



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Tuesday morning, November 7, 2017

Day 50

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Third Session

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New Democratic: 54 United Conservative: 26 Alberta Party: 2 Alberta Liberal: 1 Progressive Conservative: 1 Independent: 2 Vacant: 1

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Legislative Assembly of Alberta

10 a.m.

Tuesday, November 7, 2017

[Ms Sweet in the chair]

Prayers

The Acting Speaker: Morning.

Let us pray and reflect, each in our own way. As we observe national adoption month, may we reflect and consider the support of our families and loved ones. Let us appreciate our support systems in whatever shape or dynamic they exist and how their patience and love allow us to best serve our constituents and all of Albertans. Amen.

Please be seated.

Orders of the Day

Government Bills and Orders Second Reading

Bill 23

Alberta Human Rights Amendment Act, 2017

The Acting Speaker: The hon. Minister of Justice and Solicitor General.

Ms Ganley: Thank you very much, Madam Speaker. It's my honour to rise today and move second reading of Bill 23, the Alberta Human Rights Amendment Act, 2017.

Bill 23 would add age as a prohibited ground of discrimination to the Alberta Human Rights Act under the areas of tenancy and goods, services, accommodations, or facilities. Earlier this year the government of Alberta agreed to a court order to make these changes.

Age is currently a prohibited ground of discrimination under all other areas of the act except for sections 4 and 5. Section 4 protects against discrimination when any goods, services, accommodations, or facilities normally available to the public are provided. Section 5 prohibits discrimination regarding tenancy, including both commercial and residential rental accommodations.

Madam Speaker, this government supports all Albertans, which is why we're proposing to strengthen our current human rights legislation and further protect Albertans from age discrimination. This is a complex issue that can affect many Albertans. Over the summer we consulted with a range of stakeholders and have heard many perspectives on the issues. We believe that these proposed amendments will strike the right balance between the interests of many different groups.

Madam Speaker, the legislation will protect programs or activities providing a benefit to minors or seniors such as discount movie tickets and ensure that they're allowed to continue without violating the act. Doing this will allow more programs and activities to be in financial reach of more people and will create greater opportunities for social interaction. We're committed to enhancing every Albertan's ability to fully and equally participate in society.

In terms of housing, older Albertans may choose to live together in a community of people of similar age and stage of life. Based on the results from our consultation this summer, many Albertans are in favour of allowing seniors-only housing to continue. Bill 23 would also protect the rights of seniors to live in seniors-only housing. The amendments set a minimum age for seniors-only housing at 55 or any age that's older than that. Seniors-only housing will also be required to accommodate, within their age restrictions,

special circumstances that are specified in regulation. This could, for example, address issues such as live-in caregivers.

Madam Speaker, we also recognize that many Albertans have made significant investments on the basis of condo bylaws in place at the time of purchase. We want to ensure that Albertans affected by the amendments have advance notice before the changes impact their condominiums. Existing age restrictions in condominiums will be grandparented for a 15-year transition period so that they do not violate section 4 of the act. Age-restricted condominiums, if they wish to, can transition to being seniors-only during the 15-year transition period.

These amendments will also immediately apply to rental buildings as soon as the bill comes into force. This means existing age restrictions in rental buildings will not be grandparented in. Rental units in condo buildings will be subject to the same rules as condo buildings are subject to. On a go-forward basis the only permitted age restriction for rental accommodations would be 55 or some age older than that.

Bill 23 also enables ameliorative programs or activities. This means that programs that seek to improve the situation of disadvantaged people, including creating more inclusive and diverse workplaces, would be allowed. An example of this would be youth employment programs. This exception comes with the requirement that the program or activity be reasonably likely to achieve the ameliorative objective. Currently Alberta is the only jurisdiction in Canada whose human rights legislation does not provide an exemption for ameliorative activities.

If passed, these amendments will come into force on January 1, 2018.

In conclusion, Madam Speaker, our government supports all Albertans, and we believe these changes will make life better for them. This bill is an opportunity to embrace the diversity of Alberta and align our legislation with other jurisdictions across Canada.

Thank you.

The Acting Speaker: Thank you, hon. minister.

Are there any other members wishing to speak to the bill? The hon. Member for Airdrie.

Mrs. Pitt: Thank you, Madam Speaker. It's my pleasure to rise today to speak to Bill 23, the Alberta Human Rights Amendment Act, 2017. As we all know, this legislation was brought into the Assembly following a January 2017 ruling of the Court of Queen's Bench. The legislation will read "age" into the Alberta Human Rights Act as a prohibited ground of discrimination as it applies to goods, services, accommodations, or facilities.

As a representative of this Assembly I feel very strongly that we have a duty to Albertans to ensure that discrimination never has a home in this province and that Albertans are given equal opportunity. As Canadians we've always prided ourselves on creating a country that is welcoming and inclusive of all people, and it is because of that that the spirit of the Alberta Human Rights Act exists.

Previously age discrimination was addressed in the Alberta Human Rights Act as it applies to sections 3, 7, and 8; namely, the areas of publication and notices; employment practices and advertisements; memberships in a trade union, employers' organization, or occupational organization. However, it's important for us to ensure that all Albertans, regardless of their age, are also able to have equal access to goods, services, accommodations, facilities, and tenancy.

Madam Speaker, my legislative office has received a fairly significant amount of input from Albertans – I'm sure many members in this room have received the same – based on the

perceived overarching reach that this will have for all ministries and all Albertans. We've particularly heard from seniors, who are concerned about how this might affect their access to seniors-only housing, seniors' discounts, tax benefits as well as mandatory retirement and pension plans.

We've also heard from constituents concerned that, in the past, landlords have been able to discriminate against families wanting to rent their homes if they had children under the age of 18, who feel that the current system poses undue hardship on children, pregnant women, parents, and caregivers in general.

We've also heard – and I'm sure that the government did, too – from representatives of the insurance industry, who had concerns about how changing this legislation may affect their ability to calculate actuarially relevant rates, that age is one of the factors used to determine insurance coverage rates since younger, more inexperienced drivers typically pay more for insurance than older, more experienced drivers, as you would expect.

Given some of these large questions about implications for Albertans I was pleased to see many of these issues addressed by specific exemptions. Our seniors, in particular, quite often had strong feelings that at a certain point in their life they choose to live in communities with those of a similar age group and lifestyle. The exemption outlined in Bill 23 for 55-plus is an important step in ensuring that our seniors are given choice and respect.

10:10

I'm also glad to see that special benefits for seniors and youths such as seniors' discounts will continue without violating the act. As a mom I am also grateful for children's discounts remaining with the change in this act. This is an important distinction given that offering a benefit to a certain age group is not the same as withholding a benefit from a certain age group.

I'm also pleased to see that current age-restricted condominiums will be grandfathered into this process over the next 15 years to give both property management and residents the time and space to transition to either a 55-plus seniors' residence or to accept tenants and owners of all age groups.

I am pleased to see that policies and programs designated for disadvantaged Albertans will not be seen as contraventions of this act.

Madam Speaker, the exceptions that are being made for minors or classes of minors in defining age are crucial and cover off a significant loophole in this legislation. I would have serious concerns if, perhaps, police would be seen as discriminating against a 14-year-old for their age if they were trying to buy alcohol or tobacco or drive a vehicle unaccompanied or vote in a general election.

While I am pleased to see many of these key issues regarding age being read into the Alberta Human Rights Act, I also have some questions regarding specific programs that may be affected by this change, and I would like to ask the minister to speak to some of these as far as the regulations phase of this legislation is concerned.

Question 1: how will the issue of mandatory retirement and pension plans be addressed? Will the integrity of the bona fide pension plans that have mandatory retirement provisions be addressed in the regulations phase?

Question 2: how will the right of our seniors to a fair and reasonable evaluation for fitness to operate a vehicle be addressed? Will requiring them to be tested be in contravention of the act?

Question 3: will tax benefits for seniors such as income splitting be excluded in the exemptions of benefits for minors and seniors?

How will rental car agencies be affected?

Will a specific list of benefits currently offered to minors and seniors be created, or will the exemptions be a blanket statement?

How will the concerns expressed by insurance companies in regard to their ability to use age as one of the factors to assess rates and coverage options be addressed? Will they be allowed to use the relevant and actual data regarding age to determine insurance premiums? I would assume so in how I read the act, but clarification would be necessary.

How will this information be communicated to the general public to ensure that both renters, landlords, and building owners are aware of their new rights? Will there be assistance in the changing of bylaws for condo boards? Can it be done via amendments? A 15-year period seems sufficient enough that they can wait until there are a few bylaws to be passed and changed at the same time.

Madam Speaker, I'm more than happy to speak to this today. Every man, woman, and child deserves to have the opportunity, the choice in housing, and not to be limited by their age or family status. Landlords will no longer be able to reject tenants with children based on the label of 18-plus buildings. We know this, that the more inclusive we can be and the more we can protect the rights of every Albertan, the stronger we will be as a province.

