastructure: will you prove today that your government is not making political decisions by publishing a detailed and prioritized list of Alberta's infrastructure projects?

The Speaker: The hon. Minister of Infrastructure.

Mr. Bhullar: Thank you, Mr. Speaker. I know that infrastructure is very important to both provincial and federal governments across this country. What I would say is that we have a public, open document that speaks about our capital plan. We're investing over \$19 billion over three years on our capital plan.

An Hon. Member: How much?

Mr. Bhullar: Nineteen billion dollars, hon. member.

That's the most significant capital built in this country per capita, Mr. Speaker, and we're going to continue to make those investments.

The Speaker: First supplemental.

Mr. Kang: Thank you, Mr. Speaker. Planning saves money, but decisions based on political whim lead to waste. When priorities change, goals are moved, and targets are missed, the costs go up. To the same minister: how much extra money is this political interference going to cost Albertans?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you, Mr. Speaker. You know, the first part of the member's question actually makes sense. Planning does save money, and that's the reason why we've actually forwarded planning dollars for the 55 new schools and the 20 new school modernizations immediately. We've advanced the planning dollars now so that by next year's budget, when the capital dollars come around, the planning and design is done, and we're ready to start construction. That's the way I plan on approaching all of our infrastructure projects across the government of Alberta.

The Speaker: Final supplemental.

Mr. Kang: Thank you, Mr. Speaker. If this minister focused less on damage control and more on repairing the damage, maybe the Lougheed legacy would not be crumbling around him.

Finally, to the same minister: how is this minister going to fix this process to ensure that the right infrastructure is evaluated in the right way and receives the right amount of repair at the right time?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you, Mr. Speaker. We have a very planned and deliberate approach to catching up on deferred maintenance on various infrastructure projects. As I've said before, Alberta spends the most per capita on infrastructure projects of anybody in this country. We have a \$19.2 billion capital plan as we speak, and of these projects we anticipate that over \$2.6 billion from that is being spent on health infrastructure projects alone. Again, the most per capita in this country.

The Speaker: The hon. Member for Edmonton-Calder, followed by Lacombe-Ponoka.

Child Death Investigation Process

(continued)

Mr. Eggen: Thank you, Mr. Speaker. First this government blocks the Child and Youth Advocate from doing comprehensive, independent investigations whenever a child in care dies or is seriously injured. Now their own quality assurance council has been so frustrated that the chair has thrown up his hands in the air and resigned. To the Minister of Human Services: after you

sandbagged Dr. Dibden so completely, will you now hand over investigations into all of the deaths of children in care to the Child and Youth Advocate?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. I want to make it very clear that this government reviews every incident and every fatality in the child intervention system. We have numerous bodies reviewing these cases, including the medical examiner, the Child and Youth Advocate, the Fatality Review Board, in addition to our very own internal review of every incident. From my perspective, how many people do we need to review the reviewers? It's time to get past reviewing this again and get the job done.

Mr. Eggen: Mr. Speaker, given that Dr. Dibden outlined fully transparent, comprehensive, and robust reforms yet this PC government has ignored the council's recommendation and he ended up resigning, to the same minister: how do you expect Albertans to place any trust in you and your ministry when you continue to block recommendations that could very well save children's lives?

The Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. The Child and Youth Advocate and the recommendations put forward by a number of bodies that work with Human Services – of the 96 recommendations 55 have been completed, 12 are ongoing, 25 are in progress, and only four have not been implemented.

Mr. Eggen: Mr. Speaker, given that we know that 18 children in care have died in the last eight months under this PC government's watch, to the same minister: how do you expect the public to believe that the resignation of a well-respected, high-profile chair of the council for quality assurance is anything less than another affirmation of your and this PC government's supreme and profound neglect?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Any time a child in care passes away, it's a very tragic moment for all of us. With the publication ban and the information that's being released every month now through the Human Services website, we are being open and transparent and accountable with Albertans. It's about working not in isolation but with the input from the council, child intervention practitioners, other experts, and, of course, aboriginal representatives to make sure that all community perspectives are reflected as we make continuous improvements.

The Speaker: The hon. Member for Lacombe-Ponoka, followed by Innisfail-Sylvan Lake.

Chronic Disease Management

Mr. Fox: Thank you, Mr. Speaker. Last week I raised the question of chronic disease management to the Health minister. His answers, quite frankly, left much to be desired. The Auditor General's report was very clear in outlining that the government has no system in place that assesses chronic disease management needs, making it difficult to match its services with demand. To the Health minister: exactly what system will you put in place to determine the demand for chronic disease management services across our province?

The Speaker: The hon. minister responsible for the environment.

Mr. Fawcett: Thank you very much, Mr. Speaker. As I mentioned in one of my previous answers, this government is committed to managing chronic diseases through what the Auditor General identified as one of the most effective tools, and that's through the primary care system. The PCN evolution work in the coming weeks and months includes enhanced services such as extended hours, same-day or next-day patient access, notifying patients of the PCN they belong to and the services which the PCN provides as well as improved continuity of patient care.

Mr. Fox: Mr. Speaker, given that the Department of Health has not renewed the physician office system program to support the enhanced use of electronic medical records by physicians who currently have them and given that Mr. Monteith, chief delivery officer of the Ministry of Health, said last Tuesday at PAC that "system reform . . . will be difficult because physicians are independent contractors," under the leadership of this Premier and the government it has wasted hundreds of millions of dollars on these systems, and still a universal electronic medical records system has not been developed. When will it be done, Minister?

Mr. Fawcett: Mr. Speaker, as was rightfully identified, one of the biggest barriers to this is trying to work with our front-line health care providers, including the doctors. We will continue to work with them and encourage them and provide them the proper incentives and frameworks and platforms to continue to move forward with proper electronic health care records. Again, there is no excuse in this day and age not to utilize technology to the best of its ability to improve health care outcomes.

The Speaker: Hon. member, your final supplemental.

Mr. Fox: Thank you, Mr. Speaker. The minister is right. There is no excuse for this government's lack of work on this file.

The Auditor General has also noted that the department does not currently have a structured approach or business model to deliver chronic disease management. Again to the minister: given that we spend more on chronic diseases than on the entire Department of Education, how is it possible that this government has no plan to effectively manage chronic diseases in the province?

Mr. Fawcett: Mr. Speaker, you know, the hon. member is right; being able to manage chronic diseases will certainly help us with trying to bring down the costs of health care expenditures in the province. The more that we can keep people healthy and out of the doctors' offices, out of the emergency rooms, out of the acute-care system and the long-term care system, the better it will be for Alberta taxpayers. That is certainly an objective that we have as a government, to manage those issues in a way that does so with the appropriate financial considerations.

AISH Client Benefits after Age 65

Mrs. Towle: Every day clients on assured income for the severely handicapped, or AISH, who turn 65 face a real challenge. That is because currently when AISH clients turn 65, they lose their medical benefits. This sends the client into crisis and increases the risk to the health and safety of the AISH client. I can tell you that it is astonishing to Albertans that a client on AISH who needed help at 64 would be cut off at age 65. To the Minister of Human Services: why are AISH clients losing their medical benefits when they turn 65?

2:30

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker, and I do want to thank the hon. member for her question, the opportunity to respond, and her advocacy on this issue. As of October 1 clients who are on AISH will receive about \$20 more a month when they start receiving the Alberta seniors' benefit and the old age security and guaranteed income supplement. There's also the special-needs assistance program and the property tax deferral program. Again, we do help AISH clients transition, so it's important for me as minister to hear those, and I appreciate these concerns being brought up.

Mrs. Towle: Given that the prescriptions covered under the seniors' benefit program are significantly different, especially for mental health, and given that when AISH clients have their prescriptions cut off, they often end up in emergency or in our justice system, will the Minister of Human Services commit to ensuring that AISH clients turning 65 will not lose access to the prescriptions that they currently have today?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Again, we know that when AISH clients turn 65 – we work with them for approximately a year before they turn 65 – they do get dental and optical assistance through Alberta Health as well as ambulance coverage, but we also know that there are gaps. There are situations where we know there could be gaps there, so I look forward to working with her on this issue. I am concerned about this issue. At the end of the day we want to make sure they can live in a dignified manner and have the supports they need.

Mrs. Towle: Thank you for that, Minister. I also look forward to working with you to resolve this situation.

Given that clients on AISH also lose their access to their nonmedical supports, their caseworker, and sometimes even their housing, will the minister ensure that our most vulnerable Albertans will have access to all of the supports even though they turn 65?

Mr. J. Johnson: Mr. Speaker, I thank the member for her excellent and important question on this topic. I think it's important to clarify that AISH recipients are in unique circumstances and that moving or having to move is not necessarily a requirement at age 65. It depends on the individual's circumstances and the housing management body, assets that they may have. It's not a policy or requirement of this government. But we do have a number of other programs to help these folks as they age, including the special-needs assistance that was previously mentioned, low-income housing, special-needs housing, and others. I look forward to working with the member on any of the constituent concerns that she has on this issue.

The Speaker: Thank you.

The hon. Member for Medicine Hat, followed by Edmonton-Manning.

Postsecondary Education Funding

Mr. Pedersen: Thank you, Mr. Speaker. Time and time again Alberta's postsecondary students are asked to make sacrifices. Our postsecondary institutions and partners in innovation and creative sectors get promises of funding, only to be faced with unpredictable

funding cuts. Times are good: cuts. Times are bad: cuts. Times are great and oil is at record high prices: cuts. Now with oil prices plummeting, students are concerned about what this means for them. Can the minister commit to students that they won't be asked to bear the brunt of this government's legacy of waste, mismanagement, and poor planning?

Mr. Dirks: Mr. Speaker, it seems like the only that that's being cut is the popular support for the opposition party, which has plummeted 21 per cent in the last six months. There's a reason for that, and that is that people expect in this province that we are going to address issues and not simply promote negativity. Here's the issue that the minister of postsecondary education has been addressing: \$2.1 billion being invested in base operating grants this year.

Mr. Pedersen: Mr. Speaker, obviously, this minister should just cut the hot air.

Given that the health of our postsecondary institutions is critical to the long-term economic prosperity of our province and given that they are teaching and training the leaders and citizens of tomorrow, can this government tell Albertans whether or not they are working with postsecondary institutions to ensure they have a sustainable and predictable funding model both now and in the years ahead?

Mr. Dirks: Well, Mr. Speaker, I want to put some facts on the table for the members just so that they can be educated about our postsecondary system. Alberta invests in our students. [interjections] The latest numbers show that we have the third-highest expenditure for full-time students in the country. We invest \$2.1 billion in base operating grants across the system. [interjections] We've made it clear, the Premier has in his priorities, that we will be committed to sound, conservative fiscal principles and that we'll be prudent and diligent in our planning for our postsecondary education system.

The Speaker: Hon. members, you know the rules. So do I. Please.

Mr. Pedersen: Mr. Speaker, given that the Council of Alberta University Students, the largest student-run organization in the province, representing over 100,000 students, is still waiting to hear from the government, will the minister commit to meet with these students before decisions on the budget are final?

The Speaker: The hon. Minister of Service Alberta.

Mr. Khan: Thank you very much, Mr. Speaker. I want to thank the member for the question, and I want to thank him for bringing up CAUS. CAUS is a tremendous organization of student leaders. They do incredible work. I've spoken to the minister. I know that he values their input. I'll be happy to pass along that request, and I hope that at some time in the near future the minister will be able to have an opportunity to meet with the folks from CAUS.

Children and Youth with Disabilities

Mr. Sandhu: Mr. Speaker, any parent who has a child with a disability will know the struggles of supporting the child. The financial, physical, and emotional stress of caring for a child with a disability can be draining. My constituents in Edmonton-Manning who are parents to children with disabilities are very frustrated that government supports are simply not adequate. It is critical that persons with disabilities have the right supports to enjoy quality of life. My first question to the associate minister for

persons with disabilities: why are our most vulnerable citizens, especially . . .

The Speaker: Thank you.

The hon. associate minister to respond.

Mr. Bhardwaj: Well, thank you very much. Mr. Speaker, our government is focused on ensuring that all Albertans have the best quality of life. Currently we have 11,000 children and families who are receiving a wide range of services through our family support for children with disabilities. In 2012 we conducted a survey, and 91 per cent of the parents said that they had a positive impact on the family and the child. We will continue to work with the families and their service providers to make sure their individual needs are met.

Thank you.

Mr. Sandhu: To the same associate minister. The government is supposed to be taking care of their most vulnerable youth to the greatest extent possible. Why aren't there services in place to support youth as they are about to start their adult lives?

The Speaker: The hon. associate minister.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. Our government is focused on making sure that every youth in Alberta starts off on the right foot, and that absolutely includes youth with disabilities. There are service providers, and we're working with the families as early as the age of 16 so that the day they turn 18, there is a seamless service throughout their lifespan. We will continue working with them to make sure they get the best possible care that is needed.

Thank you.

Mr. Sandhu: My constituents have also told me that adult disability services fall short once the child turns 18 and is no longer eligible for the government funding. How can a person and their family plan for the future when they don't know what type of support they can expect?

The Speaker: The hon. associate minister.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. I would also like to recognize International Day of Persons with Disabilities and, of course, talk about the PDD transformation. PDD transformation is about the individuals. It's about their needs, their goals, and their aspirations. As a government we will continue to make sure that their needs are met in a very consistent and timely manner.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Strathcona-Sherwood Park, followed by Dunvegan-Central Peace-Notley.

Community Services in Schools

Mr. Quest: Well, thank you, Mr. Speaker. We often speak about how school facilities can be used to meet the needs of a community, community centres, if you like, but there are serious shortcomings in how we make use of our valuable public spaces. A new school will be under construction in Ardrossan in my constituency soon, which is good news. The bad news is that there is a daycare and a preschool that rent space in the existing facility that may need to close because they have been denied space in the new facility. My question for the Education minister: how are school buildings

actually going to be community centres if education dollars can be used for school space and only school space?

Mr. Dirks: I thank the member for a very good question, Mr. Speaker. The member raises a valid point with the reality that the current education system is focused on funding and delivery of schools and programs for kindergarten to grade 12 students. In respect to the Ardrossan situation I can commit to the hon. member that staff at my ministry will work with the school jurisdiction during the replacement school's design stage to review possible solutions to that issue.

2:40

Mr. Quest: I'll just go to my next supplemental, Mr. Speaker, which will be to the Minister of Human Services. We'll need thousands of new daycare spaces in the coming years in this province, yet in my community there's actually a risk of losing some of that space, which has been used successfully in the old school building. New school buildings are ideal places for preschools and daycares. What are you prepared to do as Minister of Human Services to ensure that these facilities are maximizing their value to Albertans, working with Education and Infrastructure? This is important, Minister.

The Speaker: The Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Over the last year, as I've said before, we licensed 4,700 new spaces across Alberta, about 100,000 spaces. We know that we license, monitor, and issue for child care programs. We also approve the family day homes and other areas as well. We know that we need to have the conversation of wraparound services and community supports and hubs. I'm a firm believer in that. I think that's a conversation that we will continue to have to ensure that families and children are supported.

The Speaker: Final supplemental.

Mr. Quest: Thank you, Mr. Speaker. I would just ask the Minister of Infrastructure: are you prepared to work immediately with the Education minister and the Human Services minister to resolve this situation not just in Ardrossan but around Alberta? Our schools need to be more than just schools, Minister.

Mr. Bhullar: A great comment by the member, Mr. Speaker. Our schools in some communities are the only piece of public infrastructure in a new development. I've been saying this very much lately, that we need to ensure that the local communities, the school boards, the municipalities come together early, work on the planning and the design of these facilities early on, so that when we're ready to start construction, we don't have to miss a step and can ensure that the public gets full access to these public facilities.

The Speaker: Thank you.

Hon. members, the bell for Oral Question Period has sounded, meaning that it is over.

In 30 seconds from now we will resume with private members' statements, starting with Rimbey-Rocky Mountain House-Sundre.

Members' Statements

(continued)

The Speaker: Let us resume, then. Private members' statements, two minutes. Let's go with Rimbey-Rocky Mountain House-Sundre, please.

