



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Wednesday morning, March 15, 2017

Day 8

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Third Session

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Littlewood, Jessica, Fort Saskatchewan-Vegreville (ND)	Yao, Tany, Fort McMurray-Wood Buffalo (W)
Loewen, Todd, Grande Prairie-Smoky (W)	
Loyola, Rod, Edmonton-Ellerslie (ND)	

Party standings:

New Democrat: 55 Wildrose: 22 Progressive Conservative: 8 Alberta Liberal: 1 Alberta Party: 1

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Legislative Assembly of Alberta

9 a.m.

Wednesday, March 15, 2017

[The Speaker in the chair]

Prayers

The Speaker: Good morning.

Bow your heads, and let us reflect or pray, each in our own way. Let us continue to search for purpose in our work and continue to be inspired by the people of our province. Allow us to learn from diverse opinions and seek common ground.

Please be seated.

Orders of the Day

Government Bills and Orders

Second Reading

Bill 1

An Act to Reduce School Fees

[Adjourned debate March 14: Mr. Shepherd]

The Speaker: The Member for Fort Saskatchewan-Vegreville.

Mrs. Littlewood: Thank you, Mr. Speaker. It's my privilege and pleasure to stand and speak to Bill 1, An Act to Reduce School Fees. Being Bill 1, this is something that is important to all families in Alberta. It's something that will make life more affordable for Alberta families. Even though it's something that has been a very long time coming in Alberta, I think now is a perfect time to help families that still need help in this economy.

My father would often laugh when people called education free because it was not free for him. Even though he was someone that didn't make a lot of money, he still had to find those few dollars that he could pull together at the beginning of the year to pay for things like textbook fees, to pay for things like pens and paper and binders. I know that it was something that was almost like Christmas in September every year because it was one of the few times of the year when we got something new.

Of course, there are a lot of details to work out, and the regulations of the bill will be the most important part because it will be through consultation with school boards and with parents to see what those most important things are to school boards and to families to make sure that the government is coming to bear with the resources to actually cut school fees by 25 per cent for families. It would mean for the \$200 million that currently school boards collect, we would be going through that with them to see where it makes the most sense to cut those fees by a quarter with this bill.

The initial focus will be instructional supplies and materials fees because that is where we see a measure of equity. Even though it is free to register your child in public education, there is still a lack of equity when it comes to families bringing their kids to school, when they come into the classroom. When I posted about this bill being introduced, I heard from a number of people that said that they often made excuses to their peers in class because they didn't want to bear the shame of not being able to afford something like a trip in class or not being able to afford to stay at school for lunch hour supervision or that they couldn't afford to pay for a bus pass. These fees being removed will instantly affect 600,000 Alberta students in a positive way.

The important thing that we see is that it's a further commitment to accessible public education for Alberta children and for Alberta

families, Mr. Speaker. I know this is something in my own constituency of Fort Saskatchewan-Vegreville that is very important, where we have a lot of rural families that have to bus their children in to school. This will give them the ability to take that money that they pay and put it toward something like their kids' future education in postsecondary, or they will just be able to take those fees and do outdoor ed or something like that, which is currently inaccessible to them, something like putting their kids into hockey or putting their kids into golf. There are so many sports that families put their children into that are inaccessible to many.

Also, in a city like Fort Saskatchewan we have a very young population. The average age of a person in Fort Saskatchewan is very young because we had a huge boom in population over the last 10 years of families coming in from all over Canada to get good-paying jobs in the oil and gas sector near the heartland. We have a lot of people that came and had children and made Alberta their home, made Fort Saskatchewan their home.

That's part of the reason why I'm here and why we were elected, because education became a huge election issue for my constituency. Having a young population, we were feeling huge pressures with sizes of classrooms in Fort Saskatchewan, and it's why we needed to have two schools built. It's very rewarding to be able to deliver two schools to the city of Fort Saskatchewan, to have a public elementary and to have a Catholic high school to address those needs, schools that were announced two, three times over a number of governments that never broke ground. So that's part of the reason why I'm here.

Part of the reason is also because there were many school boards that talked to me about how concerned they were that there was going to be a three-year freeze on hiring teachers. So this is another step that shows that this government and I support having accessible education and a good education. Not having those students funded for enrolment for teachers for three years meant that class sizes would have risen 1.5 per cent. The research that has just been released shows that children have a harder head start in learning when their classrooms are larger. We hear from teachers about that all of the time, that they don't have enough support in classrooms today, that the more students they have, the less time they have to spend with each individual.

9:10

Also, part of the concerns that the school boards had was the threat to cut classroom supports by 3.1 per cent, 3.1 per cent of the money that helps support First Nations, Métis, and indigenous children; supports that help children with disabilities; supports that help English language learner students; supports that would help poor families like my own that have a hard time with that first step into education. Not every child has equal entrance into this world, and this is something that will tangibly be able to positively affect future generations. This is something that is not just an urban issue; it's a huge rural issue. In many small municipalities we have a lower average income, so I know that having these school fees reviewed will directly impact each of those families positively.

I know that there has been good support from the school boards in my area. And I understand the people that say that they are concerned about where this money is going to come from because, you know, two years ago they were being told that the reserve funds and surpluses that these school boards had would have to be used to pay for anything that they needed in the future. There was a quote from the then minister that school boards are school boards and not school banks. It showed a level of not really being in touch with the experience of these school boards, the lack of reliable, sustainable funding, always being under the threat of being cut.

Understandably, we still have the emotional and historical effects on these school boards when we talk about things like cutting fees.

I know that the Minister of Education has been very clear that this will be found within our current budget and that there are ways that we can make it work. This is a very important thing to do. We do have a large Education budget, but to have education be accessible for every single child in this province means that we need to take this responsibility on. It is for us as government and as legislators to make sure that we can figure out how to do this, to make sure that every kid has a fair shot in this world.

I'm very happy to be able to represent the Elk Island public board and the Elk Island Catholic board and the Battle River school board in this Legislature and to know that we have amazing partners in education in this province. It's with that that I want to say that I am incredibly supportive of this bill, and I hope that everybody else in this Legislature supports it. I know that the families and the school boards in my constituency of Fort Saskatchewan-Vegreville are very, very, very happy to see this go forward.

Thank you, Mr. Speaker, and I would like to adjourn the debate.

[Motion to adjourn debate carried]

The Speaker: The Government House Leader.

Government Motions

Member for Calgary-Hays

16. Mr. Mason moved:
Be it resolved that in accordance with section 28(3) of the Conflicts of Interest Act the Legislative Assembly concur in the report of the Ethics Commissioner concerning the Member for Calgary-Hays dated January 4, 2017, and that the member be required to apologize to the Assembly and pay a fine of \$500.

Mr. Mason: Thank you very much, Mr. Speaker. I'm not happy about doing this, but . . .

Mr. Rodney: Point of order, Mr. Speaker.

The Speaker: Yes. What's your point of order?

Point of Order Sub Judice Rule

Mr. Rodney: Thank you very much, sir. I raise an issue regarding Standing Order 23(g)(i). Mr. Speaker, I'd like to speak briefly about this motion before it goes any further.

This issue is one with which we are all familiar. I believe that the matter being referred to in the motion is sub judice, so any discussion of the motion in this House will be a discussion of a sub judice matter and therefore subject to Standing Order 23(g)(ii). And I'll quote it. The "Member will be called to order by the Speaker . . ."

The Speaker: Hon. member, I'm sorry. What section were you quoting?

Mr. Rodney: It's 23(g)(ii).

A Member will be called to order by the Speaker if, in the Speaker's opinion, that Member

(g) refers to any matter pending in a court or before a judge for judicial determination . . .

And it states:

- (ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding,

until judgment or from the date of filing a notice of appeal until judgment by an appellate court, where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate.

I also refer everyone in the Chamber and beyond to Standing Order 48.

Motion out of order

48 Whenever the Speaker is of the opinion that a motion offered to the Assembly is contrary to the Standing Orders or privileges of the Assembly, he or she shall apprise the Member or the Assembly, as the case may be, at the earliest opportunity and shall cite the Standing Order or authority applicable to the case.

My short comments, to clarify, and one more citation include the fact that the Member for Calgary-Hays is currently involved in a suit with the Ethics Commissioner, a suit which concerns the very report addressed in this motion, and the principle of sub judice as it applies exists to ensure that an action in court is not unfairly prejudiced by proceedings in this House.

I also quote from O'Brien and Bosc, *House of Commons Procedure and Practice*, 2000.

The [sub judice] convention exists to guarantee everyone a fair trial and to prevent any undue influence prejudicing a judicial decision or a report of a tribunal of inquiry.

Mr. Speaker, this is a cut-and-dried example of a sub judice matter, and as such, the motion should not be discussed here today. Further, I believe that ruling this matter as sub judice is also consistent with your previous rulings on these matters. So I trust you will agree that with not only this reasoning but with these standing orders and these precedents, this matter will not proceed.

I thank you, Mr. Speaker.

The Speaker: The Government House Leader.

Mr. Mason: Thank you very much, Mr. Speaker. I believe that the matter is in order. *House of Commons Procedure and Practice* states very clearly that

The interpretation of this [sub judice] convention is left to the Speaker since no "rule" exists to prevent Parliament from discussing a matter which is sub judice.

That's at page 627.

More critically, it further states:

The practice has evolved so that it is the Speaker who decides what jurisdiction the Chair has over matters sub judice. In 1977, the First Report of the Special Committee on the Rights and Immunities of Members recommended that the imposition of the convention should be done with discretion and, when there was any doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention. Since the presentation of the report, Speakers have followed these guidelines while using discretion.

Mr. Speaker, our own standing orders, namely Standing Order 23(g), similarly state that when there is any doubt as to prejudice, the rule should be decided in favour of the debate.

Mr. Speaker, you yourself have been guided by the presumption that debate should take place; for example, in allowing questions in question period relating to the PPA issue, stating on October 31, November 1, and November 2 that debate could proceed while cautioning the members to be mindful of the convention. Previous Speakers in this Chamber have been guided by the same principle.

With regard to the more fundamental principle of why debate should take place, it is very clear that establishing and enforcing rules governing the conduct of its members is a matter for the Legislature.

Beauchesne's notes that the most fundamental privilege of the House as a whole is to establish rules and procedures for itself and to enforce them.

House of Commons Procedure and Practice notes on page 61:

The rights and powers of the House as a collectivity may be categorized as follows.

And it goes on to list:

- the exclusive right to regulate its own internal affairs . . .
- the power to discipline, that is, the right to punish persons guilty of breaches of privilege or contempts.

On page 78 it further notes:

The Supreme Court has indicated that the following categories of privilege have been recognized to exist.

And it goes on to list:

- disciplinary authority over Members.

9:20

Mr. Speaker, it's within the purview of the Assembly to set out rules for the conduct of the members. The Assembly has chosen to do so by enacting legislation, namely the Conflicts of Interest Act, as well as by the creation of an independent office of the Assembly, being the Ethics Commissioner. So we believe that it is entirely appropriate to debate the matter.

Just a couple of further points I'd like to make, Mr. Speaker. In section 28(3) of the Conflicts of Interest Act it says:

If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act and the Ethics Commissioner has recommended a sanction, the Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly.

Mr. Speaker, also, on pages 627 and 628 under sub judice in *House of Commons Procedure and Practice* it says:

The sub judice convention is first and foremost a voluntary exercise of restraint on the part of the House to protect an accused person, or other party to a court action or judicial inquiry, from any prejudicial effect of public discussion of the issue. Secondly, the convention also exists, as Speaker Fraser noted, "to maintain a separation and mutual respect between legislative and judicial branches of government."

It is my view, and I think this will be borne out, that the authority of the legislative branch of government over these matters is paramount and that it is not in keeping with the principle of separation of powers for the judiciary to be involved in this. I believe that that is what the outcome is going to be.

It goes on to say that

as Speaker Sauvé explained, the sub judice convention has never stood in the way of the House considering a prima facie matter of privilege vital to the public interest or to the effective operation of the House and its Members.

Mr. Speaker, I'm not arguing that this is, in fact, a prime facie matter of privilege. I am however drawing a parallel to the exercise of discretion of the chair with respect to matters concerning the conduct of its members.