That being said, this bill has far-reaching and potentially unforeseen consequences that touch all Albertans in some way, shape, or form, so I would very much appreciate the assurances of the minister on the concerns that I addressed – and Albertans certainly would as well – for the regulation phase of this legislation. It's new. It's not uncommon that the act is being updated this way in Canada. We know it's been done before, and we need to close up any loopholes that this may cause or confusion and just be very clear with Albertans.

Thank you very much, Madam Speaker and members of this Assembly.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak? The hon. Member for Edmonton-Centre.

Mr. Shepherd: Well, thank you, Madam Speaker. It is indeed a pleasure to rise today to speak strongly in favour of Bill 23, the Alberta Human Rights Amendment Act, 2017. Shortly after my election in 2015 I had a constituent who came to see me – she was here in this House just the other day; I had the opportunity to introduce her – and she came to share with me the challenges she faced when leaving an abusive domestic situation. She was looking for safe accommodations in Edmonton's downtown for herself and her daughter, and she found that she faced many challenges in finding a building where she felt safe that also did not have age-restrictive bylaws.

Shortly after that I received an e-mail from a new professor coming into the University of Alberta who had lived in many countries around the world and many different cities and was surprised to find that when he came to Edmonton and looked for a condominium downtown for him, his wife, and his teenaged son, they faced real challenges in finding a building that would allow children under the age of 18.

I began to research the issue, and I was surprised to find that Alberta was the only jurisdiction in North America that currently does not include age as a protected ground of discrimination in accommodations, housing, or tenancy. In the U.S., for example, the Fair Housing Act states that landlords are not allowed to explicitly or indirectly turn away anyone based on their family status or age. And in every other province and territory in Canada their human rights acts forbid discrimination on the basis of both age and family status.

It was interesting to read up on a bit of the history. I understand that when our provincial legislation was updated as the Individual's

Rights Protection Act back in 1972, under the government of Premier Lougheed, there was a single MLA who spoke up and suggested that they should consider adding “age” in sections 4 and 5. But after some debate in the Assembly it was decided that age was an issue that affected relatively few Albertans and therefore it wasn’t necessary.

Then in 1994, when the Alberta Human Rights Review Panel did a review of the act, in their report *Equal in Dignity and Rights* they, in fact, recommended that age be a protected ground in all areas of the Individual’s Rights Protection Act, as the act was then known. However, in the amendments which followed, by which the act was renamed the Alberta Human Rights Act, the government of the day chose not to implement that recommendation.

So that brings us to where we stand today, with Alberta as an outlier in this area of human rights. As a result, for many years, despite the fact that the Alberta Human Rights Act does protect against discrimination on the basis of family status, families in Alberta have faced discrimination from landlords and others who have argued that they aren’t discriminating on the basis of a family having children but on the basis that those children are below a particular age threshold. Bill 23 proposes to right that wrong and to bring Alberta in line with other jurisdictions on what I believe is a key issue of human rights. I’m pleased to hear that on both sides of this House there is support for this bill and that all agree on this point.

I’m proud to stand in support of this bill because access to family-friendly housing is a key consideration in my constituency of Edmonton-Centre. You see, Edmonton’s downtown is growing. As of the 2016 census there were just about 13,000 people living in the downtown proper, with another 18,000 in the adjoining community of Oliver. Of those, about 92 per cent and 95 per cent respectively are living in apartments or condominiums, yet out of that population only 1 and a half per cent are under the age of 18. Now, this is a concern and one that’s been noted by both community and business leaders. In my conversations with the local community leagues – the Oliver Community League, the Downtown Edmonton Community League – they’ve identified the need for more families to enrich our communities in Edmonton’s downtown and told me of the challenges that some of their members have faced in finding that accommodation or retaining that accommodation once they choose to have children.

I also have the honour of being a member of Edmonton’s downtown revitalization task force, a group composed of representatives from the city of Edmonton, the Edmonton Economic Development Corporation, the Downtown Business Association, and major business partners like Stantec, Clark Builders, and the Katz Group. When we met this spring to identify what our key priorities would be, right at the top of that list was advocating for construction of and access to family-friendly housing in the downtown core. Indeed, in their recent report *Mapping Growth: A Comparative Look at Downtown’s Transformation (2010-2017)* the Downtown Business Association noted:

Making Downtown more family-friendly is one of the [most] important steps by promoting housing that can cater to the needs of families as well as development of supporting infrastructure such as child care centres, parks, and after school programs.

Madam Speaker, downtown Edmonton is currently about halfway to the kind of density that we need to incent and sustain a truly vibrant ecosystem of businesses and services. We aren’t going to be able to get there without embracing families and a truly multigenerational community. With these changes, there is going to be one less barrier to reaching that goal.

10:20

Now I’d like to take a moment to clarify precisely how this bill will impact my constituents because, as the Member for Airdrie noted, I think it’s very important that we have clear communication on this. Indeed, I hope that’s something that we will be moving forward with if the bill passes, to ensure that we are providing clear information to the public so they can understand precisely how these pieces will work. First of all, as noted, housing for seniors will not be affected as the bill allows for age restrictions of 55 and up, keeping us in line with all other jurisdictions across Canada and ensuring that seniors can continue to live in a community together with people at the same point in their lives and also to receive services and supports that are appropriate to their needs.

Condominium buildings that currently have an age-restrictive bylaw will have 15 years to either remove those restrictions or bring them in line with the threshold of 55-plus. Anyone who lives in one of those buildings, if it chooses to transition to a threshold of 55-plus, if that individual or a person in their family is under the age of 55, will be allowed to continue to own and live in that suite.

I also greatly appreciate that the minister went one step further in ensuring that she addressed special circumstances. Indeed, when I was having conversations about this in the community, I did hear from seniors that expressed that, you know, they wanted to be able to, if necessary, take care of their grandchildren for a period – that could be due to an accident or some other thing where they might have to temporarily take custody or perhaps permanently take custody – or indeed to be able to have a live-in caregiver, to be able to have their son or daughter who is under the age of 55 stay with them and help them out for a period if needed. So I greatly appreciate that the minister has included the opportunity to add some special exemptions to provide in those circumstances.

In terms of rental accommodations, these amendments will immediately apply as soon as the bill comes into force on January 1, 2018, meaning that age restrictions in rental accommodations will no longer be permitted unless it is a restriction of 55 or older. I greatly appreciate that the minister has been very clear on this point because, as I mentioned earlier, there has been some lack of clarity in that although the AHRA has prohibited discrimination on the grounds of family status for 20 years, for quite some time, that discrimination has continued to take place.

With the addition now of age as a prohibited ground of discrimination, that reinforces our current human rights protections for families with children. It makes it clear that the only permitted age restriction for rental accommodation will be for seniors only. Family status is of course defined as “the status of being related to another person by blood, marriage or adoption.” So for those constituents and others who have approached me and asked for clarity on this point, I will state here again on the record that discrimination on the basis of age in rental accommodations is not allowed in Alberta, and should this legislation pass, it will be doubly clear that it will not be allowed going forward. If anyone should run into such discrimination, they have the ability to file a complaint with the Alberta Human Rights Commission and have the opportunity to bring that forward to be able to push back against that.

Madam Speaker, I would like to thank the minister for doing some very robust consultation on this issue. I know it’s a challenging one. It’s one that I heard from many constituents on both sides of this issue. But I think the minister has done an incredible job of finding a healthy balance between protecting the rights of Albertans, providing them with the same human rights that are enjoyed by all Canadians, ensuring that we are providing a reasonable and just transition period for those who have made

investments, and allowing for some good exceptions, some good clarity, and the opportunity for all stakeholders to benefit should this legislation pass.

Thank you once more to the minister. I know this is a bill that's going to bring great benefit to my community.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak to 29(2)(a)?

Seeing none, are there any other members wishing to speak to the bill? The hon. Member for Calgary-Foothills.

Mr. Panda: Thank you, Madam Speaker, for the opportunity to stand up and speak to Bill 23, the Alberta Human Rights Amendment Act, 2017. While much of the focus of Bill 23 is on seniors and 55-plus accommodations, over the weekend it was brought to my attention that Bill 23 may also apply to rental cars. Right now a person has to be between the ages of 21 to 25 to be able to get a rental car. With that age barrier, the type of car is restricted, and often the rate charged is a lot higher. Young men and women cannot rent Ferraris or Maseratis or even Corvettes for the weekend.

Madam Speaker, this is blatantly discriminatory. In Bill 23, section 2 reads:

Section 4 is repealed and the following is substituted:

Discrimination re goods, services, accommodation, facilities

4 No person shall

- (a) deny to any person or class of persons any goods, services, accommodation or facilities that are customarily available to the public, or
- (b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public,

because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

Madam Speaker, I'm reminded of the story of a young person moving to Alberta to take on a new job but being denied by the rental car company the rental of a light truck at the airport because he was 24. The rental company policy was that you needed to be 25 to rent that truck. Now, come on. This is Alberta, land of the light truck: Ford F-150s, Chevy Silverado, Dodge Ram, Nissan Pathfinder, Toyota Tundra. Mark Connolly on CBC Radio One on *Edmonton AM* has even been talking about the light truck as being the official vehicle of Alberta.