AltaLink Sale

Mr. Anglin: Thank you, Mr. Speaker. Last Friday the Alberta Utilities Commission approved the sale of AltaLink to the fifth-largest public company in the world, U.S.-based Berkshire Hathaway. In its decision the commission said that concerns about foreign ownership of AltaLink were outside its jurisdiction; hence, it was not considered. I note the federal Competition Bureau did not consider any factors outside Canadian jurisdiction before it approved the sale. When questioned about this sale, the minister said: I'm sure the regulators will do their job to ensure no harm comes to Alberta consumers. It was confusing.

Sadly, the minister is only partially correct. AltaLink is a fully regulated monopoly in the province of Alberta. It is managed rather efficiently. In all likelihood, it will continue to be managed efficiently. The company AltaLink and its management are not the problem. They do not own electricity generation; hence, they have no conflict or interest in the price of electricity. Berkshire Hathaway, on the other hand, owns electric utility companies in more than seven western states. They own 300,000 kilometres of transmission lines, 28,000 megawatts of generation in the western United States. That's 10 times the transmission and twice the generation capacity of all of Alberta.

Now, with the purchase of AltaLink Berkshire Hathaway controls 80 per cent of the flow of electricity in Alberta. Unlike AltaLink, Berkshire Hathaway has a vested interest in the price of electricity. Now that they own both generation and transmission across an international boundary Berkshire Hathaway can take advantage of a regulatory black hole every day when Alberta imports and exports electricity. There are no rules or regulations to prohibit Berkshire Hathaway from adjusting the flow or supply of electricity in one jurisdiction, only to raise the price of electricity in another jurisdiction.

No one is watching this fox manage the henhouse. Can we as a Legislature put aside partisan politics and do something before Alberta ratepayers suffer?

Introduction of Bills

The Speaker: The hon. President of Treasury Board and Minister of Finance.

Bill 11

Savings Management Repeal Act

Mr. Campbell: Well, thank you, Mr. Speaker. I request leave to introduce Bill 11, the Savings Management Repeal Act.

Given its clear commitment to sound, conservative fiscal principles and our current fiscal position, the government will not continue with the initiatives set out in the Savings Management Act. The Savings Management Repeal Act will eliminate the Alberta future fund, the social innovation endowment account, and the agriculture and food innovation endowment account. The \$200 million transfer from the heritage fund to the Alberta heritage scholarship fund, which was earmarked to support trade-focused education, will remain in the scholarship fund for that purpose.

Thank you, Mr. Speaker.

[Motion carried; Bill 11 read a first time]

Tabling Returns and Reports

The Speaker: Hon. Member for Calgary-Mountain View, did you have a tabling?

Dr. Swann: Thank you very much, Mr. Speaker. I have a number of tablings, the first being a tabling that I referenced in my introductions today of the farm workers who are here, Constitutional Arguments Concerning the Exclusion of Alberta Farm and Ranch Workers from Labour and Employment Legislation: Executive Summary, which highlights three violations of our Canadian Constitution: the freedom to associate, the security of persons, and equality at law.

The second tabling is a letter from the Premier to Darlene Dunlop in response to her request for a response to these constitutional violations and his willingness to look at those.

The third is a letter from one Philippa Thomas, a farm worker who was injured almost 10 years ago and suffered a very serious injury. She has been living without compensation for a decade, having spent tens of thousands of dollars, and is calling for the inclusion of farm worker rights, including compensation for all farm workers.

The fourth is a letter from Darlene Dunlop printed in the *Prairie Post*, identifying that her family in Frank, Alberta, has received a World War I memorial, a cannon flanked by two machine guns, in recognition that hers was the only family to lose all their sons in the First World War, family members that she feels fought for equal rights for all Albertans and these rights are now denied to paid farm workers in Alberta.

The fifth would be greetings from Eric Musekamp, greeting the Alberta Legislature and on behalf of the Charles Stauffer trust fund asking MLAs to consider making a donation after this farm worker was killed, leaving his family destitute. I've made a contribution, and I hope other MLAs will consider the Charles Stauffer trust fund. The details are here.

That's it, Mr. Speaker.

The Speaker: Let us move on to Edmonton-Centre, followed by the Minister of Human Services.

Ms Blakeman: Thanks very much, Mr. Speaker. I have a couple of tablings here today. The first is from Marian McNair. I believe she is a constituent. She just wants to point out – and I'm glad that the Minister of Health is here – that she's 69 and still working, but she is one of the people who is prescribed a compounding type of medication. She used to be able to get her 300 pills for a \$25 fee. Now, because of the limit on the compounding fee, she is having to go 10 times to get the same number of pills and is now paying \$73.30 instead of \$25 for those same 300 pills.

2:50

Second tabling, Mr. Speaker, is a copy of the letter that I sent to the superintendents of all of Alberta's public and separate school boards asking for the same information that was being provided to the hon. Minister of Education.

I was a little puzzled by the tabling yesterday from the minister, which appeared to not contain source data. So, just to remind him, I'm going to table a couple of the originals that we got back from some of those school boards detailing the breakdown of antibullying clubs, diversity clubs, and GSAs. I'll give him copies of the one from the Peace Wapiti school division, Elk Island public, and Wetaskiwin just as a reminder that this is what the source

information looked like and not something written as a letter after the fact.

Thank you.

The Speaker: The hon. Minister of Human Services, followed by Edmonton-Highlands-Norwood.

Mrs. Klimchuk: Thank you, Mr. Speaker. I'll be filing the appropriate number of copies of letters to the chair of the council for quality assurance and the chair of the implementation oversight committee outlining expectations and priorities.

Thank you.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by Edmonton-Strathcona.

Mr. Mason: Thanks very much, Mr. Speaker. I was wondering if I could request unanimous consent to revert briefly to question period for 20 minutes so that we could ask the Health minister some questions about hospital infrastructure.

The Speaker: Hon. member, let's deal with your tabling, shall we? Then, if there's a request to revert to something that is acceptable, we'll do that. But go on with your tabling, please.

Mr. Mason: I have no tabling.

The Speaker: The hon. Member for Edmonton-Strathcona, then.

Ms Notley: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of a motion currently in front of the City of Edmonton Youth Council. The motion resolves "that a letter be written on behalf of the . . . Youth Council to local MLAs, the Minister of Education and the Premier of Alberta stating public support for Bill 202." Unfortunately for them, the government has acted with great haste to ensure that the debate that they will be having this afternoon appears to be no longer in order. Nonetheless, it's important for members to know that the City of Edmonton Youth Council was planning on debating this today and likely will be supporting Bill 202.

The Speaker: Are there others? One from Calgary-Shaw, please.

Mr. Wilson: Yes. Thank you, Mr. Speaker. I rise to table the requisite number of copies of a news release from the office of the Information and Privacy Commissioner of Alberta that I quoted from while debating an amendment from the ND caucus earlier this week.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Campbell, President of Treasury Board and Minister of Finance, pursuant to the Conflicts of Interest Act, the Report of Selected Payments to the Members and Former Members of the Legislative Assembly and Persons Directly Associated with Members of the Legislative Assembly, year ended March 31, 2014; pursuant to the Gaming and Liquor Act the Alberta Gaming and Liquor Commission Charitable Gaming in Review 2013-2014; and pursuant to the Results-based Budgeting Act the Results-based Budgeting Report to Albertans dated December 2014.

The Speaker: Thank you.

Statements by the Speaker

Bills Containing Similar Provisions

The Speaker: Hon. members, I have no points of order, but I would like to take this moment to make a point of clarification and make a statement with respect to duplication of bills, specifically bills 10 and 202. I make this statement as a result of the need to do so.

First, as members are aware, Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, received second reading on Tuesday, December 2, 2014. This is a government bill, sponsored by the Member for Calgary-North West. On the Order Paper for consideration is Bill 202, the Safe and Inclusive Schools Statutes Amendment Act, 2014, sponsored by the Member for Edmonton-Centre. I've examined these two bills, and certainly they are not duplicates. Both bills would amend the Alberta Human Rights Act by repealing section 11.1. Both bills would amend the Education Act in various sections. The provisions are not identical but deal with the same issue of preventing discrimination or bullying.

In Bill 202 there are amendments to section 33 of the Education Act while Bill 10 adds a new division after section 35 of the Education Act. Also, there is the issue of parental consent in the Education Act, which is dealt with by amending section 58 in Bill 202 whereas Bill 10 adds new sections after section 58 on this subject. Bill 10 would also, as the title indicates, amend the Alberta Bill of Rights in addition to amending the School Act.

The principle that prevents the Assembly from debating both these bills is that a Parliament or Assembly should not debate the same issue twice in the same session. The nature of the rule and the rationale for it is nicely stated in *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, 24th edition, at page 543, where it states:

There is no general rule or custom which restrains the presentation of two or more bills relating to the same subject, and containing similar provisions. But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions.

On the same page it is stated that

the Speaker has declined to propose the question for the second reading of a bill which would have had the same effect as a clause of a bill which had already received a second reading.

It is interesting to note that on page 544 of the same edition of *Erskine May* it is stated that the rule was laid down in what is now the United Kingdom House of Commons on June 1, 1610, as follows:

that "no bill of the same substance be brought in in the same session."

The decision by the Assembly at second reading is therefore crucial because it indicates that the Assembly has approved the bill in principle and causes the rule against considering the same issue twice to become operative. This point is also found in *Beauchesne's* paragraph 653 and has been relied upon by previous Speakers of this Alberta Legislative Assembly. I would refer members to Speakers' rulings of November 22, 2005, found at page 1789 of *Alberta Hansard* for that day, and also April 21, 1998, found at page 1558 of *Alberta Hansard* for that particular day, where bills containing provisions similar to those in bills that had received second reading were not proceeded with and came off the Order Paper.

In the matter before us today I find that the provisions in Bill 202 are identical in one section and cover the same ground as in another section in Bill 10. The subject matter in Bill 202 is

subsumed in Bill 10 and would lead to a similar debate and having the Assembly revisit an issue about which it had already voted.

In conclusion, I find that based on the parliamentary authorities and the precedents of this Assembly concerning duplication of bills and the principles associated with considering the same issue twice in a session, Bill 202 will not be proceeded with and will come off the Order Paper.

In making this conclusion and this ruling, I make it with some regret, knowing that the effort that the Member for Edmonton-Centre put into her Bill 202 was very considerable and that the time and commitment she invested into preparing it and researching it was equally so. However, I want to point out that this ruling is very much dependent on the content of bills 10 and 202. Each case is obviously different, and I do not want to be seen as unduly limiting the opportunities for members to craft and debate their own private members' bills.

That concludes this particular statement.

Private Members' Public Bills

Now, with respect to another matter, that being the business for Monday afternoon, December 8, 2014, members may recall that yesterday I tabled a letter from the member for Rimbey-Rocky Mountain House-Sundre requesting early consideration of his Bill 201, the Electric Utilities (Transparency in Billing) Amendment Act, 2014. That letter is recorded as Sessional Paper 105/2014. The issue of early consideration of private members' public bills has vexed me as your Speaker and two of my immediate predecessors.

3:00

In my ruling of November 18, 2013, at page 2864 of *Alberta Hansard*, I cited four rulings on the subject and how my immediate predecessors have repeatedly requested House leaders' attention to and review of the procedure for early consideration. In the absence of any agreement, however, which is where we still find ourselves today, we are obliged to continue following the protocol, where a member may request early consideration of his or her bill but only when the bill has passed the previous stage.

In this case Bill 201 received second reading on Monday, December 1, and the request for early consideration at committee stage was made the following day. A request for early consideration will not bump a bill where debate has been adjourned or the committee's work has not been completed or a bill that must, according to the rules, come up for consideration on a certain day. As there are no other private members' bills that are being debated nor are there any in committee, then, consistent with our practices, Bill 201 will be considered in Committee of the Whole as the first item of business on Monday afternoon, December 8, 2014, when private members' public bills are expected to be up for consideration. That concludes that particular statement.

I see the Member for Edmonton-Centre. Let me hear what you have, quickly please.

Point of Clarification

Ms Blakeman: Yes, Mr. Speaker. Under 13(2) I just wanted to double-check if the fact that my bill was not allowed to come up for debate affects the decision by the Speaker at all in this context.

The Speaker: Hon. member, may I invite you to please read what I just said in *Hansard* with respect to the ruling, which was carefully reviewed. I did not reference the specific point that you just referenced, but I see you've put it on the record, which is probably a good thing from your perspective. Thank you for doing that.

Let us move on, then.

Orders of the Day

Government Bills and Orders Second Reading

Bill 9

Condominium Property Amendment Act, 2014

The Speaker: The hon. Member for Sherwood-Park.

Ms Olesen: Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 9, the Condominium Property Amendment Act, 2014. Alberta has a long history with condominiums. In fact, the first condominium development in Canada was built in Edmonton in 1967. Condominium legislation was first enacted in Alberta in 1969. The legislation has been updated a number of times since then as the condominium market and our province have grown. The Condominium Property Act provides the legislative framework for the creation and operation of any form of condominium, including residential and commercial. This act impacts anyone who develops, manages, owns, or resides in a condominium property. These amendments will ensure that the act is appropriately balanced and fair to all parties. It also enshrines a number of stakeholder recommendations and best practices from other jurisdictions.

I would like to take a few moments to set out some of the key amendments being proposed as part of this bill. First, the creation of a new tribunal to act as an alternative to the courts in disputes between parties. This proposal received considerable support during the consultation process. Stakeholders recognized that many types of disputes in condominiums can be addressed without the need for time-consuming and potentially expensive litigation. The new tribunal offers them such a forum. Further work will be undertaken to develop the necessary regulations to support this tribunal's operation. Once this work is completed, this new avenue for settling disputes will be a valuable alternative to the courts and will reflect a significant modernization of Alberta's legislation.

Second, a number of these amendments will also take steps to protect purchasers of new condominiums. Here are just a few examples of the ways in which this bill will do this. Developers will be required to disclose a broader range of information to potential purchasers to assist them in making a fully informed decision. Buyers will be protected from sudden increases in condo fees, also known as fee shock, by ensuring they receive realistic and credible budget estimates of future condo fees. A purchaser's right to cancel an agreement to purchase will remain until they have actually received all the information to which they are entitled. New provisions will be added to the act to ensure that condominium buyers are notified of any delays in occupancy or material changes to the purchase contract and have appropriate remedies available.

Alberta has a great number of developers committed to acting fairly and professionally. Indeed, many developers already comply with some of these amendments on a routine basis. Including these amendments in the act will help to ensure that anyone purchasing a condo in Alberta is treated fairly and can count on high standards of disclosure.

Third, these amendments will also enhance the regulation of condominium managers. Condominium managers are playing an increasingly important role in the administration of many developments. This diverse group of professionals deals with matters ranging from finances to property maintenance to negotiating contracts with suppliers to enforcing condominium rules and bylaws. These are important responsibilities, and it is essential that those performing them are appropriately informed, regulated, and well qualified.

These amendments will assign responsibility for governance of condominium managers to the Real Estate Council of Alberta, RECA. RECA is the independent governing authority that sets and enforces professional standards for property managers as well as realtors, mortgage brokers, and real estate appraisers. As an independent body that is experienced, fair, transparent, and accountable, RECA is ideally equipped to set appropriate standards of conduct and prescribe the necessary skills, education, and competencies needed for condo managers.

[The Deputy Speaker in the chair]

Other amendments will update this legislation to ensure that condo owners and boards can take full advantage of modern technology in the affairs of their business. For example, the act will authorize board meetings and voting to be done electronically, provided appropriate controls are in place to verify voter identity. It will also allow documents to be provided in an electronic form wherever possible.

Finally, amendments will update and improve the offences and enforcement sections of the act. The proposed amendments will reduce the overall number of offences, to focus more on especially unfair actions taken against purchasers and owners by a small number of developers. This will ensure that resources can be directed at eliminating behaviour that leaves condo owners in Alberta particularly vulnerable. However, let me be clear. Reducing the total number of offences will not compromise the protections offered by the act. In fact, a number of these amendments are specifically tailored to deter illegal conduct by potential offenders.

For example, we are expanding the role of Service Alberta's condominium director to issue compliance orders, levy administrative monetary penalties of up to \$100,000, and, whenever necessary, commence court actions. Additionally, penalties for offences will be substantially increased to serve as a strong deterrent against inappropriate conduct. Where offences are carried on beyond a single occurrence, they will likewise be punished more seriously. I have no doubt our province's stakeholders will support these amendments and recognize that the enhanced sanctions are specifically aimed at the effective and efficient investigation and prosecution of the most serious misconduct.

