Province of Alberta

The 30th Legislature
Second Session

Alberta Hansard

Wednesday evening, June 17, 2020

Day 33

The Honourable Nathan M. Cooper, Speaker

Legislative Assembly of Alberta
The 30th Legislature
Second Session

Cooper, Hon. Nathan M., Olds-Didsbury-Three Hills (UCP), Speaker
Pitt, Angela D., Airdrie-East (UCP), Deputy Speaker and Chair of Committees
Milliken, Nicholas, Calgary-Currie (UCP), Deputy Chair of Committees

Aheer, Hon. Leela Sharon, Chestermere-Strathmore (UCP)
Allard, Tracy L., Grande Prairie (UCP)
Amery, Mickey K., Calgary-Cross (UCP)
Armstrong-Homeniuk, Jackie, Fort Saskatchewan-Vegreville (UCP)
Barnes, Drew, Cypress-Medicine Hat (UCP)
Bilous, Deron, Edmonton-Beverly-Clareview (NDP), Official Opposition Deputy House Leader
Carson, Jonathon, Edmonton-West Henday (NDP)
Ceci, Joe, Calgary-Buffalo (NDP)
Copping, Hon. Jason C., Calgary-Varsity (UCP)
Dach, Lorne, Edmonton-McClung (NDP)
Dang, Thomas, Edmonton-South (NDP)
Deol, Jasvir, Edmonton-Meadows (NDP)
Dreeshen, Hon. Devin, Innisfail-Sylvan Lake (UCP)
Eggen, David, Edmonton-North West (NDP), Official Opposition Whip
Ellis, Mike, Calgary-West (UCP), Government Whip
Feehan, Richard, Edmonton-Rutherford (NDP)
Fir, Hon. Tanya, Calgary-Peigan (UCP)
Ganley, Kathleen T., Calgary-Mountain View (NDP) Official Opposition Deputy House Leader
Getson, Shane C., Lac Ste. Anne-Parkland (UCP)
Glasgo, Michaela L., Brooks-Medicine Hat (UCP)
Glubish, Hon. Nate, Strathcona-Sherwood Park (UCP)
Goehring, Nicole, Edmonton-Castle Downs (NDP)
Goodridge, Laila, Fort McMurray-Lac La Biche (UCP)
Gotfried, Richard, Calgary-Fish Creek (UCP)
Gray, Christina, Edmonton-Mill Woods (NDP) Official Opposition Deputy House Leader
Guthrie, Peter F., Airdrie-Cochrane (UCP)
Hanson, David B., Bonnyville-Cold Lake-St. Paul (UCP)
Hoffman, Sarah, Edmonton-Glenora (NDP)
Horner, Nate S., Drumheller-Stettler (UCP)
Hunter, Hon. Grant R., Taber-Warner (UCP)
Irwin, Janis, Edmonton-Highlands-Norwood (NDP), Official Opposition Deputy Whip
Issik, Whitney, Calgary-Glenmore (UCP)
Jones, Matt, Calgary-South East (UCP)
Kenney, Hon. Jason, PC, Calgary-Lougheed (UCP), Premier
LaGrange, Hon. Adriana, Red Deer-North (UCP)
Loewen, Todd, Central Peace-Notley (UCP)
Long, Martin M., West Yellowhead (UCP)
Lovely, Jacqueline, Camrose (UCP)
Loyola, Rod, Edmonton-Ellerslie (NDP)
Luan, Hon. Jason, Calgary-Foothills (UCP)
Madu, Hon. Kaycee, QC, Edmonton-South West (UCP)
McIver, Hon. Ric, Calgary-Hays (UCP), Deputy Government House Leader
Nally, Hon. Dale, Morinville-St. Albert (UCP) Deputy Government House Leader
Neudorf, Nathan T., Lethbridge-East (UCP)
Nicolaides, Hon. Demetrios, Calgary-Bow (UCP)
Nielsen, Christian E., Edmonton-Decore (NDP)
Nixon, Hon. Jason, Rimbey-Rocky Mountain House-Sundre (UCP), Government House Leader
Nixon, Jeremy P., Calgary-Klein (UCP)
Notley, Rachel, Edmonton-Strathcona (NDP), Leader of the Official Opposition
Orr, Ronald, Lacombe-Ponoka (UCP)
Pancholi, Rakhi, Edmonton-Whitemud (NDP)
Panda, Hon. Prasad, Calgary-Edgemont (UCP)
Phillips, Shannon, Lethbridge-West (NDP)
Pon, Hon. Josephine, Calgary-Beddington (UCP)
Rehn, Pat, Lesser Slave Lake (UCP)
Reid, Roger W., Livingstone-Macleod (UCP)
Renaud, Marie F., St. Albert (NDP)
Rosin, Miranda D., Banff-Kananaskis (UCP)
Rowswell, Garth, Vermilion-Lloydminster-Wainwright (UCP)
Rutherford, Brad, Leduc-Beaumont (UCP)
Sabir, Irfan, Calgary-McCall (NDP)
Savage, Hon. Sonya, Calgary-North West (UCP), Deputy Government House Leader
Sawhney, Hon. Rajan, Calgary-North East (UCP)
Schmidt, Marlin, Edmonton-Gold Bar (NDP)
Schow, Joseph R., Cardston-Siksika (UCP), Deputy Government Whip
Schulz, Hon. Rebecca, Calgary-Shaw (UCP)
Schweitzer, Hon. Doug, QC, Calgary-Elbow (UCP), Deputy Government House Leader
Shandro, Hon. Tyler, QC, Calgary-Acadia (UCP)
Shepherd, David, Edmonton-City Centre (NDP)
Sigurdson, Lori, Edmonton-Riverview (NDP)
Sigurdson, R.J., Highwood (UCP)
Singh, Peter, Calgary-East (UCP)
Smith, Mark W., Drayton Valley-Devon (UCP)
Stephan, Jason, Red Deer-South (UCP)
Sweet, Heather, Edmonton-Manning (NDP), Official Opposition House Leader
Toews, Hon. Travis, Grande Prairie-Wapiti (UCP)
Toor, Devinder, Calgary-Falconridge (UCP)
Turton, Searle, Spruce Grove-Stony Plain (UCP)
van Dijken, Glenn, Athabasca-Barrhead-Westlock (UCP)
Walker, Jordan, Sherwood Park (UCP)
Williams, Dan D.A., Peace River (UCP)
Wilson, Hon. Rick D., Maskwacis-Wetaskiwin (UCP)
Yao, Tany, Fort McMurray-Wood Buffalo (UCP)
Yaseen, Muhammad, Calgary-North (UCP)

Party standings:

United Conservative: 63 New Democrat: 24

Officers and Officials of the Legislative Assembly

Shannon Dean, QC, Clerk
Teri Cherkewich, Law Clerk
Stephanie LeBlanc, Clerk Assistant and Senior Parliamentary Counsel
Trafton Koenig, Parliamentary Counsel
Philip Massolin, Clerk of Committees and Research Services
Nancy Robert, Research Officer
Janet Schwegel, Director of Parliamentary Programs
Amanda LeBlanc, Deputy Editor of *Alberta Hansard*
Chris Caughell, Sergeant-at-Arms
Tom Bell, Assistant Sergeant-at-Arms
Paul Link, Assistant Sergeant-at-Arms

Executive Council

Jason Kenney	Premier, President of Executive Council, Minister of Intergovernmental Relations
Leela Aheer	Minister of Culture, Multiculturalism and Status of Women
Jason Copping	Minister of Labour and Immigration
Devin Dreeshen	Minister of Agriculture and Forestry
Tanya Fir	Minister of Economic Development, Trade and Tourism
Nate Glubish	Minister of Service Alberta
Grant Hunter	Associate Minister of Red Tape Reduction
Adriana LaGrange	Minister of Education
Jason Luan	Associate Minister of Mental Health and Addictions
Kaycee Madu	Minister of Municipal Affairs
Ric McIver	Minister of Transportation
Dale Nally	Associate Minister of Natural Gas and Electricity
Demetrios Nicolaides	Minister of Advanced Education
Jason Nixon	Minister of Environment and Parks
Prasad Panda	Minister of Infrastructure
Josephine Pon	Minister of Seniors and Housing
Sonya Savage	Minister of Energy
Rajan Sawhney	Minister of Community and Social Services
Rebecca Schulz	Minister of Children's Services
Doug Schweitzer	Minister of Justice and Solicitor General
Tyler Shandro	Minister of Health
Travis Toews	President of Treasury Board and Minister of Finance
Rick Wilson	Minister of Indigenous Relations

Parliamentary Secretaries

Laila Goodridge	Parliamentary Secretary Responsible for Alberta's Francophonie
Jeremy Nixon	Parliamentary Secretary to the Minister of Community and Social Services
Muhammad Yaseen	Parliamentary Secretary of Immigration

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Orr
Deputy Chair: Mr. Getson

Allard
Eggen
Glasgo
Jones
Loyola
Nielsen
Singh

Standing Committee on Alberta's Economic Future

Chair: Mr. Neudorf
Deputy Chair: Ms Goehring

Allard
Armstrong-Homeniuk
Barnes
Bilous
Dang
Horner
Irwin
Reid
Stephan
Toor

Standing Committee on Families and Communities

Chair: Ms Goodridge
Deputy Chair: Ms Sigurdson

Amery
Carson
Ganley
Glasgo
Guthrie
Neudorf
Nixon, Jeremy
Pancholi
Rutherford
Yao

Standing Committee on Legislative Offices

Chair: Mr. Schow
Deputy Chair: Mr. Sigurdson

Gray
Lovely
Nixon, Jeremy
Rutherford
Schmidt
Shepherd
Sweet
van Dijken
Walker

Special Standing Committee on Members' Services

Chair: Mr. Cooper
Deputy Chair: Mr. Ellis

Dang
Deol
Ganley
Goehring
Goodridge
Long
Neudorf
Walker
Williams

Standing Committee on Private Bills and Private Members' Public Bills

Chair: Mr. Ellis
Deputy Chair: Mr. Schow

Glasgo
Horner
Irwin
Neudorf
Nielsen
Nixon, Jeremy
Pancholi
Sigurdson, L.
Sigurdson, R.J.

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Mr. Smith
Deputy Chair: Mr. Schow

Armstrong-Homeniuk
Carson
Deol
Ganley
Issik
Jones
Lovely
Loyola
Rehn
Reid
Renaud
Turton
Yao

Standing Committee on Public Accounts

Chair: Ms Phillips
Deputy Chair: Mr. Gotfried

Barnes
Dach
Guthrie
Hoffman
Reid
Renaud
Rosin
Rowswell
Stephan
Toor

Select Special Public Health Act Review Committee

Chair: Mr. Milliken
Deputy Chair: Ms Rosin

Ganley
Gray
Hoffman
Long
Lovely
Neudorf
Reid
Rowswell
Shepherd
Turton

Standing Committee on Resource Stewardship

Chair: Mr. Hanson
Deputy Chair: Member Ceci

Dach
Feehan
Getson
Loewen
Rehn
Rosin
Sabir
Singh
Smith
Yaseen

Legislative Assembly of Alberta

7:30 p.m. Wednesday, June 17, 2020

[The Deputy Speaker in the chair]

The Deputy Speaker: Good evening, hon. members. Please be seated.

Government Bills and Orders
Committee of the Whole

[Mrs. Pitt in the chair]

The Chair: Hon. members, I would like to call Committee of the Whole to order.

Bill 17
Mental Health Amendment Act, 2020

The Chair: Are there any members wishing to join debate this evening? I see the hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Madam Chair, and a very good evening to you. I am very interested in speaking to Bill 17, the Mental Health Amendment Act, 2020. We are certainly happy to see that there's legislation being changed. We do have some concerns around those changes, but it's certainly something – it's time has come in regard to mental health amendment.

We're a bit concerned that there are, I think, six different sections mentioned in the court ruling that sort of helped to precipitate this bill, but only a couple of them are being addressed. You know, always I think it's prudent, when we do bring forward a topic, to investigate it in a fulsome manner and to make sure that we just don't have to come back straightaway if there's a court challenge and/or other issues and simply have to build more legislation. Some of these recommendations were ignored, and I think that maybe we should examine what capacity or what problems could occur as a result of not addressing those sections.

We know that, of course, mental health is a significant issue always, part of our responsibility as a legislative body and, I would say, something that has moved to top of mind for a lot more people, myself included, as a result of the pandemic and the economic downturn that we are facing here now.

You know, one of the issues, I guess, that we want to talk about is this broad expansion of the definition of what a qualified health professional is, right? This could be an issue that would be a concern, for sure.

We know that this bill is a direct result of a court case, an individual versus the Alberta Health Services, that was filed after an individual was detained in the Foothills medical centre in Calgary back in September 2014 and was not released from September 2014 to May 2015, and that took a court injunction, to have this individual released. Then in July '19 a judge ruled that six sections of the act, in fact, are unconstitutional and has given this government 12 months to fix it. We know that in August of 2019 this government filed an appeal, and the ruling on the appeal is expected to be due in September. Counting on my fingers, this gives a few months but not too many to come to resolution on this issue. Time is ticking.

The Minister of Health has made it clear that he believes that this is the legislation that will fix this, right? But, in fact, to our analysis and an analysis of other interested parties in the province, it doesn't actually amend the sections that the judge filed in this ruling; specifically, section 2, section 4(1) and (2), section 7, section 8 in two parts. The court also did mention sections 38 and 41. This bill does address section 2 and one of the areas from section 8, so, you know, I just wonder why is the gap – perhaps someone, the minister or otherwise, can let us know why they chose not to deal with those other ones.

The key change, according to the government, is that currently the Mental Health Act allows for individuals with serious mental disorders to be involuntarily detained in a designated facility for treatment or to receive mandatory treatment in the community, but if passed, then Bill 17 would change that, revise admission criteria so that only people whose disorder could be improved by treatment could in fact be detained. Then patients with permanent brain damage – for example, FASD and strokes and things like that – would no longer be detained unless they also had a mental disorder besides that, like schizophrenia or bipolar, that could be otherwise treated and improved by being detained and treated in a facility.

Also, apparently, to provide better access to care, Bill 17 would allow nurse practitioners to assess, examine, and supervise patients receiving community treatment while maintaining physician oversight where necessary, allow people who are held under the act to be assessed and examined by video conferencing and so forth, and offer initial assessments and examinations at more locations to reduce travel and so forth. So that seems to be the direction.

In regard to strengthening patient rights, I think, which is kind of the central issue around this particular court case and the recommendations that did come from the court case, Bill 17 would require hospitals and health care facilities to provide patients with free, timely access to their medical records, to information about legal counsel and then information about the Mental Health Patient Advocate, which does exist on their behalf, to access if necessary, and to review forms in a timely way so that patients know why they are being detained – right? – which is, I think, a central tenet of not just a patient's rights but any person's rights as being defined by the health system or the legal system as well. As well, there is a provision to have an annual report to the minister on the completion of, the accuracy of documents and so forth used to justify why a patient is being detained.

