



Province of Alberta

The 27th Legislature
Fifth Session

Alberta Hansard

Wednesday afternoon, March 14, 2012

Issue 17a

The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature

Fifth Session

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Progressive Conservative: 67 Alberta Liberal: 8 Wildrose: 4 New Democrat: 2 Alberta: 1 Independent: 1

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Legislative Assembly of Alberta

1:30 p.m.

Wednesday, March 14, 2012

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. Let us keep ever mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work let us find strength and wisdom. Amen.

Please be seated.

Introduction of Guests

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

Mrs. Sarich: Thank you, Mr. Speaker. It is an honour and privilege for me to rise today to introduce to you and through you to all Members of the Legislative Assembly 39 students from Northmount elementary school in the fine constituency of Edmonton-Decore. The learning motto for Northmount school this month just happens to be Honesty. I know that these are exciting, exuberant young people that will be the future leaders. I am happy to say that they are joined today by their teachers, which includes Mrs. Norma Nay, Mr. Derek Lutz, and Ms Jasna Mandic, and also parent helper Mrs. Denna Gates. I would ask them now to please rise and accept the traditional warm welcome of the Assembly.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Cardston-Taber-Warner.

Mr. Jacobs: Thank you, Mr. Speaker. I'm honoured today to rise to introduce to you and through you to all my colleagues in the Assembly 27 grade 6 students and eight of their leaders from Taber, Alberta. These students have had about a six-hour bus ride to get here this morning, and I'm honoured to have them in our presence today. They are accompanied by their teachers Mrs. Selena Frizzley and Mr. Pat Pyne and parent helpers Mr. Kevin Pyne, Mr. John Muller, Mr. Perry Weinberger, Mrs. Shauna Pavka, Mrs. Larena Passey, and Mrs. Melanie Bos. I would ask these students and their leaders to please rise – I think they're in the public gallery – and receive the warm applause of this Assembly.

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

Mrs. Jablonski: Thank you, Mr. Speaker. Today I'm honoured to introduce to you and through you to members of this Assembly representatives from Hockey Alberta and from Red Deer College. Rob Litwinski is the general manager for Hockey Alberta. He lives in Red Deer. He has three children, two boys and a girl. His daughter and his son both play hockey, and this weekend he has the honour of travelling up to Fort McMurray for provincials with his daughter. Then we have Len Samletzki. He's a board member and the CFO for Hockey Alberta, and he's from St. Albert. Also, we have Michael Donlevy. Michael is the vice-president of community relations for Red Deer College, and he's also the board chair for the Westerner Exposition Association.

They are here today, Mr. Speaker, to help celebrate and honour the new partnership between Hockey Alberta and Red Deer College that I'll be speaking about further in my member's statement. I would ask them to stand and receive the warm welcome of the Assembly.

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

Mr. Johnston: Thank you, Mr. Speaker. I'm honoured today to introduce to you and through you to all members of this Assembly Anthony DiNunzio and Nicolle DiNunzio. I would ask them to stand at this time. Anthony is a recent arrival from Pennsylvania, and he has come to Alberta because of the tremendous opportunities here. He will be working in the medical field. Nicolle is a constituency assistant for Calgary-Hays and keeps me on track and ready for work each day. I'd like you to give them the warm traditional welcome of this Assembly.

The Speaker: The hon. Member for Stony Plain.

Mr. Lindsay: Thank you, Mr. Speaker. It's an honour to introduce to you and through to all members of the Assembly members of the Lapa family: Sarah, Natalie, Emily, and Andrew. They are a home-schooling family from Spruce Grove and moved to Alberta nearly three years ago from British Columbia. It's their seventh year of home-schooling. The Lapas are here today to observe the procedures of the House. I'd please ask them to stand and receive the warm traditional welcome of the Assembly.

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

Mr. Hehr: Thank you, Mr. Speaker. It's truly an honour today to introduce a young lady I met very briefly prior to us coming in the House today. She arrived in her Roman chariot like I did today. Her name is Mallory Pavka. She's from Taber, and she goes to St. Mary's school and is a grade 6 student there. Would everyone please extend a warm welcome to Mallory and welcome her to our Legislature.

The Speaker: The Minister of Education.

Mr. Lukaszuk: Thank you, Mr. Speaker. Timing is everything. I would like to introduce to you and to all members of this Legislature a constituent of mine, Mrs. Deborah Price. Please stand up. Thank you kindly. Mrs. Deborah Price has been a visitor also in British Columbia's Legislature, and she was introduced over there and made her way into B.C. *Hansard*. Now she lives in Castle Downs, a great constituent. Now she will be introduced and will be in Alberta's *Hansard*. I certainly hope that she's not moving eastbound and that she's not moving to Saskatchewan any time soon. So to you and through you, Mrs. Deborah Price.

The Speaker: Are there others? The hon. Minister of Agriculture and Rural Development.

Mr. Berger: Thank you, Mr. Speaker. On behalf of the Member for Athabasca-Redwater it gives me great pleasure to rise today to introduce to you and through you to all members of the Assembly a group of agriculture producers from the Athabasca-Redwater area. They are members of the Athabasca-Redwater agriculture advisory committee, and I'd ask them to please rise and receive the warm welcome of the Assembly wherever they are.

Members' Statements

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

Hockey Alberta/Red Deer College Partnership

Mrs. Jablonski: Thank you, Mr. Speaker. On January 19, 2012, Hockey Alberta moved into its new home at Red Deer College. Hockey Alberta, also known over its 104-year history as the

Alberta Amateur Hockey Association, has a bold vision, to become the most progressive and innovative sport organization in Canada. By moving to the Red Deer College campus, Hockey Alberta took one more step in achieving this grand vision.

Hockey Alberta and Red Deer College believe that this partnership could become one of the most progressive relationships between a provincial sport association and a postsecondary institution in the entire country. Hockey Alberta serves a large membership of over 90,000 participants in this province through 200 local minor hockey associations and 200 teams in senior, junior, and female hockey.

Hockey Alberta and Red Deer College recognize that their partnership could further the mutual goals of both organizations. These goals include the development of leadership potential through the promotion of hockey and the enhancement of work experience opportunities for college students.

Also in partnership with Red Deer College a future sport administration village will serve as the hub of hockey coaching, refereeing, and leadership development for the entire province. Hockey Alberta along with Red Deer College plans to develop a facility that will act as a provincial training centre and provide resources to test new programming ideas, techniques, and delivery strategies.

The partnership of Red Deer College and Hockey Alberta's vision of a provincial training centre on campus at RDC is one that will help to carry Hockey Alberta towards its goal of becoming the most progressive and innovative sports organization in Canada.

Mr. Speaker, I would like to congratulate Hockey Alberta and Red Deer College for their wisdom in developing a partnership that will help Hockey Alberta become the most progressive and innovative sports organization in Canada.

The Speaker: The hon. Member for Calgary-Mountain View.

1:40

Integrity in Government

Dr. Swann: Thank you very much, Mr. Speaker. It's the Alberta Spring. After 41 years of PC government Albertans can see the rot and its dark cousin, cynicism, creeping into the province. The final straws for most people were the indecent 32 per cent income boost embraced by the Tory leadership, monthly pay for committees that don't meet, and a too-rich severance for MLAs, supported by the current Premier. To that add an antiquated electoral system that is totally controlled by the richest in the province. This government doesn't have the decency to reduce the \$30,000 limit on election year donations that grease the way to consecutive Tory majorities. Alberta, the best democracy money can buy.

Add the disgust people are feeling about their health care professionals being bullied and in some cases dismissed for daring to challenge the mismanagement of our cherished health care system. There are credible reports of preventable deaths and a very demoralized health care workforce. A further insult is the Premier's reversal on her commitment to have a public inquiry to investigate the many instances of abuse of power.

Seniors' care would be an embarrassment if it weren't so serious and life threatening, with more cases coming forward of negligence, harm, and financial exploitation of our most vulnerable.

And now the revelations about the Tory leadership candidate misappropriating funds for their campaign. It's too much. Mr. Speaker, Peter Lougheed must be grinding his teeth. Some citizens have felt their trust betrayed and pulled away from the stench, perhaps not realizing the need more than ever to be engaged, to

help elect members with vision and integrity. This PC government has gone too far.

What is needed is a made-in-Alberta revolution. Let's make the Arab Spring the Alberta Spring. If Egypt can do it, maybe there's hope for Alberta. I'm calling on all Albertans who care about democracy, public health care, public education, and our reputation as a responsible business and environmental province to meet with others in your constituency and investigate your candidates for these values. Yes, get mad.

The Speaker: The hon. Member for Calgary-Hays. [interjection] Calgary-Hays, you have the floor.

Retrospective by the Member for Calgary-Hays

Mr. Johnston: Thank you, Mr. Speaker. It is with mixed emotions that I rise today to give what is likely to be my final member's statement as the MLA for Calgary-Hays. I have had the privilege of serving the great people of Calgary-Hays since 2004 and have seen our province go through good times and hard times.

Mr. Speaker, I would like to briefly comment on how well I feel we've done as a province while navigating through these difficult times and the downturn in our economy. I believe it's no secret that we were the best-prepared jurisdiction to weather the economic storm. Both our province's employment rate and average weekly earnings remained the highest in the country. Our population has also been growing at a rate higher than the national average, and our economic growth is once again the strongest in this country.

I would also like to mention the progress made in my home constituency and the Calgary area. From the Calgary ring road to the Deerfoot extension to the seven new schools built in my constituency and the new south Calgary hospital, we have followed through on the commitment to Albertans by responsibly investing in the infrastructure that our province needs.

In closing, Mr. Speaker, I would also like to commend the work of my colleagues here in this House. Again, I'd like to commend the citizens of Calgary-Hays for allowing me the honour of serving them for the past eight years.

Thank you, Mr. Speaker. [applause]

The Speaker: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Congratulations to that honourable member from Calgary-Hays.

Alberta's Representative in Asia

Mr. Anderson: Mr. Speaker, this Premier's indecision on the Gary Mar affair is embarrassing to herself and to Alberta's reputation in Asia, our most important emerging trade partner. As someone who lived in Asia for two years, honour and reputation are everything in these cultures, and this debacle is sullyng our province in those nations' eyes and making our provincial leadership look exceptionally weak.

The facts are not in doubt here. We know Mr. Mar had \$262,000 in personal debts from his PC leadership campaign that he needed to pay off and that he held a fundraiser to help him with that. We know an invitation was prepared which specifically invited guests to a \$400-a-plate dinner to hear Mr. Mar speak about business opportunities in Asia.

The invite also mentioned that a trip to Hong Kong was to be auctioned off, with the obvious implication that the trip would include hanging out with Alberta's number one man in Asia,

obviously an inappropriate use of a senior government official's position to personally profit no matter how you spin it.

We also know that someone involved with the dinner figured out that the first invite looked bad and sent out a replacement invite that only mentioned an evening with Mr. Mar and his wife, with no mention of the trip auction. Despite that, the trip was still auctioned off for \$20,000.

We know that Mr. Mar says that he didn't do anything wrong and that the Premier threw all of this to the Ethics Commissioner to investigate, only to find out that he has no authority in the matter. Now the Premier wants to refer this to one of her favourite things in the world – wait for it – a committee.

Honestly, Premier, how is this real-life leadership? It looks like an episode of *The Three Stooges*, starring Gary, Allie, and Moe Corruption. This shouldn't be hard. The facts are in front of you. Either Mr. Mar should be fired or sanctioned or exonerated by you, Premier, not by yet another committee and not after the election. Stop flopping around like a fish out of water and find your feet. If you are unable, I know a strong Alberta leader named Danielle Smith who is ready and able to step up and lead.

Thank you, Mr. Speaker.

Seniors' Benefit Programs

Dr. Brown: Mr. Speaker, today I want to speak about our government's commitment to seniors. Alberta is a great place to work, raise a family, and retire. However, for some seniors retirement years can be challenging. That is why our government is committed to helping Albertans age with the dignity and respect they so deserve.

Alberta provides government support to over 425,000 seniors. The Alberta seniors' benefit is the best in Canada. It provides financial support to single seniors earning less than \$24,600 and to senior couples earning less than \$40,000 per year. We provide dental and optical assistance to lower income Albertans to help cover the cost of dentures and eyeglasses. We provide Blue Cross health insurance at no cost for all Alberta seniors. We have an excellent program for prescription drugs. Seniors pay only 30 per cent of costs up to a maximum of \$25.

We are the only province to provide assistance to low-income seniors with extraordinary expenses such as appliances. We're beefing up our home-care and nursing services to help those who have health challenges remain in their homes. We provide tax relief to all Alberta seniors by freezing the provincial portion of property taxes after 65 years of age, and we're bringing in a seniors' property tax deferral program as set out in Bill 5. This program will allow seniors to defer all or part of their property taxes until they sell their home, helping to free up money they would otherwise spend on property taxes. It will help seniors stay in their homes longer.

Mr. Speaker, our government will continue to improve programs and services so that Alberta remains the best place in North America to live and to retire.

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

Library Services

Mr. Blackett: Thank you, Mr. Speaker. I'm pleased to rise today to speak to you about the continued investment being made to support the people and communities in Alberta through one of our most venerable institutions, the investment in this province's public libraries. I know how Albertans value libraries. I know how valuable they are throughout this fine province. They are one of our community meeting and learning spaces.

Public libraries enrich the lives of us all: families, new Albertans, people of all ages, incomes, and backgrounds. Through SuperNet and our partnership with the Alberta Library, TAL, and the Alberta public library electronic network, APLEN, public libraries bring the world to us.

Mr. Speaker, libraries are not just about books; they are meeting places in communities, and they are the hubs that help make these and keep these communities strong. Libraries help to break down social and economic barriers and are places where individuals, families, and new Albertans can search for a job, learn a language, or let imagination soar.

When my family and I enter our local Crowfoot library, I know that we are opening a door to possibilities. When I read to preschoolers, we're opening the doors to their future. Crowfoot library is a big part of my family's life and that of my community, and libraries play a big part in the lives of all Albertans.

Mr. Speaker, support for Alberta's libraries continues. Within Municipal Affairs' budget for 2012-13 a 5-cent increase in per capita rates for public libraries is being brought forward, which is a total of \$300,000. This increase is a reallocation of funds within the existing public library services budget in Municipal Affairs. It will go directly to public libraries throughout the province.

As I said, Mr. Speaker, libraries enrich our lives. The government recognizes this. This is why we direct funding to public libraries in the province, and we've increased it over the last four years. Work continues with valued library partners in this province to ensure that all Albertans, no matter where they live – from Coutts to Fort McMurray, from Hardisty to Blairmore – get to enjoy these most important institutions.

1:50

Oral Question Period

The Speaker: First Official Opposition main question. The hon. Leader of the Official Opposition.

Long-term Care for Seniors

Dr. Sherman: Thank you, Mr. Speaker. Last week I met Grace Denyer's family. They were horrified at her neglect and by this government's failure to adequately fund staff and resource seniors' care facilities. Mrs. Denyer stayed at Youville, where a urinary tract infection went untreated for six weeks. She was routinely left in a diaper, which led to her screaming in pain due to her open wounds. Finally, she had a stroke, which was not diagnosed until five days later. To the government: why do you insist on spinning this issue instead of admitting that this government is failing our seniors?

The Speaker: The hon. minister.

Mr. Horne: Thank you very much, Mr. Speaker. Well, this particular case, as the hon. member has mentioned, is a very unfortunate case, and the government certainly sympathizes with the resident and her family. What I will tell you is that we have very strict continuing care health standards in place across the province. They apply equally to residents in privately funded, publicly funded, and not-for-profit facilities.