Speaking of those pickup trucks, it reminds me of a blue Dodge Ram pickup truck matching the colour of the Alberta flag, the same as the flag on your left, Madam Speaker. That big blue Dodge Ram truck brought about the unity of the United Conservative Party. Jason Kenney drove all around the province in that truck building the Progressive Conservative Party back together, winning him the leadership. Then once the unity agreement was struck between the PCs and Wildrose, the truck hit the road again to sell the unity deal. Once unity was achieved, the pickup truck hit the leadership race and drove all over the province, winning him the leadership of the new party and racking up over a 100,000 kilometres in 18 short months.

The Acting Speaker: Hon. member, I think you're deviating a little bit from policy on the debate. If you could maybe bring your conversation back to the bill, please. [interjections] Okay, everybody. I've got it.

Mr. Panda: Madam Speaker, I'm talking about the pickup truck rental. In this House Jason Kenney's name has been taken every single day. I don't know why that worries them. [interjections]

The Acting Speaker: Hon. members, good morning.

If you could please return back to the debate of the bill. You're deviating a little bit around, maybe, the work that the hon. member was up to this summer. It needs to come back to the policy, please.

Mr. Panda: Thank you, Madam Speaker. Speaking of the truck rentals and how this bill impacts that young person who was looking to rent a truck, that young person needed the truck to buy furniture and move it into his new place, not to mention moving the boxes of his possessions he had couriered to the address of his new employer. So what does this enterprising young person do? He pulled out his pilot's licence and quite matter-of-factly told the rental car representative that they were taking the truck. The clerk dutifully complied and loaned him a Dodge 2500.

10:30

Yes, Madam Speaker, you can have a pilot's licence in this country at the age of 17 and legally be allowed to rent an aircraft, fly from point A to B, and upon reaching your final destination, with the aircraft on the ground and safely stored away, that pilot cannot rent a car. A commercial pilot can be 18 years old and fly passengers safely from Edmonton to Calgary and back again and, once on the ground, ask for a rental car and be denied. Because they are not old enough, they are denied. This is how stupid regulatory red tape has gotten, another red tape barrier.

It looks like Bill 23 fixes this, in Alberta at least. It is about time that air and ground transportation rules, regulated separately by federal and provincial governments and split by constitutional responsibilities covering rentals, be they for aircraft or cars, be aligned so there is no age discrimination. With that, Madam Speaker, Bill 23 is going to solve some very unique age discrimination issues happening in Alberta.

In fact, Bill 23 may help reduce barriers to growing the economy. Talk about all those young people out in the oil patch servicing equipment. Suddenly those 18-year-olds are more flexible. They can go to town and rent a truck and bring it back to their drilling site. It's red tape reduction.

Now, on the other major point of this bill, the discrimination against the prearranged 55-plus seniors' accommodation, my constituents in Calgary-Foothills have done an admirable job of reaching out to contact me about this important issue. It's a lifestyle choice to live with a similar category of people and enjoy condominiums' organized activities geared to this age category. In this 55-plus category other categories could be pet-free, smoke-free environments. All you cannabis smokers better watch out.

Senior citizens don't want the noise created by children inside and outside the housing units. Some buildings are wood framed and not designed to muffle the noise between the units. If you have teens and twentysomethings having all-night parties next to people who are senior citizens, it does not make for good neighbours or people getting their proper rest to preserve their health. Sometimes the space and facilities inside and outside the buildings, as in 55-plus condo complexes, are not designed for the active needs of children. Where are the playgrounds in the seniors' home, the space to run around?

Also, residents do not want the loss of financial equity in their unit. They paid a premium to move into 55-plus housing. They fear that a flick of the legislative switch will make this premium investment disappear. I think my constituents can rest assured that many of their fears are alleviated. Bill 23 preserves 55-plus living

but simply designates it as adult living and provides a 15-year transition period to conform to adult-only living.

I thank the government for bringing this bill forward, and I look forward to following the debate. Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)?

Seeing none, are there any members wishing to speak to the bill? The hon. Member for Barrhead-Morinville-Westlock.

Mr. van Dijken: Good. Thank you, Madam Speaker. I rise today to speak to Bill 23, the Alberta Human Rights Amendment Act, 2017, which will read age into the Alberta Human Rights Act, specifically as it pertains to tenancy, goods and services, accommodation, and facilities.

Madam Speaker, I respect that this legislation is about battling discrimination. It is important to note that this legislation brings Alberta into line with the rest of the country. As of 2015 the only jurisdictions in Canada that did not offer age-related discrimination protection in the context of rental accommodations and tenancy were Alberta and Quebec.

I recognize that this is a complicated piece of legislation which may have ripple effects throughout many industries that currently factor age into their calculations of services, services such as rental car companies and insurance providers, so I would ask for assurances from this government that these industries will be extensively consulted during the regulations phase of this legislation. Clear communication and documentation should be provided to these stakeholders so that they can clearly implement this policy or, alternatively, appeal it under section 11 of the act, which states that the act can be contravened if it is found “reasonable and justifiable in the circumstances.”

The most vocal opponents of this legislation as it was being drafted were seniors and condo owners who contacted our offices to express their frustrations regarding the fact that they deliberately purchased access to adult-only buildings. Our seniors built this province, and they deserve to retire in buildings that provide them with the peace and quiet they need in order to maintain their health. It is also important to note that Albertans under the age of 55 are more likely to have the financial freedom to move elsewhere should a building not fit their needs whereas our seniors have fewer options in terms of relocating. This is why I was very encouraged to see a 55-plus housing exemption written into this legislation.

Consider a working professional in their 40s who does not have children. They bought a condo in downtown Edmonton because it was 18-plus or adults only. This new legislation would mean that, starting in January 2018, families that have children could now be allowed to buy or rent the condo next door to the aforementioned working professional. This would mean that the working professional has two options. They would have a 15-year grace period to move into 55-plus housing, or alternatively they could stay in their current condo and accept the fact that children might move in as their facility transitions away from 18-plus.

Now, Madam Speaker, I have children and grandchildren, and I think that this problem of condo owners wanting to live in adult-only buildings will somewhat remedy itself. I say this because as a father and grandfather, if I had young children, I would be highly unlikely to choose a building to live in that has a concentrated population of, for example, working professionals in downtown Edmonton. Why would I as a parent choose a building that would cause continual headaches of dealing with noise complaints and possibly crabby neighbours when I could choose a building elsewhere that had a more child-friendly vibe?

My point, Madam Speaker, is that this legislation is not going to cause families with children to flood downtown apartments currently occupied by adults who wish to live in buildings without children, but it will protect Albertans from landlords that have been discriminatory, and it will bring Alberta in line with the national trend in Canada. On top of that, should condo owners have strong feelings about their neighbours being under 18 years old, again, they have 15 years to transition to another building that is defined as 55-plus or in another area, and they can make that choice.

I am also encouraged to see that ameliorative programs, so programs designed to help disadvantaged groups, have also been given an exemption in that senior and child discounts will be exempt from this act.

Madam Speaker, I do want to touch briefly on the escape clause of the Alberta Human Rights Act, section 11, which allows the act to be contravened if there are reasonable and justifiable circumstances. I feel that this is critically important to note given that it is this clause that could allow insurance companies, rental car agencies, pension providers, and other stakeholders that may be indirectly affected by this legislation to appeal for an exemption. I am hoping that the government will work with these stakeholder groups during the regulations phase, but I would like to see clarity now on whether these exemptions will be given on an individual basis or if they could be offered on an overarching basis. For example, will each individual rental car company have to petition the courts in order to receive an exemption, or would this government grant a mass exemption to all car rental agencies?

10:40

These are questions that I would like answered. I support the spirit and intent of this bill but do want to ensure that the government has a plan in place to deal with unintended consequences that could result from this legislation.

In terms of car rental agencies as well as insurance companies, rates would be adjusted for all users if actuarial age data was not allowed to be factored into coverage or rental rates. This would ultimately do a disservice to Albertans, especially those who have spent years establishing good driving records. Car insurance providers use algorithms based on decades of supporting data, and thus it may be reasonable for them to have variable insurance premiums because they are at different risks.

Madam Speaker, I would like to hear from this government its targeted plans to address my various concerns about implementation. I am all for an inclusive society that protects the basic human rights of all Albertans, but I also want to be sure that the long-reaching effects of the legislation have been carefully considered.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak under 29(2)(a)? The hon. Member for Edmonton-Centre.

Mr. Shepherd: Thank you, Madam Speaker, and thank you to the member for his comments. Again, I'm very glad to hear the support from both sides of the House for addressing this area of human rights in Alberta and certainly, again, raising I think some reasonable questions, which I look forward to hearing the minister address later as well.

I did just want to make a few comments on one example that the member brought up. I agree with him that in general I don't think the changes in this legislation are necessarily going to lead to a flood of families suddenly moving into buildings that are currently labelled as restricted on the basis of age or adult only, in part

because I think that in many of these buildings there are going to be largely one- and two-bedroom suites. For many families that's simply not going to be an attractive option, so they will be looking for areas where they have access to three-bedroom suites or other amenities.