Bill 17 also seems to expand the Mental Health Patient Advocate role to include legal responsibility for people who have been detained in hospitals and are receiving mandatory treatment. The advocate would be charged with connecting with patients who would ask for help to review key documents to ensure that they have received the complete information and to work with AHS to ensure that all patients and their families are provided with necessary information about the detention and legal rights of the patient.

Quite a lot of different areas are being addressed. I think that, you know, I certainly do not disagree with any of those areas. What I do have a concern about, though, is this issue around what was not addressed in the legal judgment that came down on the case of Alberta Health Services versus J.H., the plaintiff. I think that one of the recommendations from the ruling – right? – is with respect to a Charter challenge and declaring the detention provisions an infringement of the Charter. The judge did strike those down, all dealing with the criteria and timelines for certifying patients under the MHA, Mental Health Act. Without the constitutionality, valid criteria, and procedures that comply with the principles of fundamental justice, these detention provisions cannot and must not stand.

7:40

Another section the judge talked about was with respect to the review procedures. They're not in themselves a breach of the Charter, but they set out a right to apply to have certificates cancelled, and the review panel limited rights to cancel or refuse to

cancel them, right? As I said before, the problem with these sections is that they are incomplete, right? Accordingly, there's no point in striking them down. Like, in Ontario the Court of Appeal also found that the Ontario review panel did not have appropriate jurisdiction with respect to long-term patients, and the remedy there was to suspend the certification rights beyond six months so that once the procedure was remedied to comply with the fundamental justice concerns, the certification rights could then be instated.

You know, again, perhaps the summary that the judge did bring down helps to illuminate things even more, right? The judge did say that the plaintiff, J.H., suffered multiple breaches of the fundamental rights to life, liberty, and security protected by section 7 of the Charter of Rights and Freedoms, was arbitrarily detained in the breach of section 9, and was not given appropriate notice for the reason for his detention or his right to legal counsel, in breach of sections 10(a) and (b). AHS is then responsible for those breaches. Madam Chair, I mean, again, these are central to the ruling and central to the breach of this individual's rights, and if we don't address it here now, then it'll simply go back to the courts. I'm concerned about that in regard to timeliness, in regard to efficiency, and in regard to money as well, quite frankly. We can't have these things not be dealt with in a more complete way.

The plaintiff's admission and renewal certificates were incomplete and inadequate, so they did not have the legal authority to, in fact, detain this person. So his rights in section 7 and section 9 were clearly breached as well. Again, if we don't deal with this in a reasonable, timely way, then we can only expect that this case will come up again, and subsequent cases from other individuals might emerge as well. This is a good chance to make sure that we cover off each of these six sections of the judge's ruling in this regard. You know, I am just quite emphatic that we do do that in the fullness of what we have available to us here to hear now.

I think that, you know, other issues that come up – right? – in regard to the Mental Health Amendment Act, 2020, are just, I guess, categorically to empower the mental health rights advocate to do what his or her job title actually says, which is to advocate in a complete sort of way so we're not simply leaving or losing someone to be not helped using the mental health advocate that we have available to us.

I know that the government has talked about Bill 17 strengthening patient rights, I think, which is laudable, but also talks about this so-called reducing red tape, right? You know, the idea of giving patients and physicians more time to co-ordinate examinations for the six-month required renewal of community treatment orders, no longer requiring a form to move patients between two Alberta Health Services facilities, and authorizing the minister to designate and classify facilities to a health system to be more responsive to emerging needs: that's all well and good, I think, as long as the principle of making these efficiencies is to ensure that the patient has the primacy of their rights and their freedoms paramount every step of the way, that if someone is suffering from a difficult mental health crisis, it doesn't compromise that same individual's right to be protected. In fact, in a compromise situation I would suggest, Madam Chair, that we redouble our responsibilities to be responsible in the broadest possible way for someone who is in a crisis and does require treatment.

One area that I just was reflecting on that I guess I would ask for more specific information on is around this idea that if someone is not considered to be treatable, if they would not have access to resident care. I'm not sure. I'm not a health care professional, by any means, but I'm just wondering how that bears out in reality. I know that in years past our residential care for mental health treatment has been compromised, right? There was talk of the closure of Alberta Hospital, for example, that caused a great hue and cry. This whole notion of community treatment and moving people to community treatment without sufficient supports: you know, we learned hard lessons from other jurisdictions that it was a huge problem, right? Patients and families and physicians and support staff do need residential mental health facilities from time to time to deal with acute cases.

Every step of the way, whenever I see mental health legislation coming forward through this House, I remind all MLAs and the general public, too, that the integrity of our residential mental health facilities is not always secure, especially with successive Conservative governments. Certainly, this is not a place, I can say emphatically, where you make changes just to save a dollar, right? The whole very cynical notion around whether to close Alberta Hospital, for example, was where it all came to a head a few years ago, I remember. You know, you have to wonder if people had an eye on the real estate where Alberta Hospital is because it's quite nicely situated in north Edmonton. You have to wonder about the encroaching private health care, that we always have to fight back here in this province under Conservative governments just trying to save a buck, maybe compromise the care of an individual with severe mental health issues by not having a residential option which people can rotate into and rotate out of as well.

Again, I know that the institutionalization of people in mental health facilities, the notion of that, has evolved in a much more progressive way, but it doesn't preclude the importance or the necessity of having a residential option for people with acute mental health issues. Again, you know, that's perhaps just a little bit outside the full scope of this bill, but it does touch on the essence of this bill, too, of course, talking about putting someone into residential care, perhaps, without the force of consent. I think that it is worth while to talk about both of those things at the same time.

Madam Chair, I appreciate the opportunity to speak to Bill 17. I think that all of us have a responsibility to ensure that it's covering off, number one, the results of that court case that was here some time ago, the actual case that took place a number of years ago, but also an opportunity for us to remind ourselves of the responsibility we all have to ensure the safety and the security and the fair treatment of all citizens and their physical and mental health needs here in the province of Alberta.

I invite others to say a few words in that regard, and I thank you for the time that I've had here this evening to speak on this.

7:50

The Chair: Are there any other members wishing to speak to Bill 17 in Committee of the Whole? The hon. Member for Edmonton-West Henday.

Mr. Carson: Well, thank you, Madam Chair. It's an honour to rise to speak to this piece of legislation, which is incredibly important. As I personally learned about the details of the case that this legislation results from, it was incredibly disturbing to hear that, you know, somebody's Charter rights could be infringed upon. I think that we need to do everything in our power to ensure that we make it right and make sure that no one has to suffer the consequences of not having their Charter rights respected. I appreciate that the UCP is bringing this piece of legislation forward, maybe partly because they have to, considering the results of that court case and the need to update certain sections of the Mental Health Act. We need to ensure that we're doing everything in our power to respect the Charter and ensure that mental health is taken seriously and that the rights of patients and the idea of recovery is on our mind every step of the way.

As we look through this piece of legislation, we see some pieces of the court ruling reflected in the legislation. Other pieces that we should see in this legislation are not included. Like many of my colleagues in the NDP opposition caucus, I believe that more should have been done in respect of ensuring that the Charter infringements that were presented in the court case were fixed and reflected in the updates to the Mental Health Act. I have some concerns that the Mental Health Amendment Act, 2020, does not reflect that.

Some of the questions that I have that have been raised by my colleagues are: one, why the definition of harm was left out. As I just mentioned: why, when the court ruling stated that sections 2, 4(1), 4(2), 7(1), 8(1), and 8(3) were all considered Charter infringements, did you choose only to amend sections 2 and 8(1)? Another important one, which I will get to here shortly, is why you chose to take out any sunset clause which would ensure, as we bring this legislation forward and potentially pass it, that there is a means to reflect and review how the updates to the Mental Health Act worked. Did they work? Did they not work? Is there more work that needs to be done?

You know, just looking at what is in this piece of legislation, I have concerns that it will be challenged, and I imagine many other members of the House have those concerns as well. We need to ensure that when we are passing legislation, we are doing our best to reflect the circumstances that have brought us to this position. We need to reflect on not wasting time, at the end of the day, and ensure that what we're bringing forward is going to be respected and upheld by the courts. Once again, when we see that parts of the ruling are not reflected in this legislation, I have concerns with that. We should be doing it right in the first place and not having to come back to this.

I just want to quickly reflect on a post that was made by the assistant professor at the Faculty of Law. Lorian Hardcastle, once again, from the Faculty of Law at the University of Calgary, made a blog post about this, reflecting on the Mental Health Act in this case and mentioning that there are

> several requirements for involuntary admission, including the presence of a "mental disorder," which is defined as a "substantial disorder of thought, mood, perception, orientation or memory that grossly impairs . . . judgment . . . behaviour . . . capacity to recognize reality, or . . . [the] ability to meet the ordinary demands of life."

As we saw from the ruling, it showed

> that JH did not meet this test,

and the justice that provided that ruling

> cited recent medical tests categorizing his impairment as "mild". [That justice] also noted that the treating doctor's evidence "consisted mainly of bald conclusions without much explanation about how he arrived at them or how he could reconcile serious differences in opinion.

So there are major concerns there. I appreciate that this legislation to some extent reaches the goal that has been asked of us from this justice.

I would also point out that this assistant professor went on to talk about the fact that the justice also pointed out that J.H. was co-operative with treatment that was provided to them, was working diligently with a social worker, and their previous employer said they could have their job back. The treating physician even went on to say that he would have discharged J.H. if community supports were in place.

Personally I'm very concerned that we got into this position where, you know, as a provincial government and as a community we have not set out proper standards and assurances that we have community supports in place and that the lack of community supports would actually get us to a place where people are being held against their will because of that.

When we talk about other positions that this government has taken, we have to reflect on the fact that, whether we're talking about early childhood PUF funding or education as a whole, any time we're talking about taking away community supports and taking dollars out of our communities, there are detrimental effects on our community. We have to ensure to the best of our ability that we are putting those supports in place to ensure that this never happens again. Of course, moving forward with amendments to the Mental Health Act is one way to do that, but we should always keep in mind that we need to ensure that those supports are in place.

With that being said, earlier I mentioned that we have concerns that there is no sunset clause in this piece of legislation, that there are no assurances that it will be reviewed, like we see in many other pieces of legislation in this province. On that note I would like to bring forward an amendment that is being put forward by the MLA for Edmonton-Manning. It reads . . .

The Chair: Sorry, hon. member. Can I have a copy of that before you read that into the record?

Mr. Carson: Of course.

The Chair: Maybe five copies. Hon. member, this will be known as amendment A1. Please proceed.

Mr. Carson: Thank you very much. It reads: the MLA for Edmonton-Manning to move that Bill 17, Mental Health Amendment Act, 2020, be amended by striking out section 43 and substituting the following:

> 43 Section 54 is repealed and the following is substituted:
>
> Review by Committee of the Legislative Assembly
>
> 54 Within five years after the coming into force of the Mental Health Amendment Act, 2020, and every five years thereafter, a committee of the Legislative Assembly must begin a comprehensive review of this act and the regulations made under it and must submit to the Assembly, within one year after beginning the review, a report that includes any amendments recommended by the committee.

I appreciate the member bringing forward this amendment. I think it is very important in the context of the situation that we're dealing with. The amendments that are being proposed by the UCP government address some of the concerns that were raised in this court case but not all of them, so it is important that as we move forward, reflecting on the importance of ensuring that we are protecting the Charter rights of all Albertans, we take the time to sit down every so often, in this case within five years, to ensure that the legislation is doing what it should and take the opportunity to make any amendments that need to be done at that time.

When we reflect on the Charter challenge that happened here and the Mental Health Act's infringement on some of the sections of the Charter, specifically 4(1), 4(2), 7(1), and 8(3), which we do not see addressed in the Mental Health Amendment Act as proposed by the UCP government, it is incredibly important, once again, that we reflect on that and sit down in a timely manner and respect that it may need adjustments and may need amendments in the future.

8:00

Of course, the last thing we want is for this to be a challenge. We want it to be done right in the first place, but if we are going to move forward with this piece of legislation, the least we could do is respect the fact that it needs to be reviewed every so often.

You know, we see that the government is moving forward with respect to sections 2 and 8(1) of the act, and we can appreciate that, but there is just as much missing from the Mental Health Amendment Act before us as is included in it. When we reflect on

the pieces that are missing and the pieces that are included, it's very important that we ensure that we reflect on that.

Just getting back to the bill and the importance of this amendment, we spend time quite often – and even today we heard about a piece of legislation that needs to be reflected on in a committee, and that happens every two years in that case. I think the least we can do is reflect on this every five years.

I'm going to let my fellow colleagues speak to this amendment as well. I know we have a lot to say about this legislation, and I will have more to say about this as well. But I hope that every member considers the importance of reflecting on this legislation every five years and the importance of providing amendments when needed. I hope that all members of the Assembly will support this.

Thank you.

The Chair: Are there any other members wishing to speak on amendment A1 on Bill 17? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Madam Chair. I appreciate the opportunity to speak to this bill. Having spent much of my career in the area of mental health as a social worker, I am happy to see that something is being done with regard to this decision that was made by Madam Justice Eidsvik. However, I am very concerned that it's apparent that the government is merely here to get something in in the one-year time period that they were given rather than actually doing something that makes the changes necessary in the judgment here.

A judgment came down; a number of things were addressed. In fact, I'll say that Justice Eidsvik indicated:

> Further, I declare that the detention provisions ss. 2, 4(1), 4(2), 7(1), 8(1), and 8(3) of the [Mental Health Act] are of no force or effect as they infringe ss. 7, 9 and 10(a) and (b) of the *Charter*.

I mean, this is not a simple decision where we happen to disagree with, you know, a choice that was made by the government. She's actually saying here that the Mental Health Act has no effect, cannot be applied in terms of detention of people under these circumstances, and she gave this government one year to remedy that. They're only here because they have been forced to do that, not because they understood the nature of the argument here. We can tell that because they have failed to actually meet the conditions that she put forward to remedy the situation. They haven't made the majority of the changes that she required here.

I think this amendment is very important because we have a situation where we have a pending lawsuit that likely will tell the government that they have failed to obey a court order to amend this legislation to be consistent with the Charter of Rights. This government is designing an act that not only fails to address the issues of the court decision but fails to provide an opportunity to review their decision to only in a minor way amend the legislation when they were asked to do it in substantive ways.

I think that this is very problematic, that they're being forced into something and therefore they're doing a poor job of it. They're not providing themselves an opportunity to come and review, and we know that when the decision comes forward on the appeal, likely in the fall of this year, they're going to again be found in breach of the Charter. Yet in spite of the fact that they know they're acting against the law, they're refusing to move forward and actually take responsibility to change this legislation.

You know, it just truly surprises me how often this government is prepared to go ahead with bills they know will be challenged in the Supreme Court and be deemed to be against the Charter, but they do it anyways because they know they can get away with it for a little while. On a level of moral development that's really unacceptable.