Dr. Sherman: Mr. Speaker, this is one of more stories. Given that this government has starved the public facilities for funding for staff and tragically failed Mrs. Denyer, eventually her family felt forced to turn to the private system, the go-to option for the PCs, and that incredibly expensive system failed them as well when the private operator evicted Mrs. Denyer by ambulance, sending her to the Grey Nuns hospital. To the Minister of Health and

Wellness: don't you understand that when you starve the public long-term care facilities for funding, our seniors are going to end up in the emergency departments and acute-care hospitals, causing a crisis, costing us more, and eventually causing suffering for our seniors?

Mr. Horne: Well, Mr. Speaker, in every attempt to respect the privacy of the family, what the hon. member fails to mention is that the private facility that the resident moved to from the Youville Home was, in fact, a private assisted living facility. It has been explained to me that this facility may have advertised itself as a nursing home or a long-term care facility. If that was the case, that was certainly not an accurate representation of the care provided in that facility.

The Speaker: The hon. member.

Dr. Sherman: Thank you, Mr. Speaker. As for privacy, the family was on page A5 of the newspaper today and the facilities that this minister has starved of funding. To the Minister of Health and Wellness: given that this government's seniors' care policies are an abject humanitarian failure, will you please – will you please – just listen and have the heart to follow the Alberta Liberal lead and double funding for public home care and significantly enhance public nonprofit long-term care?

Mr. Horne: Well, Mr. Speaker, I suppose the notion that the hon. member would exploit the alleged facts of this case is probably not surprising to some members of this House, including myself.

What I will tell you once again, Mr. Speaker, is that the private facility to which the member refers is not publicly funded in any way. They are not under contract with Alberta Health Services to provide health care. They are in no way funded by this government to deliver any form of care. To the extent that they may have misrepresented the services that they provide to Albertans, we think that's very unfortunate for the family.

The Speaker: Second Official Opposition main question. The hon. Leader of the Official Opposition.

Alberta First Nations Energy Centre

Dr. Sherman: Mr. Speaker, in that babble I didn't hear any real answers. Let's change topics here. The First Nations have a history of co-operating with the oil industry, enabling activities on their land, but on Monday three Alberta Grand Treaty chiefs left the Premier's office angry and insulted after the Premier pushed the First Nations upgrader project over a cliff. The \$6.6 billion project would have attracted investment from the state oil companies of India or China, a golden opportunity for aboriginal people to take an equity share in our oil wealth as well as for Albertans, a no-brainer. Since the Premier seems to be campaigning today, to the Energy minister: don't you realize your negligence and arrogance has threatened relations between First Nations and our government and our economy?

Dr. Morton: Mr. Speaker, the hon. Leader of the Opposition could save us time and trouble if he would just read answers from last week and again from yesterday. We looked at this deal very closely. When the decision was made not to continue, it was nowhere near the point of development in terms of engineering, land acquisitions, siting, licences, and so forth that the other one was that was approved. Again, it was a business decision, opportunity versus risk. The risks were simply too high, too high for the taxpayers of Alberta.

The Speaker: The hon. leader, please.

Dr. Sherman: Thank you, Mr. Speaker. This minister could save us all the trouble and just make the right decision.

Given that this would have been North America's first refinery in 30 years and would have created 7,000 jobs, a project to build real value into our economy, a project that just makes sense and improves lives of the aboriginal peoples and all Albertans, to the Minister of Energy: when you and the Premier killed the First Nations project, why didn't you first consider the effect that decision would have on our relations with our First Nations peoples? Why, Minister? Come on.

Dr. Morton: Mr. Speaker, perhaps the minister of immigration and aboriginal affairs would like to answer this as well. Again, this is a 6 and a half billion dollar project. I think the people of Alberta, the taxpayers of Alberta expect this government to make prudent decisions when it comes to projects, and the prudent decision was that the risk clearly outweighed the benefits.

The Speaker: The hon. leader.

Dr. Sherman: Thank you, Mr. Speaker. It is a prudent decision when other nations have billions of dollars to invest in Alberta. It's a very prudent decision. Given the well-known fact that Spotlight Strategies represents two other major projects of this nature and that the principal partners of that firm, Randy Dawson and Susan Elliott, are the former and current PC campaign managers, to the Minister of Energy: who's running this province? You guys or the PC Party insiders at Spotlight Strategy? Who is making these decisions, Minister?

Mr. Dallas: Well, Mr. Speaker, I think the hon. minister has clearly outlined the reasons that we weren't able to proceed on the refinery project, and those are the reasons. The conversation that we had with the grand chiefs and with the Premier was around the broader concept of economic benefit: too important, too broad to define by a single project decision. Too important.

The Speaker: Third Official Opposition main question. The hon. Leader of the Official Opposition.

Electricity Prices

Dr. Sherman: Thank you, Mr. Speaker. Yet again this government has found a way to combine blunders, gouging, and scandal when it comes to electricity prices. Deregulation is ripping off seniors, families, businesses, and these young people's parents. Now the government is rushing ahead with a costly power line rebuild at a scale we don't need. The panel which said that these power lines are necessary is chaired by Brian Heidecker, former PC Party vice-president and PC leadership campaign manager of the Minister of Municipal Affairs. This casts great doubt on the panel's impartiality. To the minister: why won't you order an honest and open needs assessment on this project?

Dr. Morton: Mr. Speaker, not only is the hon. member a leading medical expert; now, suddenly, he's an electricity expert as well. We appointed a panel of three experts and Brian Heidecker, an Albertan with a distinguished record of public service. They took two months, listened to all of the information, all of the interested parties, and made impartial recommendations. They persuaded us of the need.

Dr. Sherman: Mr. Speaker, the minister is right. What I am an expert at is looking at my utility bills, that have doubled.

To the Minister of Energy. Given that as an energy province we really should have the lowest power prices in the country and instead we have amongst the highest, and these will only increase with this expensive power line overbuild, why do you insist on rewarding those who finance your PC leadership election campaigns at the expense of our vulnerable seniors, working families, businesses, and eventually our economy? Why, Minister?

Dr. Morton: Mr. Speaker, the price of electricity in this province, the regulated rate option, which is what about 70 per cent of residential consumers are on, has averaged 8 cents a kilowatt hour over the last five years. Numerous studies have shown that is very much a good average relative to other Canadian jurisdictions that don't have a lot of hydro. Guess what the regulated rate option is for this month? Why, it's 8.3 cents, so we're back on to our five-year average. We have succeeded in providing good, solid electricity rates with no debt. If you look at the debt that other provinces have, millions of dollars of debt.

Dr. Sherman: Mr. Speaker, here's a minister who was caught speechless on that one.

Given that this government after lunch is still out to lunch on the issue of power prices and enforcement of our laws, I'd like to help you out, Minister, by providing another good idea. Will you follow the Alberta Liberal lead and bring in independent monitoring and raise penalties for companies that cheat Albertans, so breaking the law will never ever be profitable in this province again? Come on, Minister.

Dr. Morton: Mr. Speaker, the hon. leader is so in love with his own words that I'm sure nobody listening could possibly understand what he's even talking about except for me. I happen to know the incident that he's referring to, and I'm happy to report that it was detected in real time, and calls were made immediately, and that company has pleaded guilty. It has been charged and fined for the transgression.

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

2:00 Alberta's Representative in Asia

Mr. Hinman: Thank you, Mr. Speaker. The PC culture of entitlement, cover-up, and corruption continues, and the Premier continues to show her lack of leadership. She pushed her own appointed Asian representative and fellow PC leadership candidate out into the street, hoping someone else would either run him over or clean up another PC fundraising mess. Well, as it turns out, Madam Premier, you are the one driving the bus. We have all seen the invitations sent for the fundraiser. We've all heard what Mr. Mar thinks. What are you going to do, Premier? Run over him or stop and pick him up? Show some real-life leadership.

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Notwithstanding the string of unparliamentary language, innuendo, and accusations, that are totally unfounded, in the question, the hon. member should know that this government under this leader has made a very clear approach towards saying that everything is open and transparent. When the issue with respect to that fundraiser came to her, she did the right thing immediately and said: an investigation will take place. She did not say that a hanging would take place; she said that an investigation would take place, done by the right people.

Mr. Hinman: Well, she didn't take that long with the Member for Dunvegan-Central Peace. What a surprise.

Given her track record of sending things that she knows are wrong but that she wants done to one of her compliance committees like the Critical Transmission Review Committee, the Property Rights Task Force, or the Health Quality Council, why doesn't the Premier just tell Albertans what she believes? Is he guilty or not? This committee is a sham.

Mr. Hancock: Mr. Speaker, unlike other members of this House, one does not rush to judgment when people's reputations are at stake and when there are appropriate issues to be reviewed. No court passes sentence before examining the facts.

Mr. Hinman: Then she should exonerate him.

Is the reason the Premier continues to give such dithering responses and non answers because she agrees with Kelley Charlebois, your appointed man at the top of the PC Party, that the interpretation of ethical and unethical is very subjective? Albertans want to know if you can tell the difference between right and wrong.

Mr. Dallas: Well, Mr. Speaker, despite this hon. member's attempt to drag the reputation of an employee of the government of Alberta through the mud, the reality is that this matter is under review, and it's inappropriate to make further comments at this time.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thanks very much, Mr. Speaker. Well, that's really interesting.

Private Operation of Long-term Care Facilities

Mr. Mason: No Albertan wants themselves or their family to be in Grace Denyer's position, evicted from a private long-term care facility because the fees were suddenly jacked up, yet this is exactly the sort of disaster invited by the Conservative plan to lift the cap on seniors' care accommodation costs and rely on private health delivery. Why won't the Premier admit that their scheme for more private seniors' health care will expose more Albertans to the same problems faced by Mrs. Denyer?

Mr. Horne: Well, Mr. Speaker, as I think the hon. member well knows, the private facility to which he refers is not a long-term care facility. It does not operate under contract with Alberta Health Services. It is not part of the range of affordable living spaces that are funded by this government in accordance with the values that seniors have told us they want us to observe: aging in place, health care brought to them as they need it, standards to protect the care and the accommodation that they receive, all provided in an affordable framework.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, you know, given that the daughter of Mrs. Denyer has some questions, I'd like the minister to answer them. Why is this facility allowed to advertise and accept long-term care patients when it's not licensed to do so? How can they increase their rent in excess of 44 per cent within weeks of her entering the home, and how can the facilities be allowed to dump a resident at the emergency room door when they decide they no longer want them? Answer those questions.

Mr. Horne: Mr. Speaker, with respect to the first question I have exactly the same question, and perhaps that should be put to the people that own and operate the facility.

It is not a long-term care facility. It is not under the auspices of a contract with Alberta Health Services, and it is not subject to the standards that are present in all continuing care facilities that deliver health care in this province. We are proud of those standards, Mr. Speaker. We enforce them rigorously through a variety of inspection processes, which the hon. members can see that we defend.

Mr. Mason: Given the disastrous situation that affected this poor woman, why is it that this minister is just washing his hands of the problem and saying: it's not our problem; it's too bad, but it's their problem? Why haven't you protected people from this kind of facility, Mr. Minister?

Mr. Horne: Mr. Speaker, as the hon. member well knows, the unfortunate case to which he refers involves a woman who was transferred from a public facility, that is subject to all of the same rate caps and standards I referred to, to a private facility. There are routine procedures that are used by families every day in this province to facilitate transfer from publicly funded continuing care facilities to other continuing care facilities. The MLAs on all sides of the House advise their constituents regularly of how these processes work. For whatever reason, they were not followed in this case, and unfortunately the lady in question moved to a private facility.

The Speaker: The hon. Member for Calgary-Mountain View.

Long-term Care for Seniors (continued)

Dr. Swann: Thank you very much, Mr. Speaker. Well, on Monday the minister of health told the House he's building thousands of continuing care spaces for seniors. Let me be clear. The experts, including Dr. Paul Parks, are saying that the urgent need is for fully medically supported long-term care beds. With 14,500 nursing home or long-term care beds we actually have fewer now in Alberta than we had in 2008. Why, despite having over a million people added to our population in 20 years and proportionately more seniors, does this province have only 74 more long-term care beds?

Mr. Horne: Well, Mr. Speaker, as far as this government is concerned, the experts on what people want to see in long-term care and continuing care options across this province are our seniors, the constituents that we serve. If hon. members opposite want to continue to engage in an ideological debate, we certainly leave that territory to them. Our philosophy and our practice and the extensive infrastructure spending that goes to opening thousands of continuing care spaces is based on Albertans' expressed wishes to be provided with health care in place as they age, living together as couples and families.

Dr. Swann: Mr. Speaker, I didn't know that providing seniors with long-term care was an ideological position.

Given that most of the spaces announced in December are supportive living, not long-term care, when will the government realize that medically supported beds must be the priority to clear our hospital beds, not private, for-profit alternatives?

Mr. Horne: Mr. Speaker, providing our seniors with the health care they require, preferably in their own home if not in a supportive living or a long-term care facility in or near their home community, is exactly what this government is delivering.

With respect to the hon. member's fixation, if I can say it, on a model from the 1970s, that emphasized institutional care only, whether or not people had a requirement for that level of care, this government doesn't subscribe to that philosophy.

Dr. Swann: By some magic this minister seems to feel that seniors no longer need long-term care. Sorry; the reality is still there. Given that the shortage of long-term care beds worsens ER overload and operating wait times and demoralizes health care professionals, when will this government admit its total incompetence to deal with seniors' care issues?

Mr. Horne: Mr. Speaker, what this government believes in and what this government is committed to is providing people a level of health care they need in place. It may interest the hon. member to know that despite the fact that the nursing homes operation regulations specify a minimum of one hour of skilled nursing care per day in a long-term care facility, in 2008, even, we were providing an average of 3.8 hours of nursing care per day to those residents. So we will continue to adjust health care needs to the needs of our seniors as they continue to age in place.

The Speaker: The hon. Member for Edmonton-Manning, followed by the hon. Member for Edmonton-Centre.

Patient Advocacy by Health Professionals

Mr. Sandhu: Thank you, Mr. Speaker. Yesterday one of the opposition parties introduced one of their candidates that will run in the next provincial election. As part of their political theatre they also used the opportunity to later make more claims of physician intimidation from this candidate. My questions are to the Minister of Health and Wellness. What can you tell us about these allegations?

The Speaker: Well, okay. Try.

Mr. Horne: Mr. Speaker, despite the nature of the question I can inform the House that I have no information about these allegations.

Mr. Sandhu: Mr. Speaker, my next question is to the same minister. If this candidate had concerns about advocating for his patients or, more importantly, if physicians who are currently working in Alberta have concerns, what options do they have to try to remedy that situation?

2:10

The Speaker: If this has to do with policy, go ahead.

Mr. Horne: Well, Mr. Speaker, it actually is a question of policy. There are a number of processes that are available to physicians who have concerns about their ability to advocate on behalf of their patients. Alberta Health Services has a new set of medical staff bylaws that not only set out a process for advocacy in the case of physicians who have concerns but that actively encourage them in the process of advocating for patients. AHS has recently opened a hotline for physicians and other health care workers who have concerns about advocacy matters. It is also encouraging the sort of open and ongoing dialogue in the culture of the health care system.

Mr. Sandhu: To the same minister: as these concerns relate to the appropriate level of mental health services, can the minister share any action that the government is taking to improve access to these services?