I did just want to address, though, the comment around buildings of professionals in downtown Edmonton. I'm sure it was not the member's intent to feed into, I think, a stigma that exists, but I thought it was important to address it nonetheless. Many families, actually, are interested in living downtown, and indeed in cities around the world families are raised in downtown communities, in small apartments, in tight spaces, and it is a common way of life.

People adopt an urban lifestyle, and here in Edmonton, even if you are living in a downtown condominium, you have the largest park in the world – well, pardon me, not in the world but the largest park in the city – just a few blocks away in the river valley. The city of Edmonton has been doing some great work as well in opening up local parks. The Oliver Community League and the Downtown Edmonton Community League are making great strides in opening up more park space and advocating for more playgrounds within our downtown communities.

Indeed, the city of Edmonton is making some great steps forward. We're seeing increases in child care and other services being available. There are many things that make it attractive for families to move into downtown Edmonton although, admittedly, it is a choice of a different lifestyle than suburban. But there are many, many millennials now who are moving downtown for school or for work and choosing to adopt that as a lifestyle.

I would just also comment that an important thing in terms of us attracting further jobs in our city is having this ability now for more families to be able to live in our central core. That makes it much more attractive for young professionals who want to live close to work, who may want to live a car-free lifestyle, who may want to engage in more active living by walking or biking to work. These are options that are presented to those as well.

That said, I thank the member for his comments, and I appreciate his support of the bill.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak under 29(2)(a)?

Seeing none, are there any other members wishing to speak to the bill? The hon. Member for Calgary-Northern Hills.

Mr. Kleinsteuber: Well, thank you, Madam Speaker. I'm glad to have a moment to rise today to speak to Bill 23, the Alberta Human Rights Amendment Act, 2017. You might recall that the need for discussion stems from a court order that was consented to on January 6, 2017. At that time the Alberta government agreed to expand the Alberta Human Rights Act to include age as a protected ground under sections 4 and 5. This was driven by an application brought by Ruth Maria Adria under section 15 of the Charter nearly a year earlier, in March 2016. Because of this a one-year delay was given by the courts to provide the government with time to consider what, if any, exemptions would be appropriate and to address any unintended consequences. Age is currently prohibited grounds for discrimination in the areas other than sections 4 and 5 of the act. Section 4 protects against discrimination when any goods, services, accommodations, or facilities normally available to the public are provided. Section 5 prohibits discrimination regarding tenancy, including both commercial and residential rental accommodations.

Madam Speaker, earlier this spring I received quite a bit of feedback from concerned residents from Calgary-Northern Hills that are living in age-restricted condominiums. They asked that we consider to continue to allow an exemption for age restrictions in

condominiums. Many of the letters spoke to a lifestyle choice that residents had specifically made for a whole variety of reasons. Many residents said that they had raised their children and that they don't want to live in close proximity to other people's children at that stage of their lives. Others spoke to a need for peace and quiet and the need for a solitary place. Others said that they preferred a quiet atmosphere, less rowdy activities, and people with shared interests and accountabilities. Others have bought into these units for the need for calm environments and for health-related reasons.

Madam Speaker, I held some consultations in a few of these condo buildings. Both were limited to ages of 40 and over. I noticed that these structures had been designed specifically for that age demographic. The building was like many in Calgary, wood-framed, but the units were in close proximity to each other, and many units had hardwood floors. Since many of the residents were on fixed incomes, there were also concerns about tidiness, and some mentioned that extra costs could arise from extra maintenance fees and what that would do to the monthly condo fees.

Also, many of the residents had health challenges and noticed neighbours taking care of neighbours in these buildings both in times of illness and in times of health. I've been told that they check on each other if someone hasn't shown up for something or is in need of a meal if they can't cook for themselves. It was a repeated concern about residents needing rest periods and quiet time as well. Another comment I heard a few times was: what about my rights for security, peace and quiet?

Madam Speaker, in addition to the research many MLAs did on our own regarding this issue, I'm aware that over the course of the summer the government also consulted with a range of stakeholders, and they had heard many perspectives on the issue. Based on the results of the consultations many Albertans are in favour of allowing seniors-only housing to continue. The amendments set the minimum age for seniors-only housing at 55 or any age older than that. Seniors-only housing would also be required to accommodate within their age restriction special circumstances that are specified in the regulation. This regulation would, for example, address issues such as live-in caregivers. During my own discussions with residents I heard this is a concern as well, and I'm glad to see that it's included.

Madam Speaker, many Albertans have made a significant investment on the basis of the condo bylaws that were in place at the time of purchase. It is important that we ensure that Albertans affected by the amendments have advance notice before changes impact their condominiums. That's why I believe it's important that the existing age restrictions in condominiums be grandparented in for a period of 15 years, a transition period, so that current owners in the 40-and-over buildings do not need to move and can hold onto their investments until they meet the new age limit of 55. The recommended age of 55 or older provides reasonable flexibility for older Albertans in terms of when an individual may choose to move to a seniors-only residence. This applies to the housing where all units are reserved for one or more persons, at least one of whom is 55 or older. It is also consistent with the approach for rental housing in Newfoundland, Saskatchewan, and B.C.

10:50

However, in the case of rental buildings these amendments would apply immediately as soon as the bill comes into force. After the bill comes into force on January 1, 2018, the only permitted age restriction for rental accommodation would be 55 and older.

To quote Luanne Whitmarsh, the president of the Alberta Association of Seniors Centres:

The largest increase in demographics is older adults in Alberta. With this proposed legislation change, older adults can be assured

of fairness in the areas of tenancy, goods, services and accommodations or facilities. Typically, older adults are not able to increase their financial resources to have a wider range of housing options available to them plus enjoy a life that is usually quieter. The fairness of government proposing 15 years as a transition period is [greatly] appreciated.

Madam Speaker, to wrap up, I feel this bill strikes a proper balance for the needs of many Albertans, and I think it represents an opportunity to embrace diversity in Alberta. It also aligns with legislation in other jurisdictions across Canada, and like much of what this government has done to date, it's long overdue and should provide the certainty that people have requested.

Thank you, Madam Speaker, for the moment to speak.

The Acting Speaker: Thank you, hon. member.

Are there any other members wishing to speak under 29(2)(a)?

Are there any other members wishing to speak to the bill? The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Speaker. Good morning. I rise to speak to Bill 23, Alberta Human Rights Amendment Act, 2017. In January 2017 a court ruled that age will be read into the Alberta Human Rights Act as a prohibited ground for discrimination in the sections regarding goods, services, accommodation, facilities, and tenancy. The court order takes effect in January 2018 or sooner if the government enacts appropriate legislation. While society has come a long way in reducing and identifying discrimination, there is more we can do. I want to begin by stating that I respect the court's decision to include age as prohibitive grounds for discrimination.

The bill defines age as 18 years of age or older. This is an important point that I want to emphasize because it means that minors will still be allowed to be discriminated against in situations involving alcohol, driving, smoking, voting, et cetera. While age is no longer prohibited grounds for discrimination, there are important exemptions included in Bill 23 that allow for policies, programs, or activities designed to improve the lives of disadvantaged people. For example, there is an organization in Grande Prairie, Sunrise House, which provides emergency shelter to youth between the ages of 12 and 17. They're doing really great work in our community, and Bill 23 shouldn't result in their organization breaking the law.

Another important exception is that benefits to minors and seniors do not fall under discrimination as benefiting a certain age group is not the same as withholding a benefit from a certain age group. That means there is still going to be the seniors' menu at your local eatery and kids will still be eligible for a discount at the swimming pool or amusement park.

This legislation brings Alberta into line with the rest of the country. While the rest of the country may continue to function, that doesn't detract from the important questions and concerns that Albertans have over the impact of this legislation. One of the major concerns that we heard over the summer and through the fall was concern about seniors-only housing. Would seniors be able to live in a facility that catered to their needs without running afoul of the law? I'm happy to say that, yes, seniors will continue to be allowed to live in facilities designated specifically for those over a specific age. Seniors-only housing is defined as 55-plus. Communities can set the age limit to whatever they like as long as it is older than 55 years of age. This applies to all housing where units are reserved for one person 55-plus or multiple persons as long as one of them is at least 55.

Housing that has current age restrictions in place that are lower than 55 will be grandfathered in for 15 years, and that applies to

both rental and owned properties, so at least there's some time for some of these other facilities to get into the process where they have to fall in line with this legislation. Like I say, it allows 15 years for that.

Another notable exemption is that section 11 in the code explains that the act can be contravened if it's found to be "reasonable and justifiable in the circumstances." I guess that does allow for some concerns that may come forward that maybe we've overlooked with this legislation.

I'll leave it at that with Bill 23. Obviously, this is something that we need to do as per the courts and also to protect the rights of individuals from age discrimination in Alberta.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any members wishing to speak to 29(2)(a)?

Seeing none, are there any other members wishing to speak to the bill? The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Madam Chair. This is a concern that Bill 23 is addressing that is actually one of the very big drivers for one of my constituents. Just to give some, I guess, protection for this gentleman, I'm just going to refer to him as John going forward. Now, John is a fellow that has concerns when it comes to his rights when it comes to his age. He is a senior within the city of Cold Lake.