I want to take a moment as well to talk a little bit about why this bill needs to be reviewed and really should be withdrawn from the House until properly rewritten to address the issues inherent. Now, of course, I'm in a difficult position because I do want them to move ahead, and of course I will have to support this because I want to see the minor changes actually made because they're at least a step in the direction we need. But I'm very disappointed that we're here in this place doing this half measure when we should be doing a full measure.

I just want to point out something that's very important about this particular decision that's been made. It's been written a lot about since it's been made because it is so significant in terms of supporting Charter rights in the country of Canada. You know, because of that, I think we should be taking this far more seriously than apparently the government is willing to take it, which is quite a shock to me.

One of the things I want to address here is something that hasn't been addressed. Part of the reason why I support this amendment is that there is an interesting article written by a lawyer at the University of Calgary Faculty of Law, a different one than mentioned by my colleague. In this case Lisa Silver has written an interesting article on this particular case called Engaging the Criminal Justice System Through JH versus Alberta Health Services.

There's one paragraph here that I think is very important, so I'm going to read the paragraph into the record. I will supply the appropriate documentation subsequently. She says:

> To the medical authorities JH checks all the boxes needed for an involuntary certification: he is homeless; he is cognitively deficient; he is prone to drink; he is uncooperative; he lacks community support; he is unwell. But there is an alternate story here: JH is homeless because hospitalization made him so; he is not cognitively perfect but how many of us are; his propensities are just that - inert possibilities; he does not co-operate because he knows he does not need this kind of treatment; he lacks community support because he does not "mentally" fit the criteria for a community treatment order; he is unwell because he is, against his will, being treated for a mental health issue that does not in fact exist. To end the recitation is the glaring fact that JH is a member of Canada's First Nations and subject to all the preconceptions residing within that identification. In short, JH is on the "other" side of society and needs the insiders' help."

There's a very interesting legal point that's being addressed here, and that point is that part of the reason why this person's rights were denied, why their Charter rights were denied, is because they are part of a segment of society which is vilified, which brings us back to the conversation about institutional racism that's been going on in this House and in society over the last while.

Ms Silver goes on to say later in the article that

> JH's treatment is "punishment" for being someone who is perceived as "outside" of the norm.

This is exactly the reason why this government needs to take this seriously. The courts have identified that someone has lost their Charter rights because we have established a set of laws under the Mental Health Act which violates their rights, and the analysis, by Lisa Silver in this case, points out the fact that, in part, that violation is based on systemic racism, that because this individual was outside of the norm or outside of the perceived norm in society, we don't take the violation of his rights as seriously as we should.

8:10

And that's what concerns me. This government has been presented with an opportunity to address systemic racism in one of

their acts, and they have failed to do so. Nowhere in this amendment to the Mental Health Act is there an attempt to address the reasons why this person ended up being institutionalized against his will for months in a Calgary hospital. That very much concerns me, that we have an explicit example of what we're talking about when we talk about institutionalized racism, and the government sloughs off the job, fails to actually address the requests of the judge in the case, Justice Eidsvik, when she says that there are some six sections of the Mental Health Act that are actually in violation of the Charter, in violation, actually, of four different parts of the Charter.

[Mr. Amery in the chair]

You would think that the government would take this very seriously and would bring in an act that actually addressed all of those issues, that would do things such as revise the criteria to define the definition of harm. You would think that the government would come in and ensure that patients have the right to an advocate and legal representation when these provisions are enacted against them. You'd think the government would do all of these things, yet they've failed to do that. I think that part of the reason has got to be exactly what it is that Ms Silver has indicated, that sometimes we view people as not being equal in stature in this society, and that's what happened to this individual. Because of who they were, because of the community – in this case, First Nations communities – that they came from, it somehow seemed acceptable or possible to violate their Charter rights. And I think that that's a shame.

Given everything that's happened in the world over the last – what? – two months demanding changes in the rules, addressing systemic racism in our laws, and given that the government fails to take an opportunity to actually address those systemic racism issues when they arise and have been pointed out by the courts, inevitably we will be back here in the fall after the appeal decision comes back that indeed the government has failed to meet the request of the judge, who indicated in her decision that those sections that she mentions of the Mental Health Act are of no force or effect as they infringe the Charter rights. So we're going to be back again.

That's why we have an amendment that says: "You know what? We should be back on these things regularly so that we don't have to be back only because the courts have forced us back." We should have a process, as outlined in this amendment, where we can review these bills, where we can take a situation like the situation of J.H., this indigenous man in Calgary, and use it to improve our acts and to eliminate the systemic racism inherent in many of them. I certainly would like to see this government step up and do a better, more rigorous job in addressing the issues that have been presented here.

I'm very disappointed that they brought in a bill written on the back of an envelope to address the minimum that they could possibly address to not be in contravention of the order of the judge in the case – that's really unacceptable – instead of going into the case and looking at the heart of it and trying to understand what the concerns of the judge were and then working hard to comply in fulsomeness with the requirements of the judge, having been given a year to do so. I'm very concerned that this government is back here having done their homework on the way to school on the school bus one morning just to make sure that they can say they've done something. This is not how we should be addressing our legislation.

Now, you put me in a difficult place because of course I want to see the changes to the Mental Health Act that are addressed here, but I can tell you I absolutely and clearly do not believe that you have addressed the fundamental concerns of the judge's decision and the fundamental concerns of black and indigenous people of colour who have been telling us that there is institutional racism inherent in many of our laws and in the practice that's here.

As this article by Ms Silver indicates, there are two stories here. One is that J.H. is uncooperative, on the street, and drinking. The other is that it was the institutional engagement with him that caused him to have many of these problems. That's what we're talking about when we talk about institutional racism. We're talking about the fact that the applications of the laws were done in a way that probably would not be done to you or I. If I were to show up in hospital for one medical need, I would not have a series of other government regulations imposed on me.

The argument of Ms Silver is that that is largely – or in part, I should say. I'm sorry. I don't think she qualifies it as largely but in part because J.H. is a member of one of Canada's First Nations, and therefore somehow within the institution it felt like it was okay to violate his Charter rights and leave him in hospital for somewhere around seven months without ever providing him with legal recourse to challenge this intervention which he did not want and, in fact, it seems to be argued, that he did not need. He was being held for a problem which, in fact, does not exist, a mental health issue that does not exist.

I'd certainly like to see this government move forward on changes to the Mental Health Act, but what I'd like them to do is I'd like them to go back and actually understand what the concerns were, how it is that this situation violated the rights of an individual and therefore threatens the rights of all of us. All of our rights are reduced when we allow individuals of certain segments of our society to have their rights reduced merely because they are viewed as less than or somehow not part of the social norm, whether that is because they are a person of colour or perhaps a person with an addiction or perhaps a person who is homeless. None of those are acceptable reasons to take somebody's rights away, and this was an opportunity for the government to actually address it, and I'm very disappointed that they have failed to do so.

I certainly would like to see the government take the time to fix this because we know we're going to be back here in the fall after the appeal comes through and the judge says: you have failed to do what I have asked you to do. She was really clear. It wasn't like she said: I don't like this, so I think you should rethink it. She said: there are specific violations. She outlined the sections of the Charter that are violated, and she outlined the sections of the Mental Health Act that caused the violation. Then she put together some six remedies that the government could actually employ in order to fix that problem, yet the government has failed to take seriously those six remedies and bring into this House a fully-thought-out bill addressing the problems at hand and taking the opportunity to seize the moment when we're all talking about systemic racism and make changes to ensure that the next person of colour, the next homeless person, or perhaps any of the rest of us don't have our Charter rights violated.

8:20

I recommend to the House that this amendment be accepted, that we put into the act the opportunity to come back to delve the depths of the act and the problems that are inherent in it and to work on behalf of everyone in society to reduce the systemic racism inherent in so many of our laws and our practices in this province.

Thank you very much.

The Acting Chair: Thank you, hon. member.

We are on amendment A1. Are there any other comments or questions with respect to this amendment? I see the hon. Member for Edmonton-City Centre.

Mr. Shepherd: Thank you, Mr. Chair. I appreciate the opportunity to rise and speak to amendment A1 on Bill 17, the Mental Health Amendment Act, 2020. Let me just say that I deeply appreciated the comments made just now by my colleague from Edmonton-Rutherford, an incredibly important reflection on why this is a bill that needs this amendment, why this is a bill that needs to be reviewed every five years.

Indeed, as I've spoken on this bill previously, Mr. Chair, it is mind-boggling, it is inexplicable why this government is choosing to remove that clause from the bill, why they want to remove a bill that impacts the very civil liberties of every Albertan and indeed, as noted ably by my colleague for Edmonton-Rutherford, particularly impacts marginalized communities, including those from indigenous communities, people of colour from the black and brown communities, the very definition, as my colleague noted, of system racism. It's a bill that is that powerful, and this government says: "Oh, that bit about reviewing that every five years? Yeah, that can go." Particularly given, as my colleague from Edmonton-Rutherford noted, the number of things that this government is choosing not to do with this bill – in fact, choosing to skate over, gloss over, simply choose not to attend to major aspects that were identified in the original ruling and, as my colleague noted, were, in fact, deemed to have no effect, literally struck down parts of the law. They said, "Government, you need to actually look at this and fix this," and the government is choosing not to do that. At the same time they're saying: we're not going to fix our problem, and – you know what? – nobody else should look at this anymore on a regular basis to ensure that problems are being addressed.

It's astounding, really, Mr. Chair, when we think about all of the things that this government does deem worthy of study and review and spends an exorbitant amount of taxpayer dollars in the process of doing so, things that indeed no judge has said they needed to do and indeed no Albertan asked them to do. The Fair Deal Panel report that came today: as we talk about the fact that they are removing the requirement for this bill to be reviewed every five years, this government deemed it important enough to send a panel around the province, spending thousands of taxpayer dollars to conduct a review on questions that no Albertan had actually asked, that they had not mentioned in their election campaign platform. Whether to withdraw from the CPP: that was worthy of a fair panel review and tripping across the province and spending thousands of dollars, but they could not find the time to actually do the real work of government in fixing a bill that impacts every Albertan's actual civil liberties. And at the same time they then say: we'll just remove the part that says that law should be reviewed every five years.

Talking about creating an Alberta provincial police force: again, something no Albertan asked them to do, that they did not campaign on. But that was worth thousands of taxpayer dollars and indeed creating all kinds of hue and cry and now potentially going to a referendum next year and spending more taxpayer dollars on questions that no Albertan asked them to answer.

We have here a bill in front of us which is supposed to be at least reviewed every five years, which is why we're bringing forward this amendment to put that back in the bill, as this government has offered no explanation of why they chose to take that out other than that they have demonstrated time and again that this is a government that is not actually interested in due process, scrutiny, and transparency with Albertans. We have here, as my colleague from Edmonton-Rutherford noted, a half-baked bill. We have here, again, as my colleague noted – as this government attempts to circumvent the idea that this bill should actually be reviewed every five years, they can't even bother to actually fulfill what was required in the ruling.

They would prefer to spend thousands more of Alberta taxpayer dollars with a Charter challenge in court, much as they were willing to do with Bill 10, Mr. Chair, although now that's being sent to another committee for review even though this particular bill, which actually impacts Albertans' civil liberties – well, let's be clear, Bill 10 certainly does, too, with the sweeping powers that this government awarded themselves to create entirely new legislation without ever setting foot in this Legislature. That certainly impacts many Albertans' civil liberties, and I can tell you that I've heard from hundreds of Albertans who were deeply concerned by that and remain deeply concerned about that.

Again, this government could not bother to actually do the work properly to protect Albertans' civil liberties in a judge's ruling on legislation. This is the work of government, Mr. Chair. This is a government that seems more interested in looking at issues on which it can grandstand and make political hay than doing the actual hard work of correcting a bill that circumvented an indigenous man's actual civil liberties, was ruled by a judge to improperly have him held for months. This government doesn't care about fixing that. They don't care about actually addressing the problem. They would rather spend thousands of Albertans' dollars on a Charter challenge because they're too busy trying to find out more ways to play with Alberta's pension fund.

It's disgusting, Mr. Chair, the priorities of this government. Indeed, this bill is one that deserves regular review. Every five years, I think, is not an onerous task. As I've noted in previous debate, that is once per term of government. The things that this government does choose to find priority to do, again, that Albertans did not ask them to do – they're willing to throw away money on a Charter challenge with the AMA by tearing up a contract and refusing their legal right under the Charter to arbitration. Again, thousands of Alberta taxpayer dollars that are going to be thrown away on a court case when the government could have simply actually done the hard work of negotiation and sitting down at the table and actually working through, but no. This is a government that likes to tear up its homework, take its ball, and go home.

These are not the actions of a mature government actually looking to govern, actually looking to show leadership. These are the actions of a government that wants it its way, only its way, and it will use every trick in the book to get away with it, and that includes wasting Alberta taxpayer dollars in court because they could not be bothered to actually address a bill that impacts Albertans' civil liberties.

People on that side of the House, Mr. Chair, like to talk a big game about Albertans' rights and freedoms. Here was a very clear example, an opportunity for them to make very real change to actually defend that, as opposed to a showpiece of a referendum that has no legal power, on which they will also spend thousands of taxpayer dollars. This government: they are about political grandstanding, not actually getting things done.

8:30

So we have here today a government, again – well, when they actually do get things done, it's usually for their own benefit – in this case saying: yeah; we don't want to be bothered actually having to review this on a regular basis because we couldn't even get it right the first time. They're removing this clause that this bill would be reviewed every five years. Now, of course, it's my sincere hope, Mr. Chair, that this government will not be the government in five years. Nonetheless, whatever government we will have – and hopefully Albertans will have a far better one – should have the obligation to review this, particularly since this government is doing such a slapdash job of actually following through on this court ruling. We should at least be sure that some future government

will actually do the responsible thing and address this properly. So we have this amendment here to try to help this government at least correct a little bit. You know, we're helping them a little bit with doing their homework, which, as my colleague noted, they seem to just want to sort of pass off.

Indeed, this remains a particular concern, Mr. Chair, and should be reviewed every five years as we continue to make progress in our conversation about systemic racism and acknowledging that legislation like this has disproportionate impacts on marginalized communities, including, as I said, indigenous communities, black communities, brown communities, and people of colour. Now, of course, as we've seen with this government, they are not interested in taking action on those things. They want to bring a motion into this House to talk about how much they dislike that thing: it's a very bad thing, but, no, we're not actually going to do anything about it.

In general that seems to be this government's approach when we're dealing with actual breaches of people's actual civil liberties. One has to wonder if this government is only interested in how those apply to particular individuals, not individuals like J.H. They can make do with a slapdash, half-baked bill, which will sort of correct a couple of things but not actually address the underlying problem. They can go to court for that, Mr. Chair. They can go to the Court of Appeal, will waste thousands of taxpayer dollars, and this government will continue to use the system to grind down marginalized individuals who fall through the cracks. It's insulting.