Mr. Horne: Mr. Speaker, in addition to providing an appropriate process and an orderly process for health professionals to raise concerns, this government announced \$40 million in funding a little over a week ago that will see the addition of 80 mental health beds at Alberta Hospital Edmonton.

In addition to this, we've provided funds for the early detection and treatment of mental illness among children and youth in our schools throughout the province, and we've provided funds to support housing initiatives under the Ministry of Human Services to deal with the needs of complex . . .

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

Residential Rehabilitation Assistance

Ms Blakeman: Thanks very much, Mr. Speaker. I find it wacky politics to dump on one vulnerable group in order to achieve a much-hyped target for another. Now, this government has abandoned both housing adaptation for seniors' independence and residential rehabilitation assistance programs in order to fund affordable housing for a different group. My questions are to the Minister of Municipal Affairs. Why did the ministry choose to redirect funding away from these two programs, HASI and RRAP, both of which keep low-income seniors and others in their homes, to build affordable housing which neither group could now afford?

Mr. Griffiths: Mr. Speaker, it was actually a federal program, RRAP, that was passed on to the provincial government on very short notice, so we didn't have time to create the program necessary to replace what the federal government had originally offered. On top of that, we realize that the Department of Seniors offers some incredible assistance to seniors, up to \$5,000, to deal with emergent issues, so we chose to direct those resources, without the time to create a new program, into something that would be very effective for all Albertans that need housing.

The Speaker: The hon. member.

Ms Blakeman: Well, thanks very much, Mr. Speaker. But there was an agreement from the province to accept this money, so why did the government abandon those Albertans who had qualified for and were told they were successful in the residential rehabilitation assistance program when it was under the feds and were then told: go to the province; the province signed an agreement; get your money from them? What are these people supposed to do now?

Mr. Griffiths: Well, Mr. Speaker, I'm not going to apologize on behalf of the federal government for them stopping their program. When they decided they didn't want to run the program anymore but they would provide the resources to the province, they asked every province if they were still going to run the RRAP program. We indicated we would do some exploration, but we didn't have enough time to set up our own program. So we put it where it would best be used: for people who need affordable housing.

Ms Blakeman: Back to the same minister: how does building affordable housing for others keep vulnerable seniors and other low-income owners in their homes given that they can no longer access the very programs that made that possible like getting accessible bathtubs, grab bars, ramps into their homes? What are you talking about, Mr. Minister? [interjections]

Mr. Griffiths: Mr. Speaker, if this member would do a little bit of research, they would realize that Seniors and Health have exceptional programs in this province already to help people stay in their homes. We do not have to model the exact same program the federal government had, that they had to abandon about a month before, that they turned over to us. We do exceptional work to assist those who need housing supports in their community.

The Speaker: Let me try and understand this again. I recognize an hon. member to ask a question. The question is asked. Then I recognize an hon. minister to respond to the question, and as he starts to respond to the question, a whole bunch of people start yelling at him. This is strange.

The hon. Member for Lacombe Ponoka, followed by the hon. Member for Calgary-Varsity.

Farmers' Advocate of Alberta

Mr. Prins: Well, thank you, Mr. Speaker. From time to time our farmers, who are the backbone of our rural communities, may need help to navigate issues related to their farming industry and other agribusiness that they interact with. When farmers need this help, they can count on the Farmers' Advocate. This position has been vacant for several months, and I'm happy to hear that the government this morning announced a new Farmers' Advocate. My question to the Minister of Agriculture and Rural Development: who is this new Farmers' Advocate, and how was he chosen?

The Speaker: The hon. minister.

Mr. Berger: Thank you, Mr. Speaker. Peter Dobbie, QC, has been appointed the new Farmers' Advocate for the province of Alberta. He brings to the position more than 20 years of experience as a lawyer advising farmers and agribusiness and as a resident of rural Alberta. Peter was selected through an open process. The position was advertised, and the candidates applied or were nominated by industry.

Thank you.

The Speaker: The hon. member.

Mr. Prins: Thank you, Mr. Speaker. This is my last question. What is the role of the Farmers' Advocate, and what can we expect the new Farmers' Advocate to do?

The Speaker: The hon. minister.

Mr. Berger: Thank you, Mr. Speaker. For almost 40 years Albertans have received assistance through the Farmers' Advocate's office, whether for consumer protection, pursuing rural opportunities, or fair process. The office also administers the Farm Implement Act, providing consumer protection. The advocate's office assists landowners with managing their land assets, mitigating business risk, and maximizing future economic activity and opportunity as it relates to the interaction with the oil industry as well. The Farmers' Advocate will work closely with the upcoming property rights advocate as well to assist rural Albertans.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Calgary-Fort.

Assured Income for the Severely Handicapped

Mr. Chase: Thank you, Mr. Speaker. Last week we learned that despite the Premier's promise residents of the province's continuing care facilities will not be receiving a long-awaited \$400-a-month increase in benefits under the assured income for the severely handicapped program. Now we learn that those who do receive that increase are too often subjected to another increase: in their rent. To the Minister of Seniors: why is it that institutionalized AISH clients are not receiving the \$400-a-month increase that the Premier promised?

Mr. Horne: Mr. Speaker, in the absence of the Minister of Seniors I would be pleased to take that question under advisement and arrange to get the hon. member a response.

The Speaker: The hon. member.

Mr. Chase: Thanks. That answer would be appreciated. I tried it in budget. I tried it in the Seniors meeting this morning. It remains unanswered.

What is the government doing to protect AISH clients from being gouged by unscrupulous landlords?

Mr. Horne: Again, same answer, Mr. Speaker.

Mr. Chase: Nothing. Nothing. Maybe we should establish a committee to investigate, a panel to solve the problem.

When will this government commit to indexing all AISH benefits to the cost of living so that all AISH clients can live in dignity without the fear of losing their homes? Can you answer that one?

Mr. Horne: Well, Mr. Speaker, it is certainly the intention of this government that all clients receiving benefits under the assured income for the severely handicapped will live in dignity. That is precisely why the Premier fulfilled her commitment to raise AISH benefits by \$400 a month, and it is precisely the reason that a range of other benefits, including health care benefits, are provided to those clients.

The Speaker: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Strathcona.

Foreign Delegations

Mr. Cao: Well, thank you, Mr. Speaker. We may not realize how fortunate we are to live in Alberta and how great Alberta is on all fronts until we go outside of Alberta. Alberta is becoming increasingly important as a major player on the world stage. It is important that we are able to project a strong, positive, accurate message to all visitors whatever their purpose is. My first question is to the hon. Minister of Intergovernmental, International and Aboriginal Relations. As Deputy Speaker I've had an opportunity to host foreign delegates. Minister, how many . . .

Mr. Dallas: Mr. Speaker, we are very fortunate that virtually every week we're welcoming delegates, visitors, parliamentarians from around the globe, from across Canada. I don't know the exact number, but I can tell you that just in the last two weeks I've had the opportunity to meet with the economic minister from Finland and just yesterday with a parliamentary committee from Norway. We've had opportunities continuously.

The Speaker: The hon. member.

2:20

Mr. Cao: Thank you, Mr. Speaker. To the same minister: why are these foreign delegates coming to Alberta, and what are the benefits of hosting delegates from other countries?

Mr. Dallas: Mr. Speaker, it's obvious why they're coming to Alberta. Alberta is the economic engine for Canada. We can showcase key industry sectors. We can talk about the economic advantages of doing business in Alberta. There is a tremendous opportunity for everyone that comes, whether it's developing trade, attracting investment, or tourism. Tremendous opportunities.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister: how is the minister capitalizing on these relationships and promoting Alberta world-wide?

Mr. Dallas: Well, Mr. Speaker, we have 10 international offices located around the globe. We can connect with virtually any individual, any corporation, or any elected parliamentarian anywhere on the globe, and we do so regularly.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-*Buffalo*.

Environmental Monitoring of the Oil Sands

Ms Notley: Thank you. Over a year ago a review panel confirmed that government has failed dramatically to protect water safety in the oil sands and that this task has to be handed over to an arm's-length body. Ten months later this minister's reaction is to appoint another panel to reconsider whether environmental protection in the oil sands really needs to be done by an arm's-length body. Will the minister admit that her plan is merely to ask the question repeatedly until she gets the answer that industry wants?

The Speaker: The hon. minister.

Mrs. McQueen: Well, thank you, Mr. Speaker, and to the hon. member for the question. You know, it's really quite amazing. We met with the writer of the earlier report, Dr. Schindler. I met with him, invited him to my office. He commends the steps forward to moving from the policy recommendations that we received, 20 recommendations, to a working group that will give us recommendations on implementation, so much so that he commented yesterday on three of the members that he actually recommended to us to sit on that panel.

Ms Notley: Well, Mr. Speaker, given that one member of the panel gave \$4,000 to the Premier's leadership campaign, that another member chaired the AEUB when it was spying on Alberta citizens, and yet a third was in charge while the government assured Albertans of so-called world-class monitoring, that has since been entirely discredited, how does the minister expect anyone to believe that recommendations from this panel will be anything but predetermined by your ministry on behalf of industry?

The Speaker: The hon. minister.

Mrs. McQueen: Well, thank you, Mr. Speaker. Again I'll say that Dr. Schindler, who has written this and has given his comments on this, has recommended three of those panel members to us. He spoke yesterday to the media as well that he's quite happy to see

that we took his recommendation and that we appointed all three of those scientists.

Ms Notley: Well, speaking of Dr. Schindler, this week he released a report showing that government and industry claims about reclaiming lost wetlands are false. Given that the longer this minister waits to act on wetlands, the greater the loss to our environment for the sake of unmanaged industry growth, why won't this minister commit to independent mechanisms that will work for all Albertans on environmental issues rather than simply taking marching orders from CAPP behind closed doors?

The Speaker: The hon. minister.

Mrs. McQueen: Thank you again. As the House knows, industry is mandated by law to do reclamation. There are two experimental peatland fens under construction at Syncrude and Suncor, and they have teams of internationally recognized wetlands scientists working with them.

In addition, I met with Dr. Schindler, and I asked him what his advice would be about moving forward with the report, and he said, "Perhaps if you'd meet with the other two authors of the report," which I will be doing as well.

Provincial Tax Policy

Mr. Hehr: This government has implemented a taxation policy that has led to them spending the billions of dollars in fossil fuel revenue received in the last 25 years. They've spent all of it in the name of lower taxes. This government has abandoned our heritage trust fund and has seemingly lost sight of the fact that once you sell a barrel of oil, you never have that barrel to sell again. To the Minister of Finance: would it not be in Albertans' long-term best interests to commit to a tax policy that ensures sustainable, more predictable funding and allows for savings for the future?

Mr. Liepert: Well, Mr. Speaker, if there is one thing this member is, it's consistent. His question is exactly the same one that he asked yesterday. I'd be more than happy to repeat it, but I suggest he just read *Hansard* from yesterday.

Mr. Hehr: I'd like that, but I'm trying to enlighten the minister. I'll go through it again. Given that we have a flat-tax policy, that sees a person making a million dollars a year pay the same rate of taxation as a person making \$30,000 a year, isn't that absurd given the fact that we have spent every last dime of fossil fuel resources over the last 25 years and have not saved a dime of that money?

Mr. Liepert: Mr. Speaker, there's a reason that this province has the greatest influx of people in the entire country. It's because we have a taxation policy that attracts people to come here to work and invest their dollars in this province. We're not going to apologize for that.

Mr. Hehr: Well, this one's different, so he should listen here. Given that the Canada West Foundation, the Parkland Institute, even the government's own panel have stated unequivocally that in order to protect Alberta's future, this government needs to raise taxes, why is this government not doing the right thing and acting on what these experts are recommending?

Mr. Liepert: I'll just repeat myself again from yesterday, Mr. Speaker, but I'll say that very soon Albertans will have an opportunity to pass judgment on whether they want to elect MLAs who are advocating for increased taxes, whether they want to elect MLAs who are suggesting that we should not use our nonrenewa-

ble resource revenues for critical infrastructure. We'll have that decision pretty quickly.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Airdrie-Chestermere.

Municipal Emergency Management

Mr. Jacobs: Thank you, Mr. Speaker. Earlier this week Cardston county repealed their emergency management bylaw after a group of residents complained that it infringed on their rights and freedoms. They said that under the bylaw emergency responders could enter or take their property without a warrant and without paying compensation. To the Minister of Municipal Affairs: can you explain what repealing the bylaw means for my constituents in this area?

Mr. Griffiths: Well, Mr. Speaker, I know I've heard from a few citizens in the area who are concerned. The local bylaw simply laid out how a local emergency would be managed and who would be responsible for it. But bylaw or not, the local municipality is responsible for managing the local emergency because there is still the Emergency Management Act in the province of Alberta that mandates that municipalities manage it. Those individuals in those areas will still be advised when a local emergency takes place.

The Speaker: The hon. member.

Mr. Jacobs: Thank you, Mr. Speaker. To the same minister. Many municipalities have built their emergency management bylaws based on the provincial Emergency Management Act. Will you look at amending the provincial legislation?

Mr. Griffiths: No, Mr. Speaker, we won't amend the legislation. It's been in effect since about 1974. It mirrors the national legislation and the legislation in every other jurisdiction across Canada. In fact, almost every jurisdiction in North America has this legislation in place. It is only enacted when there is a crisis situation, an emergent situation, and it empowers local people with the responsibility because they have the responsibility but also the power to protect people and lives. That's the only time this is used. [interjections]

The Speaker: The hon. Member for Cardston-Taber-Warner is recognized. The next person I have here is Airdrie-Chestermere, but you seem to want to ask all the questions now, so we might just forget about you later.

The hon. Member for Cardston-Taber-Warner.

Mr. Jacobs: Thank you, Mr. Speaker. My last question is also for the Minister of Municipal Affairs. Some of my constituents feel that powers granted to a local authority during a local state of emergency can be abused. What assurances can you give them that they will not be abused?

Mr. Griffiths: Mr. Speaker, I know from the hoots and hollers before that some of the members from the wild alliance indicate that this is about property rights. This is not about property rights. This is an issue where local municipal officials, local firefighters, local police officers, and local paramedics are trying to save lives. There is compensation provided in the rare necessary circumstance when property must be commandeered, but I can't think of a single Albertan that wouldn't want a vehicle commandeered if it meant saving their grandmother from a burning building. That's what this is about.

The Speaker: Okay. The hon. Member for Airdrie-Chestermere, with gusto.

Alberta's Representative in Asia (continued)

Mr. Anderson: Thank you, Mr. Speaker. This Premier's indecision on the Gary Mar affair is embarrassing to ourselves and Alberta's reputation in Asia. We know that a \$400-a-plate dinner to hear Mr. Mar speak about business opportunities in Asia was advertised and that it included the auction of a trip to Hong Kong, with the obvious implication that the trip included a chance to hang out with Alberta's Asia representative, obviously an inappropriate use of a senior government official's position to personally profit, no matter how you spin it. Premier: in your opinion, was Mr. Mar's use of his government's position to personally profit appropriate? Yes or no?

2:30

Mr. Dallas: Mr. Speaker, this is going to sound somewhat repetitive because I addressed this exact same question yesterday. The matter has been referred by the Deputy Minister of Executive Council, who has requested an independent review. Commenting, judging the outcome of that review – you know, these suggestions: completely ridiculous in the context that we must wait before making comment.

Mr. Anderson: This is what governing without principles looks like, right there.

Given that we now know that someone involved with the dinner figured out that the first invite looked so bad and sent out a replacement invite that only mentioned an evening with Mr. Mar and his wife but no mention of the trip auction but then the trip was still auctioned off for \$20,000, I ask the Deputy Premier, who is also in charge of human resources: was Mr. Mar's use of his government position to personally profit appropriate, or is this just the latest in a long line of scandals showing just how corrupt the PC culture over there has become?