[The Speaker in the chair]

Now, I'd like to start with an illustration from my own past, my own youth, actually. Now, as I was growing up, I lived out on an acreage, and our neighbours had large, very rambunctious parties, if you will. They used to a couple times a year bring in these huge, huge speakers. You know, when you're young, they looked like they must've been 10 feet tall, but I'm sure they were five feet tall. These speakers, when they would start them, would shake our windows they were so loud. It was very, very much a noise complaint, a reasonable noise complaint. But as my dad and our neighbours got along and as long as this didn't get out of hand, this is something that we accepted as an annoyance that we could get through.

Now, these parties would have people screaming in the middle of the night. We would have fireworks. This would go on till about 5 in the morning. Now, this party was so loud that people across the lake could hear the music. That tells you how rambunctious this party was. Now, again, it happened twice a year, so in the end this one here was something that, while it was a noise complaint, I would argue that in the end the neighbours worked it out on their own.

Now, what happens, though, when neighbours can't work this out on their own? This comes back to where the bill is. I appreciate everybody giving me some rope here, if you will. Now, John has a neighbour that is a youth, and he was having very loud, rambunctious parties several times a month. I can understand that as a senior John was saying: "You know what? This needs to be addressed." Just because this gentleman that is his neighbour is 25 years old is young, it doesn't mean that it gives him the right to be able to impede his ability to enjoy his own property and be able to sleep at night.

Now, he did say: "I understand that I need to give some allowances here. I need to be able find a compromise with him so that he can enjoy his property as well." Now, in the end what we've got here is that the two neighbours, this senior and this youth, couldn't agree on the number of times a year this should happen, so in the end John made complaints to our local bylaw enforcement.

Now, what we saw here was that after the fourth or fifth time he'd made a complaint in one month, the bylaw enforcement said: "This young man is 25. You have to accept that he's going to have parties, and you're just going to have to move past this because we don't want to continue, more or less, coming out to resolve this."

11:00

John filed a human rights complaint, and he said that there were two parts to this that are age related. For one, they're saying that because his neighbour is 25, he is allowed to have loud parties right beside John's home, that law enforcement is using that as justification. The other part of this is saying that just because John is potentially old means that he is more sensitive to loud parties beside him. So John filed this complaint with the Human Rights Commission. This was in July of last year. He goes on to say that it's something that he had tried to work out. He had tried to work with his neighbour, but in the end, this was not being resolved, so the only next step for him was to file a complaint.

Now, the response that John had received back from the Alberta Human Rights Commission in a June letter – and I'd like to quote this – was:

You checked off the Box against "Age" discrimination in Section E of your Complaint Form.

They actually had age on the complaint form, so they recognized at that time that age could be something that would be a human rights complaint.

You stated that your "neighbor (about 25 years old)" had "many very noisy parties" and you had complained about the noise to the . . . Respondent. You "made 4 noise complaints" over the relevant period. You stated that the Respondent's Peace Officer provided you with mediation services to resolve your complaint against your neighbor on August 13, 2015. You stated that "the mediation meeting ended with the neighbor promising to be less noisy." You stated that you again complained on May 15, 2016 about your neighbor's "2 very noisy parties" and the same Peace Officer responded to your complaint by phone, and told you "that young people are allowed to have fun" and that you "needed to be more tolerant." You alleged that the "unwillingness to pursue the sanctions provided by the city bylaws" led you to believe that you were treated differently because you are a senior. You stated that there were "no further noise incidents since 15 May 2016".

In this here, to go on, it says underneath My Assessment:

The information you provide appears to indicate that it is your belief that the Respondent's Peace Officer discriminated against you because of your "age". You stated that you are a senior and your neighbor is about 25 years old.

Even though you may believe that you were discriminated against because of your age, please note that under Section 4 of the Act, which deals with "Goods, services, accommodation or facilities", discrimination on the basis of "age" is not a protected ground. I am however glad that there were "no further noise incidents since 15 May 2016".

Now, here's the thing. This gentleman had a legitimate concern. This gentleman said, "I would like to have this before the Human Rights Commission," and the Alberta Human Rights Commission said: "You know what? We're just going to tell you that because it's age, we can't deal with your complaint at all." That's it. Then what happens is that we've got John going on, and he says: "Well, that isn't okay. I am going to take this to the next level. I'm going to appeal the decision of the Human Rights Commission. I am actually going to see what we can do next."

So then we bring the appeal in, and what happens here is that – this is the letter from the Alberta Human Rights Commission on the appeal.

I have reviewed all the information that you have provided to our office, as well as the Human Rights Officer's June 15, 2016 letter to you.

I have enclosed a copy of section 20 of the Alberta Human Rights Act. The Act requires that a person have reasonable grounds for believing that the Act has been contravened. I have also enclosed a copy of section 4 of the Act. The Act lists the protected grounds that apply to the protected area of goods, services, accommodation, or facilities. Age is not a protected ground under this area.

Again, this seems to be something that seems to have, I guess, lapsed.

Now, I do understand the challenges when it comes to age. At some point we need to say that age is something that is relevant in a certain circumstance. That is obvious. With this one here, whether John was right or wrong on all of this, whether John was right or wrong with his complaint, it can be argued that his complaint should have been heard. But in this case his complaint was not heard because he checked a box that said "age" on his form. I guess that I struggle with that.

You know, I have to say that the Minister of Justice – we did forward this letter up to her office – said: you know, we're waiting on a court case. Fair enough. That seemed to be very reasonable. And you know what? The court case came in January of 2017, so this wasn't a long period after that. The Minister of Justice recognized that this was going through the courts and that this was being decided by our justices.

Now, in the end, what happened here is that the judge decided that age needed to be added to our Human Rights Act, and it is to deal with these kinds of complaints. So whether John was correct with his complaint or not is irrelevant. What's relevant here is that we need to be able to bring people's concerns forward when it comes to age. We need them to say that this is right or wrong, not say that just because it's age related, it shouldn't be included or involved in a human rights complaint.

What we've got here is a change that appears to be very reasonable. It's something that is being asked for by one of my constituents to be addressed, and to see that it's being addressed by this government is a step in the right direction, in my opinion, so that we don't see these kinds of things happen to gentlemen like John in my constituency, who has concerns when it comes to municipal enforcement.

I will tell you, going back to my example of my youth, going back to that, that if that happened four or five times a month, where they brought these big speakers out and they were hammering at us, this probably would be a different discussion. This probably would be a noise complaint that needed to be dealt with.

Again, we have to say that it is important that we always ask neighbours to be working this out between themselves first, then we go to the mediation with the peace officers, and if it doesn't work out that way, then there's always the avenue of saying: "Is this impeding my human rights? Is this impeding my ability to enjoy my own property?" Property rights in this case are very important.

Now, I have to commend my constituent John for actually being an advocate in this area. He needs to be acknowledged for the fact that he saw a problem and didn't just say that, well, this is just the way it is. He actually decided to go to his MLA and say, "What can you do about this?" The answer was, "Well, let's see what the minister has to say about this." The minister had a reasonable response, saying, "Let's wait and see where this case goes." In the end, the process worked – this is good – and the fact that we are addressing my constituent's concern is, again, a step in the right direction.

I have to commend the Minister of Justice for bringing this forward. I do see that there are potentially some concerns when it comes to adding age to the Alberta Human Rights Act that we are going to maybe have to deal with as they come along. In the end, people should be able to have their cases heard. It is important that if you check a box off on a form, you're not already being denied the access, the ability to have your case heard before, in this case, a commission.

Mr. Speaker, this is an incredible opportunity that we can move forward with. I think this is great. I would like to close my debate down.

Thank you very much.

11:10

The Speaker: Hon. members, are there any questions under 29(2)(a)?

Mr. Nixon: My thanks to the hon. Member for Bonnyville-Cold Lake. I enjoyed that presentation. It was very, very detailed. In fact, I really enjoyed listening to the situation around his constituent, who he's named John. My question, Mr. Speaker, through you to him would be – and I don't know; I might have missed it at the beginning of the hon. member's presentation – what age bracket was John in? Maybe he could just elaborate a little bit on how John would be impacted if he was, you know, below 55 versus if he was above 55 with this legislation that we're discussing today.

The Speaker: The hon. member.

Mr. Cyr: Thank you. Well, a lot of the below 55 and above 55 stuff has to do around housing, I believe. It is important that we start to allow our seniors the ability to be able to congregate in areas where they can be the most comfortable. I have to say that when it comes to our seniors, they usually want to stay in places that they're comfortable in, somewhere where they know people that are around their same age.

You'll find that a lot of families are like this. You'll have areas within Alberta where you'll find a lot of young families, like the cul-de-sac that I live in right now. If you look around the cul-de-sac, the whole cul-de-sac has children, I would argue, probably between five and 13. In this case you can see that we love living in this cul-de-sac because my children have a lot of their friends in our little area that they can play with and not go very far. We also have a playground that is just half a block away.

In this case what we've got here is seniors saying that they want to be able to have condos or areas where they can congregate and enjoy each others' company, still be able to have their family there but be more or less focused on seniors.