Indeed, this government, this minister, these ministers continue to offer no explanation for why they blew off half their homework: perhaps too busy fighting with doctors, Mr. Chair, standing and yelling at them in their driveways, perhaps too busy looking the other way with the Cargill meat-packing plant, which, the minister just admitted in the press today, this government failed to properly understand the full risks of, admitted that this government did not do what they should have done, all while this government accused us of fear and smear when we warned them about the steps they were taking, much as we are warning them here today on this amendment that they are making a real mistake in misunderstanding the complexity of these situations and this bill and the effects it has on individuals by removing this clause ensuring this bill is reviewed every five years.

This is a government, Mr. Chair, that is fixated on its own agenda, the things that it wants to do, as I noted, many things that Albertans did not ask them to do, do not want them to do, but they're going to go ahead and do them. In the meantime, with things like this bill, not only are they not going to do the work that they were told to do by the courts, not only are they going to shirk their responsibility and their leadership, but they are going to even remove the responsibility of any future government to do that work properly, too. Par for the course with this government, undermining the very processes that are here to protect and support Albertans over and over again.

It would be laughable, Mr. Chair, if it wasn't so dangerous. We're barely a year into this government, and they've already utterly lost touch with actual concerns and what's actually important on behalf of Albertans.

Mr. Schow: That's not true.

Mr. Shepherd: Oh, I know it's very true, Member for Cardston-Siksika. You're a shining example.

Pardon me. Through the chair, many members over there are shining examples, Mr. Chair, of an utter lack of understanding of what it means to be a leader, what it means to actually do the work of governance, to actually stand up for marginalized Albertans and those who are in need and those indeed who are crushed by the system. This is a government instead that seems obsessed with simply using that system to crush anyone they don't like or whose views they don't support.

Mr. Schow: Point of order, Mr. Chair.

The Acting Chair: A point of order has been called.

Please go ahead.

Point of Order
Imputing Motives

Mr. Schow: Yeah. I'm rising under 23(i), "imputes false or unavowed motives to another Member." Now, I recognize that he said "this government," but you cannot do indirectly what you'd like to do directly. This also is using language that is likely to cause disorder.

I recognize that there is a lot of latitude afforded to members in this Chamber, and there is a good chance that you may rule against me on this point of order. But I also would just like to call to attention that while we all have the right in this Chamber to get up and represent our constituents and do what we were elected to do, I'd like to ask that all members show a little bit of caution and restraint and maybe keep it on point and try to avoid attacks, both directly and indirectly, against parties or members in this Chamber.

The Acting Chair: The hon. Member for Edmonton-North West.

Mr. Eggen: Well, thank you, Mr. Chair, and it's nice to see you in that chair. Very good.

There's no point of order here. This is simply that the Member for Edmonton-City Centre was speaking around government policy and around this bill and this amendment. I thought he was doing a great job, and I can't wait to hear more.

The Acting Chair: Thank you, hon. members.

I am inclined to agree with the hon. Member for Edmonton-North West. The discussion was charged with emotion. However, I would caution the hon. Member for Edmonton-City Centre to remain on point and relevant to the debate at hand.

Please go ahead.

Debate Continued

Mr. Shepherd: Thank you, Mr. Chair. Certainly, I'm happy to continue debate on the amendment, and I'm quite comfortable that at no point am I straying any further than I have often enjoyed from the hon. Government House Leader or many others on the government side of the House, whether they may enjoy my words or not.

As I was saying, Mr. Chair, the removal of this clause, that this bill be reviewed every five years, has yet to be explained by this government, as so many of their actions to the detriment of Albertans have gone without explanation. We've yet to have any explanation, indeed, why they are choosing to look the other way on so much of the substantive meat of this ruling on a bill that has such incredible impact on the very civil liberties of Albertans.

It is not acceptable, in my view, which is why I'm incredibly glad that my colleague, on behalf of the Member for Edmonton-Manning, has brought forward this amendment to at least try to restore some semblance of the leadership this government is choosing to shirk, to ensure that at least some future government will take the time to actually address this again and act in the interest of Albertans, even if this government should choose not to repeatedly.

It's incredibly important, Mr. Chair. As my colleagues have noted, out of numerous sections which the ruling said should be reviewed and indeed declared to have no effect – literally pieces of this legislation cannot be used, cannot be enforced and, therefore, need to be addressed – this government is choosing simply to look the other way, making a few cosmetic changes, failing to provide any clarification on the definition of harm, failing to address many of the things that a judge ruled. Indeed, that is going to bring us back to court again in August at the cost of taxpayers and at the cost of – who knows? – which individuals' civil liberties next. At the very least, if this government is not going to do their work properly, they could at least leave in the portion of the bill which ensures that future governments will have the opportunity to correct that failure on their part.

8:40

As I've spoken about previously, I was honoured to have the opportunity to participate in the last review of this act and to bring some pieces forward, some changes, some improvements. But even then it's clear. This went back to the courts, and the courts said that there was yet more that needed to be done, which is why, Mr. Chair, this bill should be reviewed on a regular basis.

If this government feels it is worthy of an entire inquiry to pursue the conspiracy theories of someone with absolutely no actual experience in the energy or environmental fields, surely this government would consider it worth while that a piece of legislation that has actual, real impacts on Albertans' civil liberties be reviewed every five years even if it doesn't give them the opportunity to grandstand and send out a fundraising letter. That is what the work and the machinery of government is intended to do, Mr. Chair.

If this government can see fit to put together a panel to determine whether or not they should roll back the minimum wage for Albertans at a time when many are struggling and which the Premier seems to indicate he is very seriously considering doing, then surely they can find the time to, first of all, properly actually fix a bill which impacts Albertans' very civil liberties and, secondly, at least leave in the clause that ensures that that bill will be reviewed every five years.

There is no explanation I can think of, Mr. Chair, other than laziness perhaps, hypothetically, of course. I wouldn't want to impute any motives. But, hypothetically speaking, the only options I can think of is if perhaps . . .

The Acting Chair: Thank you, hon. member.

Is there anyone else who wishes to offer any comments with respect to amendment A1? I see the hon. Member for St. Albert.

Ms Renaud: Thank you, Mr. Chair. It's my pleasure to rise and speak to Bill 17, specifically the amendment, that, really, talks about reviewing the Mental Health Act, within five years of coming into force and then every five years thereafter, by a committee of the Legislature. I was not a part of that committee when the last review was done, but having been on a number of committees in the time that I've spent here, I think it's more than a formality. I think it forces – well, at the time it was all parties; now it's both parties – all members to focus their attention on a piece of legislation and take the time to get feedback from their respective constituents or stakeholders to find out what could be made better. I think – I hope – that's the role of us as legislators here, to look at pieces of legislation, whether it's through amendments or whether they're new pieces of legislation, and to do everything that we can to make them better. It's unfortunate that the government doesn't see fit to invest that kind of energy in doing that for a piece of legislation that is so incredibly important.

Again, I've asked this probably three other times, and I'm going to ask it again. I would really like to know, Mr. Chair: who, specifically, was consulted for the creation of this bill, and who was consulted to just out of hand reject the kind of amendment that we're proposing? I'd really like to know. I've heard members talk about different disability sectors that are represented by different groups or different work that they've done, but I would like to know who specifically was consulted. I would like to know which mental health providers or which experts on mental health provision were consulted, really. A lot of the folks that will be impacted by this legislation have private or public guardians. Was there a consultation with the office of the public guardian? I would like to know that.

I would like to know if the existing structure of the Premier's Council on the Status of Persons with Disabilities, which is supposed to be made up of a group of experts that are put in that place to provide advice to government, to the Premier through the various ministers – I would like to know if they were even consulted. To see that data, to see that work I think would alleviate a lot of fears.

I think you're hearing a lot of passion about this piece of legislation. I think one of the members thought it was an insult to suggest there were a lot of people doing, you know, kind of social work on this side. I actually think it's a great thing. Human services is a great thing, and to dedicate your life, your working life to that kind of work actually is a good thing. I'm certainly not ashamed of it. But I think why you hear the passion is that we have seen the impact in our working lives. We've seen the impact of poor rules or poorly thought out legislation and how that translates into real life and how that can hurt people.

It would be really nice if we saw a fraction of the passion around civil liberties, protecting civil liberties that we hear when we hear guns being debated or discussed. If we heard a fraction of that talking about mental health, that would be awesome. I would love that. That is something I would like to know.

There are a number of other things, obviously, I would like to know. I've asked the question numerous times. I know the legislation – again, having this particular amendment would allow a committee to go through and look at: "Did we miss something? Did we include something that shouldn't have been? Should we change something?" This kind of amendment will allow that procedure or that work to happen.

I asked about the health professions. Now, I know the legislation talks about nurse practitioners. I certainly don't understand every detail of the scope of their practice. They're an incredibly skilled group of professionals. I have no doubt that they would contribute a great deal to the work that will come out of this legislation, but I would like to know: who else? I know that the minister said, "Well, we'll figure it out in regulations," but that's what we hear all the time. It seems to be that legislation, well-thought-out legislation is just replaced by regulation and orders in council. I don't think that's fair.

Actually, I think all of this, the details of this should face the scrutiny of this place. All 87 of us were sent here by thousands of people that chose us to be here. We represent them, and it is our job to do the best that we can to represent them and to look at the legislation in front of us, not to trust somebody to say: "No, no. Don't worry. We'll get it done. We'll do it. It might be behind closed doors, but we'll do it." I'm sorry, but that's not good enough.

A couple of other things I wanted to talk about. There are a couple of things that I do actually appreciate in this piece of legislation, but I still think: it's good now, but who knows what will happen in a year? Who knows what new information will come up and how it can be strengthened, which I think just speaks to the amendment.

Why not have it reviewed? Why not put in some formal rules so that we do the work every few years or every five years in this case?

But I do appreciate that there has been a strengthening of patient rights. For one thing, Bill 17 would require hospitals, health care facilities to provide patients with free, timely access to medical records, obviously, information about legal counsel, including access to free legal counsel if applicable. Now, here's where the big if is, right? I don't know if other folks in this room have the experience of working with people that have been in hospital often without – you know, they don't want to be there, but they're there for their own well-being or for treatment, and they need to have access in some cases to legal counsel.

Very often these folks, these men and women, are people that have already struggled a great deal. Perhaps they are receiving AISH, let's say. So they have a permanent disability that has prevented them from earning a living. They've gone through the extensive process of applying for AISH. It is not easy to qualify for AISH. I will tell you that. They've received AISH benefits, and suddenly they're hospitalized, and the government has said, you know: we're going to make sure that this legislation covers them so nothing like what happened before happens again and they have access to free legal counsel. Well, let's talk about legal aid. Did you know that somebody on AISH would not qualify, would not meet the financial thresholds that Legal Aid has established? I think they're actually over by about $20, and I'm guessing that that's something maybe government didn't consider.

8:50

There are a lot of reasons. I'm giving you this example because there are a lot of reasons that things can happen. Things get missed. I'm not saying that they're malicious, but things get missed. So a regularly scheduled review, a thoughtful review with a committee, whether it's Members of the Legislative Assembly, that can bring in stakeholders, that can take the time to do the work, is a good thing.

Once again, you know, with all of the passion and fire that I heard from government members when they were defending the rights of gun owners – and to be honest, I didn't hear all of the debate – I would really like to see some of that passion and fire about defending the rights of people that would be impacted by this Mental Health Amendment Act, 2020.

That is one concern that I have, and that's just another example of, you know, why we need to do the work.

I want to go back to something that a couple of my colleagues said. You know, it's not sort of tied specifically to this amendment, but I think what it forces us to think about – and I think a regular review of the act would force us to constantly think about and look at that – is that it is one thing to provide legislation in hope that it, you know, meets the threshold of keeping people safe and not sort of ensuring their rights are respected and upheld, but it forces us to review the other pieces that are normal to everyday life.

We saw that in the decision that all of us have talked about, which really sort of highlights some of the shortcomings of the act, but it talks about the shortcomings, our failure to invest, our failure to invest in housing, in safe housing. We saw that in the decision of – it's J.H., I believe. We saw that in the decision, you know, where it talked about this vicious cycle. There was an injury. There was a hospitalization. Then there was a release without an appropriate discharge plan. A discharge plan, you know, can include, "Do you have safe and affordable and accessible housing, do you have an income or some kind of income support so you can buy food, do you have access to transportation, and do you have access to therapy?" all of those things. If we fail to address these things, it's just going to be a vicious circle.

I think, you know, obviously, the example, or that decision, was a horrific failure. It's not unusual. It is not unusual that people fall through the cracks. So I would support what my colleagues have said: to spend the time to get this right. You know what? You might not get it right the first time, and clearly with the number of amendments that continue to come, sometimes about the same pieces of legislation, clearly, you missed a few things the first time. That's okay. Nobody is perfect. But what we're saying is: build it in to make sure that perhaps when you are no longer in charge, it's still something that everybody is forced to do, to review this important piece of legislation, because lives depend on it. They absolutely depend on it. That is what I would like to say about that.

I would like to go back and say one more thing, and then I will allow any of my other colleagues to speak. One of the things that I brought up before that I was concerned about – and, again, I think this really supports the amendment to force a formal review of this and then just every five years after to look at this. One of the pieces, you know, that this bill claims to strengthen is for access to a mental health advocate. I agree. I think that a mental health advocate is a great thing. There are far too many people that don't have access to – whether it's a family member or a friend or a private guardian, even a public guardian, their own advocate. It is important to have somebody who is knowledgeable, knowledgeable about the system, who can provide real-time advice, whether it's legal advice, access to whatever services.

But I am hugely worried, you know, that in just over the year that this government has been in power, they have collapsed three important offices into one. These three offices were vital before. They are just as vital now, yet they have been collapsed into one. So we've got the Seniors Advocate, which was busy before the pandemic, certainly busy now. If you look at the state of seniors' care and you look at what's going on in long-term care, it's shone a big light on the weaknesses of supports for seniors, with far too many seniors living in poverty. I'm sure you hear from lots of your constituents who are seniors, so you are well aware of some of the issues. We've collapsed the Seniors Advocate, the Health Advocate – I can spend probably an hour talking about some of the health issues that we all know are present – and now also the mental health advocate, none of which are independent offices. So you've collapsed all three into one to save money, I guess. You know, really, is that a saving at the end of the day?

But to make matters worse, you appointed a political operative, the ex executive director of the UCP, the party. Now, again, I'm not commenting. I've never met this woman, I've never looked at her resumé, I've never talked to her, but look at the optics. Can you imagine if the NDP did anything like that? Holy cow. You would have lost it. Yet it seems acceptable to you. Why is that? That's called entitlement, because you think you have all the right answers, but you do not.

So, Mr. Chair, with that, I'm going to take my seat and let someone else continue.