Mr. Dallas: Mr. Speaker, the employee in question has every right to a fair review of this. Commenting on this matter before that review is complete: inappropriate.

Mr. Anderson: This is a personnel decision. Cabinet ministers get fired all the time.

Given that the Premier clearly attempted to delay this being resolved until after the election by incorrectly referring the matter to the Ethics Commissioner, who doesn't have the authority to deal with this, and given that she is now wanting to refer this matter to a committee to come up with a recommendation after the election, will someone, anyone over there please help Albertans understand why such a blatant ethical breach is being swept under the rug until after voters have cast their ballots? It looks like yet another pre-election cover-up.

Mr. Dallas: Mr. Speaker, this review will be conducted as expeditiously as possible. Judging the outcome of that, commenting on that review prior to that: inappropriate.

New School Construction in Calgary

Dr. Brown: Mr. Speaker, residents in the growing community of Evanston in northwest Calgary have no schools in their community, and they're telling me that their school-age children are spending a lot of time on bus rides in order to get to class. All my

questions are for the Minister of Education. Can the minister advise what his government's policy is on busing young children to school?

Mr. Lukaszuk: Mr. Speaker, the policy is rather simple. Our policy is to build more schools. The problem is that in this province we have schools where we don't have kids, and we have kids where we don't have schools. Contrary to what the Member for Airdrie-Chestermere will say, we will be building schools right now for children who need schools right now so that we don't have to wait 30 years so we can pay for schools cash up front.

Dr. Brown: Can the minister advise what plans are in place to help these children in the community of Evanston, to build the schools that they need so that they don't have to endure these long school bus rides?

Mr. Lukaszuk: Mr. Speaker, a very, very important question. Right now the President of the Treasury Board, myself, and the Minister of Infrastructure are looking at a new fiscal framework to make sure that we can provide the children of today with schools for today so that parents can be proud of taking their children to buildings that are adequate for our educational programs and not have to wait for 30 years because some are ideologically so confined that they insist on paying for everything cash up front.

Dr. Brown: Mr. Speaker, can the minister inform the residents of Evanston when he will build an elementary school in Evanston?

Mr. Lukaszuk: Mr. Speaker, the lineup is long and growing longer. In a number of municipalities like Airdrie, Grande Prairie, Fort McMurray – yesterday I met with Leduc – and in many rural and urban areas there is a need for schools. The fact is that the need is undeniable; we don't question it. We need to find a fiscal framework that is responsible, that works for Albertans today, and that is responsible to little kids so that they don't have to be in basements and Legions just because some choose to pay for everything cash up front.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Rocky Mountain House.

Electricity Prices (continued)

Mr. MacDonald: Thank you, Mr. Speaker. The maximum allowable price for electricity under Alberta's deregulation scheme is \$999.99 per megawatt hour. My first question is to the Minister of Energy. Is the government considering lifting that cap or removing it completely?

Dr. Morton: Mr. Speaker, that's why we appointed a committee to review the whole matter of the regulated rate option and how it's constructed. We're happy to report to Albertans that the regulated rate option for March is back down to an average of 8.3 cents, which is the five-year average.

In terms of how the RRO is constructed – and there are a variety of ways that it might be done; the question of caps is one – we're waiting for some advice from the committee, that I hope to announce the members of next week.

The Speaker: The hon. member.

Mr. MacDonald: Thank you. Given that the TransAlta Corporation has recommended that the cap be increased or lifted to \$2,500 and that recently TransAlta Corporation has donated \$50,000 to

five of the six PC leadership candidates, will this minister guarantee that the cap will not be lifted, as TransAlta suggests, to \$2,500 per megawatt hour?

Dr. Morton: Mr. Speaker, these guys are always chasing their own tail. First they insist on committees, an independent look, and then they come and say that we won't listen to the committee in terms of what advice they give us. I think I can say with a high degree of confidence that you're not going to see the cap go above \$998.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: given that TransAlta would also ask that the AESO consider complete removal of the cap by the year 2015 and given the fact that they have given a generous donation of \$50,000 to five of the six leadership candidates, including yourself, will you guarantee that that cap will not be removed or increased? Guarantee it now.

Dr. Morton: Mr. Speaker, we know that some of the other parties are so bankrupt of issues that all they can do is try and raise fears of what might happen in the next year. It appears the Liberals have now fallen into the same trap. We have no intention of caps or these other things, but we've appointed a committee. I'm not going to sit here and say that the committee can't look at all options, but I can't imagine the scenario under which we would abandon a cap.

The Speaker: The hon. Member for Rocky Mountain House.

Bear Management

Mr. Lund: Thank you, Mr. Speaker. My questions today are to the Minister of Sustainable Resource Development. In southwestern Alberta the ranching community is dealing with removal of dead animals to avoid the attraction of bears. Since the renderers no longer collect these carcasses for free, the collection is very costly for the ranching families. What is your department doing to reduce these costs for these ranchers so that they can follow the BearSmart best practices?

The Speaker: The hon. minister.

Mr. Oberle: Thank you, Mr. Speaker. I'm pleased to inform the House that my staff have been working pretty closely with the ranching community to reduce human/bear conflicts, which are a major cause of bear mortality. We've worked together with the community to purchase livestock carcass collection bins, and we've supported the pickup costs to reduce attractants.

I'm also pleased to announce, Mr. Speaker, that we just recently approved a \$60,000 grant to put a wildlife carcass composting facility at the Cardston county Chief Mountain landfill site. This will greatly reduce costs to landowners.

Mr. Lund: Thank you very much for that answer. I hope that if there are bears crawling into those collection bins, they don't get rendered as well.

My second question is to the same minister. Mr. Speaker, as we know, the bears will soon be emerging from their dens, so they'll be looking for a source of food. With the ranching community in southwestern Alberta so close to these dens, what is being done to reduce the risk of conflicts?

Mr. Oberle: Well, Mr. Speaker, I can assure the hon. member that the bears don't fall into the bins. They're bear-proof bins.

We're also working on putting bear-proof grain bins out there with bear-proof doors on them so that the bears don't get in there. We're putting out electric fencing. We've started a wildlife roadkill feeding program, a winter feeding intercept program. We collect through the winter deer and elk carcasses from roadkill, and we're going to start putting them out for intercept feeding to keep the bears away from private land and the food attractants that are there.

The Speaker: The hon. member.

Mr. Lund: Thank you very much, Mr. Speaker. Thanks for that answer.

I'm very curious because there's been a lot of talk about the population of grizzly bears. Could you enlighten the House as to what your most recent counts are telling us about the numbers?

2:40

Mr. Oberle: Mr. Speaker, I can inform the House that we have a little bit of a conflict here, and that is that we have an abundance of anecdotal evidence about increasing bear populations in the southwest and a community that's concerned about that, but I don't have any scientific data that would back up that surge in population. What we're doing is that we're expanding our DNA testing that went on in the south. We've put out rub fences, and we're going to expand that DNA program across the south and try to get a more scientific count. I'm not prepared at this time to act on anecdotal evidence.

The Speaker: Well, that concludes the question-and-response period for today. Eighteen hon. members were recognized; 106 questions and responses were given.

We will continue with the Routine in just a few seconds from now.

Introduction of Bills

Bill 7

Appropriation Act, 2012

Mr. Liepert: Mr. Speaker, I request leave to introduce Bill 7, the Appropriation Act, 2012. This being a money bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this bill, recommends the same to the Assembly.

[Motion carried; Bill 7 read a first time]

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

Bill 210

Early Childhood Learning and Child Care Act

Mr. Taylor: Thank you, Mr. Speaker. I request leave to introduce a bill being Bill 210, the Early Childhood Learning and Child Care Act.

This bill will create a crossministry cabinet committee and will establish an early childhood secretariat, which will be tasked with creating an early childhood learning and child care framework. The development of the framework will require appropriate stakeholder engagement, and it will establish a number of performance measures to monitor its effectiveness going forward. The bill will also oblige the cabinet committee and secretariat to conduct a review of the existing child care subsidies and tax policy to ensure that there is no economic incentive in choosing one form of care over another.

Mr. Speaker, the early years of a child's life are of the utmost importance for development. I hereby move first reading of Bill 210.

Thank you.

[Motion carried; Bill 210 read a first time]

Tabling Returns and Reports

The Speaker: The hon. Member for Calgary-Varsity, then Edmonton-Gold Bar, then Calgary-Buffalo.

Mr. Chase: Thank you, Mr. Speaker. I'm tabling a further 20 e-mails, of the hundreds I've received, from the following individuals who say that the Castle wilderness is still a very special place and that logging in this protected area should be stopped to preserve Alberta's natural heritage: Brent Miller, Dr. John Brazner, Lynda McMurtrie, Jan Draper, Brenda Fitzpatrick, Jeanne Keith-Ferris, Shirley Holman, Heather Parsons, Emilie Magnan, Janet Pattinson, Hugh Whiteley, Susan Diane, Rejean Quesnelle, Irene Friesen, Wesley Johnson, Peter Young, Paul Davis, James Heck, Philip Adamson, and Anne-Marie Kelly.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you, Mr. Speaker. I have tablings today on behalf of and in support of the Leader of the Official Opposition's questions earlier today about the Critical Transmission Review Committee's chairman, Mr. Brian Heidecker. I would like to table five copies of the 2011 leadership campaign financial statement from the hon. Member for Battle River-Wainwright, which clearly shows Mr. Heidecker was CFO of the campaign and that his company, Drylander Investments Ltd., made a \$5,000 loan to the campaign at zero per cent interest.

As well, I have attached the biographies of the members of the critical transmission committee, which clearly state that Mr. Heidecker founded and owns Drylander. The corporate registration of Drylander Investments is also included.

Thank you.

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

Mr. Hehr: Well, thank you, Mr. Speaker. I have three tablings to back up my question to the hon. Minister of Finance. They are reports from the Parkland Institute, the Canada West Foundation, and the government's own report, all stating that our tax system is broken, the need for raising revenue, and how it will allow us to save for the future.

The first report is from the Parkland Institute, called *Fixing What's Broken: Fair and Sustainable Solutions to Alberta's Revenue Problems*.

The second one is by the Canada West Foundation, called *Tax Reform*.

The third is the government's own report indicating the need for raising revenue, *Shaping Alberta's Future: Report of the Premier's Council for Economic Strategy*.

Thank you very much.

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

Ms Notley: Thank you, Mr. Speaker. I have here a bill and the appropriate number of copies of that bill from Camillo Esposito of Lac Ste. Anne. He shows us that his electricity charges for January 2012 were \$256.

I have three more bills here: one from Tammy Westlin of Fort Saskatchewan, who was charged \$250 for her electricity in January, another from Codados Heetun, whose electricity for January cost him \$176, and, finally, a bill from Don Bosak of Black Diamond for January 2012 in the amount of \$179.06.

Statement by the Speaker

Private Members' Public Bills

The Speaker: Hon. members, I'm tabling today a letter that I received from the hon. Member for Edmonton-Centre. I'll just quote from the letter.

I write pursuant to Standing Order 8(7)(c), requesting that Bill 203, Tobacco Reduction (Protection of Children in Vehicles) Amendment Act, 2012 be granted early consideration and be called in Committee of the Whole on Monday, March 19, 2012.

I read it into the record because copies were not circulated to anyone else. But I do want to raise this matter. I'll bring it back tomorrow and talk about it further tomorrow.

This has to deal with a request not often exercised or asked for in this Assembly. Basically, comments are recorded in *Hansard* going back to 2001 by this chair, saying that this is a matter that needs some review because in essence what we potentially have is a conflict.

Monday is private members' day. It's the only day of the week that members can actually deal with bills. We have an order that is clearly defined in our standing orders that basically says that on one day a member's private member's bill comes up, then it's dealt with, and then it goes to the next steps. Usually we follow the second readings. Then we finally get to committee.

When a member asks that a stage be advanced over another, it may come into conflict with another private member who would necessarily have his or her private member's bill on the schedule. So I would ask that members look at Votes and Proceedings of November 23, 2009, and *Hansard*, page 1940, November 23, 2009, the last time that I put a ruling in with respect to this matter.

In almost all cases I basically, essentially, going back to 2001, have provided caution with respect to this request because of the conflict potential with another member. But in most cases it has been worked out as a result of consultation with the House leaders. In this case today is probably the first opportunity that House leaders for other caucuses would be aware of this. So I repeat again those comments that I've raised in the past. If I receive some advice by noon tomorrow on this particular matter, it would be helpful. If not, I would have to make a statement tomorrow and probably decide on Monday if that would be given, depending on would the interest conflict with another member with respect to this.

I should also point out again, for a number of times now, that I raised this matter in 2001, and I suggested very strongly that this matter be referred to a certain committee for further advice to be provided to the Speaker with respect to this matter. Eleven years: I say it again. Tomorrow I'll say more.

2:50

Orders of the Day

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The chair would like to call the committee to order.

Bill 2 Education Act

The Chair: Are there any comments, questions, or amendments to be offered with respect to the bill? We are on amendment A1.

Ms Blakeman: That's what I was going to confirm. Thank you very much, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Centre on amendment A1.

Ms Blakeman: Yes, indeed, sir. I am the Member for Edmonton-Centre, and I am speaking on amendment A1. Thank you for the reminder.

This, I understand, is – what's the word I'm looking for? – a compromise amendment that is brought forward by the government, and given the majority this government has, it signals that, indeed, it will pass. On casual reading of it, it appears to be a pretty straightforward, motherhood, common-sense kind of amendment. It essentially says that parents have a right to choose the religious and ethical traditions in which their children are raised. Fair enough. A child's education begins in the home. Indeed, it does: potty training, you know, table manners. Yes, of course, obviously education begins at home. That the parents play a role in the spiritual and moral upbringing of the children: absolutely. Say please and thank you, follow the golden rule: exactly what we would expect.

At this point I'm starting to get a little curious about what all of this is doing in a bill about public education, which is the Education Act, Bill 2. Just let me double-check. Yes, indeed, the name does say the Education Act, and for that we're talking about education that's provided by the government, public education, in other words. So I'm starting to go: okay, what does this have to do with public education and a public education act? We're talking about what parents do at home with their children. Okay. Well, I keep reading. "These principles are reflected in the commitment of the Government of Alberta" – okay; no quibbles with that – "to provide parents with choice in education."

All right. I'm getting a bit more nervous here because again the word "public" is missing from all of this. It appears, as we've had with the change in the lexicon around health care, that we're seeing it again in a change of language that's used around public education in this province, where we went from talking about health care in which we meant upholding the five tenets of the Canada Health Act to just talking about public administration of health care and the single pair.

Well, that's interesting because if you look at what's being left out when you list only one thing out of a list, you notice that we're not talking about public delivery of health care anymore. We're only talking about public administration of health care but not public delivery, which means the door got opened to private delivery of health care, and we know where that got us. I would argue from my side that it hasn't been entirely successful. Actually, I would argue it wasn't successful, and it didn't uphold public health care, and by public I mean following all five tenets of that, not picking and choosing what suits you on any given day.

So I'm really interested when I start to go through this act, which is about delivering education in the province, which I assume is public education. Why would we be talking about private education? That's somebody else's business. I think we're talking about public education, but, no, the word "public" is pretty much gone. It's certainly not found in front of the word "education," not in this amendment.