Now, in this case here the exception, I would hope, for noise complaints is that it doesn't matter what age you are, whether you're 10 years old or 95 years old. In the end, you shouldn't be discriminated against because discrimination in every form is wrong. We need to always ensure that if there is discrimination, there's a balance to make sure that whatever it is that is happening, it's always something that is in the best interests of the person.

So I have to say thank you for the question. I have to say that in this case I believe that John is going to be pleased with this legislation. I do believe that it protects his rights as a senior but also gives balance – balance – to the whole system.

We've heard from colleagues already that insurance is going to be a struggle and some of these other things like, well, my colleague talking about commercial licensing, and we're hearing about how a 17-year-old can fly a plane but can't rent a car. There are things like this that, in the end, I do agree seem a little strange.

Overall, I think that, again, we'll find that this legislation may not be perfect in its current form, but it is moving in the right direction. As we continue to move the Alberta Human Rights Act forward, we're going to find that there are some things that we're going to have to tweak to make this right.

Thank you again to my hon. House leader. Thank you very much.

The Speaker: The Member for Calgary-Fish Creek.

Mr. Gotfried: Thank you, Mr. Speaker. Just a question to the member under 29(2)(a). I know in the legislation there was some reference as well to only one member of a household having to be 55-plus for protection. I wonder if you have any thoughts or comments on the fact that that can be a way around this – in fact, you may have very mixed generational tenants in a building – and whether that's of any concern with this, and whether you think that that's going to be addressed by the legislation, you know, to address the concerns of some of the residents of those protected and grandfathered residences.

Thank you.

The Speaker: The hon. member.

Mr. Cyr: Thank you, Mr. Speaker, and thank you for the question. I appreciate that. Now, the way I understand it is that seniors-only housing is defined as 55-plus. Communities can set the age limit to whatever they would like as long as it is older than 55 years of age. This applies to all housing where units are reserved for one person 55-plus or multipersons as long as one of them is at least 55. I do have to say that when it comes to our seniors in this case, we're looking at 55-plus. So at least one of them needs to be 55-plus.

Thank you.

The Speaker: The hon. Member for Banff-Cochrane.

Mr. Westhead: Yes. Thank you very much, Mr. Speaker. I think we've had a robust exchange of ideas on Bill 23 this morning, and with the discussion that's accrued, I'd like to move to adjourn debate on the bill.

[Motion to adjourn debate carried]

Bill 24

An Act to Support Gay-Straight Alliances

The Speaker: The hon. Minister of Education.

Mr. Eggen: Thank you, Mr. Speaker. I ask to move second reading of Bill 24, An Act to Support Gay-Straight Alliances.

Through Bill 24 our government will make life better for Alberta students by ensuring that they can form a gay-straight alliance at their school without being in fear of being outed. We are doing this because every single student in this province deserves a welcoming, caring, and safe place to learn. Our Premier has been very clear that no student in Alberta will be outed, not by Jason Kenney or anyone else, for that matter.

This bill, through a series of amendments to the School Act, will clarify school authority roles and responsibilities around supporting welcoming, caring, respectful, and safe learning environments for student-led organizations, including gay-straight and queer-straight alliances. I must stress that a lot of positive progress has already been made by school authorities, Mr. Speaker, and we know that teachers, principals, superintendents, and parents share our commitment to providing a welcoming, caring, and safe place for students to learn.

Before I get into the specific details of these amendments to the School Act, let me provide you with some additional context around why this legislation is necessary. The School Act was amended in June 2015 with regard to welcoming, caring, respectful, and safe learning environments. Three new sections – 16.1, 45.1, and 50.1 – were added to the School Act at that time.

Section 16.1 created new requirements for allowing students to create an inclusive student organization, which includes but is not limited to GSAs and QSAs. This was intended to be a school-based responsibility. However, it is our understanding that some principals may have been required to seek approval from their school authority when a student requests a GSA or a QSA.

Section 45.1 places responsibilities on school authorities to create welcoming, caring, respectful, and safe learning environments. School boards must create policies and include a code of conduct to address bullying behaviour. Some gaps that we identified, Mr. Speaker, in this section were that a code of conduct has to be publicly available but the supporting policies do not, and also it only applies to public school authorities and not private school operators that receive public monies.

Section 50.1 of the School Act currently states that parents may be notified of instructional time that focuses on topics related to religion or human sexuality. This is in place so that parents can choose to remove their child from these specific lessons. Again, some school authorities have asked my ministry to clarify whether or not GSAs or QSAs fall within this section of the School Act and that they should notify parents when their child joins one.

As you can see, after new sections of the School Act came into force, we began seeing inconsistencies in the way in which school authorities were interpreting and meeting these requirements. That's why in November 2015 I directed all school authorities to submit policies to Alberta Education. When we reviewed these policies, we did find some inconsistencies. That is why the proposed amendments in this bill are so important, because I believe that they provide the clarity that is required. While the changes made to the School Act in 2015 were a step in the right direction, our government also noticed some inconsistencies, so that's why we're looking to strengthen existing legislation through Bill 24.

11:20

Bill 24 will amend section 16.1 of the School Act to clarify the role of school authorities and principals in supporting students who want to create a GSA or a QSA. Typically principals are responsible for supporting student clubs, and they do not have to seek approval from their school authority. The proposed amendments were to clarify that the superintendent and the school authority are not part of the establishment process for a student organization, including a GSA or a QSA. Section 16.1 would also be amended to clarify that when students request a GSA or QSA in their school, their principal must assist them in a timely manner and allow the students to choose a name, which could include "GSA" or "QSA." Amendments to this section will also help to ensure that responsibilities of principals and the rights of students are clear.

Section 45.1 of the School Act will be amended to require all school authorities that receive public funding to develop policies and make them publicly available. This new legislation will ensure that every school in Alberta that receives public dollars has a policy that clearly allows students to form a gay-straight alliance if they choose. Making policies publicly available will help to ensure that school authorities provide transparency and accountability to the students and the communities that they serve. This section would also be amended to give the Minister of Education the authority to deem all or part of a policy onto a school authority. The ability to

deem a policy would be in place only if necessary. However, Alberta Education staff will first work with the school authorities as issues might arise.

Bill 24 would also amend section 50.1 of the School Act to clarify that parental notification around courses of study would not apply to student participation in a club, including a GSA or a QSA. We know that Alberta parents love and support their children and that they play a critical role in the children's lives and education, but we also know that some students might feel safer and more comfortable talking about these issues with their peers. This legislation makes it clear that no student will be outed for joining a QSA or a GSA. It does not prevent students from having conversations with their parents.

What it does do is to make clear that no politician or anyone else would be able to out gay students. Jason Kenney suggested earlier this year that schools should be able to out LGBTQ students to their parents, and that, Mr. Speaker, is dangerous. We're trying to create a safe and caring environment and a safe sanctuary for students in a GSA, and we cannot compromise the integrity of that. This will provide clarity to school authorities who are currently unsure and help to protect students who may not have shared their participation in a GSA or a QSA beyond their school community for safety reasons.

If passed, the amendments would come into force immediately. However, the ability for the Minister of Education to deem a policy would come into force on April 1, 2018, and the requirement for school authorities to post their policies publicly would come into force on June 30, 2018. We recognize that if this bill is passed, some school authorities might need some time to ensure that they are meeting these new requirements, and we believe that the bill coming into force on June 30 will provide school authorities with the necessary time to update their policies and practices, if needed, and publish their policies online. Some school authorities may post their policies publicly prior to June 30, which is why the ability to deem a policy would come into effect earlier.

I hope I have provided some useful explanation of the amendments proposed through Bill 24 and highlighted the purpose of this legislation. Every student, Mr. Speaker, deserves a welcoming, caring, and safe place to learn, and these amendments will help to make lives better for students by emphasizing their rights and clarifying school authority rules and responsibilities.

I have visited a number of GSAs throughout my time as Minister of Education and talked to students who have joined these alliances. I have heard time and time again how important these alliances are, and in some cases they can in fact help to save lives. These safe places are places for students to just get together and visit, maybe share lunch, and sometimes have difficult conversations that they feel that they might not be able to share with certain people at a certain time in very sensitive moments in their lives. I have heard stories of students who have become part of a GSA or a QSA to talk to their peers about things that they don't feel comfortable talking about with other people, only to develop the courage to come out to their friends and family after they establish some confidence in themselves and in others.

Mr. Speaker, these can be very powerful and important places. GSAs indeed can help to change a student's life and, I would venture to say, help to improve the overall atmosphere of a school community to ensure that we're looking after everybody in a place that helps to provide the security and the comfort to improve the quality of a sense of community for everybody in a school.

Every single student deserves to feel safe and cared for in all of our schools. This, Mr. Speaker, is a basic human right. As Ace Peace, a grade 12 transgender student from Calgary, so eloquently put it last week, and I quote: I don't understand why this is so scary

to some adults; as far as I can tell, it's only scary if you're a kid; it's only scary if you're the kid and an adult wants to out you and you're not ready; that would make you unsafe.