The Acting Chair: Thank you, hon. member.

Hon. members, we are on amendment A1. Are there any other members who wish to speak to this amendment?

I am seeing none. I'd like to call the question on amendment A1 as proposed by the Member for Edmonton-West Henday on behalf of the Member for Edmonton-Manning.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 8:57 p.m.]

[Fifteen minutes having elapsed, the committee divided]

[Mr. Amery in the chair]

For the motion:

Carson	Feehan	Renaud
Dach	Gray	Shepherd
Eggen		

Against the motion:

Aheer	Jones	Sawhney
Dreeshen	Long	Schow
Fir	Lovely	Schulz
Glasgo	Luan	Sigurdson, R.J.
Glubish	Madu	Singh
Guthrie	Neudorf	Smith
Hanson	Orr	Stephan
Horner	Rehn	Wilson
Hunter	Rosin	

Totals: For – 7 Against – 26

[Motion on amendment A1 lost]

The Acting Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? I see the hon. Member for Cardston-Siksika.

Mr. Schow: Thank you, Mr. Chair. I have enjoyed our debate this evening, and I move that we adjourn debate on Bill 17 in Committee of the Whole.

[Motion to adjourn debate carried]

Bill 15
Choice in Education Act, 2020

The Acting Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? I see the hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Mr. Chair and colleagues, for the opportunity to engage this evening on a bill that has been brought forward by the government with regard to education and amending the Education Act, which this government brought in less than a year ago. In the fall they brought in this bill, and they certainly are already at a point where they think they need to make their new bill better. I'm happy to be able to help them do that by bringing in some amendments to their proposed amendment act.

I will start with my first one for the evening at this point.

The Acting Chair: This will be amendment A2.

Ms Hoffman: Thank you very much, Mr. Chair. With regard to my proposed amendment at this point, I'm happy that you're calling it A2. I'll read it for everyone's awareness and refer to the pages in the bills because I know we're trying to limit the amount of paper and the amount of moving around the Assembly that's required.

I move that Bill 15, which is the Choice in Education Act, 2020, be amended by striking out section 7, and for everyone's awareness I will happily read section 7. The current section 7 begins on page 2 of the hard copy of the bill, and it reads:

> Section 24(2) presently reads:
>
> (2) An application may be made to the Minister only if the board of the school division in which the school is to be established has refused to establish an alternative program under section 19 as requested by the person.

[Mrs. Pitt in the chair]

That's the way the legislation reads currently, and the government is proposing instead to remove that, repeal that section 24(2), which I just read, and replace it with:

> (2) On receipt of an application under subsection (1), the Minister shall, in accordance with the regulations, provide notice of the application for a new charter school and the proposed programing to
>
> (a) every board of a public or separate school division and Francophone regional authority operating within the geographic area in which the charter school is to be established, and
>
> (b) the operators of any other charter schools as determined by the Minister.

Why am I bringing this proposal forward? Well, I think that the way that the act reads currently, which, again, is an act that was just passed by a majority UCP government a few short months ago, less than a year ago, is that local school divisions – public, Catholic, francophone – have an obligation, I would say, and definitely an opportunity, when somebody requests an alternative program, to provide that program within one of the already established school divisions in that geographic area.

Knowing that many of my colleagues here this evening represent boards that span quite large areas, rural districts, I'm sure you've heard from many of your educational partners and other orders of government, specifically school boards, around their desire to provide choice under the existing systems to make sure that there is an opportunity for rural schools to meet the needs of the local community as well as for urban schools to be able to do that. I'd say, arguably, that the loudest voices on this are rural trustees throughout the province, rural trustees who want to make sure that their small schools can be properly sustained and that they do their best to meet the programming needs of local student populations within the local, already duly elected, democratic boards.

Let me tell you: I have seen this thrive here in Edmonton. I grew up in northern Alberta, and I lived in Kinuso at the same time that there was only a public school in town. There was a school on the First Nation, just a few kilometres away. Down the highway in either direction, about a half-hour's drive if your parents were driving you, you could go to a Catholic school as well. With those options, we still only had about 300 kids in our K to 12 school, so about enough to have single-grade classes across the board, very rarely had to have combined grades.

9:20

But if, of course, there were other schools that a number of students would have gone to, we would have definitely been in a position where we'd have had to have combined grades because we wouldn't have the student population to be able to sustain single-grade cohorts. Really, it's only about 20 or 25 students, on average, I would say, with those numbers as they are.

By bringing forward this amendment, all we're doing is saying: let's continue the process that when parents or when students want to establish a choice program, they approach the local school divisions first and that the local school divisions have an opportunity to meet the demands of their students. That's it. That's simply as it's read. And I'll read it again just for everyone's awareness that I'm not playing any silly business here.

Mr. Eggen: No way.

Ms Hoffman: Yeah.

In black and white, section 24(2) presently reads . . . [interjections] I'm always being clear, but I'm going to read it a second time just in case people weren't ready to listen to what the current act reads.

It currently reads:

> (2) An application may be made to the Minister only if the board of the school division in which the school is to be established has refused to establish an alternative program under section 19 as requested by the person.

So it still is allowing everyone to be able to choose to request a program. It's enabling and putting that onus on local boards to consider and attempt to meet that choice requirement, and if they don't, then they absolutely can go to the minister and say: "You know, we approached the local board. They weren't in a position to offer the type of programming we want." Whether it be a language program, athletics, religious programming, all of these are examples that I'm very proud that I got to know incredibly well under our public system here with the Edmonton public school board.

As the Member for Drayton Valley-Devon has said previously in debate on this same bill, he has had the opportunity to represent Alberta and speak of the great choices we have here at conferences even in the United States, where they say, you know: how do you get all this great choice in Canada and in Alberta specifically? The reason why we have such great opportunities is because we have requirements in the act like this, that says that if you want a program, you go to your local boards, whether it be public, Catholic, or francophone, and you ask them to create it for you. That's how we've ended up with so many different amazing programs here in Edmonton public under the public system, for example. Under the Catholic system there are also many options and many excellent choice programs. I know the ones in the public system best because that's where I spent five years before coming to this place.

Let me touch on a couple of them and why I think it's important that we give an opportunity for local public elected officials to meet the demands of their local constituents before going to the minister and asking to create a new complete separate system under a charter.

I think of some of the programs we have, for example, under sports, recreation – Vimy Ridge academy, not far from here: some of you might live close to Bonnie Doon when you're in the Edmonton area. It was a large high school. It was Bonnie Doon high school, which was underpopulated. People weren't going to that neighbourhood school, and instead of sitting back and letting that school deteriorate and eventually close, the board worked with parents who said: "We want a hockey program. We want a dance program. We want a cadets program. We want an outdoor pursuits program." The board had the opportunity to respond to these requests and create a program that met the needs and ultimately resulted in very healthy enrolment because parents were engaged in these choices that were made. That's one example of one school here in Edmonton, Vimy Ridge academy.

There are religious programming courses that are offered through a variety of different choice programs. We have Logos Christian programs in the public system. People often think, "Oh, public; that's agnostic," or atheist, some people might even go so far as to say. Well, there is room under our public system to also have specific choice programs where parents and students meet the demand. We've definitely proven that to be the case here in Edmonton. We have a number of different Christian programs within the public system. We also have Hebrew and, ultimately, Jewish day programming as well through Talmud Torah academy. We have programming that focuses on Arabic and French, and the list goes on.

Those are just some of the programs, because in the act it said that if parents want to create a program, they have to approach the local board, and the board has an opportunity to meet those students where they're at, to meet those parents where they're at, and meet that need locally within the existing systems.

I am not keen and, I imagine, many members opposite – if we have space that's available in our existing schools, why wouldn't we fill it with programming that parents and students are demanding? Why would we continue to create new schools, new school authorities, and continue to have to invest in those ways when we do have the opportunity in districts to find ways to meet it?

Here is the piece. The way the act reads currently and the way the legislation would be if we approved this amendment is that it doesn't mean that if the local board says no, that program doesn't get created. The way it reads is that they have to approach one of the boards first, and once they've done that, they can still approach the minister.

If the board or boards aren't interested in offering the choice program, they can absolutely today come to the minister and say: "We'd like to create a charter. We approached Edmonton public, we approached Edmonton Catholic, and we approached the francophone boards, and they weren't interested. They were already offering the same programming, and they weren't interested in expanding into this area of choice that we'd like to expand into. Would you please do it, Minister?" This amendment allows that to continue to be the case, so it definitely doesn't take anything away from the ability to form a charter. This amendment says: you have to approach your local school authorities first and let them have a chance to meet that need.

For a government that often talks about efficiencies and wanting to reduce waste or redundancies, I think that asking our already democratically elected school officials to meet the demands of local interests makes sense. I think it makes sense socially, and I think it also makes sense economically. Why would we continue to create new systems and more redundancy when we have the ability to fill that need within the existing systems? And if we don't, the minister has the ability to create new schools, school authorities through charters.

But please consider the implications, especially in rural divisions, because I know that you've heard from many trustees and parents, as I have, who are already worried about small schools getting smaller. That is definitely one of the – I won't even say unintended consequences. I think it's actually one of the intended consequences, that students leave their public, Catholic, or francophone schools and become part of more charter programming outside of the existing systems.

We know that in rural Alberta most districts are seeing a decline in enrolment already. So if we're going to see a decline in enrolment and we're going to push more kids out of the existing systems into other types of programs, what do you think is going to happen to your local public, Catholic, or francophone schools? I've lived through this. I've seen it happen. It happened in Faust, just down the road from where I grew up. The Member for Lesser Slave Lake, I'm sure, knows the area well. It happened there already. So we've already seen the impacts of small communities with declining enrolments lose their schools.

I really sincerely hope that you give this amendment careful and due consideration and think about the implications for schools in your own ridings, schools that are not only opportunities for educational attainment but are also excellent local employers. In many rural communities the school is one of the largest employers in town, and what will this do if we continue to push more kids in districts that are already seeing declining enrolment out of the existing schools? What is it going to do to that local fabric and the

culture that's created in that public, Catholic, or francophone school already?

Again, if the board won't meet the needs and the desires of the parents and the student population, then the minister has every right to create a charter, but the boards have the responsibility first to consider whether they can meet those needs under the public, Catholic, or francophone systems.

I think that, really, this is an amendment that simply reverts to the existing language on what the process is around creating these different choices. It, I think, speaks to the values of wanting efficient, effective government-run programs, and I think it also speaks to the fact that – I respect choice, and I think that the number one obligation for delivering on that choice should be the existing programs through the existing divisions as the first choice. Give them the opportunity in your communities to meet the needs for choice programming in the districts that are already established before you create a charter. Again, that doesn't mean you can't create a charter. It just means that there's an obligation for local, publicly elected school board trustees to be able to try to meet the need before a charter is created.

9:30

I think that if you were to consult with some of the folks who are elected in your ridings, you'd probably see a lot of support for this amendment because when you look at the kind of feedback we got on the choice in education survey that went out and was released the day that this bill was presented, the vast majority of people said that they thought that there was an appropriate amount of choice and that they knew what their choices were. That was the feedback that was gleaned from engaging with Albertans on this. So this is one little area where I think you can show the people of Alberta that you are listening, that you are hearing their desires, that you're reading their feedback when they fill out these surveys. Thousands of people filled these out, many whose feedback wasn't even considered in the final summary report. It was said that they omitted many responses. But of those who did respond, I think that the vast majority said that they liked the choices that are available to them and that they would like to see them continue to be supported.

So this is one way you can do that, by making this one simple amendment, which we're calling A1, I believe, and that refers to section 24(2), eliminating the . . .

Mr. Eggen: It's number 2.

Ms Hoffman: Oh, it's number 2?

Mr. Eggen: Yeah.

Ms Hoffman: Thank you.

It's simply keeping 24(2) as it presently reads in the act. Again, this is an act that this House voted through not even a year ago. This is a pretty fresh piece of legislation that you're already being asked to consider amendments on, and I think that it need not be done in this circumstance. I think that that's what Alberta parents and others who filled in that survey said as well.

So that is my rationale for this amendment. I think that giving local school authorities the opportunity to meet the needs of parents and families and students is not only the right thing to do socially, but it's also the right thing to do economically. For those reasons I ask your consideration for this amendment.

Thank you very much, Madam Chair.

The Chair: Any other members wishing to speak to amendment A2 to Bill 15? The hon. Member for Edmonton-North West.

Mr. Eggen: Thank you, Madam Chair. I appreciate the opportunity to speak to amendment A2 from my colleague from Edmonton-Glenora. Yeah, I mean, both her demeanour and her logic were compelling, certainly, you know, in regard to having a mechanism by which to move forward on charter schools and having choice embedded into the relationship between the public and the Catholic schools and the francophone school systems and the charter schools, too.

We have charter schools in the province. Forgive me; I should know this, but it's been a year. I think there are 14 different charter schools in the province. You know, they are in different communities, mostly in Edmonton and in Calgary, but we also have, for example, the Valhalla school in northern Alberta, just northwest of Grande Prairie, which is a unique sort of rural charter school. Anyway, the point is that we have that relationship, but one has to function with the other, right?

This idea that a public school system or a Catholic or a francophone school system is compelled to innovate – I mean, this is a dynamic that I observed over the last four years. By them having this relationship to innovate and having ideas coming forward to innovate, the degree to which a public or a Catholic or a francophone school does react to that contributes to the health of those school systems as well, right? I mean, a classic case, I think – I confess that I'm a bit biased because I used to work for Edmonton public as a teacher, right? Edmonton public schools, for example, embraced the concept of diversity and school choice very early and in quite a robust manner and had just a whole constellation of different schools that were offering specialized programs like sports programming, for example, or religious school with Logos, different language specialty schools, including one of the very largest Mandarin programs that you could find anywhere, really, outside of China.

By employing that choice, Edmonton public remains quite robust and well attended to this very day. Now we see other school boards starting to catch on to some degree. I mean, it happened in different ways at different times, so we can't compare necessarily. But we see, let's say, how the sister board in Calgary, the Calgary board of education, employing this same technique has helped them to revitalize some schools and, you know, provide diversity of choice as well.

I would venture to say, Madam Chair, that at least part of that was the dynamic of the charters there kind of nudging people along in some ways to say, "Hey, get a program where you can have a girls' school or a uniform school," right? You know, this is something that people might want to choose. As long as we're ensuring that the standard of education is intact and that people are adhering to learning mathematics and writing and communications skills and so forth, we can have that diversity built into the system, and everybody is healthier for it.

The original concept to which we still must adhere, I think – and it's a good one – around the charters is that they are providing innovative programming that can be shared and used in a broader context for the benefit of all students and schools in the province. I think that is an admirable goal, and I think we need to circle back to that original intention from years ago and make sure that it's being maintained over time. I believe that mostly this is happening and happening in a beneficial way. We just want to make sure that we carry on with that. If we are making changes to the School Act and the Education Act and, you know, making amendments around these things, let's make sure that we continue that interaction and that symbiotic relationship that was part of the original intention of charter schools and part of the best practices for present-day school systems across the province. I do believe that that has happened to

some degree. Let's remind people about how important that is, quite frankly.