I'd argue, Mr. Speaker, with the greatest respect to the hon. Progressive Conservative House leader, that, in fact, this is well within the jurisdiction of the Assembly and that the principle of sub judice does not apply.

The Speaker: The House leader of the Official Opposition.

Mr. Cooper: Thank you, Mr. Speaker. It's my pleasure to rise today and speak on what I'm sure will be some significant debate this morning with respect to Government Motion 16 and, in particular, the point of order raised by the House leader of the third party.

Let me be clear this morning that while I will speak in favour of this point of order, I make no judgment on the actions of the Member for Calgary-Hays. Whether he did or did not, whether the Ethics Commissioner's ruling was correct or was not in many respects is not integral to what will be a lot of comments that I will quite likely make this morning on this particular issue.

I do think, though, that what is important is around this issue of the role of the Assembly in this discussion this morning and, in particular, at present the discussion around this principle of sub judice. One of the things that needs to be established, I believe, Mr. Speaker, is your ability to determine whether or not the debate should continue, as has been clearly laid out by the Government House Leader and the House leader of the third party on this particular point about where there is doubt, the Speaker should rule in favour of the debate.

One of the challenges, I think, that you're going to face this morning is the fact that the territory that we are wading into provides you with little precedent, particularly inside this Chamber. There's little precedent where the Ethics Commissioner has ruled against a member of the Chamber and that, subsequently, a civil case has been proceeded with. So it's going to be very difficult for you, Mr. Speaker, to determine that doubt because one thing that you won't be able to know is whether or not this conversation this morning will prejudice the ruling that is well-established before the courts. You run the risk of wading into territory that hasn't been waded into prior, and you will make a decision this morning that could affect a lot of rulings in the future.

As you know, Mr. Speaker, around this issue of sub judice you yourself on November 1 rose in the Chamber and said these words:

I feel the need to once again remind the House about the [issue of the] sub judice principle. I wish to remind you of Standing Order 23(g), also known as the sub judice rule, which governs statements made in this Assembly about legal proceedings before the courts. Members should not be engaging in debate or asking questions which may [prejudge] a civil proceeding "that has been set down for a trial or notice of motion filed, as in an injunction proceeding."

Let me say again that I understand that an application was filed in July of this year by the government of Alberta seeking a declaration with respect to several power purchase agreements. It's extremely challenging for me to make a determination on whether statements made in this Assembly might [prejudge] those proceedings without knowing all of the particulars of the case.

Mr. Speaker, I would suggest that that case remains the same this morning. It is impossible for you to know all the particulars of the case that is before the courts and a member of this Assembly and the Ethics Commissioner.

You went on to say that you must rely on members and ministers who have greater knowledge of the effects to answer.

You also referenced *Beauchesne's* page 153, where it says:

Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record. The purpose of this sub judice convention is to protect the parties in a case awaiting or undergoing trial and persons who stand to be affected by the outcome of a judicial inquiry.

In this particular case I think we need to take into consideration both of those people, the member of this Chamber and the Ethics Commissioner, who is a well-respected officer of the Assembly, and we need to ensure that both of those individuals are respected.

It is a voluntary restraint imposed by the House upon itself in the interest of justice and fair play.

It goes on on page 153 to say:

The convention applies to motions, references in debates, questions and supplementary questions, but does not apply to bills.

Mr. Speaker, it's very clear that sub judice should apply to this government motion that has been moved by the Government House Leader.

The Special Committee on the Rights and Immunities of Members recommended that the responsibility of the Speaker during the question period should be minimal as regards the sub judice convention.

Though you on a number of occasions did interrupt question period to remind members of this particular sub judice ruling.

In 509, on page 153 of *Beauchesne's*, it says:

However, the Speaker should remain the final arbiter in the matter but should exercise discretion only in exceptional cases.

Mr. Speaker, I think what is before you is, in fact, an exceptional case because of the fact that the Chamber hasn't had to deal with this, because of the fact that the circumstances are very unique, with a fine being applied. Again, the content of the ruling is not necessarily as important as the process around this ruling, and perhaps we will have some time to debate the content of the ruling as well.

9:30

This is an exceptional circumstance. Clearly, the decision rests with you, but I think it's interesting that even on November 1 the Premier spoke specifically to her concern about sub judice when she said with respect to the detail of debate that was around the PPA agreements at that time:

Having said that, I think that, generally speaking, the matter is getting into a level of detail that is more appropriately reserved for the attention of the courts. This is not the appropriate forum for that detail.

She went on in a subsequent question to say:

Generally speaking, getting into the kinds of details that they're talking about is not appropriate for this forum, and what we are going to do is stand up for consumers.

But what didn't happen was debate on power purchase agreements.

Mr. Speaker, I would submit to you that today is your opportunity to rule in favour of sub judice to prevent the possibility that we would prejudice the Ethics Commissioner or, in this case, the Member for Calgary-Hays. In fact, on October 31 you also referred to this issue of sub judice and issued caution. While I can appreciate that it is clear in the conflict-of-interest legislation that the Assembly has a role to play in this motion, while it's clear that the Assembly has a role to play in the discipline of members, it is also clear that the sub judice rule should apply to a case of this nature, and I encourage you to rule in favour of reserving debate for a time that is much more appropriate.

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

Mr. Ellis: Thank you, Mr. Speaker, and thank you for giving me an opportunity to speak. You know, this is a very unique situation that you are in, that this Assembly is in, and I can tell you, from my experience, in my opinion, that we are talking about fundamental rights. We are talking about fundamental rights of freedom of speech, and we are talking about fundamental rights of due process.

An Hon. Member: And democracy.

Mr. Ellis: And democracy. Absolutely.

This matter is before the courts. There is a court date set for January 12, 2018. We are more than happy to table later on in the day, when appropriate, the appropriate documents also verifying that the court date is set for January 12, 2018.

Now, I must say that a few points have come to mind during a couple of the speakers, one, as I mentioned earlier, regarding freedom of speech. I think that if we look at article 9 of the English Bill of Rights, which starts in 1689, it states that "the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament." It is important that this starts, regarding freedom, as far back as the 1600s. This member has a right to represent his constituents. This member has a right to speak on issues. I can tell you that if we go down this road, there are many people that could be presumed, on both sides of this House, to be in conflict on many, many issues.

I would also like to say – sorry, I'm just looking at my notes here – that it would be appropriate to hear this motion only once the right to appeal has been exhausted by the courts. Separation and mutual respect between the judicial and legislative branches of government is overstepped if the matter is debated prior to the appeal being heard, and I think that it is also important to note that the balance of convenience favours adjourning this until after the court has ruled on this very, very important issue.

In conclusion, you know, I certainly thank you for the opportunity to speak. I do not believe that, without hearing what the courts have to say, this Assembly should be, in my opinion, overreaching and essentially possibly convicting somebody or finding a person held responsible without democracy, without due process, and without an actual trial. I think that is wrong.

I thank you for your time, Mr. Speaker.

The Speaker: Hon. members, let me begin by saying that everything that I do and say in this chair underlines to me the importance of my responsibility to this House, and this particularly is a matter where I take additional responsibility and appreciate the importance of that because it's in respect of one of our hon. members. In anticipation that this matter may arise this morning, I did in fact do some research on this matter, in fact in some depth. Allow me to share it with the House.

The matter before the Assembly is consideration of the Ethics Commissioner's report dated January 4, 2017, concerning the Member for Calgary-Hays. The motion reads as follows:

Be it resolved that in accordance with section 28(3) of the Conflicts of Interest Act the Legislative Assembly concur in the report of the Ethics Commissioner concerning the Member for Calgary-Hays dated January 4, 2017, and that the member be required to apologize to the Assembly and pay a fine of \$500.

I would note that the procedure that is in place concerning the handling of these types of reports is set out in section 28(3) of the Conflicts of Interest Act, which reads as follows:

(3) If in the report from the Ethics Commissioner the Ethics Commissioner has found that a Member or former Minister has breached this Act and the Ethics Commissioner has recommended a sanction, the Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly.

The objective underlying the sub judice rule is to ensure that the legislative and the judicial branches of government are distinct and separate and that parties to a legal proceeding are not prejudiced by comments made in the Assembly. Whenever there is doubt as to prejudice, it is the role of the Speaker to rule in favour of debate. I note that the procedure for addressing a report from the Ethics Commissioner is set out in statute, but what is important to emphasize is that it strikes at the very core of the internal proceedings of the Legislative Assembly and discipline of its members, which are part of the inherent privileges of the Assembly and are matters for determination in the legislative branch, not in a legal proceeding.

9:40

Although I'm reluctant to cite at length from case law authority on this point as this is not a court of law, I would point out that it is well established that one of the categories of privilege is that the Assembly retains its disciplinary authority over its members, and this is a part of the Assembly's corporate privileges, the right to regulate its internal affairs free from interference.

This has been acknowledged by the Supreme Court of Canada on several occasions, most recently in the 2005 decision in Canada's House of Commons versus Vaid, 1 SCR 667, at paragraph 10. This principle is also set out on page 185 of Joseph Maingot's *Parliamentary Privilege in Canada*, second edition, where the case of Bradlaugh versus Gossett, 1884, 12 QBD 271, is cited.

The House of Commons has the exclusive power of interpreting the statute, so far as the regulation of its own proceedings within its own walls is concerned; and that, even if that interpretation should be erroneous, the Court has no power to interfere with it directly or indirectly,

pages 280 to 281.

In other words, the power to discipline is necessary to the functioning of the Assembly, and it is part of its inherent privileges. The fact that there is no procedure set out in legislation does not imply that the Assembly has delegated nor has it surrendered these privileges to the jurisdiction of the court.

I would also cite paragraph 510 of *Beauchesne's*, where it is noted that the sub judice principle has never stood in the way of the House considering "a matter vital to the public interest or to the effective operation of the House" and its members.

In conclusion, I find there is no point of order, nor do I find that the sub judice rule should inhibit discussion on the government motion that is before the Assembly. The debate on the matter shall now proceed.

The hon. Member for Calgary-Hays.

Mr. McIver: Thank you, Mr. Speaker. If I heard you correctly, you just ruled that the debate will go ahead, and as I will be the subject of the debate, I think it could be argued that I have an interest, so I will, interestingly enough, excuse myself so that I'm not accused of having an interest in this debate.

The Speaker: Please proceed.

Debate Continued

The Speaker: The Government House Leader.

Mr. Mason: Thank you very much, Mr. Speaker. I just want to indicate for hon. members – well, I guess, first, I appreciate very much the ruling that the legislative branch is independent of and fully equal to the judicial branch and that we do not wait for the judicial branch to rule on whether it has jurisdiction but, rather, clearly assert that the legislative branch has jurisdiction. You've done that, and I think it was a very strong defence of our doctrine of separation of powers, which is fundamental to the parliamentary system under which we operate.

Now, I guess that if it was just my personal choice, I would just have the Ethics Commissioner deal with the issue, but the legislation, as I indicated earlier, requires a motion of the Assembly to concur in the recommendation on the matter. As I indicated, section 28(3) says, "The Legislative Assembly shall debate and vote on the report within 15 days after the tabling of the report, or any other period that is determined by a resolution of the Legislative Assembly." It's therefore required that there be a motion and a debate and a vote with respect to the recommendation of the Ethics Commissioner.

It's fair to say and I think the Official Opposition House Leader has commented that we are breaking new ground in this matter. But I think that we depend very much in this Chamber on the work of our independent officers, from the Auditor General to the Child and Youth Advocate to the Ethics Commissioner, and they play a critical role in regulating our democratic process. I think it's a point that's worth repeating before reviewing the specific facts of the case before us.

In November 2016 a complaint was made to the Ethics Commissioner against the Member for Calgary-Hays. The complaint noted that the member had made statements in the House regarding electrical utilities despite his direct associate, his spouse, being the sole shareholder and director of Brighter Futures Energy Inc., a competitive retailer in the energy market.

The Ethics Commissioner investigated the matter and on January 4, 2017, issued a ruling. The ruling found that the member contravened section 3 of the Conflicts of Interest Act when he asked a question during question period. The commissioner further states that the member

was trying to influence the Crown to drop both of these policies.

If he succeeded, it would protect his wife's company and if he failed there could be detrimental effect on her business.