Let me just back up: "to provide parents with choice in education." Uh-oh. It's one of those big words that this government uses that always makes me nervous – yes; I can see the Member for Calgary-Lougheed is agreeing with me – because choice took on an entirely different meaning under this government. Choice went from meaning that on a standardization, on a level playing field, all things being equal, all those other provisos in there, a choice was between two things that were on an even footing. That's completely gone out of this province.

Back to education as a way of understanding how this government operates. Choice in health care went from being a choice of two equal things to a choice of two unequal things. Instead of looking at whether you were going to get your MRI inside the government system, well, no, there are so many problems with that now that you get it privately, but then you're paying out of your own pocket, which wasn't one of the tenets of health care that we started out with, one of those five I was talking about.

The word "choice": there are a number of them, and the list is getting longer. When this government uses the word "choice," my antenna goes up, and I think: uh-oh, that's not going to be the best thing in the long run for Albertans. When they use the word "flexibility" now, that also makes me start to look around to see how Albertans are going to end up paying more out of their pockets for the same thing they used to get before covered under health care.

A responsibility, that's the other one. When I spoke on this bill before, I talked about that concept of responsibility. But responsibility under this government has come to mean an entirely different thing. It means: "You're on your own, babe. Deal with it." It's kind of a take it or leave it situation.

Once again I'm looking at this amendment: "to provide parents with choice in education, including public schools" – there we have it – "separate schools . . ." Okay. I'm assuming we're talking public and private school boards and the offering of Protestant and Catholic education as is found in the Charter and the Canadian Constitution. Let me just dig that out again so I've got it here. I did flag all of this before to make sure I knew what I was talking about. Yeah, section 23 covers minority language education rights, in which education is to be provided in English or French according to the majority, but the minority is also to be recognized and instruction given in the minority language where the population merits it. There are guidelines there.

The other place you find it is under section 29. Oops, sorry; no, it isn't. Section 29 is making sure that nothing that's in here derives from the rights and privileges that are guaranteed under the Constitution "in respect of denominational, separate or dissentient schools," which is part of the religious proviso, which is the Catholic and Protestant.

Let me just find that specific right. It looks like it's in section 93. Oh, yes. Protestant and Catholic schools. So that's what's actually guaranteed in the Constitution to be provided. We've got public schools and separate schools, which is the religious concept of Protestant and Catholic. We all understand that that does not include any other religion because once you start a list, if you're not on the list, you're not there, so public and separate, francophone schools, which, again, I gave you the section in the Constitution which covers that. Then we've got charter schools, which do not appear in the Constitution or in the Charter, and private schools, which do not appear in the Constitution or the Charter.

3:00

For those people that have written to me, thank you for your interest and for following me, but you actually have to have it in the Constitution. You can't read another part of the Constitution and assume that means that it covers you. That's what I mean by lists. If it's not actually in there, it's not there, and it's not covered, which is why you end up with people campaigning to get more things covered under the lists: charter schools, private schools, and home education programs.

I'll go back to what I was saying before about freedoms, rights, and protections. That is what is actually in the Constitution, where it lays out the freedoms. Of course, everything that is in there as a freedom or a right is "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." So we always have to remember that there are limits, and there are reasonable limits to everything that is given here. You know, the common example of that is that my right to swing my fist around ends at the end of your nose. I'm not allowed to swing my fist around and bash you in the nose.

An Hon. Member: It should be before the end of your nose.

Ms Blakeman: Yes, it should be before the end of your nose.

So there are reasonable limits that are set out here. These are not absolute freedoms and rights. Of course, the freedoms are freedom of conscience and religion; freedom of thought, belief, opinion, and expression, including freedom of the press and other means of communications; freedom of peaceful assembly although that's very difficult to do in this day and age given the amount of security in this building; and freedom of association, to get together with whoever you want. You can't say: you can't meet with that group or meet with this group. Those are your fundamental freedoms. That's what's in here. That's all that's in here. Okay? If it isn't in that list, it's not here, and it's not a freedom that is granted by the Constitution.

Now, rights is the next section. That's where you get into things like democratic rights, which is the right to vote. And these are rights. You need to read it carefully because sometimes it's citizens; sometimes it's individuals. "Every citizen of Canada," not every person in Canada, "has the right to vote." Every citizen of Canada has the right to vote in an election, et cetera, et cetera, and then it goes on with how they write that.

You've got mobility rights, the right to come in and remain in and leave. Again, that's every citizen, not every individual. Every citizen.

You've got legal rights. Watch the language here. "Everyone" – everyone, not every citizen, not every voter, not every man or every tall person – "has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." Then it goes on to talk about your other rights.

This wording becomes really important when you're trying to interpret this stuff. It's important to know that in our Constitution we give legal rights to everyone whether you're a citizen or not, whether you're tall or short or a man or a woman, whether you're abled or differently abled. Everyone gets a legal right, but everyone doesn't get a mobility right or a democratic right. So the language gets really important here.

By the way, folks, this is not hard to read. The Constitution is not a hard document to read. I'm reading it out loud to you now. It's not filled with really cumbersome language. It's actually a really easy document to read.

Equality rights is the next issue. Again,

Every . . .

Every.

. . . individual is equal before the and under the law and has the right to the equal protection and equal benefit of the law without discrimination . . .

And here comes a list.

. . . and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

And onto this has now been written sexual orientation as a protected ground. Now, that appears as a right, but the list is actually a list of protections. So, remember, I talked about freedoms, rights, protections. The list is actually protections.

Then we go into official languages, French and English, and on we go in the rest of the Constitution: minority language rights, enforcement, general, application of the Charter. Then you're into the whole rest of it: the distribution of legislative powers and the division of regulation of trade and commerce, raising of money, borrowing of money, postal service, census and statistics, et cetera. So I recommend it highly. This is not hard to read, and it's not a long document, but it does get really important when we start looking at stuff like this.

So we know that the public schools are definitely protected and listed specifically. The separate schools are. The francophone schools are. But charter, private, and home-education programs are not. Well, what are they? If we're going to put them in a preamble, what are they? Well, I believe – and I'm going to, I hope, get corrected by legal jurisprudence experts – they would be called an accommodation, or a privilege that is extended by a body such as this government. So this government is going to agree to accommodate them. There's no requirement that the government do that, but they can accommodate, and they have here included them as an accommodation: charter schools, private schools, and home-education programs.

I think what we need to be very, very careful about here is that we continue with an understanding that this is about public education, and the point of this act is public education. I as an individual do not believe that private schools should receive any public dollars. I just don't believe it. If you're in a private school, you're in a private school, and you pay for it. I understand that a lot of the private schools in Alberta, in fact, are not big, fancy, highfalutin schools with uniforms and all of that how-de-do. They are several families getting together and having their children schooled in a particular religious ethic, if I can put it that way. Sometimes it's because of distance that they are getting together and sort of having their own private school. I just don't believe public funding should be going into it, and I'm not ever going to believe otherwise.

I fundamentally believe in public education, and I think it is one of the services, one of the programs, one of the major values that government should be providing for everyone, not just its citizens but everyone in the province. What we need to know at the end of this is that when you as an employer are hiring someone, and they say, "Yes, I went to school in Alberta," we know what their qualifications are at the end. We know generally the program of study that they've had. We know what they're expected to be able to do. That's what I expect from a public education. If you want to come to me and say, "I've got a private school education," I'm going to look at what you did because I'm going to expect that it was not in the public system.

Home education. There are reasons for doing home education. I know two people quite well, one who was home educated and one who did home education for their child. They had very good reasons for doing so. Here's my hesitation. I want to make sure that kids that are home-schooled, in fact, end up with that same

level of education. I do not want to hear, as some of the letters I've received have pointed out to me, that they are offended that they might be restricted from teaching their child that the homosexual act is a sin. That disturbs me to my core. It is not something that I would like to think we are educating our children to believe. Children are born without discrimination. I don't want to have it in Alberta, in my province, that we would be having a publicly funded system in which that is being taught as part of school, as part of education.

Now, let's go back to the preamble that we're debating. The government

recognizes that parents have a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins in the home; that parents play a foundational role in the moral and spiritual formation of their children; and that these principles are reflected in the commitment of the Government of Alberta to provide parents with choice in education, including public schools, separate schools, Francophone schools, charter schools, private schools and home education.

I can agree with most of that, but I'm really struggling with the last three.

3:10

Now, if charter schools are going to be in the public system, as they are in Edmonton – and here we do a little shout-out to Mike Strembitsky. God bless him because he anticipated this. He made sure that all the charter schools in Edmonton are inside of the public system. They exist in the Edmonton schools. I have one. The Nellie McClung charter school for girls is in the junior high portion of Oliver school in my fabulous constituency of Edmonton-Centre. So grades 1 to 6 are regular kids from the neighbourhood, and the junior high is the Nellie McClung school for girls. They're drawing from across the city. Charter school, yes – parents raise additional funds for them and do different kinds of programming with them – but it's part of our school system. It's run out of one of our schools. Very good. I just think the world of that particular program, but it's in the system.

Outside of Edmonton these charter schools are not part of the public school board. I don't know how you guys handle that. I think this is where it starts to get away from us when we're putting taxpayer dollars, collecting it from their property taxes, and putting it into schools that don't seem to want to be part of our public system. That's where I really start to struggle with this. [Ms Blakeman's speaking time expired] Oh, shoot. We'll try again.

The Chair: The hon. Member for Airdrie-Chestermere on amendment A1.

Mr. Anderson: On amendment A1. Thank you very much, Mr. Chair. I'm happy to stand on behalf of the Wildrose caucus and will start out by saying how much we support the rights of parents to educate their children in the manner which they feel is best. We feel very strongly about and with conviction believe in the UN declaration of human rights, which says very clearly that parents have a prior right – a prior right – to choose which education is best for their children. That is a very important human right. As someone with four young boys it's something that I hold in the highest regard.

Potentially, in my view, it's one of the most important human rights that there is. I can't imagine what must have gone through the hearts and minds of our First Nations people when their children were stripped from them, taken and forced into residential schools to be educated in a way that was not in line

with their parents' beliefs or according to their parents' wishes. I can't imagine what I would do. It's horrifying to think of it.

That and many other reasons is why I feel very strongly that when it comes to the education of our children, when it comes to what they are taught, the government should be, oh, so absolutely hesitant to interfere in any way with a parent's decision on how to educate their children. It should be a last resort. Only in the most absolutely obvious circumstances should the state ever regulate a parent's right in that way, much like we only regulate our freedom of speech when that speech is calling for a violent act.

Only then do we regulate free speech, just like these other rights: our right to freedom, our right to liberty, freedom of movement, freedom of mobility. Only when we take someone else's freedom away: only when somebody kills another or steals from another or breaks a law do we take that person's freedom away, when he has affected somebody else or taken their freedom away. Only then do we interrupt or interfere with those fundamental freedoms.

So, too, in education, which to me is a human right. It is in our Human Rights Act here in Alberta. It is in the UN declaration of human rights. I believe with all my heart that it is something that we need to respect. We cannot in a tolerant society – we hear a lot about tolerance, and tolerance is important, and equality is absolutely important. What about being tolerant of those that have different viewpoints? Where's the tolerance of them?

Now, I myself choose to have my children educated in a public school. We have a phenomenal public school in Rocky View school division, Nose Creek elementary, with an amazing reading program in particular, that has just been fabulous. The quality of the teaching, the quality of the school is something that my wife, Anita, and I feel is fantastic. We want our children to experience that.

However, if they were ever in a school where the quality of that education diminished or if there were values being taught in that school that were reprehensible to the values that I hold – that's certainly not the case now – if that were to happen, I would absolutely reserve the right to remove my child from that school or from whatever school it might be. Then I could choose to put them somewhere else for their schooling, whether that be in a home-school setting where myself or Anita would school them personally or whether it be in a nonprofit private school like a faith-based school, for example, or a for-profit school if we could afford that, which we can't, or a charter school, an independent school, which may focus on a subject matter that we felt our child needed – I don't think we are able to go to a Catholic school because I don't have any relatives that are Catholic – or, of course, a public school.

I think that it is something that we need to protect very carefully, and I commend the government, that historically has been very supportive of parental choice in education. I want them to know that as much as the Wildrose and PCs disagree on several different things, this is one where we have agreement. Parental choice in education is critical, and we will always support this government whenever they are moving in a direction of enshrining, protecting, enhancing school choice and parental choice in education.

Now with regard to the amendment from the minister, it's a good start. The amendment that the minister brought forward says in the preamble:

Whereas the Government of Alberta recognizes that parents have a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins in the home; that parents play a foundational role in the moral and spiritual formation of their children; and that these

principles are reflected in the commitment of the Government of Alberta to provide parents with choice in education, including public schools, separate schools, Francophone schools, charter schools, private schools and home education programs.

Now, this is a good amendment, but it could be improved, in our view. How we choose to improve it is, in fact, the subject of a subamendment that I will bring forward now. I have the requisite number of copies, and we'll go from there.

The Chair: Hon. members, we'll pause for the distribution of the amendment. This is now known as SA1.

Hon. Member for Airdrie-Chestermere, you may continue now on the subamendment.

3:20

Mr. Anderson: Thank you, Mr. Chair. Subamendment SA1. Let's go over what this will actually do and how the preamble will change if this amendment is passed so that everyone understands. Essentially, if you go to the preamble of Bill 2 as it currently stands and go to the eighth recital of the preamble, it says, "Whereas parents have the right and the responsibility to make informed decisions respecting the education of their children." That would be removed from the act. In its place at the very top in the first recital, right under Preamble, before any of the other whereases or any of the other recitals in the preamble, it would then read as follows:

Whereas the Government of Alberta recognizes that parents have the paramount right and responsibility to make decisions respecting the education of their children, which includes a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins in the home; that parents play a foundational role in the moral and spiritual formation of their children; and that these principles are reflected in the commitment of the Government of Alberta to provide parents with choice in education, including public schools, separate schools, Francophone schools, charter schools, private schools and home education programs.

Essentially, this would slightly alter or add to, just making it even clearer how important and how paramount the rights of parents are with regard to choosing the education that's right for their children and how important that responsibility is. It would just tweak it slightly to make sure that that foundational principle – because the original amendment from the government is very well worded, and the principles are all there, or enough of them are there.

If we can put that as the foundation at the top, I think that would clearly state to the parents of Alberta, regardless of whether their children are in public school, whether they're in charter school, francophone school, whether they're in faith-based schools, other private schools, or home-schooling, that this government will respect those decisions and that they will respect not only the decisions of parents to choose those options but also, importantly, that a bad option is no option at all. So, most importantly, the government of Alberta will never think to come into their home-school setting, whether it be through regulation or whether it be through an individual, to come into their faith-based school, to come into their Catholic school or any other school and tell those individuals what they can and cannot teach to their children with regard to their beliefs, specifically in faith-based schools and Catholic schools, where the faith part of that schooling is intertwined throughout the entire curriculum. I forget what the Catholic system says about it. Permeates. That's it. It permeates the entire curriculum.

Never should the government of Alberta or any bureaucrat who perhaps is abusing his position – I'm not saying that they do, but it just takes one – come in and say: "You know what? That part of your faith that you're teaching is wrong, and we're not going to let you teach it anymore." That is a very, very slippery, slippery slope.

We can all agree that we should not be teaching our children racial supremacy, that we should not be teaching them violence or disobedience of the law. I'm absolutely in agreement with that.

Again, going back to what we talked about before, the state should only limit a parent's right to choose the education for their children in the absolute most extreme circumstances, where it essentially turns from the parent's right and starts actually harming the child. Teaching violent acts and teaching protest of laws through violent means as opposed to nonviolent means should never be done, and we all know that. But with regard to teaching them the principles of their faith, of their parents' faith and so forth, that should not be limited except in those most extreme circumstances.