I think the Member for Edmonton-Glenora brings up a very important point that I was reminded of, which is maintaining the integrity, the viability of school boards with lower enrolments across the province of Alberta. Again, it's funny how fast you forget numbers. We know that there are 60-some school boards across the province, I believe, and there are widely varied enrolments in those school boards. I believe strongly that to have that ability to make decisions on the ground that best suit the region and to have that diversity of school boards is an important strength that we have here in Alberta Education. I think it's part of our choice structure, quite frankly, to have those different school boards reflecting and making best practices with elected officials to decide what is needed for their region and their children in the school division.

Again, some of those school boards are not gigantic, let's say. They have a more sparse population, they're representing rural areas, and so forth. You want to make sure that they can maintain the viability of the overall school system that they have. You know, that's a decision that is part of charters as well, and we want to make sure that they can respond to new needs and new ideas about how school might be delivered and be able to make those adjustments as well. Approaching a school board first, before moving to the minister to build a charter: in no way does that diminish the intention and the desire of people to have that innovative school delivery for their children, quite frankly. It's just a way by which we can ensure that we maintain the integrity of our public and Catholic and francophone systems and make sure that innovation and that dynamic relationship is maintained: as I said before, a symbiotic relationship between charters as they exist now, between our school boards, and so forth. Symbiotic means mutually beneficial, right?

That's, I think, what we need to do. One must be surviving and be benefiting with the other. I think this amendment serves that purpose very well. By golly, I think I'm going to support this amendment.

9:40

Ms Hoffman: Thank you.

Mr. Eggen: I'm feeling good about it, and I hope that all hon. members will consider it. Thank you.

The Chair: Any hon. members wishing to speak to amendment A2 to Bill 15? The hon. member for Edmonton-Rutherford.

Mr. Feehan: Thank you, Madam Chair. I appreciate the opportunity to speak to this amendment to Bill 15 as introduced by the Member for Edmonton-Glenora. I note that the last two speakers have been addressing, really, a fundamental point of this bill, and that is that it removes the responsibility for providing a robust and widely diverse education from local school boards and brings that responsibility into the hands of the minister to make that decision rather than the school board. They articulated about how this section of the bill really removes the right of the local school boards to say yes to choice in education, to find ways to incorporate diverse ways of learning and understanding in the school system to address particular desires or needs.

You know, we've heard in this House, both in the speeches and other opportunities, quite a list of diversity that is available in the public and Catholic school systems. As it is now, we know that there are programs that are addressing a variety of religious perspectives. There are programs that are addressing concerns about issues such as military history, programs that are addressing the desire to focus on sports. We've seen programs of a whole variety of natures. What we see, then, is that under the present condition school boards were given the right and did respond to choice by being able to say yes to communities who said that they had some interest, which is great because it tells us that they are being responsive to the citizens in their community and are creating alternatives for them.

The issue here that I would like to address is kind of the other half of that coin, and that is that not only are we removing the ability of local school boards to say yes, but we're also limiting the ability, then, of local school boards to say no. Let me tell you why I think that is particularly important. I agree with everything said by my colleagues previously. I want to add this other piece because it's of particular concern in rural areas, where schools sometimes are living slightly precarious lives in terms of the number of students that are possible. You know, in Edmonton, if we have 40 or 50 schools and one of them decides to set up a charter school and that means a few students from all those other schools gather together in one particular setting, the likelihood of it actually resulting in the closure of schools in Edmonton or Calgary, for example, is very minimal. Over time, I guess, we could be concerned about that. Being able to set up an academy like Vimy Ridge academy, for example, focused on military history and background, hasn't caused the closure of schools across the city of Edmonton.

What is of concern here, though, is that that is not true in the case of small communities. In a small community if there is one public school that is essentially surviving on the fact that they are the only choice in town, then we are in danger of threatening the viability of that school if, in fact, choices are being extended such that students move from the public system into the private system and therefore the public school is no longer viable, has to shut down. Now, this is a particular concern for indigenous communities in northern Alberta. The reason why it's of concern is that they have found themselves in a position where a group of people, a gathering, a community of people get together and decide on a particular focus for a school that may reflect something about their ancestral background or world view or perspective on the universe, whatever that happens to be. And that's fine. You know, we would all say: "Okay. That's something we want to see happen, that they should be able to have a choice to have their children taught those sorts of ideas and values."

The problem here is that in the indigenous communities if a community moves into their neighbourhood and they shift all of their students out of the public system into a charter school, then the school that the First Nations students are in becomes unviable. They suddenly have to start sending their students quite far afield; it's not like there's one just around the next corner, the next neighbourhood over. Often that means that they are driving for an hour or more at a time to arrive at the next possible school. The other alternative, of course, is that they also join the charter school. But then what that means is that they are not getting a choice in education, that they are then having their children taught the world view of whatever community it is that got together and created that charter school in their neighbourhood.

I can tell you that people in the First Nations community are very concerned about that because they would say that that's exactly what happened with the creation of residential schools in the province of Alberta and across the country of Canada, that a world view, the sort of western Christian world view that we have was brought in, and they were forced to go to that school because there was no alternative for them and the law required that they go. And then they were treated horrendously.

Now, I want to be very clear. I absolutely am glad that that era is behind us and that that's not what we're talking about here. We're not talking about residential schools as previously experienced.

Thank goodness for that. But why I'm bringing it up is because there is a nervousness in the indigenous communities about the existence of charter schools that will supplant their local schools because of the population, the thinness of population. They're nervous because it just feels like a reflection of what's happened in the past. Not that it is. Not that that's what's going to happen again. Nobody is going to take them and make them cut off their hair and change their clothes and speak another language and physically punish them for doing something. That's all behind us now, thank goodness. I think everybody in the House agrees with that. I hardly imagine there's any debate about how horrendous the residential school system was.

What I'm trying to get us to reflect on is the fact that for many First Nations it is a scary thought that their children will be required, just by the population issue, to go to a school that does not reflect their world view at the exact time in history when they're trying to have their world view reflected more in their children's lives. That's the issue here.

Now, the advantage of making sure that it goes to the local school system first is that the school system can say: no, we don't want to go in that direction because it will mean First Nations kids again are losing the opportunity to have a school system that reflects First Nations history, traditions, and values, and they will be forced into a charter school system that reflects some other perfectly legitimate but different set of values and orientation. That's the concern here.

9:50

I think that, you know, we have to be very careful about doing this without thinking through the implications of what's going to happen for those communities. Already they're in a very difficult place because they can't even come into the system now and express their point of view a lot of the time because if you live on a First Nations you are not considered a resident of the local school district. That means if you're on the First Nations and your kids go across the street – for example, in Beaver First Nation it is literally across the street from the headquarters of the First Nations that their kids go to school. As those kids cross that road, they arrive in a school system in which their parents are not allowed to be members. The kids are in the school, but the parents may not run for the school board. The parents may not vote in the school board elections. The parents may not participate because they are not residents of that place.

So as you set up these types of systems, we are in danger of setting up a situation where the voices of First Nations people will be greatly diminished because they will be unable to take the stance of saying: "No. We should not have that kind of choice available because it's not really a choice for us. It's a choice for other people. Other people will get their choice, and we will lose our choice." I must tell you that in First Nations communities it feels like we have been there before, and it has been terrible for us. It has been a disaster for us. As a result, I'm very concerned about where this is going, very concerned about whether or not we're simply failing to learn from history.

Writing into the act some reasonable limitations that will protect First Nations people from having to re-enter a place that they would consider traumatic, a place where they are losing some of their choice in order to provide choices to others who have more power because they are allowed to vote in the local elections – they are allowed to stand on the local school board. They have choices that First Nations people don't have. That's my concern. I'm not concerned about the existence of choice; I'm just concerned about who has the choice and who doesn't have the choice.

In Edmonton and Calgary: great. It makes lots of sense to me that we try to provide a range of alternatives. I certainly think both the public school board and the Catholic school board in Edmonton, for example, have been very good about responding to the community and creating quite a range of language, religion, cultural, sport, philosophy, and world view choices. I celebrate both of those school boards for having done that. Calgary perhaps hasn't done it as much, but maybe we can encourage them to do it a little bit.

Ms Hoffman: They're getting there.

Mr. Feehan: They're getting there. Yeah. That's true. They're moving in the right direction. I think that's really positive.

My concern here is about ensuring that the choice doesn't slip out of indigenous hands into nonindigenous hands in places where it really should be more balanced. Indigenous people have lived on these lands from time immemorial and have been through the experience of having lost their choice in education before and are being faced with the possibility of losing choice in education again.

Now, I know, I guess, the possibility exists that you might say: well, why don't the indigenous communities, then, establish a charter school here? But we have a very complex system in which the funding for indigenous education does not come from the province. It comes from the national government, and the national government has a very different set of rules around what can be taught, who can do the teaching, and so on. They really only have jurisdiction if that school is actually on First Nations land. Quite a few of the schools that First Nations and Métis students attend are schools that are off the land that they have control over or authority for.

I stand today to support this amendment by the Member for Edmonton-Glenora and would ask everyone on the government side to show their support for the ability to have local school boards to be able to say yes but also the ability to say no.

Thank you.

The Chair: Any other members wishing to speak to amendment A2 on Bill 15? Oh, sorry. I couldn't see you over there. The hon. Minister of Culture, Multiculturalism and Status of Women.

Mrs. Aheer: Thank you, Madam Chair. What an interesting conversation. First of all, I hope, I really hope that in this House this hon. member is not comparing charter schools to residential schools. I hope that while conflating this conversation on that side of the House and putting the two in one sentence that without a doubt – and perhaps the member should stand up and clarify that again. My understanding, based on what he was saying, is that there is a nervousness, a nervousness around charter schools, which I am so curious about. Who is putting that nervousness in? If this member is indeed speaking on behalf of the indigenous communities in this province, then he needs to stand up and say so.

Oddly enough, there is a charter school for indigenous. In fact, it is called Mother Earth's Children's Charter School. In fact, this charter school has received the Governor General's award from the Governor General. I can't even believe I get the chance to talk about this. Let's go through what happens in some of their curriculum in this particular school, something that could probably be an incubator for other schools, especially when it comes to choice. Especially.

I remember this member, when they were in government, talking on this side about meaningful education in our indigenous, Inuit, and Métis First Peoples, talking over here, standing on this side, speaking about meaningful education and what that means to our beautiful First Peoples, who, as he has mentioned, have walked on these lands for time immemorial. I would never ever assume to stand in this House and speak on behalf of my indigenous brothers

and sisters and assume that I would know how to better educate them. Ever.

To that point I might add, let's go through the programs at Mother Earth's Children's Charter School. On the website: "Proud to be Canada's only Indigenous Charter School." Let me see: leading in literacy, numeracy, and spirit forum; "Empowering needed support to First Nations, Métis, and Inuit students" for success in their communities; changing fact sheets, attitudes; "A short article outlining the history and challenges unique to FNMI members"; "Our Words, Our Ways"; "Teaching First Nation, Métis, and Inuit learners"; First Nation, Métis, Inuit education framework, a policy framework for Alberta's learning and commitment to enhance educational opportunities for aboriginal learners in the province and developing an ongoing dialogue. I could go on.

This is a phenomenal, phenomenal school, a school that not only honours our First Nations but goes beyond that and is actually teaching their students how to create policy and an ongoing change in learning as they go out into the world and potentially become educators themselves.

Just to be clear, the one thing that this member doesn't seem to understand is that a charter school requires demonstrated need. They don't just pop up. It's not just going to happen. The charter school is responsible, Madam Chair, to put in demonstrated need. There is absolutely no way in our northern communities, where meaningful education is absolutely necessary and one school is only available to them, that if a charter school pops up and there is demonstrated need, it wouldn't be directed towards the needs of that community. That is the whole point, isn't it? I believe the people on this side of the House understand that.

To be clear, charter schools have a specific requirement and need to be in those communities. The fact that other governments have put barriers up and actually stopped charter schools from happening goes against 11,000 families who have asked actively for us to be able to raise that cap on those schools. Every single day at every single door, every minute: charter schools; "Please give us the opportunity." More importantly, especially for our indigenous communities, to have the competition of a school that actually will do what is in their best interest. That is not decided by this member or myself but actually by those communities.

10:00

I am absolutely irate, first of all, that the conflation of residential schools and charter schools would even be said in the same sentence. That member tried to clarify after, once I think he realized: oops, not a good decision. However, the fact that it even came out in the same sentence is appalling, absolutely appalling. We are all standing in this House through reconciliation, making amends for the horrific acts that happened to our First Peoples in this province every single day, understanding that each of us has a responsibility to the people that were held in schools against their will, taken away from their families, not able to practice their spiritual needs. These are things that every single person in this province has to understand and make amends for on behalf of all of us, every single one of us. To put those in the same sentence is absolutely despicable, and that member should apologize.

Furthermore, I would like to know what he's doing to alleviate any of the fears that he may have put into the privilege that he has in speaking to indigenous folks across this province. What is he saying to our indigenous brothers and sisters to make them believe that in some unbelievable parallel universe this government would bring in schools that could negatively impact First Nations people in this province? I'd like to know. In fact, I will make it my mission to make sure and reach out to absolutely everyone, as will the minister of indigenous affairs, to find out what has been said behind closed doors to make people, our First Peoples in this province, be afraid of anything that this government would be doing with regard to indigenous education in this province.

If that member can stand up in this space and tell one specific incident of where that has happened, we will personally phone that nation, those families, those schools and make sure that they understand that a charter school can only happen in those areas if they deem it necessary.

An Hon. Member: If the minister deems it necessary.

Mrs. Aheer: No. Actually, it is if there is demonstrated need. Demonstrated need requires the community, the families, the need, the trustees, and the minister, and those members know that.

Furthermore, this charter school in particular is proud, it says right on their website, to be Canada's very first indigenous charter school. Wouldn't the member like to see more of those, for that school to be an incubator for other indigenous schools and indigenous charter schools to open up? I think the Minister of Indigenous Relations will probably speak to this further because, in fact, our Minister of Indigenous Relations actually knows and is very dear friends with the folks that actually run this school and has legitimate proof of the work and amazing opportunities that are happening in that school right now. I am absolutely ashamed that a member of this Legislature would stand up and conflate those two issues, absolutely ashamed.

This isn't the first time, not the second time, but the third time that this member has actually stood in this Legislature or said things derogatory to our First Nations.

Mr. Feehan: Point of order.

The Chair: Hon. member, a point of order has been called.

The hon. Member for Edmonton-Rutherford.