Taken together, however, this bill represents a major modernization of Alberta's Condominium Property Act, reflects our commitment to protect Alberta condominium owners, and will help build stronger communities now and into the future.

Thank you, Mr. Speaker.

The Deputy Speaker: Thank you, hon. member.

I'll recognize the next speaker, the Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Mr. Speaker. I'm pleased to speak to this bill, both as an MLA and as the critic for Service Alberta. The issue of condominiums is quite important as it's ultimately about private property. Many young people get their first step on the property ladder through a condo. Many seniors also downsize from a single family home to a condo for the first time. Both groups of people find the market confusing and technical. I hope this bill will improve protection for consumers.

I do have a concern with how this bill has been handled. I feel this bill is being rushed through the House without proper consultation with stakeholders. This is a highly technical piece of legislation. It's 80 pages of detailed amendments to a very large piece of legislation. It can be quite confusing unless you happen to

be a lawyer specializing in the condo market. This being the case, I think there should be enough time to consult with stakeholders to look through this bill and make sure it addresses the long-standing issues in this market. As we know, the Condo Property Act hasn't been significantly updated in 15 years. This is our once-in-a-decade chance to get things right. Rushing legislation through will lead to mistakes that will need to be fixed later.

3:10

I have to give credit to the ministry for its extensive consultation prior to the drafting of the legislation. They sought the input of a variety of people, including developers, owners, and the legal community. I do wish more consultation was done after the drafting of the bill. I wish more time was being taken to consult on the actual laws that are being passed. When you consult before and not after, people feel like the job is only half done. You've asked for their opinion in general, but when it comes to what the real substance is, what laws will actually be passed, they are not consulted.

Another concern I have is that Bill 9 in front of us is different from Bill 13, tabled in the spring. As I've said, we haven't had much time to go through the bill in detail. It was tabled on Monday afternoon, and I want to thank the minister for having the evening meeting and giving us the briefing notes at that time. But here we are. I did start going through and comparing the differences between the two bills, and I'm a little concerned that it appears that consumer protection has actually been weakened in this newer bill. Parts relating to the duties of a developer have been removed. It looks to a cynic that responsibility is being shifted from developers.

This shift from developers does concern buyers out there. We've seen a few examples of whole buildings, like in Fort McMurray and Leduc, being condemned, leaving owners with mortgages on properties they can't live in. We can all say, "buyer beware," but are you going to say that to a recent college grad buying his first property or to a widow looking to downsize because she can't take care of her home any longer? This is not idle speculation, Mr. Speaker.

Special assessments are also an issue. In a hot market like we have, contractors and developers cut corners. When that happens, they catch up with the owner, not the builder. We see this with special assessments where owners are on the hook for tens of thousands of dollars because stucco wasn't applied properly and now there's mould. Not many people have tens of thousands of dollars on command for a special assessment, especially when condo owners may have lower incomes. The lower cost of entry into the condo market is one of its primary appeals, but when condo fees spike or a loan is needed for a special assessment, this hurts precisely the people that we are supposed to be helping in the condo market.

This is something that the government has been aware of for years. Municipal Affairs partnered with the city of Calgary to look into issues with building envelopes. I have a quote from an ADM with Municipal Affairs in 2011: it's absolutely terrible and awful what people are going through; the unfortunate thing is that we don't have the tools as yet to provide them with the protection we're building. That was three years ago, Mr. Speaker.

I've served as critic for Municipal Affairs and now for Service Alberta. I know that there is some overlap as the building code and other issues are with Municipal Affairs. We all know how complicated the MGA is.

I'm not here to be only a critic. I think moving legal disputes out of the court system is a good idea. As I said, condo owners typically do have lower incomes, and they're at a disadvantage.

They can't afford massive legal battles with developers. They certainly can't afford to chase fly-by-night developers who close their corporation to avoid legal responsibility for their actions. Giving consumers an avenue outside the court system is a good step.

I also like that more information is being provided to purchasers. As I've said, the condo market is quite confusing for a lot of people. One area I'd like the government to address is disclosure by real estate agents. While that is under a different act, I hope that accountability and transparency can be broadened to protect consumers that work with a realtor in cases of resale.

One last area of concern I have is the amount of rule-making that will lie in regulation. I was elected to represent my constituents. The condo issue is one that I hear complaints about on a regular basis. Condos are increasingly popular. Condos represent more than half of new buildings in the province. This issue matters to me and my constituents. They want me to hear their voice here in the Legislature. Reading through this bill, it seems like I read the word "regulation" on every page.

Ultimately, Mr. Speaker, this bill is vital to many Albertans, and with such a vital piece of legislation, I think it should be given serious consideration. I think there are some positives in here, but I think we should be slowing it down to get it right and give everyone involved a voice.

Thank you, Mr. Speaker. With that, I move to adjourn debate.

The Deputy Speaker: The hon. Member for Olds-Didsbury-Three Hills has moved to adjourn debate on Bill 9, the Condominium Property Amendment Act, 2014.

[Motion to adjourn debate carried]

Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

The Chair: I'm going to call the Committee of the Whole to order. The Committee of the Whole has under consideration Bill 7, the Chartered Professional Accountants Act.

I recognize the first speaker to Bill 7.

Ms Blakeman: I'm sorry, Mr. Speaker, but we have what can be referred to as the Government House Leader's agreement, and on it, when we get into the Committee of the Whole, it's Bill 10 that's supposed to be the first one that's called up, and this is a different order.

The Chair: Clarification, hon. Government House Leader?

Mr. Denis: Thank you. I would ask for the member's indulgence, as we are preparing an amendment relating to Bill 10, if we could just proceed with Bill 7 for the interim.

Ms Notley: That's not what we agreed to.

Ms Blakeman: What is the point of having these agreements and the stuff sent out if the government is not going to agree to it and not going to stand behind it? [interjections] You get prepared for certain people here to speak here in a certain order, and . . .

The Chair: Hon. members, this is the type of thing that should be worked out prior to here. I mean, I've . . . [interjections] Please, hon. members, one at a time. Hon. Government House Leader, I'm going to give you one opportunity to respond.

Mr. Denis: I don't mean to be pugilistic. We can go to Bill 10 if they want to go to some speeches, but we're actually a little bit behind in preparing an amendment here, and that has changed matters that could not have been foreseen over the last couple of hours.

Ms Blakeman: Well, thank you, Mr. Chair. If that courtesy had been extended to us earlier, we could have rearranged our schedules to have different people here to go in a different order. So nice to have the courtesy extended now that we're already here. If the member could manage to do it maybe an hour or two earlier, it would be greatly appreciated. Thank you.

Mr. Denis: Okay. Mr. Chair, this was the earliest that I could have done this. Again, not wanting to be pugilistic here. If this member wants to go to Bill 10, and she wants to speak, go right ahead, but we're not quite ready with our item. If you want to go with Bill 10 – I've said that three times now – you go right ahead.

The Chair: Okay. Hon. members, just so we can be productive: Bill 10.

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children

The Chair: The first speaker to Bill 10 is the hon. Member for Airdrie, followed by Edmonton-Highlands-Norwood.

Mr. Anderson: Okay. Thank you, Mr. Chair. I'm happy to stand and begin debate with regard to Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children.

Mr. Chair, I did talk at some length yesterday about why I feel that Bill 10 does go toward building a balance of protecting equality, religious freedoms, parental rights, and, of course, very importantly, the protection of our LGBT youth and students in particular. My reasons were given yesterday for that, so I won't go over them again. I also did note, as did the Official Opposition leader in her comments, that there does seem to be a gap in the protections when a student asks to start an antibullying club, whether that be a GSA or a diversity club or any such club. There's a gap there, where if a school board says no to that request, then it really puts the student in, I would say, almost a nonsensical position where they would have to go to court. And, of course, financially that's just not possible in 99.9 per cent of cases.

3:20

What we are proposing on the Wildrose Official Opposition side is two amendments – we will be going over one shortly – that would address that issue. When working hand in hand together, we think that this will strengthen Bill 10 even further to the point where proper recourse will be given to students requesting a GSA whose requests, for whatever reasons, are denied but still addresses their specific needs. I am going to go over those amendments. In fact, I'll table the first amendment in that regard right now.

The Chair: We'll just pause for a moment, hon. members, while that amendment is being distributed. This is the first amendment, so we will call this one A1.

Mr. Anderson: The amendment would read as follows. I move that Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, be amended as follows: in section 2(4), in the

proposed section 35(1), by striking out subsection (1) and substituting the following.

If a student requests a staff member employed by the board that operates the school attended by the student for support to establish or lead an activity or organization intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging and that staff member does not provide the requested support, that staff member must work collaboratively with the requesting student to provide a bona fide anti-bullying or other alternative support strategy that meets the needs of that student.

Then 1.1 says that

Both a decision by a staff member not to provide the requested support to establish or lead an activity or organization under subsection (1), notwithstanding any efforts to implement an alternative support strategy, and the proposed alternative support strategy, may be appealed to the board in accordance with section 42.

This is what we are asking to be read in. We're saying: strike the proposed subsection 1 and replace it with what I just read into the record. What this would do is that if for some reason a school board – let's say that it's a faith-based school board – does not want to grant a mandatory GSA, they want to pursue a different avenue, what it says is that if they reject it, if the staff member's school does not provide the requested support, that staff member must work collaboratively with the requesting student to provide a bona fide antibullying or alternative support strategy that meets the need of that student. That's the main change.

We feel that in 99 per cent of cases – I think it's pretty clear. I mean, if you look at the Catholic school board, for example, they already have an alternative antibullying strategy in place. Perhaps that is something that they could use to, obviously, deal with the student making the request to start a GSA. However, this kind of goes further. This says that yeah, you can have that, you can have that strategy, but you have to work specifically with the student who is experiencing the bullying, who is experiencing the isolation and wants to start that club. You have to work with that specific student on a specific strategy to deal with the bullying that they are facing, and that could mean an antibullying strategy. That could mean another support strategy. Obviously, there are many different strategies to deal with this, and often multiple strategies and supports are needed to help students who are being bullied.

That's what this does. It puts the onus on the school and says: look; if you're going to make the decision to not permit some sort of club that's being requested here, you have to work with that student collaboratively to take care of their specific needs and address their specific needs. I think this is a very important amendment. It will work hand in hand with the other Wildrose amendment, which will be coming along shortly here, which specifically says that if the student isn't happy with the support strategy given or promoted by the school after this is all done, what the student can then do is that after appealing to the board, they can appeal to, essentially, the Ministry of Education. There will be a three-member panel set up that will be able to look at the support strategy and say: "Okay. Is this support strategy bona fide? It is really addressing the issues of the student in question, or is it just some way of dismissing the student without having to do anything concrete?"

That will be the second amendment that we bring forward. I think that that's really important because right now the only recourse that a student has if they're told by a school that they can't start a GSA is to go to a judicial review, essentially. That's really not realistic, and it's not really fair to the student. If a student is being bullied, the school needs to deal with that. The

school board needs to deal with that. If they deal with it, but they don't do it in a concrete manner that's actually helping the student, there should be a recourse for that student to go to an independent third party, the panel in the Ministry of Education, and ask for help and make his case in that regard. Of course, that would be at no cost to the student, so they would have that ability to do so.

I actually feel that this is a better and stronger suggestion than just making a GSA mandatory, and I'll tell you why. Bullying has many facets and many layers to it. I think it's important that – I mean, yeah, I guess if someone asks for a GSA and the GSA is provided, that could certainly help, but it could go a lot further than that. The help that that student needs probably goes a lot further than just needing a GSA. They probably need some sort of support strategy, some sort of strategy with teachers involved and so forth that can make sure that the bullying is put to an end. Just having a GSA alone probably isn't all that can be done for that student.

What this would do is create an expectation. It would essentially force the school. It is mandatory. It would force the school and create an expectation at the school that they have to deal with the bullying that is happening in their school and not just for LGBTQ students. Of course, that is the subject that we've been talking about a lot and absolutely has to be dealt with, but it would involve, for example, other issues, whether that be an issue of race, whether that be an issue with regard to gender issues, male-female, and so forth, all of that stuff. If a student feels that they are being bullied based on one of those prohibited grounds and they want to start a club or group and for some reason the school isn't willing to do that, they want to do a different strategy, they have to create a full support strategy to help that student. If that's still not good enough for the student because it's kind of a token gesture and it's not really helping the student with what they need to overcome the bullying that they're facing, then it creates that appeal process to the panel in the Ministry of Education.

What that panel could do is that it will hear both sides, et cetera, et cetera, and it will either be able to uphold it or provide recommendations to the board on how to properly deal with the situation. So if the boards can't get their act together – and in most cases I am sure that they will get their act together. In the vast majority of cases they will handle this well. In that 1 per cent of cases where a board just wants to sweep this type of thing under the rug and doesn't want to deal with it, these two amendments will clearly work towards making sure that that student is supported, is kept safe, and is protected in the school environment that their parents have chosen to place them in.

3:30

With that, I hope that the government will look at this as an opportunity to strengthen this bill. There may be other options available, but, honestly, I don't see any reason why we wouldn't at least put this in to strengthen the bill. The Liberal and the ND caucuses, I know, are against Bill 10, but I hope that at the very least in this amendment process they would think about supporting this amendment to at least strengthen Bill 10 even if they plan on voting against it on the final reading, third reading, because this will protect students better. It will provide for more students. It might not be what everybody wants, and it might not go far enough for some people, but I think it certainly strengthens the bill to better protect LGBTQ students while still supporting the concept of local school autonomy.

With that, I would ask that members on the government side and the opposition side think about this option and support it. Thank you very much, Mr. Chair.

The Chair: I'll recognize next the member, from the third party, the hon. Member for Edmonton-Centre, followed by Edmonton-Highlands-Norwood.

Ms Blakeman: Thank you very much, Mr. Chair. This is a remarkably sensitive, thoughtful, and common-sense approach to some of the issues that are facing us. I commend the member that's sponsoring it and the other members of his caucus that worked on this. This is recognizing that bullying is specific to a child usually and that it brings with it a number of other complications that need to be addressed. I really like the fact that whoever said no to a GSA is now required to continue to work with the students or the student to try and address their situation. I just think it's really nicely done, and I commend them for that.

An Hon. Member: However . . .

Ms Blakeman: Well, it is a nice piece of work. I really think it is, and I think it was very sensitive and was really trying to get at the heart of the matter.

The problem here is that it's building on a false premise. The false premise is what is in Bill 10; that is, it's okay to have cascading rights – that sounds kind of nice – stepped rights or tiered rights or sliding-down-the-slope rights. It's now being institutionalized through Bill 10 that it's okay to discriminate against a group of people. So we have a set of instructions from the government saying: "In the public school system we want you to do this, and we want you to say yes to GSAs. But in the Catholic and the private system: cut loose; do whatever you think you need to do. You're not required to support these students." That's where this would have been very nice because it would say: "Yes, you are. You can't just dump these kids and say: too bad, so sad." That's why I liked it.

I will never accept that it's okay to graduate rights. If you're going to extend those rights, if our public school system in Alberta is going to say, "Right; we recognize sexual minority youth, we recognize that they get bullied and that at this time they need a specific group to look after them and that that is called a gay-straight alliance," then we do it. But where on earth did we get to this point where we say, "Yes, we will prohibit that discrimination and accommodate it here but not here"? That is incredibly inappropriate. I can't accept that. I can't accept that we would excuse a group of people and say: "Okay. That's all right. You can go ahead and discriminate."

I have not heard from any Catholic parents. I've not heard from any Catholic students. I haven't heard from any Catholic – oh, no. Wait a minute. I think there was one teacher. Sorry. I've had a lot of letters. Let me say that there were two teachers, just to be safe, that had any problem with GSAs being provided in the Catholic or the separate systems or in the private system. Just try to put other words in there, and you start to understand how bad what Bill 10 is proposing is. You know, we're going to say: "Oh, you know, those kids that have a different colour: race is a factor; you can't discriminate at them in the public school system, but that's okay if you want to discriminate and refuse to give them support and peer support in this system." No.

We're all the same country. We are all Albertans. We have a public education system that we all pay for, and we agree to pay for it because we want all of our students to come out of it with a quality education and, frankly, equipped to be good citizens, and

this is part of it. What does it say to someone that you're okay here, but you're not okay there? That in itself is a form of bullying.