So that is the intent behind this subamendment. I hope that the government and all parties will support it and support the families that feel that their right to choose education for their children is one of the most fundamental rights that they enjoy. I'll tell you that I personally value this right as much or more than any other human right that I enjoy as a citizen of this country and of this province.

Thank you, Mr. Chair.

The Chair: On the subamendment, SA1, the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. I can't do this. Either we're going to talk about public education, or we're not, but if we're going to talk about public education, then it has to meet a standard that satisfies the societal expectation or need for a certain standard of education and everything that goes with that. I can't support interjecting the paramouncy clause into the clause that we have with amendment 1, especially when it contains that list.

I guess if you want paramouncy, then go and have paramouncy in private schools, but I don't believe in that paramouncy when we're talking public education because I think it's almost impossible to meet that standard. It's wrong as far as I'm concerned, so I can't support the subamendment.

Thank you, Mr. Chairman.

The Chair: Before I recognize the hon. Member for Fort McMurray-Wood Buffalo, may we revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

(reversion)

The Chair: The hon. Member for Grande Prairie-Wapiti.

Mr. Drysdale: Thank you, Mr. Chair. It's indeed my pleasure and honour to introduce to you and through you to all members of this Assembly some guests from Grande Prairie that are here today and had a meeting with the Minister of Finance a short time ago: from Evergreen Park, Bridget Henniger; from the county of Grande Prairie, Bill Rogan; Ross Sutherland; and I see that your partner, Everett McDonald, just stepped out. Would you all please rise and receive the warm welcome of the Assembly.

Bill 2
Education Act
(continued)

The Chair: The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Thank you very much, Mr. Chairman. Indeed, it's a pleasure to rise in this Assembly to speak as a teacher pertaining to the subamendment put forward by the Member for Airdrie-Chestermere. I think it is an excellent subamendment, and I certainly hope and pray that the government and the Minister of Education will in fact listen to this very good subamendment. I understand by his facial expression that it appears that he's not going to.

That being the case, I would like to say that I believe in the support of faith-based schooling, that I support the paramount parental right of parents. I might add that my wife has been a teacher for over 15 years and, I'm proud to say, myself a teacher for over 15. But even more important than just being a teacher, which is of such paramount importance, I will say that the fundamental right of parents is paramount, that parents should be able to have the right to educate their children from both a moral and spiritual foundation in helping build our children. I believe this subamendment is doing something that the government has missed.

3:30

In fairness, if the government missed this before, well, I'm pleased to say that the Wildrose has been able to capture this. We hope that the actual government and the Minister of Education will support this subamendment because I think it is a fundamental value of all of us as parents, a parent's right to be able to both morally and spiritually teach our children. It is a foundation of our society.

As a teacher who has taught in the public and Catholic schools and – no matter what school, be it home-schooling, be it francophone, be it charter schools, be it public or Catholic, faith-based schools, it is so important to our society as well that parents have that right. It is a fundamental right that I think is so important for any parent, and that's why I as a member of the Wildrose caucus support this fundamental right in this subamendment. I pray and hope that the government will take heed of this subamendment, even though they overlooked this and the concern that has been brought forward, so that we can make the best law that gives parents the right to educate their child and also pursue other options available, be it through, as I mentioned earlier, faith-based schools, charter schools, francophone schools, public and Catholic schools – there's a variety of schools; parents have a choice – or home-schooling.

And I do believe that home-schooling – to the parents that are teaching their children at home, I just want to say that I applaud them. I do believe that as we go forward, this subamendment will be greeted with acceptance by this government because it is value based, it is nondiscriminatory, and it is essentially giving the paramount right to a parent to choose how they educate their children, and I think that is so important.

I might add that our child will be going to kindergarten next year. My wife and I started our family late in life, so next year our child will be going to kindergarten. I enjoy the freedoms as a parent. I enjoy the freedoms of the options that I have under the Education Act for that, be it in faith-based schools, public, Catholic, charter, francophone, home-schooling. It is all the right of a parent to make.

I will say that in the Wildrose caucus we do not support discrimination of any sort. We believe that parental rights are paramount to the building of our society. Consequently, I hope

that all members of this Assembly – and I offer to you as a teacher and as a parent that I believe that this subamendment is truly something that will strengthen the law of this Education Act that's coming forward. I trust and hope that everyone in this Assembly can agree on this subamendment put forward by the Wildrose caucus and the Member for Airdrie-Chestermere.

Thank you very much, Mr. Chairman.

The Chair: On subamendment SA1, the hon. Member for Calgary-North West.

Mr. Blackett: Thank you, Mr. Chairman. I'd like to speak to this subamendment. You know, parents in Alberta have the right to determine what type of choice they have for their children's school, as has been mentioned before, whether it's Catholic, whether it's public, whether it's home-schooling, whether it's a charter school, whether it's a private school. We also have the ability to choose their friends and pick their clothes. We have the ability to decide which areas we're going to live in. But they're not all enshrined in legislation. Sometimes common sense has to prevail.

Back in 2009 we had Bill 44, about the Alberta Human Rights Act, brought before us. A large issue on that bill was the parental rights, which was supported by this government caucus, which was passed in this Legislature. We had a provision in there, section 9, that allowed for the opting out by parents on issues with respect to religious education, what we're talking about, and also sexual orientation and sexual education. Since September of 2010 there has not been one single, solitary, complaint by a parent in this province on that issue.

As we've debated this bill in the Legislature, one of the things that I remember saying is that we have to rely on the common sense and on the tolerance and values of Albertans to make the right decisions, and they have. I believe that the preamble that the Minister of Education has put forward adequately addresses this provision.

This act, as everybody knows, is somewhat superseded by the Charter of Rights and the Human Rights Act. Clearly, parental rights are specified there, and there is adequate provision. So if we're allowed to opt out of any program or anything in the curriculum with respect to religion, then we can't expect that a teacher would be a force. Whether it's home-schooling or any of those different forms, whether it's a charter school, private school, public school, Catholic education, French immersion, you name it, they would not have that imposed on them, especially home-schooling. So I don't think there's a need for that.

I certainly agree with the hon. Member for Airdrie-Chestermere about the importance of parents in education. We all, I think, agree in this House about the importance of parents in education and the importance of their determining what type of education they want. I just do not agree with the wording in this particular subamendment.

Thank you.

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

Ms Notley: Thank you. It's a pleasure to rise to speak to this bill in committee. I was going to originally speak to the amendment but now to the subamendment, but I expect the comments are not dissimilar in both cases. You know, there is a lot of conversation going on about this bill and the preamble of this bill. Frankly, there are a lot of people who, in my view, are exaggerating the implications of the preamble, exaggerating the implications to some extent of what was in the bill prior to this amendment.

I actually received an incredibly thoughtful letter from a member of my constituency, who is a home-schooler, who wrote at much length about the legal implications of the bill and the concerns that were raised by a subset of home-schoolers around the implications of the bill that were not actually founded in law, that the threat that somehow this bill meant that people would be coming into their house and telling them how to teach their kids was simply not accurate and that, in fact, the human rights code and the application of the Charter don't actually apply, frankly, in these cases. So it was interesting because it was a much more reasoned approach.

Also, though – and I was very pleased to see this – she said that as far as she's concerned, home-schooler or not, the values inherent in the human rights code and the values inherent in our Charter of Rights and Freedoms were absolutely something that she wanted to ensure that her children learned regardless of the setting in which they resided. And I agree with her.

Frankly, I think that the minister's attempt with the first amendment to change the preamble is largely window dressing. The Supreme Court of Canada has turned its mind to the issue of the legal relevance of preambles, Mr. Chairman. In most cases they almost never consider preambles in the course of interpreting and applying legislation. Really, what we are looking at is something that is attempting to deal with a political problem in a highly politicized pre-election environment. So that's what that's about.

Now, what the Member for Airdrie-Chestermere is trying to do is that he's actually trying to add a little bit of oomph to this preamble to potentially confuse the courts a little bit more, you know, to outline this issue of parental rights. As people in this Assembly would know, I don't know that there were two people more opposed on the issue of Bill 44 at the time that we had the conversation about Bill 44 than the Member for Airdrie-Chestermere on one side and myself on the other.

Mr. Anderson: And we're still friends.

Ms Notley: The Member for Airdrie-Chestermere notes that we're still friends. I like to think, you know, that I'm slowly opening his mind to certain issues. Who knows? At a certain point we might actually develop a consensus on that.

However, the bottom line is this, Mr. Chairman. This is not a simple issue, and any efforts to inject legal implications of some of the phrases that the Member for Airdrie-Chestermere or the Minister of Education are throwing in there are not simple issues.

3:40

You know, there's been incredibly heated debate in Ontario about how the school system there deals with publicly funded faith-based schools that, as a matter of their faith, insist on female students being separated from the remainder of the class at certain times of the month. Mr. Chairman, I say that that's not something I can support, yet to suggest that, is to be accused of not respecting people's faith. Of course, I do respect people's faith. The fact of the matter is that it's not black and it's not white. It's very complex.

What I do say, though, is that in this House, a public body, when we're talking about a public statute and the administration of public funds, I will always – always – look to our Charter of Rights and Freedoms, I will look to our Constitution, and I will look to our human rights code. In that case I will always look to the fact that nobody should be discriminated against, that no child should ever learn that it's okay for someone to be discriminated against, and that that code applies always.

The Member for Airdrie-Chestermere talked about extreme circumstances. We'd never want our kids to be taught that violence was okay. But is the general acceptance of Nazi thought okay as long as you don't attach it to violence? It's an interesting question. We don't ever want our kids to learn that physical gay bashing is okay. But is refusing to talk to people because they're gay okay? The fact of the matter is that if you breach the human rights code, if you discriminate against somebody overtly with violence, overtly by not letting them have a job, adversely by simply not letting them into your group of friends, and it just works out that coincidentally they never get employment in a certain sector, any of those ways, Mr. Chairman, are wrong.

In my view, any question that we would subject our Education Act to considerations which would undermine those fundamental principles – principles in the Charter, principles in our human rights code – is something that our party, the NDP, cannot accept. I just don't think there's a document or a concept or a group of values that more widely encompass and embrace all Canadians and all Albertans than those simple, fundamental notions of equality and human rights, and they are not notions that can be modified or exempted, where you can apply degrees of extremism to decide whether or not they should be respected. I'm a little concerned, as a result, that some of the conversation that's come up thus far suggests that there are degrees in certain publicly funded, publicly legislated settings. I would suggest that I can't agree with that.

So for those reasons I can't support either the subamendment and likely will not support the amendment either on behalf of the NDP caucus.

We remain very, very committed to public education. We respect the rights of parents to teach their kids about their religious beliefs and values in the home, and that's something that's very important to all families in Alberta. I also remain convinced that in our public sector, where all of us have to come together regardless of our religious background, there are certain simple concepts which must apply to all of us, and I would not ever want to see that jeopardized. So on that basis I'll be voting against the subamendment and, if I don't get a chance to speak on the amendment itself, also against that.

Thank you, Mr. Chairman.

The Chair: In the tradition of alternating government and opposition, the hon. Member for Calgary-Nose Hill if you wish.

Dr. Brown: Thank you, Mr. Chairman. I do have some concerns with the subamendment as it's phrased. I would like some clarification from the hon. Member for Airdrie-Chestermere about what his understanding of the word "paramount" would be, whether that is in the sense that we would use it in a constitutional context, whether it means the ability to override or to veto. As the hon. member knows as a member of the bar, preambles are often referred to by courts in interpreting the legislation to which they're affixed. Would the hon. member concede that there is also a paramount right and a responsibility for society as a whole to ensure that every child has a reasonable level of competency and skills in order to succeed in a modern society, that being a minor, that society has an interest in ensuring that they achieve some educational skills, skills like reading and writing and mathematics, which would give them the opportunity to pursue a trade or skills or higher education?

In the context of the phrase which the hon. member is proposing, I'm wondering whether "the paramount right and responsibility to make decisions" really means to make all decisions because that's the inference that one could gain by the

wording, the plain meaning of it. If one has the paramount right and responsibility to make all decisions, does that include the overriding ability not to require the child to go to school at all? Does it include the paramount right to have your child not pursue mathematics, which they may have a distaste for? Does it include their ability to keep their child out of English classes or learning how to write and so on?

I would just ask for some clarification there because I do have some concern with the use of the word “paramount” in that context in terms of the parents’ rights.

Mr. Anderson: I’d be happy to answer that.

The Chair: You want to answer it?

Mr. Anderson: I’ll answer the question, and then we’ve got lots of time to debate, so we’ll all be good.

The Chair: Okay. The hon. Member for Airdrie-Chestermere on subamendment SA1.

Mr. Anderson: A very good question. There’s a lot of information in this preamble and in this act, tons of information, tons of rights, responsibilities. Lots of it is in here. There are some rights, in the view of this member, that are paramount. Obviously, the Charter of Rights and Freedoms governs this document, and obviously the courts, therefore, will interpret this document. However, within this document I think that it is completely within the purview of the Legislature and certainly it is appropriate here to assess which rights are going to be given the most weight. In answer to your question I absolutely, fundamentally believe that parents do have a paramount right over the decisions regarding the education of their children.

Now, it does go on to explain what that includes in the same clause. It says, for example: “The paramount right and responsibility to make decisions respecting the education of their children,” which includes “a right to choose the religious and ethical traditions in which their children are raised.” So I do think that within the amendment itself it does clarify what this applies to.

I think that at some point rights do come into conflict with each other – there’s no doubt about it – and a lot of times courts are asked to judge which rights supersede others. Do I feel that parents have the right to take their child out of school at a certain point? Yes, I do. I do believe that. I have an autistic child, for example, and if I ever thought that he was being bullied, if I ever thought that he was being harmed in any way in a school setting, I would reserve my right, whatever the law is, to take that child out of that setting and to protect him.

So I guess the answer is: yes, I do believe it’s a paramount right. If I had a child that who suicidal and who was being bugged and bullied in school and so forth, obviously I would try to work with that school to help alleviate the problem, but if it wasn’t relieved, then I would hold paramount my right as a parent to remove that child from the school. If there were no other options – perhaps it was in a rural area, for example – perhaps that means that that child would not be in school, and I would choose to home-school that child.

3:50

At some point you have to say: whom do you trust? At the end of day whom do you trust? Who has paramountcy in these cases? I think that except in the most extreme circumstances it’s parents, with the exceptions that are obvious; for example, child abuse, violence against children, et cetera, those types of things.

Obviously, when children’s rights are being taken away from them by their parents, that’s when government steps in.

In the absence of that happening, I believe that a parent has, without any doubt in my mind, the right to decide how their children will be educated and if they will be educated in a public school, a charter school, a home-school setting, what that home-school setting will look like and what will be taught in that home-school setting, with, of course, the caveats that if that goes into something where that child’s rights are being taken away or where it becomes abuse – I would include in the definition of abuse any type of teaching where you are teaching some sort of racial supremacy, where you are teaching that you should be violent against any group or anyone, for that matter – that is where the line is drawn, in my view. That’s where it becomes abuse and where the parent loses that paramount right.

Just as with, you could say, the Charter rights that are out there – the right of free speech, the right of freedom of assembly – all these different freedoms that we enjoy by virtue of being in the Charter are paramount to other things that go on in society; for example, driving on the road or some of these other rights that we enjoy because we’re allowed to do them. But they do not take the right over other rights that are more paramount that are listed in our Charter or listed in the UN declaration of human rights in some cases, which includes that parents will have the human right to educate their children as they wish.