Mr. Speaker, I do have to wonder about the same thing. We should not be doing anything that prevents student safety. In fact, we should be ensuring this for all students, and this bill would do just that. We see demonstrable gains in places where there are GSAs in terms of student safety, in terms of creating a better atmosphere for kids. You know, ultimately, that helps to increase attendance rates and graduation rates, reducing stress in the larger community as well as of those who choose to join a GSA or a QSA.

Ace Peace also said: although this journey has not always been easy, it has been one where I have been surrounded by love, support, and acceptance every step of the way. As time goes on, he's been sad to learn that it's not always this way for kids like him. Some kids, for different reasons, don't feel safe to come out. Some kids aren't as lucky as he was to have such an awesome family. For these kids, sometimes GSAs are the only thing that they have. GSAs are the only safe place that they have. He says that he doesn't want to imagine what it would be like for them if they would be outed for attending, and he's even scared to think about that.

It's important to listen to students, right? They are the ones in our schools living through these things. We should be doing whatever we can to protect them, and I would venture to say that this legislation would do that, Mr. Speaker. I know that across this province there have been thousands of conversations around kitchen tables on ensuring that human rights in Alberta are extended to everyone. We had those conversations. We had students at schools and school boards building policies. You know, I think that we have all been edified as a result. I believe that Bill 24, if proclaimed, will ensure just that.

Mr. Speaker, I'm so proud of the work that everyone has done to help support LGBTQ students from across the province. I'm also very proud of Albertans engaging in a thoughtful and authentic manner around this issue and on how we can move Alberta forward. I believe that this legislation is a big step forward, and I certainly hope that all of our members here feel the same way and support me in moving forward with Bill 24.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for . . .

An Hon. Member: Drayton Valley-Devon.

The Speaker: . . . Drayton Valley-Devon. My apologies.

Mr. Smith: Thank you, Mr. Speaker. One of these days we will both remember where we are from.

Mr. Speaker, this Legislature, my constituents, and anyone who has a passing knowledge of me knows that I was a high school teacher for 30 years in the town of Drayton Valley. After 30 years of teaching you have probably faced almost every situation that you can think of. Education always starts with a relationship, and it is always a three-way relationship between the educator, the parents, and the student. It's been my experience that this tripartite relationship was and, I believe, will always be the foundation of a successful educational experience.

Like all relationships, this partnership of educator, parent, and student takes effort to keep it healthy. Like all relationships, it is dependent upon mutual respect, trust, open lines of communication, and a recognition of the separate roles that each part of this educational compact is expected to fulfill. I do not think that I am breaking any trade secrets when I say that each part of this triumvirate are imperfect people.

11:30

There were times in my 30 years as a teacher when I blew it. There were times when I had to apologize either to a student or to a parent. But it was equally true over my 30 years that when a student or a parent would cross the line, we would have to address the breakdown in relationship that had occurred before any effective learning was going to occur. I start here because it is vitally important that our schools continue to remain institutions that promote open dialogue and respect between the educator, the parents, and the students. I believe that this is doubly so when a teacher is dealing with a student that is in crisis.

Over the course of my school career I have faced almost every crisis situation that I can think of. I've broken up fights, I've attended students suffering from epileptic grand mal seizures, I've taped ankles, I've rushed kids suffering severe concussions to the hospital, I've attended students hit by vehicles, and responded to incidents where students almost lost their lives. I've assisted students with Bell's palsy, I've provided emergency shelter to students without a place to stay, and I've tried to help mend broken hearts and defend the bullied from bullies. I've intervened to ensure that language in my classroom was respectful, and I've walked through the issue of respectful T-shirts and hats. Maybe most importantly, Mr. Speaker, I've grieved and I've tried to console my students as we've had to live with too many deaths that have occurred in my school, whether those deaths were by cancer or by suicide or by accident.

In all of those 30 years I have come to some very clear conclusions supported by professional expectations. As a teacher I could never walk away from a student that was at risk, nor could I ever wilfully place a student at risk. Every student deserves a safe and caring school environment, and as an educator I had a responsibility to protect the children in my care while recognizing that I was not the parent. That was a balance that always had to be maintained. For all of the fact that I was an educator – and I was an educator that cared for my students – I did have limits. I was not the parent, and I had to respect the fact that even if I did not understand a parent's decision, I would most likely have to respect it. There were many times when I and a student would, for example, want them to play basketball, but a parent would decide that this was not in their child's best interests, and I would have to respect it.

I mention this because I truly believe that one of the important things that help to make education function well is when everyone in this three-part relationship works together and respects the limits of their roles. Education works best when educators are educators, parents are parents, and students are students. When a student begins to believe that they are a teacher, things start to fall apart. When parents begin to believe they are a teacher, then things start to function less smoothly.

Educators are not the parents of the children they teach, and they must respect the unique family units that their students come from, whatever their variety. Educators must respect and must support reasonable parental decisions. Educators must use wise judgment when making decisions about the children under their care. Safety always comes first.

Parents were always part of the equation. My students were always unique and special – of course, some were more special than others – and my job was to hold the three-way relationship together as best that I could, in the most professional manner that I could. My 30-year career reinforced what I learned as a parent: that no one will love my kids more than me.

As a teacher I saw the remarkable lengths that parents will go to ensure that their children have a successful educational experience. I witnessed love in action over and over and over. I witnessed it

every day and at every parent-teacher interview, that the parents of the students that I taught loved them even more than life. They loved them enough to discipline them. They loved them enough to make the hard decisions that every parent has to sometimes make.

During parent-teacher interviews there were times when we would laugh and there were times when we actually cried. There were times when I had the opportunity to praise the children and the parents, and there were also times sometimes when we would get so frustrated that we would need to have a time out.

I only rarely met a bad parent. Yes, there were times when I had to intervene to ensure the physical safety of a child from an out-of-control parent. But in spite of those very rare circumstances over 30 years I believe that the vast majority of parents love their children and make good decisions in their children's lives and can be trusted to make the difficult decisions in their children's lives. It is because of these life lessons, it is because of my intimate understanding of the three-part relationship that makes up education that I will not be supporting Bill 24.

I truly hope this bill was brought forward with the best of intentions. I wholeheartedly support a number of the aspects of this bill. For one, this bill mandates the creation and the maintenance of a welcoming, caring, respectful, and safe environment in all schools across Alberta. Mr. Speaker, I truly believe that everyone in this Assembly supports that initiative. Everyone in the education community, I believe, supports that initiative, and I believe that all Albertans support it as well.

As a teacher, instilling a positive environment in the classroom was paramount. Ensuring that every student could come into class and feel secure and respected was a key component of instituting a successful learning environment, and it remains that way for teachers all across this great province of Alberta, which is why I trust these highly trained educators to use their professional judgment, to make decisions which are in the best interests of children that they see five days a week, 10 months a year.

11:40

It should be these teachers in conjunction with administrators and school counsellors who decide the best course of action for each student. It should not be up to politicians sitting in this place, far removed from the school, far removed from the community, and far removed from the children themselves, who make those determinations. Those teachers, principals, and counsellors see these kids every single day, and we need to provide these professionals with the ability to use their professional discretion. They already do this every single day in every community and school across Alberta.

This bill treats every situation in every community across this province as the same, and I just can't see the logic in that. Nothing is more important than protecting children, but I just do not see how removing discretion from teachers and principals and counsellors achieves that goal.

I also have serious concerns that this bill makes no distinction for the age of the child. Clearly, there are vast psychological, physiological, and emotional differences between a 17-year-old and a five-year old, yet this bill treats every child and every situation as the same. Many five-year-olds would eat dessert for every meal of the day if they were allowed to make all of their own decisions. How many would choose to do math when they could do social studies – what I taught – or phys ed? It is why parents and teachers in combination and co-operation must step in and offer guidance and support to raise healthy and productive adults.

These are just little kids. Bringing in complex topics which require a great deal of emotional maturity and doing so without the involvement of their parents is not a recipe for success with

children, which brings me to my next point. While the Premier and I disagree on a great many things, we do agree, at least, on one thing: parental choice in education is the law, and it needs to be respected by the government. Section 50.1(1) of the School Act clearly states:

A board shall provide notice to a parent of a student where courses of study, educational programs or instructional materials, or instruction or exercises, include subject-matter that deals primarily and explicitly with religion or human sexuality.

On this the Premier and I agree. On October 24 she stated – and I quote – that parents have the right and have had the right for a very, very long time to pull their kids from curriculum and education around sexual health, and they will continue to have that right. As the Premier said, parents have the right to pull their kids from curriculum and education around sexual health. Mr. Speaker, this has been the law in Alberta for a very long time.

Clearly, the Premier agrees with this section of the law, as does the government, because we are two and a half years out from the last election and the law still stands, which is why I was confused when I read through Bill 24. This bill, Mr. Speaker, amends the School Act so that section 50.1(1) does not apply to extracurricular activities. That means that material which would require parental notification if it was taught or addressed before 3:30 p.m. can now be taught in an after-school setting without any parental knowledge whatsoever. This change seems inconsistent with the Premier's public position on the School Act, and I just cannot fathom why this change was made.