I recognize that the member was trying to work against that division and was trying to set something up where kids wouldn't be just left or wouldn't be put in that position, but there is no question in my mind that right now the situation that's being envisioned by Bill 10 is to sanction discrimination in certain schools. On certain school property it's sanctioned; it's okay to go ahead and refuse to accommodate a gay-straight alliance. But in the public school system we expect you to do this. That's just wrong on so many levels. I have to say that with most of the people of faith that I work with here and that I know in my constituency or in my personal life, I just can't imagine them saying that it's okay to do this in one place, one location, one set of circumstances and not in another.

I really admire the delicacy with which this was done and the sensitivity. I think there was a real attempt there to address some very difficult situations, but I will not accept anything that is going to build on the inequity that is coming through in Bill 10.

Now, I've heard that the member sponsoring it has been quoted as saying: well, you know, we're going to get nothing, or we might be able to build on this incrementally. We had one caucus member from the government, the Member for Edmonton-Castle Downs, who said that he didn't believe in incremental rights, and he's bang on. Nor should we have tiered rights or staged rights or cascaded rights. If we are extending something to a group of people, we're extending it. We're not saying: well, you get it if you're in this location or with that faith, but you don't get it if you're over there. That's just not right. It's just not right.

I'm sorry that I can't support this amendment. It's a nice one, but I cannot support anything that is going to build on discrimination and especially institutionalized discrimination from the government, which is not the group of people you would expect to be discriminating.

I know there's been a lot of talk about balancing this – I'm putting air quotes around it – with parental rights, but I have to say again that it's a peer support club that meets on school property off school classroom time. I still don't see how that is an imposition on parental rights. It is not part of the curriculum. It is not part of instruction or exercises. No one has been able to explain to me how this is seen – I'm sorry; that's not correct, Mr. Chair. I have had people contact me and explain what they believe to be true, and I know that they believe it to be true. They're not just saying it to make me go crazy. They are saying it because they believe it. Frankly, what I've heard from them is so awful and so unexplainable in the context of a pretty simple thing, which is to allow a peer support group for a specific group of kids on school property to be given the resources to meet in a room and a staff supervisor or an outside supervisor to make sure, you know, that they're okay in the way that every student club has a staff supervisor assigned to it.

3:40

So a really nice amendment. I can't support it because it's based on the idea that it's okay to discriminate against the same group of people depending on what is the faith of the particular school system and what is the faith of the school location that they are in. Please explain to me how that is proper at all in this world, that we can discriminate against children. We are not talking about adults here. We are talking about children. We are talking about 10- and 11- and 12- and 13-year-olds and 15-year-olds and 16-year-olds. These are not people that we would expect to put through a series of tests or barriers as has been anticipated in Bill 10. Can you

imagine saying to an 11-year old, “Well, I’m sorry, honey, but they won’t allow your kind to have a club, so you need to go and present in front of the school board?”

Some of you are school board trustees. You know what it’s like. This is not a simple thing. This is not a casual encounter. You’re standing in front of a group of people, an audience behind you, trying to plead your case. Can you imagine subjecting a child to that? Why would you do anything so cruel? You’re making them explain why they want to have a peer support group after school in their school. I don’t understand that thinking. I really don’t. I know that it means a great deal to folks, but I can’t understand how anybody can manage to divide it up and say: this person I recognize as deserving of support here but not deserving of support there. That is discrimination. That is the definition of discrimination, that you treat the same people differently. That is the definition of discrimination.

Okay. I’ll just try to put my hair out and sit down. Thank you very much for the opportunity.

The Chair: Thank you, hon. member.

Next the Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chair. I’m pleased to have an opportunity to stand and make some comments with respect to the amendment offered by the MLA for Airdrie. I regret to say that we will not be supporting this amendment, and I think it’s for one simple reason, that it violates the commitment that we think is essential in any legislation dealing with this matter of equality. It seems to be an attempt to build yet another workaround from full equality. That’s the basic principle that we’re working under and the basic litmus test.

At some point the government of Alberta and citizens of this province that have a different view than we do on this will have to come to terms with that. It’s not a matter of changing one’s religious views or persuasions. It’s not about, you know, changing people’s fundamental view of how the world should be, I guess would be a way to put it, but it does become important, I think, for more and more citizens that equality needs to be extended in this case. What this is, essentially, is saying that, yes, you have a right to participate in an effective and proven means of fighting bullying, but you can’t do it here, and you can’t do it with us even though you’re here and you’re with us in that school, so we’ll find you someplace else to go. It is essentially outsourcing antibullying activity in the school, and as such it falls far short of the equality provisions that we are committed to. It’s like saying: if you are of a different race and you’re being subjected to racism within your school, you can go across the street and talk about it there, but you can’t talk about it where it’s happening. That, in my estimation, falls very, very short of what we need to see.

I think there’s another point – and I know my colleague the Member for Edmonton-Strathcona referenced this last night – and it has to do with the question of parental rights. One of the columnists in the *Edmonton Journal* has recently written about some of the historical roots of that particular movement. But leaving that aside and talking about parents’ rights, it really says that one group of parents’ rights supersedes the rights of others. If some parents in a school feel that their rights are infringed upon by allowing a GSA in the school, then that also denies the children of other parents the same right to have the GSA.

So one group of parents’ rights then transcends the rights of others, and it’s called parental rights. I don’t accept that. I don’t accept that some parents can say, “We’re exercising our rights; there won’t be a GSA in this school,” and other parents, who have children that are being bullied in that school, are therefore denied

an effective means of protecting their children from bullying, and it’s not allowed to them. Even if they want it and their children want it and they’re encouraging their children to take advantage of it, it’s not available for them in that school because one set of parents’ rights transcends the rights of others. That is not, in my view, parental rights. That is using parental rights as a smokescreen for discrimination. I think that that really fundamentally affects this.

Mr. Chairman, I wish that that debate had been framed a little differently. I wish that we had not been focusing on whether or not, you know, gay-straight alliances were appropriate. I think many people are focusing on the sexual orientation rather than on what, really, it’s about, which is the bullying.

Now, I don’t think any member of this House will stand up regardless of their religious or political views or social views and say that they think it’s okay for gay kids to be bullied. I don’t believe a single member of this House actually believes that or wants that, but the fact of the matter, at least from my perspective, is that that’s the result. That is the result. There will be kids in Catholic schools, in Christian schools, in Jewish schools, in Muslim schools, and in public schools who are gay, and they will inevitably be subject to or run the risk of being subject to bullying.

3:50

So it is, then, incumbent on all of us to ensure that those children are not bullied, that they can take whatever measures they need, whatever steps they need to protect themselves from bullying. I think we have to support that. I don’t think it’s a matter of our religious views or our social views. I think it’s a question of commitment to protecting kids from being bullied and letting kids do what they need to do to protect themselves from being bullied. If we could just all look at it through that lens, I think it might be considerably different for everyone.

Pope Francis said something that I thought was very profound when he became the Pope. He was talking about gay and lesbian people, and he said: who am I to judge? Who are we, indeed? Mr. Chairman, it’s important, from our perspective, that we maintain the principle that no child should be bullied, and if we don’t do everything possible to ensure that that doesn’t happen, then we are falling short on that principle. If we try to establish, as this amendment does, some sort of system of separate but equal, then we are falling short on the principle of equality, and that is, I think, unfortunately, what’s happening here. “Yes, we’ll let you fight bullying. We’ll let you get together with your peers and talk about it, have a support group, but not here and not with us. You’re with us for six hours a day in school, and you face what you face while you’re there, but if you want to deal with it, you have to go somewhere else, or you have to go to someone else, and we’ll help you find somebody. You know, we’re not going to do it, but there you go.”

I think that there’s no expectation that any school system will actively promote GSAs or try to encourage students to form one or join one, but if they want to form one and if they want to join one, then I don’t think we should do anything to discourage them. Certainly, asking them to go off-site or to work with someone else that’s not part of the school that they’re in is discriminatory and will certainly make them feel less than equal, so it will in fact not do enough to combat bullying in schools and may in fact further encourage the bullying of GLBTQ students.

Mr. Chairman, for those reasons, I don’t think that I can support – and I’m sure my caucus colleagues will be taking the same position to not support it – an amendment that does not promote the principle of equality. We have to get there. I’m sure we’ll get there sooner or later. I remember the debate about same-sex marriage and the battles that we had – and we had some of them

right here in this Chamber – with a government that would not endorse full equality. I thought that the Supreme Court of Canada, in ruling on that, made a very wise decision in not requiring any religious organization or any religious person to change their personal views but ensuring that any loving couple in this country would be treated equally, and that's the point. They understood the importance of equality.

Thank you.

The Chair: Thank you, hon. member.

Just so the members know, the order of speaking that I've got will be as follows: the Member for Edmonton-Castle Downs, followed by Calgary-Fish Creek, followed by Rimbey-Rocky Mountain House-Sundre.

Mr. Lukaszuk: Well, thank you, Mr. Chairman. It's a pleasure, or perhaps not, to speak to this matter which, obviously, is so divisive and touches so many sensitivities. I will do my best to not offend any of them yet try to get some of my points across. I personally am finding it rather peculiar to be the one speaking on this subject matter, being a practising Catholic myself, the father of two girls, both of them in the Catholic school system in two separate jurisdictions, one in high school in Edmonton, one in a younger grade in St. Albert, but also an educator, a teacher, a graduate of the University of Alberta from our Faculty of Education. So I almost have all bases covered on this particular subject matter.

Mr. Chairman, I have some very strong feelings, as you may have determined from my vote yesterday, which wasn't easy. As you know, voting in isolation is not an easy thing to do, but it was the right thing to do from my personal perspective, which doesn't make my perspective any better or superior to anybody else's. It is my perspective, and that's how I view how this particular dilemma that we have before us in the Chamber ought to be solved.

Mr. Chairman, there are a few tenets that we have to keep in mind. What we really are dealing with is a matter of human rights. I know, speaking with members in group settings and individually, that all of us in this Chamber agree that we want to provide our children with safe and nurturing environments in school. I believe most of us, if not all of us, in this Chamber agree that if children want a GSA, a gay-straight alliance, that helps them deal with the many challenges that a young person would be faced with if they belong to the GLBTQ community, in particular bullying by peers, we want them to have that support network. If we agree in that respect, there is nothing preventing us right here in this Chamber from actually making that happen. It's that easy. We can make that happen.

We know that even though all school boards, irrelevant whether they're Catholic or public or of other religious groups, provide nurturing, welcoming, inclusive environments, there is a difference, Mr. Chairman. There is a difference between providing a student with an inclusivity club, with an antibullying club, and providing a student with an actual GSA. You may say: "Well, Lukaszuk, you're being unreasonable here. You're splitting hairs. They're providing the student with the service that the student requires with the support. Why are you so hung up about the name?" Well, because in issues of human rights and inequality language is of the utmost importance.

Imagine this, and this is a hyperbole that I will draw. Imagine if you wanted to sign up your child in any school for lessons in a bilingual program in the German language – pick that language, for instance – and upon registering your child, the school administration says, "Well, we will be happy to enrol your child in our Austrian- or Swiss-language program." You say: "What are

you talking about? It's German." "Yes, but we choose not to use that word. We call it Austrian." What's the difference? Same language, same grammar, same syntax. Your child will be learning exactly the same thing, yet there is a difference. You're not willing to acknowledge a certain group. If a child or friends of a child request a gay-straight alliance, that's exactly what they want.

Now, imagine the hypocrisy in telling the child: "We will take care of you, we will embrace you, we will provide you with an inclusive environment, but we will not mention that which is at the core of how you identify yourself and which is at the core of what causes you the issues that you are dealing with in the surroundings, with the lack of support and the bullying. We love you, we appreciate you, we will take care of you, but let's just not mention who you are. We will somehow accommodate you otherwise."

You know, Mr. Chairman, it was difficult to miss the fact that two days ago or yesterday, whenever it was that we had the vote, was the 50th anniversary of the Parks case, of an African-American woman who said: I will not be riding in the back of a bus anymore, and I've had it. She purposely sat in the front of the bus, and we know what the consequences were. She got arrested. Well, in the vein of this conversation, one would say to her: "Mrs. Parks, what is your problem? You're riding on the same bus. You're getting to the bus stop at the same time, the same bus driver. The back of the bus is just as safe as the front of the bus. Why are you splitting hairs?" Yet she insisted to be able to ride on the bus wherever she wanted to.

4:00

We know that the answer to that problem was to allow her to do so because in matters of human rights and equality the concept of different but equal does not apply. If it's true equality, you cannot provide different categories of groups based on which we cannot discriminate. If we find that so difficult to appreciate, imagine substituting the word "gay" with another category on the basis of which we cannot discriminate. Mr. Chairman, imagine if the category was black, and children in a school wanted to establish a black-white group, and imagine if a school board said: no, you can't have that; we will provide a multicultural club for you, but we will not be mentioning the word "black." Imagine what the outrage would be.

That is why, Mr. Chairman, I cannot vote in favour of any amendments that do not speak to the core of the problem. We have children who are in need. These are young, marginalized youth. We know what research shows, how many of these children end up when they lack support. Many of them lack the required support at home. They can't turn to their parents and ask for help. They can't turn to their teachers and ask for help. Maybe some of them could – I know that there are many great teachers out there that would help them out – but they are marginalized, and they won't.

Now they have a group of friends who want to help them out, and we as adults, as parents, as educators, but, most importantly, as legislators are telling them: "No, you can't have that. You can have something else just as good, but you can't have that because you are different, because you are somehow inferior, and you don't deserve to have the club that you're asking for." Any amendment that would require a different name or a different location – yes, you can have it, but across the street at the community hall or maybe in a collaborating public school across the street or in some kind of association or society downtown – is simply, Mr. Chair, not enough.

We have an opportunity here. This is one of those defining moments that come upon us every so often, where we can tell those who choose to bully any group of marginalized kids and send a message to the rest of the Canada and the rest of world that in this province no matter where you come from, no matter who you are, we will not in any way discriminate against you.

I fully agree with the Member for Edmonton-Centre that accommodating that group is in itself discrimination. We don't need to accommodate them. They're no different than you and me, Mr. Chair. They're asking for something that another student may ask for, and for some reason, just because they're gay, we're saying: "No, you can't have it. We have to name it something else. You're equal but separate."

I am very much, Mr. Chair, opposed to any incremental dispensation, as if we even have the right to dispense human rights. Those are innate rights. Those are rights that they already have. We simply have to acknowledge the fact that they already have them. I will not stand for some kind of an incremental dispensation of that. You know, today I was told: "Well, it just takes time. Just give them time. People are coming around to it, and it takes time." Well, it will take much more time if we don't show leadership right here in this Legislative Assembly. Our job is to lead by example and to show those who choose not to take leadership themselves, in their school boards or wherever it may be, that this province, this Ministry of Education will not allow for that to happen in our schools.

Also, Mr. Chair, as a parent, putting on my parent hat, I'm somewhat offended because what if I want to support my daughter in one of the schools, who perhaps may want to set up a GSA? You know, it's just too bad that one daughter that I have is still a little too young, but I can see her actually wanting to set up a GSA about four or five years from now. Why? Just because you're saying that she can't, because she's just that kind of a kid. If some school board was to tell my daughter that she can set up a baseball club and she can set up a badminton club and she can set up her Polish-Canadian club but she cannot set up a GSA, what happens to my parental rights? Those don't matter?

Mr. Chair, we have a chance to do some good work in this Assembly right now. I know that this is touching some of our most deeply held values, but at the end of the day there is no balancing act to be done. This is the fact: we have children among us who require help. These kids commit suicide. These kids are homeless. These kids can't go home and be embraced by their families in many cases. So we can put that on one side of the scale, or we can put the sensibilities of those who simply don't yet feel comfortable with it. How many children do we allow to die until the other side becomes more comfortable with this concept?

It's up to us to decide that in this Chamber, and I will not accept any amendments that simply do not allow our students to set up GSAs no matter where they are. Thank you.

The Chair: Thank you, hon. member.

The Member for Calgary-Fish Creek, followed by Rimbey-Rocky Mountain House-Sundre.

Mrs. Forsyth: Thank you, Mr. Chair. I want to start off by saying that I'm actually honoured to follow the Member for Edmonton-Castle Downs.

The Chair: If I may, hon. member, please.