The commissioner concludes:

Therefore, as a result of asking the question, in a manner which tried to influence [the] Crown, [the member] was in breach of s. 3 of the Conflicts of Interest Act as he sought to influence the Crown's decision to implement (or prevent) certain policies, the unintended result of which, had he succeeded, would further the private interest of his direct associate.

Mr. Speaker, the commissioner concluded that the member contravened the act, and we agree with that ruling.

According to the act the commissioner does not set out penalties herself; rather, she makes recommendations to the Assembly. Her recommendation in this case is as follows:

Given the small size of the interest and the probability [that the member] was more interested in scoring political points than worried about his wife's business, it is my recommendation that an apology to the Legislative Assembly by [the member] and a fine of \$500 is the appropriate penalty for this breach of the Act.

Had there been a more direct interest that was evident in the investigation and a greater interest, Mr. Speaker, it's important to say that the penalty could have been very much more severe.

The Ethics Commissioner is an independent officer who was put in place by this Assembly. Her mandate includes investigating and making rules on behalf of all members under the Conflicts of Interest Act, which is an act of this Legislature, Mr. Speaker. She's investigated this case and found in no uncertain terms that the member was in breach of the act. Therefore, we're supporting the recommendation of the Ethics Commissioner and the penalty that she has recommended, as required by the Conflicts of Interest Act and within the time frame set out by the act.

I think it would be important to deal with this now. Mr. Speaker, I urge members to support the recommendation of the Ethics Commissioner in this matter, put it to rest, and get back to the business for which we were sent here.

Thank you.

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

Mr. Rodney: Thank you very much, Mr. Speaker. I would like to propose an amendment, that has been stamped by Parliamentary Counsel. It's an amendment to the motion. Would you like me to read it now, or would you like it circulated first, sir?

9:50

The Speaker: Please circulate it.

Mr. Rodney: I will take my chair until you ask me to proceed, sir.

If you like, I could read the first part – it takes a few seconds – after which we could read the amended motion as it would read.

The Speaker: Please proceed.

Mr. Rodney: Thank you. I move that Government Motion 16 be amended as follows: (a) by striking out “concur in” and substituting “receive”; (b) by adding “the Assembly defer its decision on the recommendation” before “that the member be required to apologize”; and (c) by adding “until such time as the Court of Queen’s Bench has given a ruling with respect to the judicial review filed by the Member for Calgary-Hays on February 23, 2017” after “\$500.”

In other words, colleagues and those watching beyond:

Be it resolved that in accordance with section 28(3) of the Conflicts of Interest Act the Legislative Assembly receive the report of the Ethics Commissioner concerning the Member for Calgary-Hays dated January 4, 2017, and the Assembly defer its decision on the recommendation that the member be required to apologize to the Assembly and pay a fine of \$500 until such time as the Court of Queen’s Bench has given a ruling with respect to the judicial review filed by the Member for Calgary-Hays on February 23, 2017.

It’s a matter of process, sir.

I propose this amendment, Mr. Speaker, because I believe that the work that we do in this House is of real importance and real value, and we have a number of conventions in this House, including those cited today, that assist us in making the most effective use of our time. I heard the Government House Leader say: let’s proceed, and let’s get on with the business of the day. Now, we all know that there are only a finite number of days. There are only so many sitting days available to us as legislators. Let us all be reminded that our first duty during that time is indeed the well-being of Albertans.

I would argue that to debate Government Motion 16 without judicial guidance as to the scope of section 3 of the Conflicts of Interest Act in relation to parliamentary privilege would constitute a gross dereliction of our duty as Alberta legislators. There are few of us in this House with the requisite legal expertise, and I would venture to submit that no member of this House considers themselves an expert in parliamentary law, so to debate this motion before us without a ruling on the scope of section 3 of the Conflicts of Interest Act is completely counterproductive at this time.

We should not hold ourselves above the courts but, rather, return to this motion – we’re not pushing it away; we’re saying that we should return to this motion – once those with the relevant judicial expertise have had their opportunity to weigh in. To do otherwise would suggest that the motion before us, Mr. Speaker, is less concerned with the substance of the issue and more concerned with political theatre, that I know Albertans are much less interested in. I implore this House to exercise its better judgment and allow the courts to deal with this issue in due time.

I thank you, Mr. Speaker.

The Speaker: Hon. members, we will refer to the amendment as A1.

The Government House Leader.

Mr. Mason: Thank you very much, Mr. Speaker. Well, you know, it’s pretty clear that the amendment seeks to accomplish the very same thing that the Progressive Conservative opposition just attempted to do with their point of order, and your ruling on that was quite clear.

You know, the hon. member says: well, we’re no experts in parliamentary law in this place. Well, I beg to differ. We don’t interpret legislation, but we have the authority from the people to actually draft, pass, and amend legislation. We don’t just interpret the laws in this place; we make the laws. We’ve been elected, and we get our mandate from the citizens of Alberta to do that. Moreover, we have received advice and you have received advice, Mr. Speaker, from the very expert in parliamentary law, which is our own Parliamentary Counsel. I would argue that they are the pre-eminent experts in parliamentary law. That is very clear.

The hon. member talks about deferring to judicial – I apologize. I don’t want to misquote him: basically, we should let the higher judicial authority make a ruling before we proceed on that matter. Mr. Speaker, that illustrates a serious lack of understanding of the doctrine of separation of powers in our system between the judiciary, the legislative, and the administrative. Now, in the American Constitution that is explicitly stated, but in the British parliamentary tradition, of which we are a part, it is part and parcel of the living, breathing Constitution that we have, and it’s a long-established principle.

The hon. Member for Calgary-West quoted from the English Bill of Rights of the 1600s, which precisely illustrated this point. I don’t know if he knew that he was actually supporting the argument that we’re making and that you made in your ruling, but it is very clear that parliament exercises an equal relationship and a separate relationship to the judiciary. We have rules against interfering in the judiciary’s role, and there are rules against them interfering in parliament’s role or the Legislative Assembly’s role. You clearly articulated that, Mr. Speaker. It’s not just a matter of waiting for the superior courts to make a ruling but, rather, standing and saying: “We are equal levels of government, and this is our jurisdiction. We are clearly, constitutionally mandated to exercise this jurisdiction, and we need to do that.”

The suggestion that we should pass this amendment is simply flying in the face, Mr. Speaker, of your ruling and a thousand years of constitutional tradition in the British parliamentary system, and we will not have it.

The Speaker: Speaking to amendment A1, the Member for Calgary-West.

Mr. Ellis: Thank you, sir. I would like to expand on, certainly, what I spoke of earlier and amendment A1, which I am in support of. With respect to Mr. McIver – sorry; the hon. Member for Calgary-Hays. My apologies. Of course, the conflict-of-interest vote and debate under the Conflicts of Interest Act was likely, I believe, tabled on March 6, 2017. On February 23, 2017, the hon. Member for Calgary-Hays did file for judicial review of the decision of the Ethics Commissioner, which was given on January 4, 2017.

The Ethics Commissioner found that the hon. Member for Calgary-Hays was in breach of section 3 of the Conflicts of Interest Act for a question he asked in question period. Of course, section 3 of the Conflicts of Interest Act states:

A Member breaches this Act if the Member uses the Member’s office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the Member, a person directly associated with the Member or the Member’s minor child or to improperly further another person’s private interest.

Nowhere in the Conflicts of Interest Act does it state that section 3 displaces parliamentary privilege, nor does the *Hansard* from the passing of section 3 of the Conflicts of Interest Act in 2007 indicate such intent either.

10:00

There is no question that the parliamentary privileges as exist in the United Kingdom extend to the Members of the Legislative Assembly of Alberta. To the point that I had made earlier, which I do thank the hon. Government House Leader for bringing up again, the most fundamental privilege dwelling from article 9 of the English Bill of Rights 1689 states that “the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.” I agree with that. The limit in scope of any parliamentary privilege is judicable by the court, and the court is the only body who can decide the scope of privilege.

The issue we have in this case is the decision of the Ethics Commissioner infringing upon the parliamentary privilege of freedom of speech. There exists no precedent for the Ethics Commissioner to impeach or question a member of the Assembly’s question posed during question period by way of report or investigation under the Conflicts of Interest Act. Note that the inherent privilege of freedom of speech forms part of the Constitution Act of 1867. Therefore, legislation like the Conflicts of Interest Act cannot infringe on that privilege.

In this case the Ethics Commissioner has interpreted section 3 of the Conflicts of Interest Act to extend to question period. She has done so under the proposition that the term “influence” includes questions in question period and that the term “the Crown” includes the majority party sitting in the Assembly during that period. Such an interpretation is not constitutional and goes beyond the pale. The resulting ability of the Ethics Commissioner to silence a member of the Assembly on an issue and therefore silence the entire populace of the electoral district of the member represents the said issue.

Section 28(3) of the Conflicts of Interest Act allows for an adjournment of a debate and vote regarding the tabling of the report of the investigation to any other period that is determined by a resolution of the Legislative Assembly. I would argue that there’s no haste here and that we could let the courts decide the privilege, the privilege of the Ethics Commissioner and also the privilege of the member of the Assembly, which would include every one of us.

This has an impact that affects not just Alberta but Canada if not the Commonwealth. This is a huge issue. Who has privilege? Is it the Ethics Commissioner, or is it a member of the Assembly? I think that this is something that is so huge and has such an impact that we cannot be debating it in this Legislature at this time without having an answer from the Court of Queen’s Bench on January 12, 2018, which would assist us. This is not, to me, an issue between the Member for Calgary-Hays and the Ethics Commissioner. This is about our fundamental freedom of speech and the ability to represent our constituents on all issues. We as opposition have a right, that goes back to the 1800s, to hold the government accountable, and we can’t do that if we are limited by the scope.

We have people here that are teachers. Well, you won’t be allowed to speak on issues involving teachers. We have social workers who won’t be allowed to speak on issues regarding social work. Labour. This is huge. [interjections]

The Speaker: Order. Order.

Mr. Ellis: This is not about a \$500 fine. This is not about a slap on the wrist. This is about our fundamental right of freedom of speech. I have a right to question this government on behalf of the people of Calgary-West, as does every single one of the people sitting on this side. That’s what this is about. All this amendment is saying is: please allow this to extend past January 12, and then we can have more information. As I indicated previously in this House, information is power. It allows us to make better informed

decisions. Why would we not do this? We cannot, essentially, convict somebody without knowing the facts, without knowing the scope, without knowing all of the evidence involved here. I think that is what is truly, truly important here.

For that reason, I do support this amendment. I encourage every single member to support this amendment if you believe in freedom of speech.

The Speaker: All right. Any questions or comments under 29(2)(a) to the member?

The Opposition House Leader.

Mr. Cooper: Thank you, Mr. Speaker.

The Speaker: You’re not under 29(2)(a)?

Mr. Cooper: Correct. On amendment A1, please, sir.

I rise to speak in favour of the amendment. I think that there have been a lot of comments made this morning about our role and the role of the courts. Let me be clear. I agree with the Government House Leader that it is our role to make legislation. But in the context of the Westminster parliamentary system, we are often good partners, neither one subservient to the other. While we certainly write legislation and make legislation, it is often interpreted by the courts, and when the courts interpret that legislation, it sometimes requires adjustments for elected bodies. We’ve seen that time and time again.

In fact, you’ll remember, Mr. Speaker, that Bill 7 from 2015 was a Supreme Court ruling that spurred action by Assemblies around some labour legislation. The government rose at length and spoke about the importance of that ruling. And now we hear the Government House Leader, while I appreciate his comments and while I agree we aren’t subservient of each other, essentially saying: “Don’t worry about the courts. You know, we’re here to do our own thing.”

We can’t have it both ways, and that’s a good thing. We need to be responsible to our Assembly. We need to be responsible to the people of Alberta, and we also need to be responsible and be responsive to the courts. Here we have a situation where we already know that the courts are going to make a ruling on a piece of legislation that is before them. The hon. Member for Calgary-West certainly laid out a number of reasons that make this case precedent setting. Certainly, there are going to be large and lengthy discussions around parliamentary privilege and whether or not those have been curtailed through the Ethics Commissioner’s ruling.

It’s not a matter of whether or not this should be dealt with; it’s a matter of when it should be dealt with. There is a very reasonable chance that we’re going to make a decision and that then the courts will rule, which will require an adjustment by the Assembly that may in fact result in an apology from the Assembly to the member. All that the motion states is: let’s take time and do this.