I hope that answers your question.

The Chair: Hon. Member for Calgary-Nose Hill, do you want to get on the list?

Dr. Brown: Well, thank you very much, Mr. Chairman. My learned friend has given some specific examples where there would be a right for a parent to absent their child where they were being abused or where there was some misconduct or some malfeasance or perhaps where the child was perceived to be in some difficult situation. Would he not concede that if you give the paramountcy right to those parents, everyone would have those?

Does the hon. member take issue with the fact that we do have compulsory education in the province of Alberta, that until the age of 17 years one is required to give their child an education? We’re not talking about home education versus public education but the requirement to give kids the basic skills that they need to succeed in society. Are you saying that there should be no such thing as compulsory attendance at school for children?

Mr. Anderson: Of course that’s not what I’m saying. Of course not. I just gave the examples that I reserve the right to remove my child from school and bring them into a home setting and educate them there as per the act. I mean, this is not about whether there should be compulsory education – I think we can all agree that there should be compulsory education – but that how that education is conducted is up to the parent. That’s why we allow for home-schooling. That’s why we allow for faith-based schools and Catholic schools and public schools and private schools and francophone schools, and you can go through it.

In answer to your question, yes, I believe children have a right to be educated as well. We’re talking about those rights clashing. But when it comes to how their children will be educated, I feel parents have the fundamental, paramount right to decide how they will be educated excepting in the extreme circumstances where it turns into abuse of that child by either not giving them any education at all or by abusing them and so forth, the examples that I used earlier.

The Chair: The hon. Member for Calgary-McCall on subamendment SA1.

Mr. Kang: My question is: what kind of an education standard are we going to have if everybody starts to do their own thing? That's my question. If the parents pull their kids out of school and bring them home and start educating their own kids, what kind of an education standard are we going to have?

Mr. Anderson: As the member was asking, what if everybody starts doing their own thing? Well, the law right now, hon. member, is that you are allowed to bring your child home to educate them. That is the law now. I'm not saying that that should change. We should continue to allow that. Some home-school parents choose to follow a specific Alberta Education curriculum; others do not. There's a different track of education that they use for their children. It's not completely verbatim from Alberta Education. That exists now. It works, and people are happy with it.

In fact, the results that home educators get out of their children are fantastic. I would venture to guess – and it is just a guess. I will get statistics to back this up, or I will see if they're out there. If you took all the folks in public school and you tested them for the quality of education at the end of grade 12, I would bet that our home-schooled children in this province and those attending faith-based schools and so forth would be every bit as strong as those graduating if not stronger.

Parents care more than anyone else how their children are educated, and they will move mountains to make sure that they're educated in a way that's beneficial to them. For the state to assume that it knows best what's best for kids over and above what parents know about their child is, in my view, not a value that I can support.

The Chair: The hon. Member for Calgary-Fish Creek on subamendment SA1.

Mrs. Forsyth: Well, Mr. Chair, I'm pleased to stand up, actually, and speak. I guess the unfortunate thing is that I'm following a couple of lawyers, and I have to tell you that I'm not a lawyer. They talk from a legal perspective. What I'm going to do, I think, is talk as a parent and grandparent about what I think is important, and that's about the rights of the parents.

You know, one of the things that I have found interesting with this Education Act is that I can't even remember how long it's taken for it to come from when it started to where we are now in tabling the piece of legislation. I'm sure the Education minister would be able to provide us the stats and all of the consultation that's taken place on this particular piece of legislation.

What always amazes me when we get a government bill tabled – and I can think of several since I've been a member of the opposition . . .

The Chair: Hon. member, we have subamendment SA1.

Mrs. Forsyth: I know. I'm getting there if you'd listen, please. The important thing is that we have already got a bill that's just been tabled, and we've already had an amendment put down on the table as A1. Now we have another amendment, sub SA1. So that's where I was getting to.

Amazingly enough, Mr. Chair, we have a 186-page bill. It has been on the floor for a very short period of time, and the government has already put an amendment down as of, I think, late last night. Now, what's interesting is that the preamble that the minister has brought forward is, I think, exactly what people

are thinking. You can talk about some of the things when you listen to the debate, and as one of the things I think the member over there talked about common sense. What the Wildrose is bringing forward is the fact that all we're adding is that we believe it is "the paramount right and responsibility [of the parent] to make decisions respecting the education of their children, which includes," and it goes on from there.

4:00

Being with the Wildrose, we end up working long hours or late into the night doing our own research because of the budget, so I was up bright and early this morning doing some research and pulling some documents from the Alberta Education website. Some documents that I pulled off their own website that I found very fascinating talk about school choice. It says:

When it comes to selecting a school, parents and students can choose from a wide range of options. They can select from public schools, separate schools, Francophone schools, private schools, and charter schools. They can also access a number of unique and innovative programs – including home education, online/virtual schools, outreach programs and alternative programs. Parents can also opt to home school their children.

Then it lists the schools and school boards, and it says: "Choice is one of the most important principles Alberta's education system is built on," a very, very telling statement, to be very honest with you.

I think anyone in this province can say that we probably have one of the best education systems in this country. My boys are older and went through the public school system. We were very lucky with the teachers they had, and I liked the education program my children got in public school. My grandson is in public school.

What's interesting is the list of schools that you start going down. It talks about public and separate schools, and it goes on quite eloquently about francophone schools.

Under the law, parents whose first language is French have a constitutional right to have their child educated in French where there are enough students to warrant it.

Then it talks about private schools, charter schools, and then home education.

Parents who choose to educate their children at home assume primary responsibility for delivering and supervising their child's courses of study and work as partners with a school board or accredited private school to ensure the child's educational goals are being met.

It goes on to talk about other online learning programs and outreach programs, alternative programs.

I think one of the nice things, Mr. Chair, about living in this province is the choices that we have. With education choices I think that one of the things that we as parents – and it says very clearly in the preamble that the government

recognizes that parents have a right to choose the religious and ethical traditions in which their children are raised; that a child's education begins in the home; that parents play a foundational role in the moral and spiritual formation of their children; and that these principles are reflected in the commitment of the Government of Alberta to provide parents with choice in education . . .

And then goes on, as I indicated earlier.

. . . public schools, separate schools, Francophone . . . charter . . . private schools, and home education programs.

All that my colleague from Airdrie-Chestermere is asking for in his subamendment SA1 preamble is just repeating. Honestly, when we had our lawyers talking, they talked about preambles and all of that in the courts, and I for the life of me tried to understand what my colleague from Calgary-Nose Hill was talking about on

the paramount rights and children not being able to attend school. I think the Member for Airdrie-Chestermere covered it very well. I mean, we have the right as a parent to pull our child out of class if there are some problems.

Many, many years ago my son's best friend committed suicide. Mr. Chair, I read that suicide note in the House because his parents asked me to read the suicide note in the House. It was a very troubling time for my son at the time. Obviously, he had some difficulties with it because they were best friends and always together. We chose at that particular time to pull our child out of school, and we did that because we felt that he needed some intense counselling. He was a pallbearer at that particular time for that child. You know, I never thought I'd have to come to that decision where I would be pulling my child out of school for a couple of weeks to provide what we considered the intense counselling that he needed.

There are hundreds of cases when that will happen in this province. I remember when I was a member of the government and I was bringing my bullying bill forward, which I'm very proud to say is incorporated in Bill 2 now. It started as a private member's bill. Fascinatingly enough, when I brought the bullying bill forward, I remember the Calgary public board of education was up in arms about this bill. It was going to be a disaster. In talking to the Minister of Education at that particular time, Edmonton-Whitemud, the Member for Calgary-Nose Hill stood up and spoke against my bullying bill at that particular time, so it will be interesting for him when the majority of what I incorporated in the bullying bill is included in Bill 2. I'm going to look forward to hearing him speak about that.

Having said that, I think what the Member for Airdrie-Chestermere is only trying to do is just to make it very important and make it very factual that always "the paramount right and responsibility to make decisions respecting the education of children, which includes" – and it goes on – is the parents' number one priority and number one choice.

So, you know, we can listen to the member talk about the child not attending school or all of that. That's also included in the act, Member. It talks about when you're skipping – and I can't find it right now – or if the child is missing in action. I, like many people, have had a lot of phone calls on this particular issue. I think it's telling when people call us in regard to parents having the rights and the responsibilities to make decisions respecting the education of their children.

Mr. Chairman, I'm going to sit down. I'm going to continue to listen to some of the debate and hear what people have to say, and I look forward to that.

The Chair: The hon. Member for Airdrie-Chestermere on subamendment SA1.

Mr. Anderson: Yes. After my comments here I would like to invite the Education minister to respond to this subamendment if he is willing and tell us why he is or is not supporting it. If he is supporting it, that means that we can sit down and have a vote or can keep talking about it for a little bit, but I'd like to understand his reasoning for supporting it or for not supporting it. If I can't convince him, if I haven't convinced him yet, then maybe a little bit more time will convince him, you know, a little bit more talking, a little bit more argument and debate.

4:10

Why do we need to put it that parents have a paramount right to make choices with regard to education, to decide how their children are educated? You know, I brought it up a little bit earlier

very briefly, but choice is not enough in this context because choices are great, but choices can be taken away. They're very different – choices are different – than rights.

It's very good that the current government of Alberta is in favour of school choice, very good. It's very good that they provide these choices. We've talked about separate Catholic schools; public schools, of course; faith-based schools; francophone schools; home-schooling; private schools; et cetera. But these choices can quite easily be taken away in certain circumstances. Actually, not in certain circumstances; they can be taken away at any time. I'm not saying that this government has any plans to do so, but the fact remains that they can be taken away. That's why it's important to recognize in our language the difference between a clause in a bill and what the government of Alberta actually considers to be fundamental rights.

You know, I think that if we are serious about saying that parents have the right to educate their children, to make decisions regarding their children's education, then I would say that it is very important that we show that by the language that we use in the School Act. It was mentioned earlier. This is Bill 2, the Education Act. This is about public education. Well, the Education Act, of course, does not just encompass public education. It incorporates all education, as was pointed out by the Member for Calgary-Nose Hill. It says in here that until you're 17 years old, there's compulsory education for children.

Mrs. Forsyth: And attendance.

Mr. Anderson: And compulsory attendance for an education program for a child.

It does very much include home-schooling, private schooling, faith-based schooling, Catholic schooling, francophone schooling, all these different school choices, and, of course, obviously, public school. So I think that it's very important that we put this new language in the preamble, put it at the very top where it belongs because you have to start from somewhere.

Let's look through the different preambles here. The first one:

Whereas the following visions, principles and values are the foundation of the education system in Alberta;

Okay.

Whereas education is the foundation of a democratic and civil society;

Whereas education inspires students to discover and pursue their aspirations and interests and cultivates a love of learning and the desire to be lifelong learners;

Very important. Good stuff.

Whereas the role of education is to develop engaged thinkers who think critically and creatively, and ethical citizens who demonstrate respect, teamwork and democratic ideals, and who work with an entrepreneurial spirit to face challenges with resiliency, adaptability, risk-taking and bold decision-making.

It's getting a little prescriptive, but I agree with it as a parent.

Ms Blakeman: And as a citizen.

Mr. Anderson: As a citizen.

Whereas students are entitled to welcoming, caring, respectful and safe learning environments that respect diversity and nurture a sense of belonging and a positive sense of self;

Okay.

Whereas education is a shared responsibility and requires collaboration, engagement, and empowerment of all partners in the education system as necessary to ensure that all students achieve their potential;

Now, let's look at that one for a second. It sounds good. Education is sometimes a shared responsibility. Not always. Sometimes it is.

It isn't really if you're a home-schooling parent. You're not really sharing the responsibility with the Ministry of Education. You're not really sharing the responsibility with the local school board or any teachers per se. If they are in a public school, then yeah, sure, they're a shared responsibility.

We can go on. There are many more.

Whereas the educational best interest of the child is the paramount . . .

Oh, here we go. I didn't notice this. Check this out. I didn't see this. This is interesting.

Whereas the educational best interest of the child is the paramount consideration in making decisions about a child's education;

There you go. We can use "paramount" there.

Whereas the Government of Alberta recognizes the importance of an inclusive education system . . .

And it goes on and on and on and on.

Ms Blakeman: It's the paramountcy of education.

Mr. Anderson: Yes; I'm sorry. I did read through this bill when it was first tabled last fall, and I'd forgotten that they did use the word paramount in here. But that's good. So we know that paramount can be used.

I would say that the best interests of the child are best determined by the parents – that's what I would say – except in those situations where, clearly, the parents do not have the best interests of the child, they are abusing them and so forth. I would say that it's important, given this language that's being used here, that we make it very clear that parents have the paramount right to the education of their children.

I would challenge the other side. I already know what the Liberals feel about this, and I know what the NDP feels about it. We'll just agree to disagree on it. But I want to hear from the other side why they don't think we should use the word "paramount" when describing the rights that parents have to choose the education for their children. What's the reason? Do they not think it's paramount? What right supersedes it, other than in situations where abuse is occurring, where the child is being harmed, abused, so forth? Their rights are being taken away, in other words.

Should we not have that in there? Should we not show, should we not conclude or make very clear in the language that it's parents that have the paramount right? I mean, someone's got to have the paramount right. Who has the paramount right? Is it the state? Does the state have the paramount right?

Ms Blakeman: The educational interests of the child.

Mr. Anderson: Who determines the educational interests of the child? Who?

Ms Blakeman: The act.

Mr. Anderson: Who? No, no, no. Not the act. Who? The act is a piece of paper. Who determines the – and I'll let you speak to this. This is an interesting debate, I agree. You say that it's all about the educational interests of the child. So my question to you, my question to everyone here: who is in the best position to determine what the best interests of the child are? Is it this dead piece of paper? Is it some bureaucrat in the Ministry of Education? Is it the teacher or the school board trustee? Is it the principal of the local school? Is it everybody in this Assembly? Is it me for everybody in Airdrie-Chestermere? Is it the Minister of Education for everybody in his riding? Who determines that?

My argument is that the person or persons who are best able to determine what is in the best interest of the child is, in almost every circumstance, the parent. Unless the parent does something to forfeit that – by abusing the child, by hurting the child, by taking away the child's rights to an education, to anything, unless the parent abuses that right, in which case they then lose that right – they have the paramount right to determine what's in the best interest. Because if we don't do that, who do we leave it to? Who is ultimately in charge? Who ultimately decides?

We can't just use things like whatever's in the best interest of the child. Who determines it? Is it the Child and Youth Advocate? Is it the Minister of Education? Is it the Speaker? Is it the chair?

Mr. MacDonald: The Speaker.

Mr. Anderson: You know what? I bet you it might be the Speaker. Maybe he thinks that. But the point is – sorry, Mr. Chair. I'm sure you do a very good job in most cases, especially with your own children. Especially with them.

The point is that as a society we have to decide who is the foundational block, essentially: who gets first crack to make that decision of what's in the best interests of the child? My feeling is, without any doubt, that the individuals that are best in a position to make those decisions of what's in the best interests of the child are parents, unless they give that right up through abusing it.

4:20

And the examples are simple. Again, this is just a piece of paper. But what if the act says that – what if it's changed one day, and it eliminates home-schooling? You can't do home-schooling by this act. No home-schooling allowed, or it has to be done a specific way, there can be no values taught. It has to be done specifically in the way outlined by the Ministry of Education. Let's pretend that that happens. So essentially what you're saying at that point is that you are taking away the parent's right to determine what's best, and you are saying: look, we've determined that the state is going to determine what's best for our children. Okay? That's what that would do, in my view.