Point of Order
Language Creating Disorder

Mr. Feehan: Under 23(h), (i), and (j). Yeah. You know, putting words into someone else's mouth, things that they actually clearly did not say, is completely unacceptable here. I get that she doesn't like the fact that I get messages from First Nations communities about their concerns and I present them here in the House, but to suggest what she's just suggested a minute ago is clearly trying to cause disorder in the House and is not addressing the point that this sort of intentional, woeful misinterpretation of what I'm saying for political gain is really unacceptable. I think this member should stand up and apologize for her last statement.

The Chair: The hon. Government House Leader.

Mr. Jason Nixon: Well, thank you, Madam Chair. First of all, the hon. minister of multiculturalism is not a she. She's a member of this Legislature, a member of Her Majesty's Council in this province, and it's outrageous for that member to talk to any member, particularly a female member of this place, in that tone and to use that type of language, from my perspective.

In regard to this point of order the Speaker has ruled even in the last few days that members may see facts different and that sometimes the House will have to accept two different versions of how people interpreted a situation. This is clearly a matter of debate and clearly, given the hon. member's comments, is an attempt to shut down a female cabinet minister of this Legislature from giving a speech, Madam Chair. It's completely inappropriate, and he should apologize for his behaviour in this Chamber.

The Chair: Hon. members, I would just like to remind this Assembly that we are currently in Committee of the Whole on Bill 15, Choice in Education Act, and before us is amendment A2. There is a wide swath of topics that we've been covering here this evening for all members in this House, and the point of order which has been called into question is, in fact, not a point of order but merely a matter of debate. However, I will caution all members of this House to sort of hone in on our topic at hand, which is amendment A2, and speak to the matter in which we are debating as we move forward.

The hon. Minister of Culture, Multiculturalism and Status of Women.

Debate Continued

Mrs. Aheer: Thank you, Madam Chair. In respect to the amendment I will not be supporting this amendment.

Thank you.

The Chair: Any other members wishing to speak to amendment A2? The hon. Member for Edmonton-Rutherford.

Mr. Feehan: Thank you very much, Madam Chair. I think I certainly need to respond after that ridiculous commentary on what it is I had to say. I wanted to make it very clear that when I bring a concern like this forward it's because I explicitly have had indigenous people in the community explicitly say that they are nervous about the existence of charter schools. I'm not putting this on people. I'm not fearing and smearing. I'm responding to direct statements from members of the community who tell me – for them. And I said that before. I said: thank God we're not talking about that.

We all agree that residential schools were terrible, and I'm saying we're not talking about that. I explicitly said: for them it causes a quiver of fear inside them. Nobody is saying that they're together. I'm not conflating, as the minister was suggesting. I'm saying indigenous people have expressed to me the concern that I expressed about, and I'm simply relating that concern. I'm not trying to validate it. I'm not trying to compare the two. That's a false interpretation, and I think that's really unacceptable that when I . . .

The Chair: Hon. member, I hesitate to interrupt you. We are a minute and a half into debating an issue which has already been ruled on. I appreciate your efforts to clarify the record, but I sure do look forward to the continued debate on amendment A2.

Mr. Feehan: I take your point.

I think that the point is that the intention of this amendment is to recognize that there is a fear in the community, and it's not a completely unreasonable fear. We all have trauma in our lives that causes us to reflect on our present circumstances, and I certainly am not comparing, and I explicitly did not compare the two, so I think that we need to stick to the amendment and stop using the opportunity to cast aspersions. She simply went on . . .

10:10

The Chair: Hon. member, we're going to move on now.

The hon. Member for Drayton Valley-Devon.

Mr. Smith: Thank you, Madam Chair. [interjections]

The Chair: Order.

Mr. Smith: I rise to speak to the amendment – we're calling this one amendment A2? – that seeks to strike out section 7. I will definitely be speaking to that, but in light of the arguments that have been brought forward here tonight, I will address that for a little bit here.

Mother Earth charter school is in my riding. I've toured it many times. I know some of the teachers personally in that school. They're excellent teachers, amazing teachers. That charter school exists for a reason, and it serves a community of First Nations children very admirably. Matter of fact, some of the students from the Paul First Nation that attend that school do so by choice, and that's what this education act is all about. That's what this amendment is speaking to, our Choice in Education Act, Bill 15. They choose to send their children there because they receive an excellent education there.

Some of those families choose to send their kids to Wabamun school and to Seba Beach school, public schools, where they receive an excellent education, and some of the parents from the Paul band send their kids to the federal school that is on the Paul band, and they receive an excellent education there. Matter of fact, they've got a brand new school there. It's an amazing school. It speaks to the strength of our system of education in Alberta that they would have the opportunity to send their kids to public school in Alberta, to a federal school on reserve, and to a charter school in my constituency.

This amendment speaks to a process for how we're going to deal with an application for a charter school. Yes, it is true that charter schools must have a demonstrated need. They must show that they have a pedagogical practice that they want to pursue, and in all of the cases that we have for charter schools, we've seen that they've been able to articulate that need, they've been able to articulate that pedagogical practice that they're going to pursue, and they've done so in a way and a fashion that actually meets the needs of the community, and they do it well.

Part of the reason that we have this act, this Choice in Education Act, part of the reason why we have section 7 actually comes down to the actions of the previous government and to the actions of some of the previous school boards. Under the former School Act and the Education Act, as it's passed, it says in section 7, it presently reads, "An application may be made to the Minister only if the board of the school division in which the school is to be established has refused to establish an alternative program under section 19 as requested by the person."

What was happening in the past is that sometimes because you had to apply through a school board, the school board, in order to try to block a charter school from being created, would say: "Oh, yeah, we're going to do that. We're going to have a program. We're going to develop a program like that." And it would slow down the application of the charter school. It would block that charter school from being able to move forward.

I think we saw that in the difference between Edmonton and Calgary. In Edmonton you've seen them move forward with these alternative programs, and it's really blunted the need for a charter school system, but where you have a school board that hasn't been as open to the alternative programs, you've seen the rise of these charter schools as parents want that choice and that decision, yet they've seen them blocked in many cases. Under the previous government we know that they had an opportunity to bring forward several alternative school programs and chose not to.

What this does is that rather than allowing public school boards to be the gatekeepers of whether or not parents will be able to have a charter school and be able to successfully move through that process to have a charter school, it now gives the minister the capacity to simply say: we're informing you of this process. We're informing you: that's what it says now.

> On receipt of an application under subsection (1), the Minister shall, in accordance with the regulations, provide notice of the

application for a new charter school and the proposed programming.

They'll provide notice to

(a) every board of a public or separate school division and Francophone regional authority operating within the geographic area in which the charter school is to be established, and

(b) the operators of any other charter schools as determined by the Minister.

What this does is that it puts the emphasis now where it should be, on the parents and their capacity and their desire to see their students have access to a charter school. Rather than allowing another school board to act as a gatekeeper, now we're allowing the parents, through application to the minister, to be able to move down the path of a charter school. This is not stopping a public school from providing an alternative. A public school could still do that if they wanted to. What it does is that it just no longer makes a public school board necessarily the gatekeeper.

That's choice. That's what we ran on in this past election. That's something that we've articulated for many years as both the United Conservative Party and even previous to that, whether you were a member of the Wildrose Party or the Conservative Party before us. I can remember us standing up in this House as opposition and defending the concept of choice. I will speak against this amendment because as we look at this amendment, we see that it would go back to a system that provided less choice for the people and the parents of Alberta. Therefore, it shall not have my support.

Thank you, Madam Chair.

The Chair: Any other members wishing to speak to amendment A2 on Bill 15? The hon. Minister of Indigenous Relations.

Mr. Wilson: Thank you, Madam Chair. I just want to carry on with what the hon. member was talking about with the charter school, Mother Earth's charter school. I grew up with one of the teachers there, a good friend of mine. That's how the whole charter school idea came about. They weren't able to get the courses and classes that they were looking for in the public school system, so she met with another teacher at a convention, and they came up with this idea to amalgamate the indigenous kids with the kids in the public school system and start bringing them together because kids don't see colour; kids are just kids.

So they thought: well, let's start with the kids. They came up with the idea that they would form these classes, and they took the kids out. Surprisingly enough, the indigenous kids had never even been fishing before. The one lady's husband had a boat, and they took all these kids out on the river. They went fishing, and they caught fish, and they had a big fish fry on the banks and taught the kids how to clean a fish and how to cook a fish.

The ideas just kept growing and coming. Then the husband – he's an outdoorsman, kind of like some of the members on our side. They decided to take the kids hunting and, lo and behold, if they didn't get a deer. He's quite the outdoorsman, so they not only shot the deer and skinned the deer; he taught them how to tan the hide, and they made different things from what they had done there.

Just one thing kept leading to another. They got such notoriety from it that they got noticed, and someone set them up to see if they could win this award. Lo and behold, if they didn't win the Governor General's award for excellence in teaching. Excellence in teaching from the Governor General. Amazing. The one teacher that I know carries it around. For her it's a gold medal, and she carries it around just so that she can talk to people and tell them about her experience in helping these kids come together. It's such a beautiful story. I just wanted to share it with you.

10:20

There is room for these charter schools. They can do things that, like you say, they couldn't do in a normal school because it would just – to get that curriculum passed to take kids out hunting and fishing is just not something that would normally happen. [interjection] Yeah. It was a great idea. They formed this idea. I've just become such great friends with them. That's where we came up with the term – you might have heard me say this because I do speak a little Cree. [Remarks in Cree] That means: your friend and partner. Yeah. It's beautiful. Whenever they see me, they always say [Remarks in Cree].

This is happening all over. The one lady that I know, that grew up in my area: her father actually even taught in indigenous schools in Maskwacis. That's where she grew up, and that's how I got to know her. They had a school system there. They were having a lot of trouble with it, so they formed what they call MESC. It's the Maskwacîs education schools commission. Ever since they've done that, they've been bringing some of these ideas into their school system. Some of the ideas from the charter system they brought into their system as well.

Like the member had said, the kids have the opportunity. They can go to MESC, they can go into the Wetaskiwin public schools, they can come out where I live, out in the Pigeon Lake area, and go to our schools out there. The kids all grow up together and intermingle. Like I say, kids don't see colour. It's a beautiful thing. To give parents the opportunity to have other methods of taking the kids to a charter school or a public school or a Christian school: parents need to have that choice. Why not give them that choice?

I think it's a great bill, and I just wanted to support that.

The Chair: Any others? The hon. Member for Calgary-East.

Mr. Singh: Thank you, Madam Chair. I oppose this amendment for many reasons. I rise tonight, as I did previously, to speak on my comments in support of Bill 15, the Choice in Education Act, 2020, amending the Education Act. This is one of the important commitments we made during the election, and Albertans have favourably supported and expected it to be a reality as this bill seeks to protect parental choice when it comes to their child's education. I appreciate the minister for honouring this commitment, and I'm confident that many parents in Calgary-East and in the entire province are glad to accept it.

Likewise, it is important to note that we have listened to our education system partners, who have brought numerous concerns towards improving the provincial education system as they have a significant role for the benefit of Albertans.

As I said before – my colleagues have said it as well, and now I will say it again – this bill reaffirms our adherence to international laws and our Constitution, which has been a long-standing practice in Alberta with respect to providing the rights of parents to choose the education for their children. As we talk about the importance of the right of parental choice on the means of educating children, we should be reminded that this right is for parents to plan ahead with what they want to do with the children in their society in the future. Those children are the future of our province. Having said that, Madam Chair, education is one of the most important inheritances that a parent can provide to their children. We know that every parent only wants the best for their children.

This bill also emphasizes that all aspects of the education system, whether that be public schools, separate schools, francophone schools, independent schools, charter schools, and home education, are equal. The creation of charter schools will be more simple with certain requirements to meet. This bill allows us as well the establishment of vocation-based charter schools. It is also important

to acknowledge the significance of private schools in our education system, Madam Chair. As such, Bill 15 recognizes private schools as an integral part in providing education to students within our education structure.

Should we opt to maintain the current status and will not make any changes or provide more choices, what will happen to the waiting list of applications for charter schools or similar applications wanting to open or parents who have wanted other types of schooling for their children? Shall we keep them waiting? If we leave parents with few choices, then it could be considered as if we are choosing what we want for them, thus making us the decision-maker instead of them. What I'm trying to say, Madam Chair, is that it would be better if there are more choices for parents rather than limiting it to what we presently have.

Some members of NDP have suggested that the survey has reflected that there are a significant number of respondents that have expressed that they are content with the current choices. I beg to disagree on that as there is no guarantee that this decision would still be obtained if presented with more choices. Some parents may have opted for the nearest school because that is the only option for them.

As we try to provide more school choices, this may result in the lessening of the population of students in public schools, thereby giving teachers more time and concentration on every student. Like I said before, I heard from some teachers in my riding that it would be tough if classrooms would have more than the average number of students in a class. So if we would say that there is no reason or no need for the expansion of charter schools, I recommend talking to the teachers as well for you to be enlightened about the student population in schools and its impacts on the creation of charter schools.

I'm confident that parents in Calgary-East will be glad to see the establishment of more schools within the constituency in the future, Madam Chair. I just cannot understand why the NDP members don't seem to appreciate what would be the benefits of establishment of charter schools in their ridings.

This bill will also provide an option to parents to allow an unsupervised, notification-only, and nonfunded home education program. The intent to home-school must be provided annually as well as submission of a home education plan that demonstrates sufficient opportunity to achieve to an acceptable level appropriate learning outcomes.

As we invest more in our education system, we'll be assured that our society in general and Alberta will receive more in return. Madam Chair, we will be delighted to see our children become great leaders. These amendments to the Education Act will ensure the right to choose of parents is being protected and supported more than ever.

I'm honoured to restate that the budget in 2020 of Education was maintained for about $8.3 billion until the pandemic came, Madam Chair. On the contrary to some comments made, this bill will not be changing the K to 12 funding but will enhance our education system. The minister has announced that we are transitioning to a new funding model that will better manage system growth while maintaining overall spending. This is to ensure that funds are directed to the classrooms rather than unwanted or unnecessary spending. It will also protect our most vulnerable students and provide equal funding for rural school authorities with declining enrolment. We're going to provide all schools with sustainable and predictable funding, which school boards have been suggesting.

This legislation will build a healthy and trusting relationship with families that have been frustrated for many years with the lack of support they have received from the previous government. As the NDP members repeatedly comment about the education cuts and the layoff of education assistants, I will again repeat, Madam Chair, the information that was provided by the chief superintendent of Calgary Catholic school district to parents, that all of the educational assistants and staff that were impacted with the budget adjustment will be returning at the start of the new school year.

In closing, Madam Chair, let me state that we must continue to expand our healthy connections with family as we try to protect and respect the rights that have been ignored. We cannot accept that we respect the rights in choosing the education for their children if we do not provide them sufficient choices and leave them to a few. I'm sure this bill will achieve the needed respect for the right, and it would be unreasonable to limit that right to Albertans.

Thank you, Madam Chair.