10:10

You know, unless the government is planning on calling an early election, this is not going to affect the outcome of the next election because it’s going to be dealt with in the early part of next year. While I appreciate the need for expediency and while I appreciate the need to respect the recommendations of an independent office of the Legislature in the form of the Ethics Commissioner, particularly because, as she noted and as the Government House Leader noted today, there is an element of politics at play – and the Ethics Commissioner makes the accusation that the member was trying to score political points. Well, often Ethics Commissioner rulings in the court of political opinion are equally as important as

the actual Ethics Commissioner's rulings. But the court of public opinion is much further away than January 2018, when this particular case would be heard, and when the ruling from that may require an adjustment of the Assembly.

One of the other interesting things to note, Mr. Speaker, is that the Government House Leader clearly laid out that the Assembly has a role to play in this decision. And, in fact in your ruling on sub justice and while we will likely agree to disagree, you also pointed out the important role that the Assembly has to play in this decision. But I think that if we look at the Conflicts of Interest Act in section 28, around the tabling of the report, it does not provide very clear guidance on what the government motion should say. It's the Government House Leader and cabinet in this case and, I can assume, the Premier's office and others who may have provided commentary on what the motion should read, and in their wisdom they chose, without much consultation I might add, to write the motion as it appears on the Order Paper.

Knowing that this particular case was before the courts, knowing it is of a precedent-setting nature, knowing the Assembly may have to respond to the decision of the courts, they could have just as easily written the motion keeping in mind all of those factors. But I would suggest to you that they, too, have a political opportunity here and political grounds to be made and that it's possible that the motion is equally about scoring political points for the government as it is about the Ethics Commissioner's ruling.

If we were primarily interested in good governance, if we were primarily interested in ensuring that we're making the right decision – and, again, let me be clear. I am not providing personal comment on whether or not the Member for Calgary-Hays was correct or incorrect. I think it's possible some of my colleagues – when we likely get back to debating the main motion, by all accounts it sounds like the Government House Leader isn't going to allow any of his team to change their position. When we get back to debating the main motion, it's quite possible that some of my colleagues will raise some concerns about the Ethics Commissioner's ruling as laid out in 28(3) of the Conflicts of Interest Act, that speaks specifically to debating the report.

The Speaker: Hon. member, the section you just noted?

Mr. Cooper: Section 28(3).

But it appears to me that the government is equally interested in scoring political points and not just getting to the best solution for all members of the Assembly because if they were, accepting a reasonable amendment like waiting till after the court has their opportunity to speak as well – again, let me be clear. It's not because we are subservient to the court but because we are partners in this process of democracy. We write the rules. They interpret the rules. When they interpret them, if we need to adjust, that is a requirement of us. It's not like we're saying that at this point in the morning the Ethics Commissioner got it wrong although I think that there are some folks inside the Chamber who don't agree with the Ethics Commissioner's ruling. We're merely saying that the process that we follow is critically important due to the precedent-setting nature of the process.

So, Mr. Speaker, I encourage members of the Assembly to consider the words of the Member for Calgary-West because of some of the implications that the ruling has and the fact that the court hasn't had its opportunity to speak. Because of the implications that it has around privilege – one of the things that I'm very passionate about, you know, that gets me excited in the morning, is parliamentary privilege, and there are literally tens and tens of people across this province that share that excitement with me. The fact of the matter is that the courts are going to be required

to rule on privilege, and it has a significant impact on the future of debate in this Chamber. Providing us with time to make the best available decision is certainly the best available option that the Chamber has before it, and I would encourage all members of the Assembly to do the same.

The Speaker: Anyone under 29(2)(a) to the hon. member?
Seeing and hearing none, the Member for Calgary-Elbow.

Mr. Clark: Well, thank you, Mr. Speaker. I will speak to the amendment, and I very much appreciate the opportunity to do so. As I often try to do in this House, I'm going to try my absolute best to take the politics out of this. That may not be possible, but I'm absolutely going to strive for that. I do sincerely hope that the government's side and all members present here as well as, of course, the hon. Government House Leader do reconsider this. I do believe there is a middle ground here and there is an opportunity to allow the courts to decide, in no way diminishing the independence of this Assembly.

I do want to reiterate the point made by the Member for Olds-Didsbury-Three Hills, the Opposition House Leader, in the point of order initially. I in no way take a position one way or the other about the Ethics Commissioner's ruling and in no way question either her authority or expertise in making that ruling. This is not specifically about her ruling one way or the other.

What we have here, though, is an opportunity through this amendment to meet the requirements of section 28(3) of the Conflicts of Interest Act and be consistent with the ruling, Mr. Speaker, that you made this morning and allow the courts to make a ruling. All of those things are possible.

I will start with section 28(3). I imagine it's been referred to and read into the record previously, but I will do it again. In addition to the 15-day window for tabling the report, the last words of section 28(3) are as follows: "or any other period that is determined by a resolution of the Legislative Assembly." We as an Assembly, as members of this Chamber, have the opportunity by the law set out in 28(3) and, of course, respecting the principle of independence of the Assembly as a self-governing body to meet both of those tests. We have that opportunity.

Mr. Speaker, you were correct this morning in your ruling that there is nothing requiring us by precedent or law to defer debate on this Government Motion 16, but equally there is nothing preventing us as a self-governing Chamber from choosing to do so. We will be consistent with your ruling, we will be consistent with what section 28(3) says, and we will allow the courts to make a ruling.

10:20

I would ask the government side: what is the downside in doing that? If the courts concur with the Ethics Commissioner and uphold her ruling, then at that time the Chamber can apply what is currently Government Motion 16, pass the sanctions on the hon. member, and go on about our business. If, however, the courts find against the Ethics Commissioner and with the Member for Calgary-Hays, then we know that fact and we can proceed accordingly.

We have an opportunity here to allow the courts to make a ruling. We know the date. It is not that far into the future. We will be consistent, Mr. Speaker, with your ruling, we will be consistent with parliamentary procedure and practice, we will be consistent with the independence of a self-governing body, and we will allow ourselves to know the outcome. So I would genuinely and sincerely urge the government side to reconsider this matter and to support this amendment to allow the member his day in court. I think that is a fundamental principle that we all in this Assembly ought to be upholding, but in no way does that abdicate our independence from

the courts. It just simply allows us to choose what we do as an Assembly, which is absolutely consistent with the principles of independence.

Thank you, Mr. Speaker.

The Speaker: Are there any questions to the hon. member under 29(2)(a)?

Are there any other members who wish to speak to amendment A1?

Mr. Gill: Yes. I would like to speak to this amendment, and thank you for giving me the opportunity. Mr. Speaker, the majority of us know that I was born in India.

An Hon. Member: Were you?

Mr. Gill: Yes. It wasn't Scotland, actually. It was India.

But on a serious note, sir, we do not have freedom of speech. We do on paper; we do not. It only belongs to the elite. It's very suppressed. It's called the biggest democracy, India, but it's not really. It is not. It's controlled by a very few, the top. So for challenging the democracy here, challenging the freedom of speech here for people, I think we're going down a very dangerous road. As the members from Calgary-Elbow, Calgary-West, and the member from the Official Opposition said: let the court decide, and we can wait. You know, support this amendment. Let the court take its course. Like, we don't need to stop the process, control the process.

I want to warn all the members of this House. If we go down this road, it would open a lot of big cans of worms for the government, too, when we start talking about conflicts of interest. I'm sure that every member in this House knows what I'm talking about. I think we should support this amendment, wait for the court decision, and then we can come back to this debate.

That's all, Mr. Speaker. Thank you very much.

The Speaker: The Member for Cypress-Medicine Hat. Under 29(2)(a)?

Mr. Barnes: No.

The Speaker: Proceed.

Mr. Barnes: Thank you, Mr. Speaker. I, too, would like to rise and voice my support for the motion. I've been sitting here for about an hour, an hour and a half, listening to the debate, trying to get my head around the sides of this issue. Although Calgary-Elbow stood up and said that he didn't want to talk about politics, it appears to me that, clearly, it is only about politics at this point. It's clearly been mentioned by the Opposition House Leader and by Calgary-West that the courts can still continue, that the Legislature can still have its role after the court decision. As mentioned by the Opposition House Leader, it may avoid the government having to go through the embarrassment of an apology. But here we are charging ahead, anyway.

We've been talking about how this isn't around what the Ethics Commissioner's decision was. Of course, not having the benefits of the Blues, I absolutely believe that I heard the Government House Leader say: we agree with that ruling. A presupposition. We've had opportunities to have discretion exercised, and here we are moving along, moving along to where, as the Member for Calgary-Greenway just adequately said, we are about to open a can of worms and some different issues around the ruling. That greatly concerns me. One of the things I've heard many members say is: how do we do what's best for Albertans? How do we balance the opportunity

for open debate versus when we should be held back because of potential conflicts? Absolutely both worthy causes.

This, to me, is not only precedent setting, Mr. Speaker, where it can reverberate through other Canadian jurisdictions, other Commonwealth jurisdictions, as prior speakers have mentioned, but when we're all responsible to represent our constituents, the 4.1 million Albertans, open debate is the crux of the matter, where we need to hear all the good ideas. We need to hear all of what our constituents are thinking. We're in a situation now where conflicts may prevent that. As I said two or three minutes ago, lots of times that is absolutely necessary, that is absolutely the best thing for the protection of Albertans, but I am sitting here wondering why the government, as the third-party House leader mentioned right at the start, won't let this continue to where judicial experts will be about to voice their opinion in January of 2018 with the Member for Calgary-Hays' full and legal and due process right to an appeal.

So, Mr. Speaker, I absolutely believe at this point in time that if we lose this amendment, if we don't support this amendment, we are saying that we are more in favour of erring on the side of shutting down open debate in this House from all 87 of us than we are from a full opportunity for the 87 of us to hear from all 4.1 million Albertans to make Alberta the best we can.

With that, Mr. Speaker, I absolutely will be supporting this amendment. I will absolutely be supporting that we continue to ask the government to take politics out of this. Defer it till after the courts have their chance. Defer it to where we can make the best decision for Alberta.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Drumheller-Stettler. You have a question under 29(2)(a)?

Mr. Strankman: Yes, sir.

The Speaker: Please proceed.

Mr. Strankman: Yes. To the Member for Cypress-Medicine Hat, Mr. Speaker, he and I have had a valuable experience in our exploratory roles as representatives of our constituency, but we also experienced a situation where members of the Legislature decided and took it upon themselves to exercise their own rights that we have within this Chamber to cross the floor to the government of the time. As you may recognize, many of those members did not receive the future endorsement of their electorate and took those positions. He and also the Member for Livingstone-Macleod and myself did take the message from our electorate. I'd like the Member for Cypress-Medicine Hat to further explain the power of the electorate and his considerations of his representation of those people.

Mr. Barnes: Yeah. Thank you to my colleague from Drumheller-Stettler for that. Boy, what an amazing three days and two months that was, and what a message sent by Albertans. You know, it reminded me of two things. First of all, our responsibility to our constituents, to the next generation to ensure that we don't overstep our power, to ensure we use our best abilities to listen to our constituents and engage with them with the extra knowledge that we have from this place and from, you know, quality staffers and information that we do get to ensure that Alberta remains and becomes the leader in Canada that we all want it to be. But then it reminded me that, you know, there are always unintended consequences with what we're doing in here.

10:30

This maybe seems like a small thing. It's ratifying a decision that maybe some of us agree with, some of us don't. But I don't think it

is a small thing, Mr. Speaker. I think this is a matter of limiting the ability for the 87 of us to have open debate. And, yes, again, it has to be limited by where we have conflicts, but let's not influence an individual member's opportunity for his full and complete due process. The individual is as important, but let's not limit what is best for Albertans out there. As my hon. colleague mentioned, sometimes the nature and the breadth of these things spill over to the point where, thankfully, Albertans get the last say every four years. You know, maybe this will become a big issue of the government playing politics rather than strengthening the House of the people of Alberta.

Thank you.

The Speaker: Hon. Member for Calgary-Fish Creek, under 29(2)(a)?

Mr. Gotfried: Yes, Mr. Speaker.

The Speaker: Please proceed.