Just to remind all members, we are talking about the amendment. I know this is a very intense subject matter, and I've probably allowed some latitude so far. But I suspect that we'll be talking about this bill for some time this afternoon and tonight, so

if I could remind you at least for now – you will have another opportunity later – to the best of your ability to keep your comments to amendment A1.

Thank you.

Mrs. Forsyth: Well, Mr. Chair, just on that comment, I mean, you had an opportunity with four speakers before to remind them about the latitude.

I'm going to speak on the amendment that my colleague from Airdrie brought forward, but I think it's important to acknowledge my colleague for Edmonton-Castle Downs. I'm actually honoured to speak behind him. He and I go way back, have had a mutual respect for each other for a long time. While we've had words at times, we still have, which I think is important, a respect for each other. I think my respect has gone up a hundred per cent because I know how difficult it is for him to be in the position that he's in as a government member because, quite frankly, I've been there. I've been there, and I'm not there anymore, and it's a position that I don't envy.

I want to start off by saying that I want to make it perfectly clear that anybody who knows me in this Legislature knows that I've spent the last 22 years of my career in this Legislature fighting for the protection of children. That started way back in, I think, '93, when I introduced the PCHIP legislation, which is the Protection of Children Involved in Prostitution Act, protecting kids from the dangers of exploitation and prostitution.

I advocated in this Assembly on numerous occasions on the issue of bullying. In fact, I brought forward a bullying bill in 2009 – it was a private member's bill – and it was to address the issue of bullying in schools, and it would have included the protection from bullying based on sexual orientation. The bill was focused on providing educators with tools to tackle bullying in school. Unfortunately, it died.

Why I'm going here at this particular time, Mr. Chair, is that I want to note something about some of the arguments on the bill, one of the reasons it was defeated, because it came from educators and administrators. At that time it came from the Calgary board of education, that sent this Assembly a letter that outlined why they did not support the bill. At that particular time, if I may, we were talking about bullying. We weren't talking about the protection of gay children; we were talking about bullying. The main reason that the Calgary board of education at that particular time didn't support the bill was, and I'm going to quote: the removal of the discretionary power also severely hampers the principal's ability to provide a safe and caring environment for its students and staff. Essentially, what that said was that the school board argued that the status quo – the status quo – was enough to provide safe spaces for students and schools. That was 2009.

4:10

So here we go, Mr. Chair. I'm going to fast-forward to 2014, and here we are once again debating how to best protect students from bullying and, specifically, how to provide LGBTQ students a safe place to learn. Now, what bothers me more than anything is the fact that I have not heard from one government member other than the mover, Calgary-North West. The discussion that we're having today truly is bothersome. We spent hours – hours – I think it was on Monday debating the private member's bill from Rimbey-Rocky Mountain House-Sundre, and government member upon government member popped up and spoke about this. Not that it isn't an important bill, but I've been waiting and waiting and waiting for a government member to get up and speak.

I just want to touch briefly on an open letter that I received and that I know every person in the Assembly received, that was

addressed to the Premier. It goes on and on – and I’m going to table this – but it talks about a young lady in Fort McMurray who had her picture taken with the Premier and who actually supported the members in Fort McMurray. The mom talks about how she sat down with her daughter and tried to explain Bill 10 to her. She tried to explain the process of an appeal to the school board for students who were denied the opportunity to form a GSA as she has helped to do. This young lady actually formed a GSA in Fort McMurray.

I asked her [the mother says] if she understood what that meant and she shook her head.

This is about the judicial review that’s addressed in Bill 10.

I asked her if she would know how to find legal counsel or begin an appeal to a school board and again she shook her head.

I asked her if doing these things would require the assistance of an adult, and she said yes, of course.

And she goes on and on and on, a very, very telling and compassionate and heartfelt letter.

I have spent 44 years in the gay world, and I have spent that because I have a very close family member who is gay. I’ve had drinks with him. I’ve danced with gay people. I had heartfelt talks with them 42 years ago. I’ve laughed with them, and I’ve cried with them. I remember having to sit down and explain to my children after they were born about what gay people did and trying to explain our very, very good friends that were gay. My younger son at the time said to me, “Mommy, is uncle gay? And I said: “Yeah. Do you have a problem with that?” He said: “Oh, no. Maybe you and I should sit down and talk because I think you’re feeling a little upset about it.” He was trying to educate me, Mr. Chair. That’s the problem that we’re facing. It’s the adults that have to be educated; it’s not the children.

I had a very, very heartfelt conversation with my former colleague from Innisfail-Sylvan Lake on Bill 202. We had a discussion when the hon. Member for Edmonton-Centre was talking about this particular bill. She explained to me about the fact that she had gone to her riding, and they had supported it. Then she went on to elaborate about the fact that she’d been at a waffle breakfast, and the young lady that was speaking at the waffle breakfast had talked about the fact that it wasn’t the kids that had to be educated; it was the adults. And here we are in the Assembly talking about something that we shouldn’t have to be talking about. The gay folks that I know – and there are many, and I’m sure that some of them are listening; in fact, I know for a fact a few of them are listening – have always told me that they just want to be treated equally. So if it’s okay for us to have a band club or, as the Member for Edmonton-Castle Downs wanted, a German club, why is that different from having a gay club? I mean, why is it different? Why can’t they? Why can’t I have a German club or, for that matter, any club I want? If I want to establish a prayer club in the school, so be it. I think that’s the problem with what we have right now.

So while my colleagues from Edmonton-Centre and Edmonton-Highlands-Norwood don’t like the amendment, it’s a damned if you do and damned if you don’t situation. We’re trying to make an amendment, from my colleague from Airdrie, in regard to getting this bill through the process, and I understand that the government is. As my colleague from Airdrie mentioned, I am going to be presenting an amendment on an appeal process so that somehow we can provide protection for these kids.

My colleague from Highwood talked very passionately about all of the gay kids that she’s encountered over the last year and some of the very, very sad stories. I am now, on this little iPhone that we all carry around, getting e-mail after e-mail from not only constituents but people who’ve known me over the last 22 years

about how they particularly feel about what we’re discussing and how it is important to stand up and talk about the importance of the protection of students.

I’m going to just try and get into them, 15 e-mails already. If I can, I’ll find some of the e-mails that I’ve gotten. Some of my colleagues, I can see, are CCed on this. It says:

I am writing to you as a member of the PC Party and an Albertan. Bill 10, that was introduced this week, has been personally embarrassing to me as a member of the party. Not only does this legislation appear to not have been well thought out; it appears to be more of a political document rather than one that reflects the spirit and intent of legislation when it applies to the rights of individuals, whether they are of the age of majority or not. As a youth I struggled with the very issue Bill 202 sought to address. While in its original form it was clearly not palatable to the MLAs of the party, a series of amendments could have sought to make compromise.

As a youth I could barely understand my own sexuality, particularly being raised in a Catholic family and a Catholic school system, yet Bill 10 would challenge those same youth to expose themselves publicly through a judicial system in order to form a club in situations where such actions are rejected by the school and/or the board of trustees. Adults can barely understand any judicial system. Adults can barely afford legal representation. How could a student possibly afford to navigate this same system? They cannot.

I seriously hope that Bill 10 is amended to remove and provide an appropriate process for the minority constituents it affects. Should Bill 10 proceed and receive assent in its current form, I will be a vocal and active opponent of its use, providing support to students who challenge it through the talents and resources available to me.

He says:

I look forward to seeing meaningful amendments of substance from the Justice minister.

He names him here.

I have never had to defend who I am as much as I have since moving to Alberta nearly nine years ago. Youth are our future, and they should be encouraged to shape the world around them. Leaders everywhere, including government, should support this value not disable it.

Then he goes on to say where he can be reached. He says:

I look forward to seeing some better results from this government when it comes to this issue. Today disappointment is the only thing on the scoreboard on this topic. Very sincerely.

And he signs his name.

4:20

Mr. Chair, I don’t think there’s anything more heartfelt or passionate than what this Assembly has to do, and they have to start listening to these vulnerable children. I think it’s important as legislators that we step back and we take a deep breath. There is no reason in hell that this bill has to pass right now, today, or tomorrow. What they can do, if the government is sincere, is that they can take some time, they can go back, and they can talk to people that this bill affects.

The Member for Calgary-North West said that she had talked to stakeholders. Well, I can tell you that the gay community that I’ve talked to in both Calgary and Edmonton don’t recall hearing from her. I want to put that on the table because if she has talked to people like Kristopher Wells, I’m okay with that, but there are other people besides Kristopher in the gay community, and I’d be pleased – pleased – to sit you down with many of them so that you can hear from them. I’m hoping that we can get more information on who you’ve talked to and the rationale behind this bill.

What I’m going to say is that I’m going to support the amendment from Airdrie. It’s a step. We’re going to be tabling

another amendment in the House in regard to an appeal process, which I think may be a saving grace before we go the judiciary route. It's very successful under the department of children's services. It's easy to do. You go to the appeal panel, that's set up by the Minister of Education, and you put your case. We can have advocates before them. Then the appeal panel can make a decision that can go back to the school board on whether they, you know, confirm what the school board has said.

It's important, Mr. Chair, and I'm asking the government members to just reflect about what we're discussing here. Take a minute. If I'm getting e-mails as a Wildroser, the government members have to be getting e-mails. They have to be hearing from people across this province.

It's funny when you start hearing from the children in this province, anyone under the age of 18. They're reaching out, and I think we owe it to our children in this province.

Thank you.

The Chair: Thank you, hon. member.

Hon. members, I'm going to give you the speaking order as I have it, people that have indicated to speak next. I'm also going to ask the members in the Chamber if you could keep the side conversations down, please. It would be much appreciated.

Again, I'll remind all hon. members that we are speaking to amendment A1. There will be other opportunities to speak to the bill, but if you would confine your comments to A1, it might help us get through in just a little bit more order.

I will recognize the Member for Rimbey-Rocky Mountain House Sundre, followed by Edmonton-Strathcona, followed by Calgary-Shaw, followed by Battle River-Wainwright.

Rimbey-Rocky Mountain House Sundre.

Mr. Anglin: Thank you, Mr. Chair. I fully appreciate what you're trying to do to keep the debate. Unfortunately, I think you're pushing against a tide, but I wish you well.

I want to comment on what each member said prior to me getting up. The members for Edmonton-Highlands-Norwood, Edmonton-Centre, Airdrie, Edmonton-Castle Downs, and Calgary-Fish Creek, each in their own way, articulated why they were either going to support or not support this amendment as they talked about discrimination and about rights.

Now, the issue for me is simply this. I agree with each and every one that spoke prior to me, but I'm going to look at this in a different context of how to frame this debate on this amendment. I said in my opening speech in second reading that I will support any bill that will help reduce the suicide rate in teenagers, and I will constantly work towards that. We're talking about discrimination and the GSAs. These bills – and when I say “these bills,” I'm referring to Bill 10 and to the bill that was just taken off the Order Paper, 202. What both intended to do was to legislate a process that had a proven record of reducing teenage suicides.

Discrimination is already illegal under our Charter. Discrimination against sexual orientation is illegal according to our Charter. So the rights exist, but clearly we absolutely know, everybody here, that discrimination still exists. So to cut to the chase, I'm going to support the amendment, and I'm going to support it not because it gets to where we need to go, but what I am absolutely in favour of is legislation that would legitimize the process that has been proven to reduce teenage suicides. To me, this is about life and death.

Granted, it is directed at the GBLTQ community. Granted, it is about discrimination, but the fact is that we know there's a segment of this group that has a high suicide rate. And we know that what these bills intended to do was to implement the processes, which are known as GSAs, that actually have a proven

record of reducing suicides. With that, I cannot in good conscience cast a protest vote even if I could get an incremental step towards getting this past at some point in time where we absolutely contribute to the reduction of the suicide rate amongst teenagers, particularly these gay teenagers, that have such a difficult time dealing with discrimination.

So it's a double-edged sword. Is the bill getting there? Well, the arguments are out there, and I happen to agree with most of the arguments. I'm pretty much opposed to the bill. Is there such a thing as balancing between the rights of parents and discrimination, that is protected in the Charter? I do not believe that whatsoever. Discrimination is illegal, and we are still dealing with the fact that we're confronted with discrimination and how to reduce that, how to bring people in compliance with our Charter, and how in the end we can reduce teenage suicide rates. I will take every small step on that way to reducing teenage suicide rates.

To me, it's about life and death, and the benefits that have been proven by these GSA clubs are clearly something that if the government came up with something better, that was proven, I'm all for it. I would not hesitate. But we have a long way to go as a society because of just the way we're debating this amendment today, the way we are debating these bills today.

We're not there yet, and we do have a long way to come and a long way to go, but I will support every little inch. Even though I realize the government has all the votes – they will decide this amendment as they will decide all the amendments here – I will not vote against any amendment or bill that would get us partway there, one-tenth of the way there, and I will gladly support the bill that will get us all the way there. I will do whatever I can do to help reduce that teenage suicide rate, and I won't stop until we get there.

Thank you very much, Mr. Chair.

The Chair: Thank you, hon. member.

The next speaker, the Member for Calgary-Shaw.

Mr. Wilson: Well, thank you, Mr. Chairman. It is a true pleasure to rise and speak to this amendment and to the bill in general, that we are debating here today, Bill 10. You know, I want to thank the members for Edmonton-Centre, Edmonton-Castle Downs, and Edmonton-Highlands-Norwood for their thoughtful and very meaningful points that they've made here today. This is not an easy issue. It's not an easy issue for anyone. Unfortunately, it should be a very easy issue because, as has been said time and time again, this is about simple rights. This is about finding out what it means if you are an LGBTQ student who is struggling to get by, wants some support, feels your best place to get it is from your peers in your own school, in your own environment.

4:30

It's taken me a while to get here. I'll admit that this was an issue that I wasn't entirely familiar with even when Motion 503 first came, but this has haunted me ever since. It has been deep in my conscience that we missed an opportunity then, and I'm fearful, Mr. Chair, that we are going to miss an opportunity now.

I think that the Member for Edmonton-Centre put forward a very strong piece of legislation in Bill 202. It's, unfortunately, no longer on the Order Paper, and now what we're dealing with is very clearly a piece of legislation that was tossed together out of sheer panic, and we're now waiting on the government to toss together amendments that are being put together out of sheer panic. It's ludicrous that we're debating human rights legislation and it's being written on the fly. It is absolutely insane, but here we are.

Here is the philosophical problem that I have with an amendment like this. I recognize that in this Assembly the government is going to pass this bill, and we can either allow them to pass a total piece of crap . . .

An Hon. Member: Language.

Mr. Wilson: I will withdraw that.

. . . a total piece of rubbish, or we can try to at least do something. That is the philosophical question that I'm struggling with right now. Do we reject amendments based on the principles that have been laid out very clearly by other members in this Assembly today? And they're absolutely right. They're bang on. Rights are rights; it's that simple. Or do we reject it and allow this poorly written legislation to do undue harm to our kids? It's a tough, tough question, Mr. Chairman.

You know, I was proud to stand up and vote against this bill last night. It was the right thing to do. I probably will be voting against it in third reading as well because I don't believe that anything short of coming full circle, back to what the Member for Edmonton-Centre had originally posed in her legislation, will be good enough. That being said, when we look at the options, I'm not sure that I'm prepared to dig my heels in the sand and say that it's all or nothing because those who are prepared to only get what they need are inevitably going to get nothing. I think that it is a problem for me right now.

Do we support it? I think we need to. I think we need to have this amendment in place. I'm not sure what the government is going to bring forward, but right now the reality is that this amendment makes this bill better. It catches kids that this government is willingly allowing to fall through the cracks. I fully recognize that it's not everything that we want and that it's not a hundred per cent. You know, we're not there, but the alternative is just not good enough.

In this case, with this amendment, I thank the Member for Airdrie for coming up with this. I know that all members of our caucus and particularly the Member for Airdrie have spent a lot of time coming up with what he feels is a way of balancing many of the rights. We've often heard that as we debate this bill, balancing rights. There are a lot of rights that we're trying to balance, Mr. Chairman. We are trying to balance, you know, freedom of speech, freedom of expression, freedom of association, the right not to be discriminated against on the basis of sexual orientation.