Clearly, if there are materials, information, or subject matters which require parental notification before they are addressed in a school-based, school-sanctioned setting, that notification should be required whether it occurs at 9 or at 2 or at 3:45. Parental notification for matters that deal explicitly with human sexuality and religion does not expire at a particular time, and it should not be ignored because the final bell of the day has rung. Involving parents along with teachers and students is an essential part of creating a healthy, successful environment in our schools, balanced with the realization that students need to be safe and that teachers, not politicians, are best able to untie this Gordian knot of informing parents.

As I mentioned earlier, I truly do wish that this bill was brought forward with the best of intentions. However, I am concerned that the NDP introducing this bill at this time is a political ploy by the government to divert attention from their disastrous economic record and ever-decreasing polling numbers. The NDP did not propose these changes in its first two years in government, did not propose these changes during the election, nor did they propose these changes when Bill 10 was being debated. It's no coincidence that the NDP is introducing this bill now. It is very unfortunate that this bill is being used as a partisan political wedge when we should all be striving, Mr. Speaker, to work collectively to improve the lives of our children.

That brings me back to where I began. I have dedicated over 30 years of my life to educating children. I tried to make every child who came into my classroom feel safe and respected, and I have worked in conjunction with my fellow teachers, our administrators, and the school counsellors to deal with each crisis situation in the most responsible, careful, and respectful manner possible. Oftentimes these situations included the involvement of parents. The vast majority of parents in this province are loving individuals who would do anything in their power to support their children in any way possible. I do not think that treating all parents as inherently hostile is positive for teachers, for parents, and definitely not for children.

All educators who come into contact with children at the school are highly trained professionals . . .

The Speaker: Thank you, hon. member.

The hon. Member for Calgary-Mackay-Nose Hill.

Ms McPherson: Thank you, Mr. Speaker. It is my profound honour to rise in the House this morning to speak in support of Bill 24, An Act to Support Gay-Straight Alliances. In my view and in the view of the Alberta Party, this is a timely piece of legislation that both strengthens gay-straight alliances in Alberta's schools and reflects the social values of 21st-century Alberta. Most importantly, this is a bill that recognizes the unique needs and experiences of LGBTQ students while protecting and empowering them. Bill 24 demonstrates meticulous consultation with various stakeholders, most especially with those who benefit from the confidentiality, safety, and security of GSAs and QSAs. I congratulate my colleagues across the floor for defending queer youth, a constituency that is forgotten and misunderstood too often in Alberta and in this House.

This morning *Hansard* and the Alberta Legislature Library confirmed that the first mention of the word "homosexuality" in this House was in 1974, when a Social Credit member from Calgary asked the government if students at the U of C would receive credit for attending lectures on homosexuality and sex work, as if learning about diversity and human sexuality was something to be ashamed of. Moreover, the member asked whether or not the Ministry of Advanced Education would be funding these lectures, thereby implying that these events were undeserving of public funds.

11:50

We have come a long way since then, Mr. Speaker, and that is because of the tireless work of intersectional LGBT activists, open-minded politicians, queer theorists and scholars, and Albertans who believe in a progressive future.

When I take a step back and look at the broader picture of this legislation and try to understand its impact, the word that comes to mind is "kindness." While we in the Alberta Party may propose amendments to this legislation to better protect GSAs, the spirit of the legislation is one of kindness, and that is something we can all get behind. In the words of the iconic Lady Gaga, "The really fantastic thing about kindness is that it's free . . . and it can't hurt you or anybody else. It's the thing that brings us all together."

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Calgary-Hawkwood under 29(2)(a). Is that correct?

Connolly: No, not 29(2)(a).

The Speaker: Please proceed.

Connolly: Thank you, Mr. Speaker. It's my pleasure to rise today as cosponsor of Bill 24, An Act to Support Gay-Straight Alliances, to express my support for this bill. This bill ensures that every school that receives public dollars will follow the same rules when it comes to LGBTQ-plus rights.

LGBTQ-plus rights are human rights, Mr. Speaker, no matter what the opposition says. That is why it is important that all schools be required to protect the privacy of students that join a GSA or a QSA. When you're an LGBTQ-plus student, it often feels like you're the only person in the world who feels that way. It can be incredibly lonely. I came out to my school in grade 11, but I wasn't ready to come out to my family. This is actually very common among LGBTQ-plus youth. I came out to one friend in grade 9, then another friend in grade 10, and then at the beginning of grade 11 I was tired of living a lie at school, so I decided to come out to more and more people until I was out to the entire school.

I was very afraid. I was afraid that I was going to lose all of my friends. Many of my friends were religious, and coming from an agnostic and atheist family, I wasn't sure which sects my friends belonged to or even which sects would support me as gay. I was also very afraid that they would look at me differently, that people would spread nasty rumours about me, my sexual orientation, and my nonexistent love life. People asked me if I was sure, if it was a phase, why I hadn't told them sooner, if I wanted to go shopping with them to pick out new shoes. It was interesting, but no one asked me what I needed, because I really needed support.

When LGBTQ-plus youth can't find support at home or at school, they look elsewhere. We look elsewhere. That's why so many LGBTQ-plus youth end up in precarious situations like hooking up with people who prey on LGBTQ-plus youth using apps such as Grindr or Scruff or any other LGBTQ-plus dating or hookup app. When our youth can't find the supports they need, when our youth can't find or see or talk to LGBTQ-plus adults who can help and mentor them, who can answer their questions, who can be there for them and talk to them when they're feeling down, they look anywhere for that mentorship. When we refuse to talk about LGBTQ-plus rights in schools, when we refuse to give kids safe spaces to talk about what's going on in their minds and bodies, they turn to places that no child should have to.

I personally didn't turn to Grindr for help. I turned to depression and thoughts of suicide. I had no LGBTQ-plus people my own age to talk to. I felt so alone in the world that I felt that I'd be better off dead than to continue high school as a gay kid. Frankly, this is why GSAs are important. It provides a safe place for kids to go to talk about who they are and what they're feeling. It stops our youth from jumping into the arms of people who prey on LGBTQ-plus students.

What Jason Kenney in the opposition refuses to understand is that GSAs save lives. I have received e-mails from so many LGBTQ-plus youth, parents, teachers, and faith leaders who have told us why these GSAs and not outing students are important. One student from Jasper wrote me a letter saying:

The GSA is a really safe place for me to be, but it wasn't always. When my parents found out about me, I was grounded and it caused problems within my family. We have worked out our problems since, but I was not ready to be out. [This bill] would improve lives of LGBTQ+ youth, if there was no risk of being outed by our schools.

Ainsley Koebel.

A student from Calgary wrote to me and said:

The discussion of queer rights shouldn't be as complicated as it's made out to be. The fact that we have decided we need to talk about whether or not a group of people deserves rights is just wrong. The Universal Declaration of Human Rights states that you deserve the right to privacy, and that no one has the right to interfere with your reputation by violating your privacy. When a kid joins a GSA, there's a very good chance they're scared out of their skin. The very notion that they'd attend such a club would have them punished way more severely than they should be if their parents were to hear of it. Some parents never really get it. A lot of parents do end up on board and supporting their kid, but it is up to the child to decide when the time is right to tell their parents about their identity. No teacher, school, or government has the right to tell a parent something they should be learning from their own children.

That's from Sean Ruhland, a trumpet enthusiast.

These are just two of the many letters that I've already received from students across the province. Jason Kenney and the UCP don't seem to understand why this bill is important and why not outing kids saves lives. The main reason the LGBTQ-plus community makes up a larger percentage of homeless youth is because people come out to their parents or are outed and are forced to leave.

When we have politicians like the members of that side of the House spewing their hateful, bigoted ideology about LGBTQ-plus kids, it only makes matters worse for our youth. The words of Jason Kenney and the members of that side of the House matter to our youth, and the fact that they are opposing this based on social conservatism and the hatred for the LGBTQ community is disgusting. The members opposite should be ashamed of themselves. They're endangering our youth, they're causing unneeded strife and stress for our youth, and they're showing Alberta that if, God forbid, they are ever back in power, they will do nothing but take our province back to the age where only straight cis white men have power and the rest of us are forced to the back of the bus. Our LGBTQ-plus youth need us, and your dangerous ideology is killing them.

The Speaker: Are there any questions or comments under 29(2)(a)? The Member for Edmonton-Centre.

Mr. Shepherd: Thank you, Mr. Speaker. I deeply appreciated the words my colleague shared. Actually, now that I do look at the

clock, I see that we're coming up on time, and I'll look for another opportunity. I did want to say thank you very much to the Member for Calgary-Hawkwood.

Mr. Speaker, on this issue, the first place we should be going and the first people we should be hearing from are LGBTQ youth. They are the ones who have this experience. They are the ones who have been there. They are the ones that know what will keep them safe. So I appreciate this member sharing from his experience. I look forward to hearing from all members in this Chamber about the youth they have spoken to and the members of the LGBTQ community they have spoken to in forming their opinions and views on this bill.

Thank you, Mr. Speaker.

The Speaker: The Acting Deputy Government House Leader.

Ms Ganley: Thank you very much, Mr. Speaker. With that, I would move that we adjourn debate and call it 12 o'clock.

[Motion carried; the Assembly adjourned at 11:59 a.m.]

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