Mr. Gotfried: Mr. Speaker, I've listened with interest to the members' comments about the responsibilities we bring to the House, but I think, you know, on top of that, we also bring a lot of expertise to this House. We have nurses. We have teachers. We have doctors, social workers, technical experts of various sorts, transit workers, marketing executives, ranchers, farmers, airline employees, and more. We all bring expertise to this House, and I think our constituents expect us to use that expertise in this House. For us to address that opportunity to bring that expertise here, we need to have latitude, to not be found in conflict of interest on everything that we comment on because of our background, because of our experience, because of people we know or people we're connected with.

Those are the bridges that we build in our lives, and I'd like to think that torching bridges behind ourselves is not a good thing to do. In fact, that's why we're elected, to bring those bridges with us: the bridges to people, the bridges to organizations, the bridges to companies, the bridges to real Albertans.

It concerns me, when we are allowed to bring that expertise to our roles here, that it could be undermined. That, Mr. Speaker, is really at the heart of the issue that I think we're dealing with today. Are we allowed to bring that expertise to this House? I would argue that that expertise – I'm not sure. We have a few lawyers in the House, but I don't think we have any judges in the House. I think that this is an opportunity . . .

The Speaker: Hon. member, thank you. I think your time has lapsed.

Are there any other comments with respect to amendment A1? The hon. Member for Strathcona-Sherwood Park.

Cortes-Vargas: Thank you, Mr. Speaker. I'd like to move to adjourn debate on the amendment.

Mr. Cooper: Can I just double-check, Mr. Speaker, exactly the process here? We're just adjourning debate on the amendment? We will return to debate on the amendment following that?

Mr. Mason: It is the intent, Mr. Speaker, to adjourn debate on this motion. If we have to adjourn debate separately on the amendment – I'm not sure. I'd like a little guidance on how we do this.

The Speaker: As I understand it, we're adjourning debate at this point and juncture.

[Motion to adjourn debate carried]

Ombudsman and Public Interest Commissioner Appointments

14. Mr. Mason moved:
Be it resolved that the Legislative Assembly concur in the March 2017 report of the Standing Committee on Legislative Offices, sessional paper 15/2017, and recommend to the Lieutenant Governor in Council that the following persons be appointed on an acting basis for the period beginning April 16, 2017, until such time as a replacement for the Ombudsman and Public Interest Commissioner is appointed:
- (a) Mr. Joe Loran as Acting Ombudsman;
 - (b) Mr. Ted Miles as Acting Public Interest Commissioner.

The Speaker: Having heard the motion by the Government House Leader, Motion 14, does anyone wish to speak to the motion?

[Government Motion 14 carried]

Committee Membership Changes

15. Mr. Mason moved:
Be it resolved that the following changes to:
- A. the Standing Committee on Public Accounts be approved: that Mr. Dach replace Mr. S. Anderson as deputy chair; that Mrs. Littlewood replace Mr. S. Anderson;
 - B. the Standing Committee on Alberta's Economic Future be approved: that Ms McPherson replace Mr. S. Anderson.

[Government Motion 15 carried]

Government Bills and Orders Second Reading

Bill 1 An Act to Reduce School Fees (continued)

[Adjourned debate March 15: Mrs. Littlewood]

The Speaker: The hon. Member for Calgary-Northern Hills.

Mr. Kleinsteuber: Thank you, Mr. Speaker. I rise today to speak to Bill 1, An Act to Reduce School Fees. Our government campaigned on a platform to make life better for Alberta families. During the 2015 election campaign among these major commitments was a pledge to reduce the burden of school fees on Alberta families. In fact, on page 14 of the 2015 election platform, titled Alberta's NDP: Leadership for What Matters, you'll find under point (4.3) where it says: "We'll reduce school fees for essential services such as lunch supervision and bussing."

Mr. Speaker, I would like to also point out that I was also a candidate in the 2012 election, and I recall again campaigning on the reduction of school fees at that time. I have to say that any time I mentioned the NDP plan to reduce school fees in both the 2012 and 2015 election campaigns, it was warmly received at the door. People told me how difficult it was to budget for children to go back to school in the fall with all the school supplies they had to worry about like textbooks, workbooks, papers, boxes of Kleenex tissues, among other things.

Well, Mr. Speaker, I can tell you that it's a pleasure to speak to Bill 1 at second reading. This bill goes through a series of amendments, and the creation of new school fees regulations will focus on two specific types of school fees and bussing fees for eligible students travelling to their designated schools.

Over the weekend, while door-knocking and discussing Bill 1 with parents, I spoke to a single mother with two children in Calgary-Northern Hills and talked about how this bill might help reduce their fees paid. She told me that the big one was the fees paid in June, costing about \$600 for two students, covering lunch hour supervision, and that a further one paid in September cost about \$200 for instructional materials. She said that any reduction in these fees would help big time. In total for the 2017-18 school year we expect that families will save more than \$50 million annually as a result of this government-funded reduction in school fees for instructional supplies and busing.

10:40

I also had the opportunity to speak to my school board trustees. A trustee for the Calgary board of education, the CBE, said that the school board was very happy for parents and families. However, she recognized that there might be some specific details that may need to be addressed as the bill moves forward. For example, some concerns were raised regarding bus transportation to designated high schools. Since there are not any CBE high schools in Calgary-Northern Hills, students need to take buses to other designated high schools in the city. In this case students do not travel with a yellow school bus but rather on Calgary Transit designated buses. There was some question about how the school bus fees would be reduced in these cases.

There were also some concerns about the necessity of supplemental class fees for specific classes. For example, in carpentry class students have the opportunity to pay for additional high-quality wood, and the supplemental class fee paid is the difference between whether students make a Muskoka chair or a birdhouse. Mr. Speaker, in the case of fashion class these supplemental fees are the difference of whether a student makes a tailored suit or a pillowcase. It is important to distinguish the difference in these fees because students are more engaged in their learning when they can further their interests and they can delve deeper into their passions through these specific courses.

When I discussed this bill with a trustee of the Calgary Catholic school district, the CCSD, she said that the board was pleased with the lessening of the financial burden that fees placed on parents. She said that boards have long advocated for predictable and sustainable funding that covers the cost of delivering quality education and that fees are charged on a cost-recovery basis. However, some concerns raised were about the school board's ability to provide programs of choice such as French immersion, fine arts, special-needs programs that allow fuller and richer educational opportunities for students. There were also concerns about fees for textbooks. For example, high schools have textbook rentals. Should these fees continue to be charged? But both trustees were optimistic and happy to collaborate with government and work through this bill and regulations.

In conclusion, we know that parents are struggling to pay school fees throughout the province. In Calgary many families did their homework and chose communities to live in where it was expected that new schools would be built – this is the case for many families in Calgary-Northern Hills – however, a lack of funding commitments from the previous government led to delays with school construction, and many parents have been left to arrange transportation for their children to the inner city.

But it's more than the inconvenience of having to spend an hour a day travelling to and from their designated school because those families are also charged \$335 in fees per child per year. That transportation charge is over and above the fee for instructional supplies and materials which is also charged to students, which can exceed more than \$130 for junior high. For a senior high school

student the ISM is more than \$150 with the CBE. Nearly every school board charges fees on instructional supplies and materials, and removing these fees will lead to immediate savings for parents of nearly 600,000 Alberta students.

Mr. Speaker, the residents of Calgary-Northern Hills have told me consistently about educational fees since the moment I met them at the doorsteps in 2015. I'll be supporting Bill 1 at second reading, and I encourage others to do the same.

Thank you.

The Speaker: Thank you, hon. member.

Are there any questions under 29(2)(a)?

The Member for Wetaskiwin-Camrose.

Mr. Hinkley: Yes. Good morning, Mr. Speaker. Thank you. I also would like to rise to speak on Bill 1, An Act to Reduce School Fees. I am voting in favour of this and encourage everybody else to do so as well.

Part of this act is that it's simply making life more affordable for Alberta families, and this is just to show that we are taking action and showing that we do care about families and their pocketbooks and how they're balancing their budgets. During tough economic times this is one way we can help Albertans.

Also, on the very principle of this, the right to publicly funded education, we have to ask ourselves: is this a right that we support, or is it not? If we do support publicly funded education, we should not be charging extra fees. This is an Alberta value. It's unacceptable that we think that children – our kids, our grandkids – cannot have a publicly funded education simply because we are putting up financial barriers to this. The relief that we can provide helps us and helps parents know that their children will have access to education. Again, we get back to the principle of: what value is education? It is the tool for our future economic prosperity as well as our social prosperity. The one small action of reducing fees can have a major impact on students, families, and their financial well-being now and in the future.

This act is looking at certain types of school fees, and right now we are looking at supplies and material fees as well as reducing fees for those students who are travelling to their designated schools. This is important. Why do we even have buses for children in their designated areas? Could it be that there is simply an insufficient number of schools across the province, that we actually have a deficit in infrastructure of school buildings? While previous governments may have said that they balanced their budget, they balanced it on the backs of students. They did that by not building schools where population and student numbers merited that.

I look at my own family, where my grandsons could not go to their designated school, and their parents, my son and daughter-in-law, had to pay over \$300 a year extra for each child to go to a school that was not in their designated area because there was no school in that area. The fact that this bill is addressing part of that issue is of significance to me, and I think it will be of significance to other parents who are also concerned about busing in growing communities.

Now, this particular cut, even though it's only 25 per cent, represents \$50 million. You think about that: \$50 million that parents are taking out of their pockets and paying for free education. Something's not working there. It's also going to affect over 600 students by cutting these fees, so it's an act that will have a major impact across Alberta.

Now, there are those who suggest that we cut 100 per cent of the fees right now, and that would save Alberta families \$200 million. I think that eventually we will be moving toward that. This act does

not restrict us from this. It is the first step in doing that. But we also have to, during these times when we're trying to balance our budget, look at: if the parents don't pay that \$200 million, where is it going to come from? It's going to have to come from taxpayers. We do not want to put an additional burden on taxpayers as well at this time, so we will move prudently. We will move cautiously and make reductions as we can, as the budget is available for us. I really support the bill for that, that it's not just a big leap from here to there; it is going slowly but steadily.

Now, some of the other fees that I'm glad will be looked at in the future are fees that are charged for lunchroom supervision. This is not one that's being looked at right now, but the fact that it is being reviewed is encouraging for parents, who know that another fee for things that they didn't have to pay for will be addressed in the future. Also in the future is technology. Part of the school fees are for textbooks, but we know that in the future technology will be the way that most students are going to be learning. This also has been indicated as something that we will address.

In fact, section 39.1(2) of the act allows for more or potentially more reductions in different kinds of fees. It defines what those fees are. Whether it's lunch hour supervision or technology, the minister will have the ability to make decisions on that. I'm encouraged by that subpoint within the act as well.

Now, since we tabled Bill 1 last week, we have seen tremendous support for this not only from the families of those kids that are paying but other families as well. There has been constant support from parents, from teachers, school trustees, and when we've been door-knocking in our constituencies, people are saying: "I'm glad you're finally addressing this. This was one of your promises, to address it." We have taken that step. In fact, one of the other validators of this is the president of the Alberta Schools Councils' Association. The Schools Councils' Association is made up of parents whose kids are in school. They are supporting this. Specifically here in Edmonton, both the public schools and the Catholic schools have supported it. That's good news, and I think we're on the right track.

10:50

I just want to maybe look at the Calgary situation, both the public education and the Catholic schools. When we look at the fees that we are going to be helping with – and this is certainly one of the most expensive examples – in the public elementary schools their reduction per child is going to be \$660. For the elementary students that are attending the Calgary Catholic school district, their reduction is \$465. Now, both of those are quite high. Imagine, with two or three children, what your fees would be in September.

I'm comparing these two because they're dramatically different. One is \$660; the other is \$465. So there may be students and families who say: well, we want to give our child the public education, but we're going to have to move them to the Catholic school because it's \$200 less. So they're making a decision on where they will send that student just on the dollars, the cost, and we're saying that that should not be the reason why they're choosing a school. It should be based on the quality of education and not on which one is the cheapest or the least expensive.

When you look at the Calgary junior highs, both public and Catholic schools, the public schools charge \$552 per student in fees, and the Catholic schools are charging \$185, again a phenomenal difference. If I was a parent struggling with where I would send my child and I saw a bill of \$550 or a bill of \$185, I know where I would send my child, again, because of dollars and cents. We're saying that that should not be a factor in making that decision, so eliminate those fees.