That's another problem with this bill. As it's currently written, we're putting into the Alberta Bill of Rights that we will not discriminate based on sexual orientation, yet in the very same piece of legislation we are giving our school boards the authority to discriminate based on sexual orientation. I am very much disappointed in the way that the government has handled this, but we're here. The choices before us are simple. We can either help them see the light and try and give our kids a chance, who they've clearly turned their backs on at this point, or we can continue to fight and hope that in time they get it right. My gut is telling me right now that we need to do what we can to catch as many kids as possible, and I think that in that sense I will be supporting this amendment, and I thank the member for bringing it forward. I would encourage the government to do the same. I look forward to the continued debate on this amendment and on Bill 10.

Thank you, Mr. Chairman.

The Chair: Thank you, hon. member.

Again, just a reminder to members to speak on the amendment as much as possible.

The hon. Member for Battle River-Wainwright, followed by Edmonton-Strathcona.

Mr. Griffiths: Thank you very much, Mr. Chairman. It's a pleasure for me to rise today to talk on the amendment. I voted in favour of second reading of this bill because most people in this Assembly know that Committee of the Whole is where you get to bring forward amendments. I've seen many bills that I didn't care for to begin with get corrected and carry on after that, and I was very curious to see what sort of amendments would come forward, which is why I supported it in second reading.

Personally, I didn't like the bill, Mr. Chairman, and was hoping for amendments because, frankly, I think it's absurd to ask students to go to court to fight for the right to set up a GSA. I also personally think it is abhorrent and ridiculous that we would ever suggest that our school boards would have the right to tell students whether or not they can set up a GSA.

I've read this amendment as proposed by the member. I really respect the member for bringing it forward, and I understand what he's trying to do, but in my mind, Mr. Chairman, this amendment still isn't good enough. I'm very curious about what sort of amendments are going to continue to come forward, but this doesn't go far enough.

School boards are created to enforce education policy, Mr. Chairman. That's what they're there to do. They deal with education. Gay-straight alliances haven't got a thing to do with education, not one single thing, so in my mind no school board should have the right to tell students that they're not allowed to set one up.

I can say this because I am Catholic. I converted to Catholicism because my wife is Portuguese; she's Catholic. We send our kids to a Catholic school, so I feel able to say this, Mr. Chairman. Some people have called and argued with me that Catholic school boards have a different right than public school boards in that they're faith based. But my understanding from all my studying of the Constitution is that that enables Catholic school boards to teach their faith within the schools – teach their faith within the schools – not enforce values on their students. I mean, to simply suggest that they have that ability – is it going to be now that students are going to get docked grades and not be allowed if their parents get divorced or split up or something? I mean, they don't have the right to enforce those values. They have the right and ability by our Constitution to teach faith but not to enforce it.

One of my kids is six, and my oldest is turning nine shortly after Christmas, Mr. Chairman, and I believe I teach them values. In fact, most of the parents who have called me rather upset with some of this have said, "I want the school board to be able to enforce our values." I said: "Great. What if the school board has different values than you and then you don't like it?" "Well, no. You're right. Parents should have the ultimate authority to teach kids their values." I said: "Great. Then you can't have it both ways. You can't say that the school board can enforce them as long as I agree with them but that they can't have the ability to enforce those values when I don't." And they all agreed that parents have the ultimate responsibility for that.

I've taught my boys that they need to be fair, that they need to be equitable, that they need to love, that every single person regardless of their disability or their race or their colour or their sexual orientation or the colour of their hair, what clothes they wear, is equal, and it doesn't matter whether you're Catholic or Muslim or Protestant or have no religious values at all. Everybody lives by those principles in their hearts, or they have bigger issues to deal with.

So if my boys, I was thinking, were in school – it doesn't matter if it's a public school or a Catholic school – and they saw friends that they have in junior high or high school that are gay and being picked on and they decided they wanted to set up a gay-straight alliance, I taught them the values of defending people and to stand up for people and to have everyone be treated with respect. There is no way I would accept a school board of any religious background or nonreligious background to dictate to my sons whether or not they're allowed to partner with gay students to set up a gay-straight alliance.

4:40

And, heaven forbid – I don't know – what if one of my sons needs a gay-straight alliance because they're being picked on or bullied? The school board is going to tell them what values they're going to be able to stand for, those kids that want to defend each other and protect each other? Ultimately, it doesn't matter what your religious faith is. Agree that everyone is equal before God or created equal, whether or not you believe in God. Dictating what we're going to allow our students to do when it is something that has absolutely nothing to do with education is absurd.

Now, I still believe we could probably come forward with amendments that can fix this. I hope we can. For me, this is about my sons. This is about what they are going to be allowed to do in the school to help defend people who are weak, who are picked on, who are bullied or are treated without respect, Mr. Chairman. That's what I taught them. I believe they can make those judgments and create the allegiances and the clubs and the friendships that they need to stand for those continued values. It doesn't need to be dictated by a school board, and it in no way infringes on the school board's ability to enforce educational policy, which is what they're elected to do.

This amendment, again, to the member, I really appreciate. I just don't think it goes far enough. I hope that we come up with an amendment that does, or I still won't be able to support this bill in third reading.

Thank you.

Ms Notley: Well, that was fun. I've got to say that I am pleased to be able to stand up after that. Let me just offer my rare congratulations to the Member for Battle River-Wainwright for a very passionate and extremely articulate defence of what is, I think, a growing number of people's position and his defence of the issue of parental rights.

As I say and as I've said before, I too am a parent, and I get deeply offended when I'm told what my kids can't do. It's one thing as a parent to say: "I want my kids to do this. I want my kids to have the opportunity to do this." It's quite another thing to be told that a different parent has a right to tell me what my kids cannot do. That's why I think this whole notion of parental rights, regardless of the insidious nature of its origin, at this point is logically fallible and doesn't make sense. The real rights here are the rights of parents to promote a certain set of values for their kids and to actively have those kids engage, not for another parent to tell me that my kids can't do that unless my kids are breaching the Charter of Rights and Freedoms by doing it.

Now, I want to say that that was an excellent defence of the general position I think those of us certainly in my caucus believe in. I also want to thank the Member for Edmonton-Castle Downs as well for his comments. I found them very helpful when he talked about issues of identity and issues of language and how, you know, if for some arbitrary reason somebody said that you couldn't refer to a child's ethnic background as German, that would not make any sense because that's who they are and that's

their identity. Why would you be told that you can learn whatever language you want, just don't call it what it is?

Ultimately, I think that's the problem with this amendment. It still allows for this notion where a school or a school board could essentially refuse to call something a gay-straight alliance, and it still allows a school or a school board to refuse to protect gay kids from bullying by using the strategy of saying: "You know what? I know it's really hard sometimes when you go out there and you get bullied, but know this, that you're special. You, like any other person in this school, are special. You're important, you're loved, you're smart, you're a good athlete, you're not a good athlete, but you're a great singer. Who knows? But you're my friend, and I care about you, and the fact that you're gay may actually have something to do with it, but either way it has something to do with it because it's a good thing, and I care about you." That's what is the most effective means of ensuring that a child who is bullied because of their sexual orientation can recover from the pain of being bullied. That's how kids recover from the pain of being bullied. Anybody who's ever been bullied – and probably some people in this building have been – knows that the fastest way to recover from being bullied is by finding friends who tell you that they like you and they value you for who you are. That's how you recover from being bullied. You don't ask for someone to be punished because they were bullied. You have other people tell you that you're a valued person and you're a valued human and you're loved and you're cared for and you're respected. That's how you overcome bullying, and that's what these clubs do.

This amendment would basically say that we're not going to let you have a club that will tell you that you are valuable and you are smart and you are creative and we love you for who you are, including the fact that you are gay; we're not going to let you have a club that does that. We will let you have a club that teaches everybody that being mean is bad, but we're not going to let you have a club that lets you talk about your own experience as a gay kid and what it makes you feel like when you're told that your experience of being gay is less than somebody else's experience of being part of the human race. That's why this amendment won't work, and that's why generic antibullying programs won't work.

Implicit in this is the acceptance that it's okay for people in power to say: we don't like the word "gay," and we don't like the word "alliance" associated with the word "straight." Implicit in this amendment and implicit in the bill is the belief that it's okay for someone else's parent to tell me that I can't say "gay" and "straight" and "alliance" to my kid on the school property. Implicit in this bill and this amendment is the idea that it's okay for either a school board or a school or a principal to say to a kid who's being bullied: "We don't like to use that word here. Can you dial it back a bit and be a little bit less who you are? Would that be okay with you? Could you just drop it down a notch and try to be a little less gay and don't talk to people about being gay?" It's like telling a child of colour: "Could you be a little less coloured? Could you be maybe a little more white?" I mean, that's what this implicitly says. That's what this bill implicitly says, and that's what this amendment implicitly says.

I know that the intention was good within a context sort of. I know it was. But the problem is that it still essentially restates what is fundamentally wrong about this bill and what is fundamentally wrong about any school that receives 1 cent of public dollars from this public body ever saying that you can't say the word "gay" in a school. It's like saying that you can't say the word "girl" in a school, you can't say the word "wheelchair" in a school, and you can't say the word "black" in a school. Would we ever accept that? No. So why would we accept any school, school

board, principal, or someone else's parent saying that you can't say the word "gay" in a school? You just wouldn't do it. You guys need to understand that the construction of Bill 10 is fundamentally and foundationally flawed and is absolutely incapable of being repaired and that instead what needs to be put in place is the effective outcome that was suggested through Bill 202, which is a statement that no school board will ever say to their students, "You cannot talk about being gay," because that's wrong, full stop.

Now, I said this before, but I think it's really important to remember. The Edmonton public school board allows for gay-straight alliances where kids ask for them, and the Edmonton public school board also has faith-based schools and programs within it.

4:50

I want to make this very clear. I believe very strongly, myself having been raised in the Anglican Church, knowing many, many people who are Catholic and who are very engaged in their Catholic faith and knowing many people who are in other churches as well that the vast majority of them do not define their religion by the prohibition on saying the phrase "gay is okay". They don't. They really don't. You can learn about faith, you can learn about religious doctrine, you can learn about those things without negating the value and the respect and the equality deserved by all Albertans who happen to be members of sexual minorities.

This is not a complicated concept, my friends. It really isn't. It just can be done. In the same way that historically you may have been able to dig deep enough into some type of religious doctrine to find statements that suggested women are less than men, we wouldn't accept that now. We wouldn't accept that in our publicly funded schools now. So why would we accept this? We just shouldn't. The fact of the matter is that equality is equality is equality. Either we stand for it or we don't. We don't do it halfway for some rights and all the way for other rights. Either you're for equality or you're not for equality.

For that reason, we cannot support the amendment that was put forward by the Member for Airdrie. We continue to be deeply troubled by the assumptions inherent within Bill 10, and we will continue to fight against its passage. We will hope that eventually this Assembly will rethink its refusal to deliberate upon and ultimately accept the values which were reflected and promoted through Bill 202.

Thank you very much.

The Chair: Are there others on the amendment?

Seeing none, I'll call the vote on amendment A1.

[Motion on amendment A1 lost]

The Chair: The hon. Member for Calgary-North West. [interjections] No. That was on the amendment.

Back to the government, and then I'll come back to the opposition.

Ms Jansen: Thank you very much, Mr. Chair. I'd like to propose an amendment to Bill 10. If we could distribute it right now.

The Chair: Hon. member, you may speak to amendment A2.

Ms Jansen: Thank you Mr. Chairman. I would like to propose an amendment in Committee of the Whole on Bill 10 that would further this government's commitment to a zero-tolerance attitude towards discrimination of any kind.

I think we can all agree that Alberta is a place where we want to see respect for all people of all backgrounds. That is something I feel very strongly about, as do my caucus colleagues. It's also a place where we put the utmost value on individual freedoms. That's why it's so important that we find the right balance. We have been listening very closely to the dialogue this week, and that is why I propose the following amendment.

Part A. Section 2(4) is amended by striking out the proposed section 35.1(3) and (4) and substituting the following:

(3) A decision of the board under section 42 with respect to an appeal relating to subsection (1) is final.

We are removing the reference to the courts. It is still subject to judicial review, which is the same for any agency, board, or commission, but we realize that that is complex and confusing. Further,

(4) If, in a decision referred to in subsection (3), the board decides that it will not support a student in establishing the organization described in subsections (1) and (2) as requested by the student, the Minister shall facilitate and support the establishment of the organization.

What we are saying very clearly, Mr. Chair, is that Alberta kids who want a GSA will get a GSA when they ask for one, and if they can't have it in their school, Alberta Education will help them get their GSA.

Part B. Section 2(5) is amended by striking out the proposed section 58.2(2) and (3) and substituting the following:

(2) A decision of the board under section 42 with respect to an appeal relating to subsection (1) is final.

Part C. Section 3(5) is amended by striking out the proposed section 16.1(3) and (4) and substituting the following:

(3) A decision of the board under section 123 with respect to an appeal relating to subsection (1) is final.

(4) If, in a decision referred to in subsection (3), the board decides that it will not support a student in establishing the organization described in subsections (1) and (2) as requested by the student, the Minister shall facilitate and support the establishment of the organization.

This makes GSAs accessible to every child in a school in Alberta. We have a commitment to providing supports and services for GSAs in particular – we believe this strongly – to children if the board refuses. We respect a local board's autonomy. We know that our boards will do the right thing. On the rare occasion that they won't, the students will have the Ministry of Education behind them to set up their GSA in every instance where a GSA is refused.

Part D. Section 3(12) is amended by striking out the proposed section 50.2(2) and (3) and substituting the following:

(3) A decision of the board under section 123 with respect to an appeal relating to subsection (1) is final.

Mr. Speaker, we have worked hard to balance the rights of schools, parents, school boards, and students. However, it has always been our objective to put the rights of the students first. We have listened to those concerns. We do not want our Alberta students to have to navigate a court system. They don't have to; they have us.

This amendment will clarify that in the event a student is denied setting up a club, the Minister of Education will facilitate and support the establishment of such a club. We will help Alberta kids get their GSAs. This government stands up for the rights of all students, and we are very proud to further our commitment to children with this amendment.

Thank you, Mr. Chairman.

The Chair: Again, I'm trying to work through: Airdrie, Edmonton-Centre, Edmonton-Highlands-Norwood.

Mr. Anderson: I shall be brief. Again, I want to make sure that we try to keep a good tone in this House when we are talking about these amendments and have respect. I've got to say that I find this to be just – if you could please clarify. It's a little bit mystifying because we just talked about an amendment that apparently didn't go far enough, but now I'm reading this, and it says: "If, in a decision referred to in subsection (3)," so if a board refuses to establish a GSA or other group, diversity club, et cetera, then it says that "the Minister shall facilitate and support the establishment" of that group. Now, the problem is that there's a period at the end of that sentence, and what that would infer, then, is that it would have to be off-site. I guess I don't understand the purpose of it because I don't know if what the kids are looking for is an off-site GSA from the school. I don't understand that.

5:00

The purpose of the previous amendment was to make sure that the child who is requesting the GSA – if, for example, there was a faith-based school that said, "Can we do it a different way and call it something else?" or whatever, et cetera, et cetera, et cetera, whatever it is, they would have to work with that child on an actual support strategy for the bullying that the child was facing in the school, not push them to go outside the school somewhere.

I guess I'm just a little confused about it because I thought the point was to try to help with the bullying that the child was experiencing in the school. If the answer to starting a GSA is no, then why would the government of Alberta come in and start a GSA on nonschool property? I just don't get it. I don't understand it.

I just think that it would make a whole lot more sense if what we're trying – I think process is becoming a little bit more important here than outcome. The outcome is to protect the student who is being bullied in the school. Now, we might have a different view about how to best accomplish that, but certainly one would think it would be a better suggestion to have that school be responsible to ensure that there was an antibullying and support strategy for that specific student in their school and that that would be more important than just simply saying – the school can essentially say, "Sorry; no," to the GSA and then send them to the Ministry of Education, who starts a GSA outside of the school. I don't understand that.

This is a confusing amendment although, as I've said many times, I support many of the points in Bill 10, and I understand the balance with local autonomy that you're trying to achieve and, you know, the balance with religious liberties. These faith-based schools are trying to make sure that their curriculum and extracurricular activities are consistent and all that. I get that. I understand it. But I'm not understanding how we're addressing the bullying issue here with this amendment. So I don't think I can – well, I know I can't support it.

The Chair: Hon. Member for Calgary-North West, did you care to respond at this time, or did you want to wait till after successive speakers?