The Chair: Any other members wishing to speak to amendment A2 on Bill 15, the Choice in Education Act, 2020?

Seeing none, I will call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:30 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Dach	Gray	Renaud
Eggen	Hoffman	Shepherd
Feehan		

Against the motion:

Aheer	Jones	Rosin
Amery	Long	Sawhney
Dreeshen	Lovely	Schow
Fir	Luan	Schulz
Glasgo	Madu	Sigurdson, R.J.
Glubish	Neudorf	Singh
Guthrie	Nixon, Jason	Smith
Hanson	Orr	Stephan
Horner	Rehn	Wilson
Hunter		

Totals: For – 7 Against – 28

[Motion on amendment A2 lost]

The Chair: We are back on Bill 15, the Choice in Education Act, in Committee of the Whole. I see the hon. Member for Edmonton-Glenora.

Ms Hoffman: Thank you very much, Madam Chair and colleagues, for the opportunity to introduce a second amendment this evening. I'm happy to provide a copy, and then I'll read it once the table has it.

The Chair: Hon. members, this will be known as amendment A3.

Hon. member, please proceed.

Ms Hoffman: Thank you very much. I'm happy to introduce amendment A3 which reads that I move that Bill 15, Choice in Education Act, 2020, be amended in section 8 in the proposed section 25(1)(a) by striking out subclause (ii) and substituting the following:

(ii) in the case of a charter school that offers grades 7 to 12 only, vocation-based education.

So what does that mean? It's on page 3 of the bill. I want to start by saying that I like the expansion in section 20. There is a proposal to repeal 25(1)(a), and it currently reads that

> The Minister may issue a charter to establish a charter school in accordance with the regulations if the Minister is of the opinion that the program to be offered by the charter school
>
> (a) focuses on a learning style, a teaching style, approach or philosophy or pedagogy that is not already being offered by the board of the school division in which the charter school will be located.

That's the current language. I think the improvement to the current language is subclause (i), which I am not proposing we amend at all. It says:

> (a) focuses on
>
> (i) a learning style, a teaching style, approach or philosophy or pedagogy that is not already being offered by a board of a public or separate school division or Francophone regional authority operating within the geographic area in which the charter school will be located.

The change in this language from the current language is that they specifically name a public, separate, or a Francophone division. I think that that is definitely an improvement. I think that clause (a)(i) as it is: I have no proposed amendments to that.

But clause (ii) talks about vocation-based education, and it just says as simply as a second piece. So it's expanding the role of charters from learning styles and teaching styles that approach a philosophy or pedagogy that's not already offered to, say, a vocation-based education. The proposal I have when working with Parliamentary Counsel is that we only start doing vocation-based training in grade 7 or higher. Grade 7, some might say, is probably still too young to be focusing on a specific vocation. Maybe, probably. I definitely would've picked – I probably would've picked marine biology if I could've in grade 7. Instead, I had an excellent, well-rounded education that opened up many other opportunities to me as well.

But the way the wording is in the bill right now, vocation-based education could start as early as preschool, so I'm simply putting forward an amendment that says it won't start before grade 7 because I think that that's already quite young to probably be streamed towards a specific vocation. But some people might want to choose that in grade 7, and so be it. I respect the choice, but I really don't think we should be focusing on vocation-based training when kids are in preschool or grade 1, so my amendment is that it only start in grades 7 through 12. That's why I'm putting forward this proposal, because I think that it's – I understand that there's a desire by the government to include vocation-based training, and I am fine for that being considered, but I definitely don't support that for elementary-age or preschool-age children. I imagine that the government probably doesn't either.

I imagine we might hear what some of the vocations were that people were considering in preschool or kindergarten or grade 1. There are many excellent ideas that are proposed at that time by young people and by their parents, but I think we should at a minimum wait until they're at least in junior high before we start streaming kids into a specific program. I don't even know how excited I am for that streaming to start in grade 7, to be very frank, but I'm proposing this because I think that there are probably many people in this Assembly that agree with me that you shouldn't be streamed toward a specific vocation when you're in preschool or kindergarten or grade 1 or anything before grade 7. That's why I'm proposing this amendment.

Again, kudos to the drafters and to the minister for bringing forward the simple amendments to (a)(i), where it specifically refers to three different types of public boards, but my nervousness around vocation-based training persists. That's why I said the piece around grade 7 or higher.

Thank you for your consideration.

The Chair: Any hon. members to speak to amendment A3? The hon. Government House Leader.

Mr. Jason Nixon: I move that we adjourn debate.

[Motion to adjourn debate carried]

10:40

Bill 7
Responsible Energy Development Amendment Act, 2020

The Chair: Any members wishing to speak to the bill? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Chair. I'm pleased to rise this evening and speak a short time on Bill 7, Responsible Energy Development Amendment Act, 2020. What I'd like to say this evening on this piece of legislation is that any public review process, particularly those in this day and age which are considering energy projects and energy infrastructure in the public eye, must stand up to the scrutiny of the public. A project considered by the Alberta Energy Regulator must have processes that enjoy the confidence of the public in that approval process. They must be legitimate and also must be seen to be legitimate in the eyes of all those who may be stakeholders or simply members of the public.

Consultations and assessments have to be done correctly, not only to maintain that legitimacy but also to avoid costly court battles which may result from flawed project approval processes which do not have that legitimacy in the eyes of the courts, and the public's satisfaction with them is absolutely necessary as well.

It's in that vein, Madam Chair, that I'd like to propose an amendment on behalf of the Member for Calgary-McCall. If I may, I'll distribute it to your table first before reading it into the record. Okay?

The Chair: Thank you very much. Five copies would be great plus the original. Thank you.

Hon. members, this will be known as amendment A1.

Hon. member, please proceed.

Mr. Dach: Thank you, Madam Chair. The amendment, as I mentioned, is on behalf of the Member for Calgary-McCall. Mr. Sabir to move that Bill 7, Responsible Energy Development Amendment Act, 2020, be amended in section 5 by adding the following after the proposed section 60(3):

> (4) On or before the date referred to in subsection (5), the Minister must
>
> (a) conduct a review of each regulation made under subsection (2) that includes a consultation period of not less than 30 days during which the public may submit comments to the Minister on the regulation,
>
> (b) complete a report on the review, and
>
> (c) submit the report to the Standing Committee on Resource Stewardship for its review.
>
> (5) For the purpose of subsection (4), the date is
>
> (a) in the case of a review conducted after the coming into the force of this section, January 31, 2021, and
>
> (b) in the case of each subsequent review, the day that is 5 years following the date by which the immediately previous review was to be conducted.

Now, Madam Chair, as I mentioned in my preamble to discuss the Bill 7 proper before introducing the amendment, the public must have confidence in the approval process. All stakeholders must feel

that they've been justly served in the process. It must be legitimate. It must be seen to be legitimate. This indeed goes a long ways to aiding in that process of legitimacy. I think that all members of this House will see fit once they take some time or a moment to consider the details of the amendment. I think I'll let the members themselves carry the debate as far as bringing forward their opinions on it and listen with interest as we come to a conclusion and decide upon the benefits of this amendment, but I think that reasonable people will vote for it.

Thank you.

The Chair: My apologies. This is known as amendment A2, not A1. Any members wishing to speak to amendment A2? The hon. Member for Edmonton-West Henday.

Mr. Carson: Thank you very much, Madam Chair. It's an honour to rise again this evening to speak specifically to the amendment before us on Bill 7. As the Member for Edmonton-McClung just mentioned, above all else, of course, the actual system in which we are reviewing important infrastructure and energy products is incredibly important, but just as important, potentially, is the perception from the public that they believe the system that is in place is a system that is serving them well and is, at the end of the day, democratic and ensuring that they have the ability to have their voices heard.

From what we've seen proposed in this legislation, of course, we in the NDP have raised several concerns. Even thinking back to comments that the environment minister has raised up to this point about the fact that the AER is independent and arm's length: I mean, that's something that's incredibly important. Unfortunately, what we're seeing in Bill 7 is a change from the arm's-length independence of the AER and the ministers giving themselves great power to influence the process. At the end of the day, if the minister feels that they don't like the process at all, then they can just override the voice and the consultation process of the AER, whether it's in the approval process, going through the hearings, whether it's in the reclamation process, as far as I can tell, as written in the legislation.

Once again, if members of the government want to prove me wrong, then I'm fine to hear that, but my concern is that this government is giving itself great power. When we look at this amendment and, you know, among other things, conducting a review of each regulation made under subsection (2), including a consultation period of not less than 30 days during which the public may submit comments, it's incredibly important that as we move forward with this bill, though I have many, many concerns with it and I'm not sure I can support it, this amendment would at least give the Standing Committee on Resource Stewardship the opportunity to review the changes that have been made and review whether the process is doing what it should be doing and ensuring the ability of the AER to continue functioning as an arm's-length organization as opposed to what is being proposed in this legislation and the ministers giving themselves great power to influence those decisions.

Even looking back to some of the decisions that were made because of problems with the consultation process when we're looking at the Northern Gateway and Trans Mountain pipeline projects, the delays that came because of a perception that there was a lack of consultation on those projects, those incredibly critical projects for our province and all of Canada were delayed because, once again, the perception was there that it wasn't done in full consultation with indigenous communities, among other groups.

The bare minimum is that, just like in the previous piece of legislation that we were talking about, in the Mental Health Act amendment that was put forward by this government, it is critical that we are taking the time to review this legislation going forward, ensuring that it's doing what it's supposed to be doing and, if it's not, taking the time to do what is responsible, ensuring that there are things in place to make sure that that process is fixed moving forward.

I'm incredibly proud to stand in support of this, and, you know, I really believe that no matter what the legislation is, we should be taking the time to review it at standing committees as much as possible. That's something that the Premier himself has raised in this House, the importance of that and, from when he was an MP in the federal government, the fact that they have a process of going through committees with almost all legislation. I think that's something that we should be willing to do as well.

Once again, I have great concerns with Bill 7. I think that this amendment will go a way to make it better and at least have some oversight of what the minister is doing behind closed doors. It's incredibly important that we have the opportunity to review what changes are being made. You know, these massive infrastructure projects – and maybe sometimes they're smaller – sometimes can have a lot of contention, whether it be maybe not specific to energy but, say, the sand and gravel industry. People live in these communities, as I've talked about before, and all of a sudden they have a project being built right next to their property, and they want to have the opportunity to raise their concerns.

10:50

At the end of the day, as long there's a process in place to ensure that their voices are heard, as long as they believe that the hearing process was upheld to a standard that they can support, then, you know, those decisions can be made, and whether they support it or not, I suppose that at least that process was put in place and those voices were heard.

You know, I think about some of the other environmental protections. In terms of monitoring that has been suspended, the environment minister says that it is due to COVID, but now, as we're seeing other operations opening up again in phase 2, I think it's very critical that we return to monitoring these projects. I don't think that the minister should be using undue influence in their position to make changes without, one, coming to this Legislature and, two, respecting the voice and the importance of the AER to the energy industry.

So, once again:

> For the purpose of subsection (4), the date is
> (a) in the case of the first review conducted after the coming into force of this section, January 31, 2021, and
> (b) in the case of each subsequent review, the day is 5 years following the date by which the immediately previous review was to be conducted.

This is a reasonable amendment, and I thank the Member for Calgary-McCall for bringing it forward. I think it's important that no matter what we're reviewing or bringing forward and passing, we have opportunities to review it. I was very concerned that that amendment for the Mental Health Act was not accepted, but hopefully the second time this evening is the charm.

With that, you know, I hope that all members in the House will support this amendment. I hope to potentially hear from some government members about how they're feeling about this and why they don't necessarily support this amendment – or maybe they do – or about why they maybe don't feel the need to review the legislation that they're putting forward. Especially for something with as much power as is being granted in Bill 7, I think it's even more critical.

Every time we open the door for a minister to start making changes that, I would argue, could potentially in the future be arbitrary or based on political ideology as opposed to going through a proper hearing process, you know, I'm very concerned about that. I remember when the government members were in opposition in the Wildrose Party, and they talked about the importance of ensuring undue influence from ministers. Whenever we would bring forward legislation that talked about giving the minister any extra power, they, as far as I know, would always vote against it.

So now they're in a situation where they're giving themselves that power not only through this bill but through several other bills through the House. They don't think at this point that the AER is doing an effective job. I would argue that the important part about making sure that the AER is able to function in a sustainable and efficient manner is making sure that the staff is there, so we'd look at the decisions that the government has made to not rehire almost 300 workers at the AER. That's a concern.

When we, you know, talk about the Associate Minister of Red Tape Reduction and the things that he's been proposing, that's very concerning as well because overall what we're seeing from this government is them giving themselves great power and taking away the opportunity for scrutiny from the public, and that's always a concern. I wish it was still a concern to those Wildrose members that stood on this side of the House at one point not that long ago and talked about the importance of democracy and talked about the importance of arm's-length organizations and ensuring that the minister didn't have power that should be in the hands of these agencies.

So I'm, once again, glad to support this amendment brought forward by the MLA for Calgary-McCall. I appreciate him bringing that forward. With that, I would like to move that we adjourn debate. Thank you.

[The voice vote indicated that the motion to adjourn debate lost]

[Several members rose calling for a division. The division bell was rung at 10:55 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Pitt in the chair]

For the motion:

Aheer	Hanson	Renaud
Amery	Horner	Rosin
Carson	Hunter	Sawhney
Dach	Jones	Schow
Dreeshen	Long	Schulz
Eggen	Lovely	Shepherd
Feehan	Luan	Sigurdson, R.J.
Fir	Madu	Singh
Glasgo	Neudorf	Smith
Glubish	Nixon, Jason	Stephan
Gray	Orr	Wilson
Guthrie	Rehn	
Totals:	For – 35	Against – 0

[Motion to adjourn debate carried unanimously]

The Chair: The hon. Government House Leader.

Mr. Jason Nixon: Are we on the bill now? Just kidding.

I move that we rise and report progress on bills 17, 15, and 7.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Bonnyville-Cold Lake-St. Paul.

11:00

Mr. Hanson: Thank you very much, Madam Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bills: Bill 17, Bill 15, and Bill 7. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report? All those in favour, please say aye.

Hon. Members: Aye.

The Deputy Speaker: Opposed, please say no. So carried.

The hon. Government House Leader.

Mr. Jason Nixon: Well, thank you, Madam Speaker, and thank you, everybody, for your hard work tonight. I move that we adjourn the Assembly till tomorrow at 1:30 p.m.

[Motion carried; the Assembly adjourned at 11:01 p.m.]

Table of Contents

Alberta Hansard is available online at www.assembly.ab.ca

For inquiries contact:
Editor
Alberta Hansard
3rd Floor, 9820 – 107 St
EDMONTON, AB T5K 1E7
Telephone: 780.427.1875
E-mail: AlbertaHansard@assembly.ab.ca

Published under the Authority of the Speaker
of the Legislative Assembly of Alberta

ISSN 0383-3623