Likewise, in high school, for a student to start in Calgary public, it's \$487; Calgary Catholic, \$305. Huge prices but again a difference, and it may influence where children will go.

Now, as an administrator – that was one of my previous careers before retirement and before being rehired; I was a school administrator – when we had to do our budgets every year, I actually counted on the parents contributing school fees so that I could balance my individual school budget. It was necessary for us to collect those fees from parents. It was necessary because there had been so many cuts in education ever since the '90s, when people bragged about having a balanced budget, but that had been downloaded onto schools, where we as principals had to tax our parents for supplies for their kids to come to our school because otherwise we would have a deficit at our school, and we were not allowed to. We had to balance the books.

So what did we do? We made the provincial government look good by having a balanced budget, but we taxed the parents for school fees. That was not fair. Why should I as a principal have to tax those parents? It was a problem for us to balance our books. I knew that in the small rural community that I was in at that time, in Smoky Lake, it was totally unfair to the parents of that community, but we had to do it.

Now, unfortunately, we would find that one-third to half of those parents did not pay their schools fees, so we had a huge problem. As many people have commented, the stigma of some families not being able to pay and some families paying those fees: not fair, not good community spirit, as far as I was concerned.

Now, we continued to have to change our fees and charge fees because the textbooks were always changing, the materials were always changing. One year it would be one subject, the next year another subject, but we always had to buy new textbooks. We did not want in our school some students having resources and other students not, so we did have to charge.

I am going to encourage all members of this Assembly to vote for Bill 1 as a very positive first step. Part of that is because I like the fact that the minister has found efficiencies within the Alberta Education department to pay for those. As an administrator I knew that if I didn't collect that money from the parents, I would have a deficit. Now I am reassured by the Minister of Education that that money will be coming in the allotment from the provincial government. So I'm happy that parents are not having to pay and I'm happy that I could have balanced my budget because the province is taking responsibility to make sure that public education is properly funded. This act goes a long way towards that.

Thank you very much, Mr. Speaker.

The Speaker: Are there any questions for the hon. member under 29(2)(a)? The hon. Member for Banff-Cochrane.

Mr. Westhead: Yes. Thank you, Mr. Speaker. The member talked about his previous experience as an administrator, as a principal, and working in a school. I know that he's got some first-hand experience of what it's like to be in a school. I just wonder if he might be interested in telling us a little bit more about his personal experience in the education system and all the experience that he brings with him to this position.

Mr. Hinkley: Well, I think I did allude that as an administrator every September we had to send out notices to parents that we would be charging school fees. I guess I was in education for over 30 years. It's just something you had to do for a long time. This is the first time in many, many years that there has been government support for that. I guess your question is partly: what authority would I have to speak on this subject? I guess it is because of my

background as an administrator. All principals, all teachers are very familiar with these issues, and we're just extremely glad that the minister has recognized that teachers were not in support of school fees, and by doing this, it is going to be of great benefit to the parents.

Also, I guess, when I say that I was an administrator, one of our tasks was that we had to balance budgets, so we were accountants. I guess I learned in my small-business career as well how to balance the books. I've done the books for businesses. I do the books for the school. We would have to make budget projections. The thing that administrators do is to look at how to eliminate deficits, how to balance their budget. I guess I'm supporting this bill because it is one tool to help administrators, to make it easier in their job of balancing the books. Having the school fees cut and the provincial government providing equal support will go a long way in doing that.

Thank you.

The Speaker: Any other questions under 29(2)(a)? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Mr. Speaker. I did want to ask the member to add a little bit more precision to his answer because it is a question in my mind when we're talking about parents who were unable to pay. The member said, I think, that about 30 per cent of the parents, perhaps, wouldn't be able to pay the fees, leaving a deficit in the school's budget, and I'm still not certain exactly what consequences would result from that and how that deficit was actually made up, how it was addressed. Were programs cut? Were services cut? Were class sizes increased, or was there another way or a source of funds that you could request compensation from? Exactly what happened as a result of that hole in your budget?

Mr. Hinkley: Yeah. A very interesting question. That's right. We had to become very creative in solving those problems. When we realized we needed new textbooks, we just didn't get them. We had to use the old or do without.

We did end up cutting some programs as well, so that was another way. We cut programs. In Smoky Lake we did have a very strong parent council, who supported the school extremely well, and often when we would meet and they would ask what I needed, we would discuss, without naming names but very candidly, the fact that our budget could be short because we would not be able to collect all of the school fees. Our school council would do raffles. They did casinos. They did bingos. They provided us with that supplemental money. So the community spirit said: we recognize that for some families this is a hardship; it's a financial burden. The school council would come up with money to help us balance that budget. You know, sometimes there would be grumbling that if they weren't paying for school fees, that money that they raised could be for enrichment. It could be for field trips. It could be for other things.

11:00

I want to brag for just a second here about H.A. Kostach school in Smoky Lake. They have won the Archery Canada National Championships four years running. That school, even though it has just under 400 students, has the Canadian national archery champions. They have sent their students all over the world – to the United States, South Africa, and parts of Europe – to compete. The school council would help fund the travel of that archery group, but they lost the money to school fees.

The Speaker: Thank you, hon. member.

The hon. Member for St. Albert.

Ms Renaud: Thank you, Mr. Speaker. It's my pleasure to also rise and support Bill 1, An Act to Reduce School Fees. Our government does care about families, and we are really wanting to keep the dollars in the pockets of those families. We believe every student has a right to publicly funded education, and those fees should not be a barrier to kids getting a good start in life no matter the circumstances.

Times are tough right now. I think that over the last week and a bit we've heard a number of people talk about their realities growing up, raising children, and I think that that's more the norm than I would have thought, actually. I don't consider myself an expert at all on school fees. Actually, I've moved around a lot in my life. I've lived all over Canada and the United States as well. I can't even remember how many schools I went to, but I do recall being a little shocked at the cost of school fees when my son was young.

Now, as a single parent I was working. I'm pretty sure I was taking courses at the time as well. When my son was little, I decided I wanted to save for his postsecondary education because that was not something that had been done for me. As soon as he was born, of course, like many other Albertans, I set up an RESP, and the most that I could manage per month at the time was \$25. It doesn't sound like a lot, but when you're struggling, it is a lot. When you're not earning much more than minimum wage, it is a lot. You still have to pay child care fees so that you can be gone from the home. You have to pay for bus passes and all of those things. Those school fees are taxing, and I never wanted to stop contributing to his postsecondary education. Fast-forward to today: my son has a fellowship at the University of Alberta. He is a doctor of paleontology, not the useful kind, we like to say. Sorry, honey. I love you.

You know, that was my reality. That truly was my reality. As I was looking for some information about this – I love history; maybe that's where he gets the whole paleontology thing; he likes to study old, dead things – I looked at some of the information from the previous party. [interjections] I'm not calling you dinosaurs. Maybe a trilobite, but that's about it.

You know, one of the things I read which was quite interesting was an article in the *Globe and Mail* from March 2012. The then Premier, who shall not be named in this House because that's our rule, said that school fees are a symptom of a larger problem and that that larger problem is funding uncertainty for school boards. The then Premier and the then party, many of whom are here this morning, said that they were going to solve this problem for families with transformative change. Voila, transformative change.

I think the reason I brought this up is that, you know, we tended to hear a lot of that. I worked in the human services sector, and often I heard about an unwillingness to augment services or about a willingness to detract from services or to move dollars around. It was about transformative change. But they never called it cutting. They called it – I can't even remember the word – reassigning or redeploying or whatever the word was. I don't know. When I take my dog for a haircut, I don't redeploy her hair.

You know, the reason that I'm bringing this up is that history will always teach us things. If I've learned anything from my paleontologist son, it is that history teaches us a great deal and that the Earth is older than 2,000 years old.

An Hon. Member: And it's round.

Ms Renaud: And it's round.

The reason that I'm bringing this up is that it's important to know that the previous government, although they talk about, "Oh, my gosh, the government side isn't doing enough and are not changing

fast enough, and it's only 25 per cent; oh, my gosh, light my hair on fire," had decades to change this, and they did nothing. They did not change it. They made it worse.

They talk about valuing Alberta families. Really? A flat tax, school fees. [some applause] Yeah, you're clapping about that. So you can hear by the clapping sounds that it was okay that people struggled to raise a family, struggled to get their kids to school, struggled to feed their kids, clothe their kids, pay school fees, save for postsecondary education. That's okay. That's okay as long as it fits with their radical ideology.

The other interesting piece. Before, the two parties were quite separate, and, you know, soon they'll be dancing a lot closer together.

Mr. Coolahan: Slow dancing.

Ms Renaud: Not slow dancing.

When they were a little bit more separate, they took some shots. You know, I read some things from a Wildrose website that talked about: shame on the PCs for voting to keep school fees. That was October 2012. This is what it said: it's unfortunate that the PCs couldn't look beyond partisan politics. Imagine that. [interjection] Not really.

I just want to say, you know, that people will stand up. I'm pretty sure that when they go out and speak to their constituents, they hear from families that reducing school fees is a really, really good thing. They're not going to say that it's a bad thing.

Mrs. Pitt: It was our idea.

Ms Renaud: Well, you can take credit for it if you like, if that works for you.

What they will do is that they will not support a budget that spends this kind of money. They will not. They will not support it. They can say that they'll support it, but when it comes right down to it, they will not. They will stand up in this House. They will demand roads. They will demand more prosecutors. They will demand more hospitals. They will demand more home care, more mental health supports. They'll demand all kinds of things, schools in their ridings. But when it comes right down to it, when the rubber meets the road, they will not vote for it.

I just want to go back to saying that I am one of the people on this side of the House that is more than happy to support this. I am glad that we're taking a stand. It may not be perfect just yet – it's 25 per cent right now – but I have no doubt and I have complete faith that we'll get there.

Thank you, Mr. Speaker.

The Speaker: Hon. members, I think I heard some laughing in the Chamber for a change.

Under 29(2)(a)?

Mr. Westhead: Yes, Mr. Speaker. In her speech the member talked a little bit about the flat tax that the former Conservative government had in place, also something that the opposition members were applauding. It's certainly something that people have talked about in leadership races that are occurring in the province. I know that when I was campaigning in the 2015 election, we campaigned on a platform of bringing in a progressive income tax system. This was a pretty fundamental change for Alberta. And, look, here we are. Campaigning for that type of more fair, progressive income tax system, that every other province in Canada has, including the federal government, seems to be the most fair way that we can pay for the services that we all need based on our ability to pay.

So it's pretty shameful to hear the members in the third party applauding for a flat tax that disadvantaged the people at the lower end of the income scale, creating more inequality, creating hardships for women, who tend to be lower wage earners. You know, that's something that they would bring back in. A flat tax also advantages the people at the high end of the income scale big time. We know that those folks in the PC and the Wildrose, for that matter, like to cozy up to their millionaire friends. There's nothing wrong with being a millionaire, but they have to pay their fair share for the things that we all enjoy in our society.

I just wonder if the member might want to talk about that, or, if she'd like, something she also might like to talk about would be . . .

11:10

The Speaker: The hon. Member for St. Albert.

I'm sorry. You were finishing your question?

Mr. Westhead: I'm still not done yet, Mr. Speaker.

I just wonder if she also might like to talk about the fact that she mentioned saving for postsecondary education for her children and about how saving on school fees would help parents nowadays also put money away for postsecondary training later on. Also, the fact that we froze tuitions: I wonder how that would help her as a family.

The Speaker: Thank you.

The Member for St. Albert.

Ms Renaud: Thank you, Mr. Speaker. Well, I for one was entirely grateful that we got rid of the flat tax. I will tell you that. I spent the majority of my life early on raising my kids. That's where I was. I was at the bottom section of the wage earners. Life is tough. You know, it's not always about . . . [interjection] What's that? It's not always about: pick yourself up by the bootstraps. Sometimes you need a little bit of help.

You know, I've been on a lot of sports teams, and I think the phrase that you're only as strong as your weakest player is very true. We have a responsibility to make sure that all Albertans have access to things that are vitally important, not just access but to feel included, to feel like: I'm not going to school knowing that I can't afford the things that other kids can afford, that I'm going to be singled out, and I'm going to feel bad. Our children, all of our children, have the right to be equal, and we need to do whatever we can to encourage that.