Ms Jansen: I'll wait until the speakers have spoken.

The Chair: Okay. The Member for Edmonton-Centre, followed by Edmonton-Highlands-Norwood.

Ms Blakeman: Thanks very much, Mr. Chair. I'm responding now to amendment A2, brought forward by the government. Two

things are happening here. One, this amendment is institutionalizing segregation, that a certain group of children will be over here and another group of children will supposedly have their own GSA somewhere else. This is segregation. This is not an improvement on what we're trying to do. This is not moving forward. This is saying that if the kid is bullied in this school – sorry.

My second point – and I guess this is what's really making me angry – is that this is the government, the Minister of Education, backstopping discrimination in schools that say no. It is backstopping that discrimination by saying: okay; we won't make you do anything here; we'll go off somewhere else and segregate these children and take them somewhere else.

Mr. Mason: To be with their gay friends.

Ms Blakeman: To be with their gay friends, says my colleague from Edmonton-Highlands-Norwood.

That's segregation. Surely to God, we have passed that. Have we not in North America managed to move past that point? Have we not learned the lessons from apartheid? Have we not learned the lessons of the civil rights movement in the States? I mean, I was a baby then. I'm well into middle age now. Have we not learned these lessons? How is this helpful to a child, to be told: "No, our school won't address your request for a peer-support group for at-risk kids. We will send you to the Minister of Education, who is going to do something else for you."

You know, folks, why don't we just vote in support of GSAs? Everybody is dancing around it. I think that's what we need to do, and I think it's possible to do that here, today, now. That's what needs to happen. I think it's pretty clear to everybody that that's what's needed: peer support groups for at-risk children who are of a sexual minority or have gender identity questions. That's all we need to do. But to allow the Minister of Education to officially – officially – backstop discrimination by a school towards an identifiable group of people and treat them differently than they are treated in a different school is backstopping discrimination.

I believe that the Minister of Education is here to set the policy on the curriculum that our kids are taught, but there are a number of other things that get encompassed in that, and I just cannot believe – I'm like my colleague from Airdrie. We come down on different sides of things quite often, but I think we're in the same place on this one: are you kidding me? Seriously? This government just voted down an amendment where, with a bullied kid, it would have been required to deal with that child? The government just voted that down so that you could officially give your blessing to a school to be allowed to discriminate against a child?

You are good people. You came here to do good things. I know you did. Every one of us got elected here to do good things for people. Please do good things today. We can help a group of children. We can get out in front of them. We can actually do something in this Legislature that is far reaching, that has a tangible effect, a tangible, positive effect on children in this province. We can do that today.

But saying that it's okay for this school to discriminate because we're going to take the kid away somewhere, really identify them, really make them stick out, really discriminate against them, to take them somewhere else to, I hope, give them a gay-straight alliance, a peer support group – and the Minister of Education will foot the bill. I'm assuming there's money involved. Are they going to take their peers, too? How do you know who wants to join this group and who doesn't? Do you bus them all somewhere? They're all supposed to meet at the front door for the discriminated group? Show up at the front door at 4 o'clock and

we'll bus you all somewhere else? This is not making sense anymore. You've tried so hard not to do this that you have come back around, and you're kind of kicking yourself in the butt, frankly, in trying to pretzel yourself around this issue.

Please, for these kids this is not curriculum. These are children. These are our children, our youth. Please do not allow this amendment to pass, where we would be institutionalizing – really institutionalizing – discrimination against our children. That's what this is. It's segregation. That's what it's saying: we're not going to treat all kids the same; we're not going to recognize that bullying is about pulling a kid out and saying, "you're weird and different, so I can pick on you and do things to you." Now you're making the Minister of Education the bully because he's the one that's going to pull that different group out.

I recognize that you are trying to do the right thing. I recognize that this was done with a good heart and that you are trying to solve some problems here, but it didn't solve the problem. It actually made it worse. You made the Minister of Education into a bully and allowed discrimination. Well, that's what it is, you know. A bully pulls somebody out and makes a big deal out of them. I know you're trying to do the right thing, so please do the right thing. Just allow these kids to have gay-straight alliances, their peer support groups, in their own school.

5:10

Please, don't make this any more complicated than it needs to be. I'm going to ask you to vote this down and allow another amendment on the floor that is going to give these kids their peer-support groups in their own schools, where they can go and be with their peers, not get bused somewhere or sent down the street or told to meet on Saturday mornings.

It needs to be in their own school where they can go at lunch and go: "This is what just happened to me. What am I supposed to do? Do you think this is wrong? I don't know. I want to talk to my friends about it." That's the point of a peer-support group, and that's what we were trying to accommodate. What we're trying to allow these kids to do is to help each other. Please allow them to do that. They're actually kind of better at it than we are. Right now I'm sure this is not the outcome that you expected, institutionalized discrimination and segregation for these kids. It's just not right. Please, we can do better than this. We can do better than this.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.
Edmonton-Highlands-Norwood.

Mr. Mason: Well, thank you very much, Mr. Chair. I wished that the Member for Calgary-North West had provided more information in her remarks about how this is going to work in practice, because, you know, without some context, it simply just doesn't make a lot of sense to me.

Now, this is a government, Mr. Chairman, that has no fear or trepidation about stepping on school boards when it suits them. They took away the right of school boards to set taxes and collect their own money. They fired school boards when they chose to. They take away the right of the school board to appoint their own superintendent without government approval. They trample on the rights of school boards all the time. Now all of a sudden they are very, very careful to protect the authority of school boards to disallow gay-straight alliances, and all of a sudden they're big, big champions of the rights of school boards.

Now they're going to get rid of the silliness about going to the courts. I mean, I thought that was hilarious. I had this image in my

mind of kids pooling their allowances to go to the Supreme Court, you know, in order to challenge a school board's decision. That's gone, but now the board's decision is final except that, Mr. Chairman, now the minister is mandated to provide a GSA. So what, then, have we protected on the part of the school board?

There are two choices. The member didn't clarify this at all when she enthusiastically reversed her position for the third time, and we don't really know in practice how it's going to work. Is the minister going to be responsible for making sure that the kids can meet in the school as if they were any other club operating as an extracurricular club within the school, or is the minister going to find some other place for the kids to meet? That's a huge difference. If it's the latter, then it is exactly as the Member for Edmonton-Centre said. It's institutionalized apartheid of gay students. It is a separation, very much akin to the segregation policy that existed in the southern United States up until the mid-1960s, a separation, separate but equal. You can have your own water fountain, but don't use ours. That's what that is.

Now, if it's the other alternative – and that is that the minister will make sure that the students in the school can have their GSA as if they were any other extracurricular body – then what we're doing is just putting window dressing on the rights of school boards, because you're basically saying: "Well, you get to say no, and then the minister is going to come in and make sure that in practice your decision is irrelevant and has no bearing. You've lost control over what happens in your schools and whether or not the kids have the GSA, because the minister is going to do it."

So we don't know which it is. We don't know how this is going to work, and, quite frankly, Mr. Chairman, I don't think this is anything more than words. I don't think this is about making sure every kid has access to a gay-straight alliance. I think it's just about creating the impression of blowing some smoke so that either the school boards don't know that their rights have been taken away by the government, because the minister is going to assume those rights, or on the other hand they're just going to try and pretend that students have the same rights as everyone else and that they're actually equal, but actually they're not going to be equal. You know, it's an attempt to create the impression of two different things at the same time, and they can't both be right.

I think this amendment is not suitable, won't solve the problem, and I don't think that the people who've been so critical of the government in the last few days are not going to see through this. I think they are absolutely going to see through this and see it for exactly what it is, a desperate attempt to try and square a circle that can't be squared. You know, you have to do one or the other. Either you have to say, "You know what? Kids have a right to have a GSA in a school regardless of what a teacher, a principal, or a school board might say," or you've got to say, "They can't." We don't know what that is because the mover of the motion didn't tell us. I would hope that she would tell us. Sooner would be better.

Thank you, Mr. Chairman.

The Chair: Are there other speakers to amendment A2?

Ms Jansen: Yes, Mr. Chairman. If you're looking for clarification, I'm happy to provide clarification on that. Nothing in this amendment stipulates that the GSA has to be off site. Nothing in the amendment stipulates that. I appreciate that you haven't had a lot of information, but to go to a place where you bring up terms like segregation is very unhelpful to this conversation.

You can see that our end goal here is very simple. We are trying to make sure every child in every school in this province has the opportunity to take part in a GSA. That's what this amendment

does, and we certainly hope that you appreciate the spirit of this amendment and the fact that that is what we are looking to do.

Thank you.

The Chair: Hon. members, just briefly, before we get to the next speaker, might we revert to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests (reversion)

The Chair: The hon. Minister of Seniors.

Mr. J. Johnson: Thank you, Mr. Chair. Thank you for the indulgence of my colleagues here. I just want to take the opportunity. We have a couple of keen, interested parties who've joined us: the mayor from Sturgeon county, Mr. Tom Flynn, a long-time friend of many of ours and a hard worker for many Albertans; Ian McKay, the general manager from Sturgeon county; and Pat Tighe, one of the councillors from Sturgeon county. They've just had a meeting with the Minister of Transportation. I appreciate them taking the time.

Bill 10 An Act to Amend the Alberta Bill of Rights to Protect our Children (continued)

The Chair: The hon. Member for Airdrie, followed by Edmonton-Strathcona.

Mr. Anderson: Okay. I think I just need a clarification, honestly, because then I will know how to vote and I think many of us will know how to vote on this. Does this amendment make gay-straight alliances mandatory in all schools across all boards in the schools themselves or not? If this amendment is passed, are gay-straight alliances now mandatory in every school, "in" being the keyword, or is that not what the amendment says and they can either be in or out of the school? Could it be either/or? Can we just get clarification on that?

The Chair: The hon. Member for Calgary-North West.

Ms Jansen: Thank you, Mr. Chair. What we are saying here is that we are asking every school to be accommodating of a GSA where one is asked for, and we sincerely hope that in every school where a student asks for one, one will be provided. Where the school board says no, that student now does not have to go to the court. They come to the Alberta Ministry of Education, and we will provide that GSA for them, hopefully within the school environment, but if that is impossible, we will make sure they get the GSA regardless.

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

5:20

Ms Notley: Okay. Well, you know, for just a minute I was sitting there with bated breath thinking: oh, my goodness, maybe we've actually achieved what was originally set out to be achieved by the Member for Edmonton-Centre. For just a second. Then she said: if possible, but if it's not possible, then it will be somewhere else. Notwithstanding how hard it was for you guys to hear the words "apartheid" and "segregation" and "water fountains" and "front, back of the bus," all that kind of stuff, unfortunately that gives meaning to that analysis. Either the GSA is in the school or it's

not in the school. If the GSA is meeting across the street in the 7-Eleven parking lot, it is being treated differently than the other school clubs. The kids who have been bullied, who are desperately seeking support and remediation from that bullying, are being treated differently than kids in other school clubs.

We've been writing this pretty much throughout the afternoon. People are probably in the backroom there drafting as we speak. You know, I would love to see this government come in with a subamendment to their amendment adding the phrase: in the school the student attends. You know, frankly, if you could make a subamendment and add that phrase, I think we'd have victory. It would be a fabulous display of democracy doing what it's meant to do. As we kind of came up with that collaboratively and collectively on this floor, it would be great.

Without that, though, unfortunately, those four or five words that I just laid out are the very heart of the difference that we've been talking about over and over and over again here. You can't treat kids differently. You can't treat clubs differently. You can't institutionalize and/or show respect for a school that refuses to allow their students to use the word "gay" combined with "straight" and "alliance" in a club that exists at the school that is voluntary to attend outside of normal school hours and which is not part of the curriculum. A school board which prohibits that should not be encouraged, should not be protected by this legislation, and, quite frankly, Mr. Chair, should not receive public funding from this Legislature at all.

I will simply say that I am imploring the member opposite or any of the members opposite to bring forward a subamendment to add the phrase: at the school attended by the student who made the request. If that happens, then we're good to go. It's kind of a weird path to take. We would have gotten there with the Member for Edmonton-Centre's bill a lot faster, but we get to the same place if you add that phrase, and you will have my complete congratulations and support if we get to that place. But without that, we have a problem, and we have a very real problem.

As I said before, I talked about what's implicit in this legislation and the assumptions that are included in it, many of which are deeply troubling to me for a number of reasons that I think I've articulated several times already, so I'm not going to do that again. But I'm going to say that I'm looking for that subamendment from the government because that would fix the problem. I'd be interested to hear whether there is any willingness over there to consider such a subamendment.

The Chair: Thank you, hon. member.

Are there other speakers to amendment A2? The hon. Member for Calgary-North West.

Ms Jansen: Thank you, Mr. Chair. I just wanted to finish up by reiterating that nothing in this amendment stipulates that this would be off site. We believe that within this amendment we are fulfilling our promise to respect school board autonomy and still provide the opportunity for students to have a gay-straight alliance. It would be called a gay-straight-alliance, and we want to make that perfectly clear.

You assume that we're taking kids away from their school. We are hopeful that schools will accommodate students every time a student asks for a GSA in this province. What's the endgame in all of this? We want to make sure that every student in this province has access to a gay-straight alliance. I believe we are doing that with this amendment, Mr. Chair.

The Chair: Thank you, hon. member.

Ms Blakeman: I don't understand why the government is trying to preserve a school's or a school board's autonomy when that autonomy is discriminatory. Why is this protection being offered to schools or to school boards? This is public education. We all share in that. It's a co-operative effort. As I was just saying to my colleague, they're in our communities. We don't send our kids to boarding schools somewhere else. The schools themselves are in our communities. They often are community hubs. They have other things in schools.

I am failing to understand why there is such a determination, a stubbornness by the government – I'm going to air quote this just so that we know what we're talking about – to respect school boards' autonomy. What I'm seeing here is the autonomy to discriminate, and I don't understand why the government is not choosing to say: "Schools will do this. It's not curriculum. It is a peer support group. It's an after-school or outside of school time activity." I don't understand why this government cannot say to schools: "You will do this. On this particular issue you will do it because that's who we are. We don't discriminate. We don't take kids aside."

I don't think schools should have the ability to say: you cannot have a GSA. Why? Why are we protecting this for schools and for school boards? Why is the government protecting the ability to discriminate amongst their children, amongst their pupils, and say: "Book club? Great. Math club? Great. Basketball team? Super. GSAs? No." What is behind this? Why are you doing this to protect a school board's or a school's autonomy to discriminate? That's what's happening. I know that's not what you want to do, but what you are now presenting is – you know, a kid is now going to have to go to the Minister of Education. Knock, knock, knock. "Dear Minister of Education, my school turned me down. They wouldn't do this. They discriminated against me. They won't allow me to create this after school club like how everybody else can have their after school club, peer support group. Now I need the ministry to do it or the minister to do it." I cannot imagine how the minister can go back to the school and say, "Well, you wouldn't hold it in this school, but I'm the minister, and I'm going to hold it in your school." What? You're going to rent a little piece of it? How can you possibly do that?

Why are we making this so hard? The point here is that at-risk kids can leave their classrooms and go to a place in their school where they can have an organized peer support group. Why are we trying so hard not to let that happen? That's what I don't understand. Please try and explain that to me. Maybe I can understand why you're doing this. I just don't see right now why you're making it so complicated, why you're allowing segregation, encouraging it even, and why kids can't just have a peer support gay-straight alliance in their school, easily accessible to them, without having to go outside and go to the ministry and beg them to intervene and put it on somewhere else. Please, this is easy. Please just let these kids have their GSA in their own schools.

The Chair: Thank you, hon. member.

Other speakers? The Member for Edmonton-Highlands-Norwood.

5:30

Mr. Mason: Thank you. Mr. Chair, the hon. Member for Calgary-North West talks about: we hope, we hope, we hope. You know, well, hope springs eternal. I've been here for 14 years, and I still keep hoping the government will do the right thing. I'm hopeful, but it doesn't happen. That's the problem with this amendment. It comes back to what I was saying, and that is that you either are going to overrule a school board and just pretend to let them make

the decision, or you're going to accept the school board decision and continue to allow them the right to deny GSAs. Then you're going to take the kids somewhere else and connect them with kids that may or may not be from their school, not in the place where the bullying and the education are taking place.

That's not good enough. That's discrimination. That's not equality. That is treating them differently than other kids. So it's perpetuating the discrimination that we've been talking about. It is, in many ways, a segregation of those kids. When they come together to talk about the bullying, they are treated differently than other kids that come together to talk or do the things that are important to them. That is the difference. The amendment doesn't fix the problem. The amendment is nothing more than window dressing that leaves essentially the same situation as exists now and that existed with the original government bill, Bill 10, and that is to allow GBLTQ students to be discriminated against in the education system.

As I've mentioned before, this government has no qualms about taking rights away from school boards when it comes to taxation or firing school boards or taking away their rights to appoint their own superintendents – they'll trample on the rights of school boards whenever they want to and whenever it's convenient – but this one right, this one power of school boards that they're intent on protecting is the right to discriminate. Now, that is hardly – hardly – a commitment to, one, equality rights or, two, the autonomy and independence of school boards. Mr. Chairman, it's neither. This government should be ashamed of itself.

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

Ms Notley: Well, thank you. The Member for Edmonton-Highlands-Norwood is correct. Really, this is not something to be proud of.

The Member for Calgary-North West says that we're overreacting over the fact that GSAs would not be in the schools. She says: we hope they will be in the schools. Now, here's the thing. We often say: we hope people will pay their taxes. We don't typically write legislation which then says: if you decide not to pay your taxes, that decision rests with you, and there's no appeal from it. We don't do that. It is a profoundly disingenuous argument to say: we hope that they allow it to be on school property. Either they compel it to be on school property, or they understand that the same boards which are exercising a right, that they have given them, to discriminate against gay students and their friends, are now being supported through this bill. That's exactly what happens, that and nothing else. Everybody should understand that this is really just a smokescreen over anything else. We are crystallizing and clarifying the rights of school boards to say no and, within that "no," whether it's on the property.

Now, the next issue here. I just want to get into a little bit of the other part of the amendment because that, too, is problematic for me. It talks about facilitating and supporting a GSA. Now, I haven't written a lot of legislation, but if I want to legislate the government's obligation to put in a GSA if a kid asks for one, I don't say, "Facilitate and support"; I say: "Establish. The government shall establish." So I'm not quite sure why we have "facilitate and support" because I don't actually know what that means. Does that mean, like, you tweet about it: "Hey, sure hope you get your GSA. I'm sure supportive, there, girl. I hope you get it, you know?" Do you do some advertising to try and get people out to it? What do you do? What does that mean? It doesn't mean anything. The language is not good.

The other thing that's very clear to me because of the very clear confusion around where the GSA will take place is the question of: how many GSAs? Let's say I'm in a small Christian school on the very north end of Edmonton and I'm told that I can't have a GSA and the school says: nope, not going to happen, yada, yada, yada. So what happens? I call up the Minister of Education, who says: "Oh, you know, don't think too much about my background. I am here for you, and I'm going to make sure that you have access to a GSA." And then he says also: "We have a GSA. We're running it at a recently vacated retail outlet down in South Edmonton Common. That's where it is. Edmonton's GSA, for those of you who can't have one in school, is somewhere down in South Edmonton Common." I mean, we don't know. We don't know how many GSAs there will be.

We don't know if there will be a GSA in the surrounding parking lots of every school within which a student contacts their good friend the Minister of Education on the phone: you know, is it going to be around their school or not? We don't know. We don't know if it's just going to be one per city of Edmonton.

Ms Blakeman: I know. It'll be in a portable.

Ms Notley: Well, yes. Actually, when I laughed out loud and I distracted the Member for Edmonton-Centre from her comments, somebody on Twitter actually made the comment – it was really quite amusing – that now we understand what the portables were for. We can just have a traveling GSA portable around the city of Edmonton.

An Hon. Member: One for every school.

Ms Notley: Maybe one for every school. Maybe one for every three schools. Maybe one for half a starter school. I don't know. I mean, this is so unclear.

When you consider that what we're talking about is issues of equality and we are talking about ensuring that kids at a school can invite their peers to join a gay-straight alliance so that they can develop a network that will help them recover from the pain of being bullied – let us just be clear – calling up their good pal the Minister of Education and being told that there is a GSA every second Thursday halfway across the city is not going to be an answer. There is nothing in this legislation that tells us that that is not the answer that they will get. So it's just not good enough.

I'm just perplexed by this. I'm astounded because what we have now done is that we have very clearly in this piece of legislation crystallized the second-class nature of the equality rights enjoyed by members of sexual minorities in our education system.

Ms Blakeman: But they're not second-class. They are protected.

Ms Notley: This government would like us to not protect them.

GSAs are a natural extension of an equality right which should be equally applied to all minority groups in the province. By allowing certain groups to say that those GSAs can't be in the school where requested, we are treating them differently. That's all there is to this.

Now, I want to just go back because I did do a little bit of research. I keep talking about the EPSB example and why this ought not – I truly believe that if I were to poll every Albertan who considers themselves religious right now, the answer to the poll would be this: religion and equality and respect for people who are gay are not mutually exclusive. They are complementary. Faith and equality are compatible, and I believe that the majority of people who describe themselves and identify as religious would agree with that statement.

I did just do a little bit of work. In the EPSB, where they have essentially said that GSAs must happen in every school where they are requested, 3,800 kids are enrolled in faith-based programs. So if there are 3,800 kids and their families in Edmonton who are comfortable with their children receiving a faith-based education which happens to coincide with some students' rights in that school to request and have a GSA after school, how can this be so hard? Why can't we follow the example that the Edmonton public school board has set? Why can't we follow the example that the provinces of Manitoba and Ontario have set? Why does this have to be so hard?

5:40

I honestly believe that the vast majority of people don't see the problem here. I think that you folks are listening to the wrong people, and in so doing, you are unfortunately, as I say, crystallizing a second-class set of rights, and you are crystallizing a legislative statement that you think it's okay for there to be a second-class set of rights for certain minority groups in Alberta – and in particular we're referring to those who are members of sexual minorities – and that is unfortunate.

I propose to you ways to fix this. Just a few words would take this from an incredibly offensive piece of legislation to a victory for equality. About four or five words, that's all it would take. But I'm not hearing anybody come forward on the government side to put those words in, and it's very disappointing. So in the meantime we have to aggressively resist this piece of legislation and make it very clear that should it pass, you will have actually made this problem worse, I think, at the end of the day. It is not a victory for anybody. It's really quite a sad day for people who believe in genuine equality in our public institutions.

The Chair: Are there other speakers to the amendment? The hon. Member for Calgary-Hawkwood.

Mr. Luan: Thank you, Mr. Chair. I feel compelled and need to stand up and let my opinion stay on this one. I want to begin by saying that I really appreciate our Premier allowing this one to be a free vote, and I really appreciate our government caucus trying very hard through an amendment to make the issue more amenable to what I think is the right direction to go. But despite all the effort put on the table, I still have very strong reservations to supporting this bill. I'll share with you wholeheartedly where I'm coming from.

The Chair: You're going to speak on the amendment, hon. member?

Mr. Luan: Yes. About the amendment.

The Chair: Thank you. Carry on.

Mr. Luan: The amendment as it stands now is in the right direction but not far enough. Where I have issues with it is that it won't name that the establishment of the organization will still be on the property of the school where it was rejected. I think that when we talk about the rights in this bill, the number one, overarching principle here is that we have to protect vulnerable children in the name of freedom from discrimination against their sexual orientation.

I heard our Premier talk and our ministers talk about this over and over. In Alberta, in our schools there's no room to have discrimination against the minority groups. In this case sexual orientation is the question on the table. When I heard that, I was all for it. But when we started looking at the details, particularly

about this amendment, we started dancing around with that, and it's no longer a statement of no conditions. There are conditions attached to it: not in my church, not in my belief, not on my property. That's where I think things go wrong.

I speak about this from my heart as a social worker. I practised over 21 years. My profession over the years taught me that when we want a just society at a time when vulnerable populations are at risk – in this case it is the gay and lesbian students who are being discriminated against because of their sexual orientation. They are fighting with a system that fundamentally doesn't accept them. This is where, I think, in my heart, I really have to stand up. I respect our colleagues. I respect our Premier and the free vote and everything else. I respect our democracy, that we can have this very free discussion among us in this House. I want my opinion to stand in regard to this one, that I think is so fundamental. It's to the basics of what we believe.

This is no different than what I view as racial equality. I am Chinese, and that I am able to stand here today to talk about this is a result of hundreds of years of our forefathers who fought this injustice years ago. You all know this, that Chinese-Canadians a hundred years ago were not allowed to vote. They didn't belong here. They could work here, but they belonged elsewhere. What we're dealing with today gives me a picture in my head, reminding me of a scenario like this.

There was a time in Chinese-Canadian history when there were signs to say: "We allow you. We permit you to be part of us, but you have to comply with what our traditions are here." One of the traditions back years ago for those hard-labour Chinese was: "You belong in the laundromat. That's your community centre." When they'd go to an upscale restaurant, there were signs saying: "Chinese are not allowed here. Dogs are not allowed here."

One of the reasons this debate really hit my heart is that I feel compelled that we are at a time in history when we are discussing the issue of another at-risk, vulnerable population. Are we treating them equally? Are we welcoming them the way they are? My stand as of today is that we're not. We're imposing our value system onto what they are.

One of the examples I find is that when I read about and learn more about the gay and lesbian community, it's different than when I actually have people who are closely working with me share their story. I'm going to share with my colleagues a personal story. I have permission from a friend to share this in the spirit of contributing to the debate and helping others who are at risk.

This is a close friend who works as a professional. She married a loving husband who happened to be gay. Over the years they lived in China. The husband is a company executive. They have a daughter. They have a perfect family from the outside. Both are well-established professionals with good incomes. But the truth is that after years and years of struggle one day her husband said: honey, I want to die. She couldn't believe why. He said: "I can no longer pretend who I am. I'm trying to conform. I'm trying to be somebody that is not me. Yes, we have a lovely daughter. But I really don't have that desire."

You can imagine, it was like a bomb dropped into a very happy family. Nobody in the world knows why it happened. My friend went through a horrible time. At first, she was resentful. She couldn't understand. They went to counselling, all kinds of support. But at the end of the day she became his best friend, the biggest ally in supporting him. She said: "Honey, I don't want you to die. We will fight this together. We will find a way that we can have justice in here."

They could not stay where they were in China because the overall conditions were unacceptable to it. They researched the world, and guess what? Canada is one of the most open,

welcoming places, and they decided to come over here. Over the years she helped him to explain to his family that this was not his fault. He was born like this. He tried for years to be somebody else, to the degree that he would rather die than continue to pretend he was somebody else.

I must say that when this story was shared with me, it was profound. I had years of social work experience. I had read stuff. I'd learned it in an indirect way. But it hit home so close to me through a close friend like that. I really believe that my knowledge about understanding this community was elevated to a much higher level.

5:50

One of the reasons I think I have to stand to strongly debate this, to share this is that I believe we need to do the right thing. History is moving forward on this. I highly urge my colleagues in this House to think about this. Would you rather be on the wrong side of history? In this case I urge that we need to go all the way to make sure there's no discrimination in our schools.

Thank you.

The Chair: Thank you.

Are there other speakers to the amendment? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. It's my honour to rise and speak, as most can guess, in complete opposition to this amendment and to this bill in general. But I do want to take a moment and thank the hon. member for his words, for his story, for helping all members and Albertans have a sense of the damage that this amendment and this bill will do. I found your words very moving, hon. member, and I want to thank you for them.

I want to thank as well the other members that have been debating all afternoon in this House, those who have broken ranks and spoken and shared their words according to their conscience and to what they know to be right.

You know, for myself fighting for equality is one of the reasons that I first joined the Alberta NDP, the party that stands up for everyone and especially the little guy. I hope that there are members on the other side that are regretting ever bringing forward this bill, which effectively torpedoed Bill 202 from the Member for Edmonton-Centre, which would have actually given our kids the tools they need to be safe in our schools. That's, again, what this comes down to.

I encourage you to look at the conversations that are happening on Twitter as far as what is at the heart of this debate. It's about giving our kids and our students the tools that they need to create these safe spaces. When we talk about equality and social justice, we're talking about treating people equally and fairly. This amendment ships them off from the school to some undisclosed location to have a meeting in secrecy. I don't understand that, and I don't understand the premise of where this amendment is coming from.

The thrust behind this bill is, like I said, equality and dealing with discrimination. So I find it jaw-dropping that an amendment comes forward which essentially discriminates against kids by saying: "No. Your club isn't allowed to be at the school. You need to go somewhere else to have your meeting." We're talking about, again, an extracurricular club. We're talking about voluntary. We're talking about something that is initiated by students. I don't know if it was written with this intention, but as the hon. member that previously spoke said – I mean, he nailed it – the spirit of this amendment is really a NIMBY amendment. "Not in my backyard. I don't want it here. You can go do that somewhere else."

For that reason and many others, I obviously will be opposed to this amendment. Thank you, Mr. Chair.

The Chair: Are there other speakers to the amendment? The hon. Member for Airdrie.

Mr. Anderson: I just want to maybe suggest – I mean, we only have five minutes left, and I'll certainly give the floor to the NDP opposition leader – that perhaps it would be a good idea before we move forward with this amendment and voting on this amendment to maybe talk about it a little bit more. Let the government caucus talk. Let the opposition parties talk. I think there has to be a decision made about what direction we're going here.

If the idea is to make GSAs mandatory, then there has to be a decision to make them mandatory. Period. If the decision is that we want to respect local autonomy but still want to find a way to help the student directly, concretely deal with the bullying that they are dealing with, then we have to make sure the amendments accomplish that. The problem with this amendment is that it doesn't do either. It doesn't make them mandatory, but it also doesn't do anything to help the student. All it does is say that they can have a meeting off somewhere and have a GSA. Well, a student can go into their house and start a GSA club. You know, this just doesn't do anything.

I think to avoid using certain folks as political footballs and so forth and given how divisive this conversation can be, it would be, I think, a good exercise to actually discuss exactly what the strategy is here, what we're actually trying to achieve, and then write a piece of legislation or a set of amendments that actually achieves that outcome because I just don't feel this does either. I think there's a willingness among, certainly, our party and I know among government members and I believe, clearly, with the Liberal and the ND opposition to at least discuss what our objective is here. Are we going to make these mandatory? If we are not going to make them mandatory, we have to address the bullying issue. It's got to be either. This amendment does neither.

Hopefully, we can have that discussion moving forward and actually come to a good piece of legislation. Thanks.

Ms Notley: Very quickly, just to be clear, what Bill 202 would have done was not to make GSAs mandatory. What they would have done is they would have allowed students who wanted them to set them up, and the people who wanted to join those students could have joined them, but no one who didn't want to be part of it would have had to be part of it. So that's the first thing.

The second thing is that I implore people over there – because I think people are really genuinely thinking about this – that if this amendment fails, we can come back after dinner and consider other amendments that might actually get us to a better place. If this amendment passes, we may be ruled out of order for finding better ways to fix this.

So I urge you to think seriously about whether it's possible for us to do the right thing tonight. Don't allow this amendment to pass in its current form.

Thank you.

The Chair: Other speakers? The hon. Member for Edmonton-Riverview.

Mr. Young: Well, thank you very much. It's a privilege to speak on this topic. Every child has the right to be supported. One of the things I haven't heard is that every child also has the right to support other kids.

Mr. Chairman, I sat down at my kitchen table the other day, and I asked my daughters, 11 and nine: do you know what it means to be gay? They said: well, it's when two guys love each other. I said: well, what about girls? They said: oh, that would be a lesbian. It just matter of fact because they don't care. I had another conversation with my 11-year-old today – they are at a Catholic school – about whether there is anybody in their school that's gay, and she's, like: no, not that I know of. The reason I said I was asking is because some people get bullied because of that. It was really foreign to her because they just doesn't really care. But we care here. We seem to have this angst about putting this restriction here.

I go back to the Charter of Rights or whatever, and I hear about equality rights and equality of association, and those are the fundamental things. When I hear stories about kids who – I mean, even the most well-adjusted kid when they're in their teens or young teens is struggling with their own identity, and when you are struggling with other issues and don't have the support at home. . .

The Chair: I hesitate to interrupt you, hon. member, but it is 6 o'clock. The committee will stand adjourned until 7:30 tonight, at which time, when we return, I'll recognize you first to speak if you are so inclined.

[The committee adjourned at 6 p.m.]

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