I'll tell you, you know, that it's not just women and it's not just single parents. It is also people with disabilities. This is a huge, huge portion of our population that we forget about. It's not just the person that you see on the commercial that happens to have Down syndrome. It is all kinds of people with all kinds of disabilities that are struggling, and they make up the group that are minimum wage earners. They are the people that are forced sometimes to be on assured income for the severely handicapped when, really, what they want to do is provide for their families. Can you imagine the struggle for them?

You know, there is a federal program, RDSP, much like RESPs or RSPs. It's for people with disabilities who want to establish some savings for when they're older, for when they retire or after 65. It's not that they're looking for a handout. They're looking for some help. They're looking for a hand up. They're looking for some equality.

I worked in the human services sector for a very long time when the third party was in power, and I'll tell you that every time the economy took a nosedive, we just braced ourselves for what kinds of atrocious cuts – and I remember the word now. It wasn't "cuts"; it was "realignments." I remember taking my dog for a hair realignment. You know, we just braced because that's where they

came. They came for services that were not going to impact the people that they were beholden to. That was my impression.

The Speaker: Thank you, hon. member.

The hon. Member for Spruce Grove-St. Albert.

Mr. Horne: Thank you, Mr. Speaker. You know, this was a platform commitment that I found really resonated with my voters. I have had a couple of people starting to ask me about it in my community, and I know they're all very happy to see that we are taking action to reduce school fees.

When I was out door-knocking in my community recently, I'd knock on the door and say: "Hello. My name is Trevor Horne. I'm your local MLA. Do you have any thoughts or concerns that you would like to share with me?" Usually their response was something like: "Well, I haven't really had a chance to think about it. You know, this is the first time I've seen an MLA on my doorstep. I don't know what to do with this." But recently they haven't.

Mr. Cooper: What have you been doing for two years?

Mr. Horne: I've been knocking on doors in my other communities.

Recently the response has been: thank you for reducing school fees. You know, Mr. Speaker, especially in these tough economic times, we know our families can really use that little bit extra.

We keep talking about September school fees and the bus fees and everything. You know, I reached out to my parents to see what they thought. I don't have kids of my own yet. I'm still pretty young. I have plenty of time to get on that. My parents reached out, and what they shared with me is that the schools always seemed to be asking for a little bit more, you know, whether it was a field trip or school supplies.

I remember that I had one music teacher who was a good music teacher, but she quite often liked to stage-manage quite a bit. It was an elementary school teacher, you know, stage-managing kindergarten students and grade 3 students. The day of a performance she would ask students to wear a specific colour or sometimes ask the boys to wear a tie. For many families this was the first time any of their students needed a tie, so that was an extra fee. That's an extra charge on their education. I know that for a lot of families this is really hard on them, and I am so happy to see that this government is taking steps to make education more accessible to our families.

Now, while I'm among the younger members in this House – I went through school, well, really, before I would have been allowed a laptop, let alone a cellphone. I know that now there are a lot of schools in my community and in communities across the province who are requiring students to bring their own devices, and now they're requiring smart devices. You know, it's not enough to have something capable of word processing; now you need a full iPad or a full laptop. For many families that's a lot to bear. We can talk about the cost: oh, well, one laptop; that's not too much. But when you have families of three or four kids, those costs add up, and especially in these economic times I know that that is very hard on them.

While I know that there was a larger commitment to go further, we have to start somewhere, and I'm glad to see that we are starting here. I would like to see, you know, more progress in the future, but I don't understand how anybody can't support this bill. This bill is something that is so important to our families. I have had teachers reach out to me and say that. You know, they'll talk to somebody, and without prompting, the first thing they say is: I am so happy we are reducing school fees.

Mrs. Pitt: We would have eliminated them.

Mr. Horne: That, Mr. Speaker, is enough reason, I believe, for every member in this House to support this bill.

Thank you.

The Speaker: Under 29(2)(a)?

Mr. Westhead: Yes, Mr. Speaker. Thank you. During the member's speech the Member for Airdrie chirped out that the Wildrose would have eliminated school fees altogether. It's great for them to say that, but we haven't seen a shadow budget or anything like that from them to prove any kind of movement on school fees or any other kind of social improvements, for that matter. I just wonder if the member who was doing his speech could tell us or just comment on how much the Wildrose has dropped the ball by not proposing any kind of solutions or ways that we could pay for school fees. I mean, if they've got a way to do that, I think they owe it to all Albertans to table a budget and show us their path forward.

The Speaker: The hon. Member for Spruce Grove-St. Albert.

Mr. Horne: Thank you, Mr. Speaker. I would absolutely agree with my colleague from Banff-Cochrane. You know, I have never been in opposition – you know, maybe in 20, 30 years or if I jump federally, maybe, one day – and I can only imagine how easy it would be to make a platform commitment and then completely ignore it. We have people across the aisle in what are currently two parties. We'll see in a few weeks, I suppose. But, you know, we have one party that campaigned on health care levies, and I haven't seen them argue for that since. They also argued for several new taxes and for cuts to services, including to education, and a flat tax as well. [interjections]

The Speaker: Order. Come on, guys.

11:20

Mr. Horne: We have another party who argued that, you know, they weren't going to bring in new taxes. They're now saying that there would be no changes to services, but somehow they're going to eliminate school fees. That would result in a direct cut to our schools. I fail to understand how these members can rationalize that. I don't see how that math adds up. So to answer the . . .

An Hon. Member: By realignment.

Mr. Horne: Perhaps by realignment. But where that money is coming from to be realigned is unclear to me.

Mr. Speaker, to answer the member's question, I don't think that it's possible for them to eliminate school fees and still protect the front-line services that they claim they would protect. This, to me, just doesn't connect.

Now, I know that the members keep saying: oh, well, you know, it's not our job to create a shadow budget. You know what? Mr. Speaker, I disagree. The job of an opposition is to show how they would do things differently, and thus far we have seen an independent member provide more opposition than either of the other two parties. I disagree with a lot of his proposals: you know, proposing a GST while simultaneously . . .

An Hon. Member: A PST.

Mr. Horne: A PST, rather. But he's at least provided us something.

The opposition has had two years now to provide a shadow budget. I haven't even heard the mention of a proposed shadow budget. The closest thing I have heard to a shadow budget goes back to the election, which was, on page 5: no new taxes, and we're going to protect our front-line services. I also note that when I last looked at page 5 of the Wildrose platform, I did not in fact see an elimination of school fees, which is curious to me. I also did not see a reduction in either the platform that the hon. Member for Calgary-Hays campaigned on or on page 5. That, to me, is interesting.

You know, if the two parties across the aisle are still so committed to not increasing taxes and balancing the budget, especially in two years, then the only logical conclusion I can come to is that . . .

The Speaker: Thank you, hon. member.

The hon. Member for Calgary-Lougheed.

Mr. Rodney: Thank you very much, Mr. Speaker. I rise today to speak to Bill 1, An Act to Reduce School Fees. I appreciate the attention of government members. You might be a little surprised at the point which we will get to very shortly. As our caucus advocate for education I have a special interest in Bill 1, and I'd like to begin by – you heard it here first – applauding the efforts of this government to address school fees. I'm applauding you. You're not applauding that we're applauding? I'm shocked, but I've been shocked here many times, including this morning.

In all seriousness, Mr. Speaker, from first-hand experience I know that while school fees are always an issue for parents, during tougher economic times it's even more important. We need to ensure access for all Albertan families. That's beyond reproach.

There are other good, common-sense changes in this bill. School fees being required to be directed only towards what the fee is intended for is a good change. Sometimes these fees get lumped in with the total budget, and losing that connection with the intention of the fee reduces the incentive to innovate and reduce costs. So that's a good thing.

There are a few portions of this bill that I can support as an advocate for robust and diverse educational choice in Alberta. Now, part of this, Mr. Speaker, comes from being an Albertan parent. Part of it comes from being an educator, an administrator, from kindergarten to university, for over 14 years in three countries, and I'm humbled and honoured to have had that as a little part of my background, that I bring here to the Chamber.

I have experience enough to know that the devil is in the details. The first issue is one of the main issues with many of the bills that we see this government bringing forward, which is, of course, debt. The government is saying that eliminating the two types of fees that this bill addresses, instructional material fees and transportation fees for eligible students, will result in \$54 million in savings for Alberta families. Of course, Mr. Speaker, that money has to come from somewhere to make up for the revenue being lost by the school boards, who have expressed great reservations about this. They've called us, and they've told us that.

Of course, we know that the money is coming from borrowing, from kicking the can down the road because every time the government makes another funding announcement while they're wallowing in red ink, it's not really a funding announcement.

Mr. Gotfried: It's a borrowing announcement.

Mr. Rodney: It's a borrowing announcement. Exactly.

I'm sure that government members may protest that point because in their announcement they say that \$54 million is going to come from finding efficiencies and attrition, which is fascinating for those who've been paying attention because they've spent the

last number of years trying their best to convince Albertans that every single dollar in the Education budget was absolutely crucial to maintaining teachers' jobs.

Well, Mr. Speaker, when they want to spend an additional \$50 million, suddenly there are all these efficiencies available to be drawn from, which, of course, begs the question: how many teachers will have to lose their jobs because of this announcement? And I think we all know what the answer is. It's zero. No teachers will lose their jobs as a result of this announcement, right? As our caucus has been saying for the past few years, there is room in ministry budgets to reduce spending without impacting front-line services. We've always said that. So I'd like to thank the government for proving that point, that if the political will is there, we can absolutely maintain current levels of service without increasing spending.

But back to my original point. The fact that the government is announcing this while they are in the midst of the biggest spending spree in the history of this province is unbelievable. It's very important to point out that the money they're borrowing is coming from only one source. We all know who it is. It's Albertans, except it's not just Albertans today who will bear the cost of this government's promises. Basic economics and common sense prove that. It's the next generation and the next and maybe the next that will have to deal with the legacy the government is building now.

So when they borrow money to fund a reduction in school fees, let's be accurate, please. What's actually happening? Well, they're making the young students of today pay for any reduction in school fees. It's a shell game in which they appear to be taking school fees away, but it's simply a matter of removing lots of money from one pocket, keeping a whole bunch, putting a comparatively tiny amount back in the other pocket, and then expecting a pat on the back, a thank you, or perhaps a vote in return.

This may appear to be favourable to students and parents because suddenly there is some extra cash in the pocket for the year, except it does the opposite with interest. When our students graduate, they'll get a graduation gift from this NDP government.

Mr. Cooper: How much?

Mr. Rodney: Well, it's going to be a great, big helping of provincial debt, the number yet to be decided. We're at 25 per cent now. If it's 100, well, I guess you can multiply it by four.

The debt that was incurred, not just in this respect: we're talking \$11 billion, \$12 billion a year every year on behalf of the NDP, their years of mismanagement resulting from an inability to make tough choices. Even though I commend the government for their willingness to address the issue of school fees, I just wish, Mr. Speaker, that they were not doing it on the backs of our students.

11:30

There is a way to get this province to a fiscal position in which we can help families with access to education without mortgaging their children's future. That is why, referring to the member who was asking for ideas earlier, we had the Engage document last year, and that's why just this week we tabled our PC caucus plan for balanced budgets. That's how we can help them. If we're going to be moving the burden of school fees from parents to children, let's be accurate about it, at the very least.

Now, additionally I ask: wouldn't it be appropriate for this government to be more thorough in consultation before they bring forth legislation? School boards have been telling us that while they support the goal of this bill, reducing the overall burden of school fees, they still don't have the details on how this legislation is going to work and how it's going to affect them, and they wish they'd been talked to beforehand. It's only fair.

Mr. Speaker, these kinds of details should be consulted on. They should be developed in partnership with the school boards to ensure that these programs can be put in place effectively. I do hope that the government will be more conscientious about consulting before they bring forward legislation in the future as opposed to legislating and then consulting or something like that as an afterthought, which happens with just about everything the government has been doing, sadly.

Now, Mr. Speaker, with all that being said, I will be supporting this bill because I do believe in the importance of strong public funding for all of our forms of education, and I do believe in the need to reduce the burden on Alberta families with school-aged children, especially in these tough economic times.

I thank you, Mr. Speaker.

The Speaker: The hon. Government House Leader under 29(2)(a)?

Mr. Mason: Yes, under 29(2)(a). Thank you, Mr. Speaker. Well, the hon. member made reference to his perception that the government is averse to making tough decisions, so I wonder if the hon. member could give us a few examples of the tough decisions that his party would make if it was restored to office in this province.

Mr. Rodney: Well, the first thing that we would do is kill the carbon tax, of course, right? Okay? I can tell you and I remember fondly the day that . . . [interjections]

The Speaker: Hon. member, could I ask that you direct your comments through the chair and to the House?

Please listen to the answer. The question has been asked.

The hon. member.

Mr. Rodney: Thank you, Mr. Speaker. I remember fondly, very fondly, the day, almost a year ago exactly now, when the hon. Government House Leader asked for an autographed copy of our Engage document, in which we had a multibillion-dollar challenge on a number of ideas on how a number of government departments could maintain all front-line services and decrease their costs at the same time. Now, I could use the next five minutes to go through that document, but I was happy to send over a copy to him, and I know that he read it, and I appreciate that.

It was also suggested in question period the other day by the hon. Member for Calgary-Greenway asking about the budget, which I believe is still on at 3 o'clock tomorrow, somewhat in jest that perhaps the government might want to take the document that we put forward just this week, the PC path to balanced budgets, because it's all in there. Rather than taking up extra time of the House to discuss that, I just encourage the hon. member and everyone, all Albertans, to take a look at the PC plan to balance budgets because there's very good stuff in there that, again, is for Albertans, and it's all about the opportunity to bring us back into balance and restore the Alberta advantage, that's been missing for two years.

Thank you, Mr. Speaker.

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

Mr. Malkinson: Thank you very much, Mr. Speaker. It's a pleasure to speak under 29(2)(a). I believe I actually stood up faster than the hon. Member for Olds-Didsbury-Three Hills, which is always an accomplishment. It's the working out at the gym with Dr. Bob.

My question for the Member for Calgary-Lougheed is that he had mentioned that, you know, for years he had said that fees should go

where they are intended – and I agree – and that he supports this reduction. He also says that there has been room in ministry spending for years to have cutbacks. So my question to him is: why did he not do that when he was in government and when his party was in government, and why is it that this government had to make the decisions that he couldn't?

Mr. Rodney: I really appreciate the question. It's an opportunity to share the fact that a rather short time ago we had not only a heritage savings trust fund in multibillion dollars, the envy of literally every country in the free world, as well as a \$17 billion sustainability fund, which, of course, is now gone, in addition to in-year savings that are documented – and they're on that newfangled interweb; take a look; it's all there – in-year savings that we experienced every year. We were in the best net asset position of any country, any jurisdiction of the free world.

I'll give you an example of my very first government bill, that happened in 2004 or '05.

The Speaker: Hon. member, look to me, please.

Mr. Rodney: Oh, right. Happy to speak to you about it. It's a great-news story, Mr. Speaker.

When I was on the strategic tourism and marketing commission, the first government bill that I brought forward was the hotel levy. You know what? It was upsetting when we had people coming in from other jurisdictions on – you know, it was 5 per cent they were charged extra, and I thought: okay; let's bring that down to 4. All the money that's raised would go to remarketing Alberta. The hotel and tourism industry was extremely pleased with that. Everyone who ever slept in a bed in a hotel was extremely pleased with that. I can tell you, sir, that it was a multibillion – that's how tourism has been funded year after year, and it fuels itself. It goes directly back.

Unfortunately, this government has decided to bleed off all sorts of millions of dollars from that remarketing, which blows my mind. It is extremely important . . . [interjections]

The Speaker: Order.

Mr. Rodney: . . . especially, Mr. Speaker, at a time when these staycations are so popular because everybody loves Alberta.

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

Ms Miller: Thank you, Mr. Speaker. I rise today to speak on Bill 1, An Act to Reduce School Fees. These fees have been around for many, many years, even way back when I was in high school. There were five of us, and at the start of the school year my parents, between school fees, bus fees, supply fees for the classes, and school supplies, had to fork out over \$2,000 every September. That was a lot of money way back then. You know, \$140 for textbook rentals: that was just totally absurd, whereas the public system charged nothing.

These fees are still around. There is a set of twins in Edmonton that I know of that were accepted in an Ivy League school. They had to postpone their full scholarships by six months till the mother, a single mother, had paid off their school fees because they weren't awarded their diplomas until the school fees were paid in full. That shouldn't happen.

There's a school in Red Deer where the children from grades 2 to 4 have to take swimming lessons. It's part of the PE class. They charge \$35 per student, but then the kids have to come up with bathing suits. A lot of these children don't even own bathing suits. So the kids sit at school while the others participate in the swimming activities, and then they get ostracized and stigmatized, all because of a school fee.

Another one is skiing. I know of a school where grades 3 and 4 go skiing. So the parents have to come up with the money for the ski pass. It's for eight weeks, so eight ski passes. They have to come up with busing money and with ski rental. Parents can't afford it. The kids sit at school, and they, too, get stigmatized and ostracized. The fees have gotten just totally out of control.

11:40

I remember one year with my children I got a Kleenex fee: \$2 a month to buy a box of Kleenex for the class. You know, it's the little things, the things that nickel and dime you. If you want to take chemistry, you have to pay for equipment rental and the chemicals you use. Biology: you have to pay for a frog to dissect a frog. Like, these kinds of things should be included in your education.

I've talked to many, many parents who are just appalled by the way they're being charged. One parent told me that she'd bought a set of pencil crayons for her daughter. She'd gone to the dollar store because that's what she could afford, and the teacher sent them home and said: they don't match the rest of the class's; you must get the same one as the rest of the class. So she paid a dollar for pencil crayons instead of the \$6 for the other ones because she couldn't afford them, and the kid was made to bring them home because they weren't the right ones.

You know, parents struggle. They want what's best for their children. Reducing these fees is going to go a long way. Kids are being bused to schools because the schools in their area are full. I'm lucky. I've got a new school opening in Red Deer-South in September of '17, and that will relieve the pressure on some of the other schools, and these children won't have to be bused anymore.

Things were let slide too long, and they got too far. I just want to encourage everyone in the House to vote for this because our children deserve it, our children need it, and the parents welcome it.

Thank you.

The Speaker: Under 29(2)(a)?

Mr. Cooper: Yes. Thank you, Mr. Speaker, for recognizing me here in the Chamber this morning. I appreciate your willingness to be part of such an important debate.

I would just like to say a few words with respect to the comments from the Member for Red Deer-South. I appreciate the bill that's been tabled before the Chamber. I know that many of the words that she spoke this morning about being of assistance to parents and September being a stressful time of month and some of the challenges that come along with students not having the appropriate resources in order to attend activities at school are very, very valid and legitimate. I look forward to supporting the bill. You know, I think we could work to pass the bill quickly and ensure that we get on to the regulations just as fast as possible. I appreciate her comments and thank her for them and for being part of the government, that is taking some small steps to reduce school fees.

During the debate this morning I also heard some folks talking about a shadow budget and how the Wildrose may or may not be active in reducing school fees, and I just might like to ask the member if she is aware of any time in the NDP's history while they spent an extensive period of time in opposition – if she would be able to table any of their shadow budgets.

The Speaker: Under 29(2)(a) to the member.

Mr. Westhead: Yes, Mr. Speaker. The member talked very passionately about how much she cares for children in her speech, and I know that she's also very passionate about a complementary

program to reducing school fees, which is the school nutrition program. In fact, she's got a motion on the Order Paper to that effect. I know that's something that's very close to her heart. If it's something that she feels comfortable speaking about, how she feels the nutrition program will complement the reduction in school fees, if that's something she'd like to talk about, I'd like to hear that from her if that's okay with her.

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

Ms Miller: Thank you, Mr. Speaker. Children are near and dear to my heart. I have spent many years working in the schools either as a volunteer, an educational assistant, school librarian, and I've seen first-hand the struggles of children. If the parents can't afford the school fees, the children get ostracized not only because of the clothes they wear but for what they bring for lunch or what they don't bring for lunch, so the school nutrition program was something I was just totally thrilled about when it came.

I know of children who brought a carrot to school every day for a month because that's what they had. I was one of the parents who always put extra in the lunch because I was able to. Children, when they had to go to the office and ask for a cheese sandwich – it didn't always happen because the kids were embarrassed. If other kids in the class said, "You know, I've got an extra muffin. Would you like this muffin?" they would take it rather than go down to the office and ask for a sandwich.

That's why I'm bringing my motion forward. We have to think about the kids. The kids are our future, and if we don't look after them, what kind of a future can we look forward to?

Thank you.

The Speaker: Hon. member, 29(2)(a)?

Mr. Nielsen: Standing Order 29(2)(a), Mr. Speaker. I just want to thank my hon. colleague for her comments with regard to this bill moving forward. You know, like her, I don't necessarily share some of the youthfulness that some of my colleagues in the House here share, but I do happen to remember some of those times from the past. I was wondering if the hon. member might be willing to comment a little bit about: based on our experience from the past, when we used to have a flat tax and when we didn't have a progressive tax . . .

The Speaker: Thank you, hon. member.

The hon. Member for Calgary-Glenmore.

Ms Kazim: Thank you, Mr. Speaker. I'm very pleased and delighted to rise today in the House to support Bill 1, An Act to Reduce School Fees. I would like to share my personal story of when I came to Canada. When I came, my family was looking for work. I grew up in a low-income family and didn't have many financial resources available to support extra fees related to school. When I joined my high school and I was enrolled in different courses, I remember the day when I had to pick an art course that was most interesting to me. The most appealing course to me was photography. Photography is a course that is one of the very expensive courses just because you have to get a camera. You have to get the photographic paper and everything. There are many accessories that need to be bought to basically take that course.

When I went in, I was automatically enrolled based on the forms I submitted, but when I went to see my academic counsellor, I was hesitant to say, "Yes, I want that course." That hesitation was obvious on my face, a little bit of sadness. I was asked, "Why is that?" I told them that I'm afraid that I might not be able to afford the expenses associated with that course. The reply I got was: "If

you want the course, if you want to learn it, we will take care of you.” Those were the magical words that changed my world view. That was the moment when I believed that when we have access to education, then how far we can get in our lives. When I heard those words and when I saw the financial assistance and the care and support that I got from the school, it helped me to realize how important it is to forward that care and support and how we can strengthen and build our communities. I was happily enrolled in that course. I had the honour of learning about photography, and I did very well in my school.

11:50

That change in the world view basically let me believe that anything is possible in the world and the world is a great place to live in. The possibilities are limitless. This short story, as you can see, changed my life in such a big way that today I’m standing in Alberta’s Legislative Assembly fighting for other children who do not have access to resources at schools or education just because they’re having some financial crisis or having some affordability issues. I’m so pleased to be part of the government that is standing up for the schoolkids, that is standing up for our future, that is standing up for our society to move our province forward.

It was a shocker for me when I learned that students have to pay a fee when they are enrolled in schools in different forms and it is

causing a burden on their parents because when I was in school, my parents didn’t even know how I managed to sail through school without even asking them for a single penny.

Mr. Speaker, I strongly support this bill, and I’m very proud that our government is taking such great initiative. Thank you.

The Speaker: Standing Order 29(2)(a) to the hon. member?

Seeing and hearing none, does anyone else wish to speak to the matter?

I think the House is ready for closure on debate on the matter. I need a motion, don’t I? Member for Banff-Cochrane, you have a motion you’d like the House to consider?

Mr. Westhead: Yes, Mr. Speaker. On behalf of the Minister of Education I’d like to close debate on second reading of Bill 1.

[Motion carried; Bill 1 read a second time]

Mr. Mason: Thank you very much. Mr. Speaker, I think that caps the morning. A wonderful piece of legislation has been carried unanimously by this House.

I would like to thank all members for their support and move that we call it 12 o’clock and adjourn until 1:30 this afternoon.

[Motion carried; the Assembly adjourned at 11:54 a.m.]

Table of Contents

Prayers	273
Orders of the Day	273
Government Bills and Orders	
Second Reading	
Bill 1 An Act to Reduce School Fees	273, 282
Government Motions	
Member for Calgary-Hays	274, 277
Ombudsman and Public Interest Commissioner Appointments.....	282
Committee Membership Changes.....	282

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