If I have an autistic child, which I do, and if the act told me that I had to have that child in a public school that was failing my autistic child, if that was the act, if that's what the Ministry of Education regulation said, or if some civil servant in there said, "You know what; we can't trust parents with these autistic kids because their needs are just so complicated; we've got to make sure that they're getting exactly what they need; we, the state, know what that is," I would say that I would be absolutely mortified at that point if the state was overriding what I thought was best for my child, for that particular child, if I, say, would want to bring them home and said: "That school is failing them. I'm going to take care of them and teach them from home, doing home-schooling."

So we agree one hundred per cent on – and this is going to shock a couple of the members in the Assembly, specifically the Member for Edmonton-Centre. I agree with you that the interest of the child is paramount, no doubt about it, but who determines what that interest is? That's the question in my view. You can put your faith in government to do that. Fair enough. That's one way of looking at it. You can put your faith in the locally elected school board. Fair enough. There are people that have that view. But I think that the very foundation of our society is built upon families, is built upon parents or guardians taking care of their children, and that means a lot of different things. There are a lot of different types of families out there. But you have to start somewhere, and for me it's the family, and it's the parent or

guardian of that child that has that fundamental human right to determine those things.

I would ask again of the other side: whose rights are paramount with regard to determining what's in the best interests of our children if not parents? I'd like to know that.

The Chair: The hon. Member for Medicine Hat.

Mr. Renner: Thank you, Mr. Chairman. I've been listening with interest to the discussion this afternoon. I actually wasn't intending to participate in this debate. However, given that there is a significant amount of interest on this matter in my own constituency – in fact, I have agreed to meet with a number of parents who home-school when I return to Medicine Hat on Friday – I wanted to listen to both sides of the argument this afternoon so that I would have a much better understanding from a legislator's perspective and perhaps a better ability to have an informed discussion with my home-schooling parents when I meet with them on Friday.

I find that the subamendment that is before us is confusing the issue rather than enhancing the issue. The amendment that the minister brought forward is intended to clarify that nothing in the Education Act diminishes any rights or responsibilities that parents had under the former piece of legislation.

As you know, Mr. Chairman, the purpose of the Education Act is actually to update and replace the former School Act, and concerns were expressed. In section 16 there is reference to human rights legislation in Alberta and federal human rights legislation that didn't appear in the previous legislation. Well, the reason for that is that these pieces of legislation were actually passed by both the federal government and provincial government subsequent to that legislation and do have paramourcy.

That's where it's very clear that paramourcy applies. That's what the Constitution is all about. That's why we have a Supreme Court that determines whether or not legislation that has been passed by both the federal government and provincial governments and, indeed, even municipal governments conforms with these paramount pieces of legislation. So it wasn't in the legislation specifically, but it was still there. It still applied even though it wasn't there. Now all we've done is we've updated and modernized the legislation and we've reflected that these pieces of legislation do exist.

What we have proposed by the hon. Member for Airdrie-Chestermere is that we would say that the paramount right and responsibility to make decisions respecting the education of children lies with the parents. The concern that I have there is that I believe the options that are outlined in the amendment that was brought forward by the minister are very clear that the government recognizes that parents have a right to choose the religious and ethical traditions of their children and that education begins at home and all of the things that we've been describing this afternoon. And then parents have choices to make. They have an informed choice to make. They can choose a public school, they can choose a separate school, they can choose francophone schools, charter schools, private schools, or if none of those things fit with their doctrine, they can choose a home education program.

I believe that by putting this paramourcy in place, we could potentially be compromising all of those other choices in the interests of ensuring that the home-school program is not compromised, and I believe that it is not. By saying that the parents have a paramount right to make decisions respecting the education of their children, that could bring chaos into all of those other choices. If a parent decides that something is being taught in a way that they don't agree with or that doesn't agree with their

ethical traditions, as others have made reference to today, if this were to be interpreted literally, that would mean that virtually every school and every classroom would have to have a separate set of rules of engagement for each child in the class, which is practically impossible for anyone to abide by.

We have generally agreed that the School Act will provide for some direction to school boards and to teachers to ensure that we have the kinds of programs offered in these kinds of group settings so that we don't impair the ability to educate the group by overemphasizing the individual rights of the members within that group, an interpretation of those rights. But we say that if, in the opinion of the parents, they believe that their children are not going to be educated in a way that they feel serves the best needs of their child and/or their belief system, they still have one final option, and that is home education.

That home education is flexible in the extreme. Parents have a multitude of ways that they can educate their children. They can do it in a classic way, you know, school goes from 8 in the morning until 5 in the afternoon or 8 until 2, or they can say that the home-schooling that we are dealing with with our children goes on throughout the entire day, and we never miss opportunities to have educational opportunities with our children. Therefore, they can do whatever they like in the best interests of their children to provide an education. At the same time, just like they have been up until this new legislation comes into place and just like every one of us within this room, they have to do so within the context of our human rights legislation.

4:30

It has nothing to do with whether they're home-schooling their children or whether their children are in a publicly funded public system. There are some basic beliefs that we as Canadians have entrenched in our human rights legislation that say that there are some limits on freedom of speech, and some of those limits have been identified and talked about today. You cannot write or encourage people to cause harm to others. Those same limits rightly should apply to all, whether you're in a public education system, whether you're in a home-schooling situation, or, quite frankly, whether or not you're standing up in government in one of the provincial Legislatures or in the federal Legislature. You do not have the right to cause harm to be done to other individuals through the things that you say, the things that you teach, the things that you espouse.

Mr. Chairman, I do not believe that this subamendment improves the amendment that's been brought forward. In fact, I believe that it will impair the ability of the system to provide a proper and thorough education for our children. Therefore, I will not be supporting the subamendment.

By extension, I just want to say for the record, because I probably won't get up and say it again, that I do support the amendment. I will not be supporting the subamendment, but I will be supporting the amendment that's on the table.

The Chair: Hon. Member for Edmonton-Strathcona, do you wish to speak to the subamendment?

Ms Notley: Well, yes. Sure. I was sort of incited into getting back into the debate by some of the comments of the Member for Airdrie-Chestermere, and then, of course, we had a bit of a conversation afterwards, so I'm not sure how much more of it is necessary. I mean, there are very, very interesting issues that are brought up in this when we talk about sort of the paramourcy of parental rights. I wonder if it's black and white. You know, I don't know that the answer is always black and white.

I was just suggesting to the Member for Airdrie-Chestermere: what happens in that case where you've got a family who has a child who's in the school system and the school system has actually managed to find one of those very, very rare speech pathologists and psychologists that still reside within the school system – and they are becoming an increasingly infrequent breed, unfortunately. Nonetheless, they're in the school system, that has repeatedly assessed and reviewed and examined the child and has concluded that, in fact, the child is autistic and does need very specialized support. As most people know, there is about a two- or three-year window in which you can see 85 per cent of the improvement in a case with that particular disability, and that will occur if it happens right away, but the parent, unfortunately, concludes that for whatever reason they're not prepared to accept that diagnosis; they're in denial.

The literature on sort of the process of parenting and grieving amongst parents who have disabled children shows that that's a natural part of the process, but what if that process continues long enough, and the parents say: "You know what? We don't agree that that's what's going on with our child, so we are going to pull him or her out of the school, and we're going to take them home"?

To be clear, as I was saying to the Member for Airdrie-Chestermere, they're going to be loving, they're going to be caring, they're going to spend all their time with that child, and they're going to do everything they can to expose that child to books and whatever. But at the end of the day what's happening is that that child is not getting the kind of one-on-one intervention that could actually bring about a significant improvement in their projected educational and cognitive outcome. What do we do at that point? Do we say that it's the right of the parent to make that choice even though we know that the child may well pay for that in terms of really important life skills throughout their life because the window is not a big window in which you can significantly change those outcomes?

I mean, I see both sides, and I've talked to parents on both sides. It's not black or white. I guess that's my point. It's not black or white. I would struggle mightily if I was a teacher and I watched a parent refuse to let a child get access to that more sophisticated and effective and peer-reviewed intervention that would make a difference.

The other example I gave – and I'm not talking about home-schooling at all. Just to be clear, I have lots of home-schoolers in my constituency, and I know that the vast majority of them do a fabulous job of educating their children. I have no doubt that those children would score very highly on the kinds of tests on how you did at the end of the 18 years. I don't question that at all.

But what about that situation where, again, you've got a child in school, and the teacher phones home and says: "You know what? This child won't learn these key concepts in this grade around math and literacy unless there's more work done at home and more support given at home to help them get through that. We'd like to have him or her stay after school a little bit because we've got a special class that can help them just get over that bump in terms of literacy. If they don't get over that bump, then they're going to fall farther and farther behind." Let's say that happens. Then the family says: "Well, you know, that'd be great, but we don't have a lot of money, and our kid has just gotten a job at McDonald's for 15 hours a week. We need that money, so he can't do it." Well, you know, probably you're going to ultimately side with the parents. But it's not an easy decision.

You know, we had a long debate here yesterday about children's services. We didn't get the exact numbers, but I think we've probably got well over 10,000 children who are in care right now. Those children are in care because, unfortunately, the

parents were not best placed always at all times to be the paramount decision-makers. Hopefully, they will be again. Hopefully, the system works very hard to get to the point where that can happen really quickly. If that's the case, I do believe we are part of a community. I do believe the theory that it takes a community to raise a child. That doesn't mean it takes the state to take the child away. It doesn't mean it takes the state to reach into every family and say: we want you to teach this and this and that. No, no, no. The community needs to recognize and tolerate and embrace and celebrate diversity. But there is a balance, and I think it should be thoughtfully applied. I think that strident statements one way or the other, when we're talking generally about raising children, doesn't help anybody.

I just wanted to throw some of those examples out there because I think it demonstrates why it's not quite as black and white as people suggest. There are times when children can benefit from having a neighbour or a teacher or a doctor come into their life and say: "You know what? This is not going to be the best for you unless some other people step in." That's what we hope happens in our communities generally on a day-to-day basis anyway. We don't want to see families entirely isolated and children paying the price of that. We don't. That's not how we see our communities interacting with each other.

Anyway, my fundamental reasons for not accepting this remain those which I outlined before, which talk about how I am concerned about any language that would undercut the paramountcy of the human rights code and the Charter of Rights and Freedoms within our education setting generally.

Just to be clear, the Human Rights Commission would have no jurisdiction over this other than that slim amount that was given through Bill 44 because the Human Rights Commission has no jurisdiction over schools or this act. It only administers the human rights code, which is limited to employment and tenancy and – I don't know – one or two other things.

Ms Blakeman: Government services.

4:40

Ms Notley: Government services.

Ms Blakeman: Which wouldn't be public education.

Ms Notley: No, no. The human rights code does not apply to government services.

Ms Blakeman: Yes. That was Vriend. He wasn't offered the services of the Human Rights Commission.

Ms Notley: Okay. We'll have to have a conversation about that. Yeah. Interesting. I think we have to have a bit of a back and forth.

Anyway, all that said, it remains my concern about the paramountcy of the human rights code as we go forward in this important task of educating our children across the province. That would be my reason for not supporting this subamendment.

The Chair: The hon. Minister of Education.

Mr. Lukaszuk: Thank you, Mr. Chairman. I have spoken a bit already about this act in detail, but a few things, I think, are worth highlighting once and for all. Number one, I want to thank the Member for Airdrie-Chestermere for highlighting the fact that this government has historically been and continues to be supportive of home education. That is exactly the fact. As a matter of fact, I also agree with the Member for Airdrie-Chestermere – and I thank

him for the compliment – in saying that this government has been a big proponent of choice. That is true as well.

As a matter of fact, I venture to say – and I hope that my colleague counterparts, other provincial ministers of education, don't take it as an offence – that I believe Alberta does offer the widest choice, the widest array of educational options for parents. The Member for Airdrie-Chestermere has quite eloquently listed all that are available. The fundamentals of Alberta education actually stem from choice, the fact that we recognize that we're not all the same, that we recognize that we all learn differently, and we recognize that we have different family values and beliefs and religions. As Alberta is becoming more and more cosmopolitan, our education system is so flexible that it actually accommodates all of that.

Now, the amendment that I tabled, not the one that we are debating right now, was meant to further highlight the fact that in Alberta Education we recognize that the fundamental right is that of a parent in shaping a child's moral, religious, spiritual education and that this happens primarily at home for parents that are sending kids to regular school-board-run schools or private or charter schools. But for those who choose to home educate, it also happens at home. Those are the things that we teach our children from the day they're born, and we will continue doing that as families. There is no room for government to be stepping into that at all.

This amendment further highlights the fact that that is an exclusive right of parents, and parents have been doing a good job for a hundred years in this province and will continue to do that.

The amendment that I have tabled is also to highlight the fact that nothing – and let me underscore that, Mr. Chairman: nothing – is to change in the delivery of home education. I thank the Member for Airdrie-Chestermere for highlighting that.

I'll tell you, Mr. Chairman, what frustrates me a little. This bill, that is known as Bill 2 right now, has been on the floor of this Legislature as Bill 18 for about a year. The now Minister of Human Services has done, I would say, a pretty thorough job of consulting on that bill through Inspiring Education and others. Then this bill was tabled here in the Legislature. There was some limited debate on it. But in a rare circumstance I had taken the bill off the floor of the Legislature and had given all Albertans one more opportunity to look at the draft Bill 18 and further consult on it. We have done that. We had seven town hall meetings throughout the province. A letter was sent to every child, so de facto every parent, in Alberta schools. We had parent telephone conferences, where literally in excess of 1,000 parents called in. The list went on and on and on.

What is really, I have to say, disappointing and perhaps even somewhat frustrating to me is that up until this moment I have had zero – zero – input from the Wildrose Alliance caucus. They have not sent me one memo on what they think should or shouldn't be in this new bill.

Mr. MacDonald: Did you invite them to your consultations?

Mr. Lukaszuk: By all means. Everybody was invited.

As a matter of fact, hon. Member for Edmonton-Highlands-Norwood, your caucus was generous enough and contributed individually in many different ways.

But not one memo, not one letter. One meeting with the MLA from Airdrie-Chestermere, but not highlighting any amendments to the bill. Now that the bill is in its second reincarnation on the floor of the Legislature, amendments are being tabled. It's somewhat disappointing because, again, I'm venturing to guess that this bill is probably the most consulted piece of legislation that this

Legislature has ever seen, and I'm proud of that because this is one of the most fundamental laws that this Legislature will ever pass, that being the Education Act. It's unfortunate that that caucus now has such grave concerns, but they weren't raising it before.

Mr. Hinman: Point of order.

Mr. Lukaszuk: What further concerns me, Mr. Chairman, is the fact that the Member for Airdrie-Chestermere now admitted to the fact that he hasn't read the bill for over one year.

The Chair: Hon. minister, we have a point of order. The Member for Calgary-Glenmore.

Point of Order

Allegations Against a Member

Mr. Hinman: Standing Order 23(h), (i), and (j). Saying that they had no contact. I mean, it's just totally wrong what he's saying about the Wildrose. Most important, we're amending a government amendment. How on earth were we supposed to know ahead of time that he was going to do this? It's just absurd that he'd even bring that up. This is a government amendment that we're making an amendment to, but somehow we're supposed to go to consultation when he's the one who changed the bill. It's unbelievable. He has to retract what he said.

The Chair: A point of clarification, Minister.

Mr. Lukaszuk: Mr. Chairman, let's be clear. The Member for Airdrie-Chestermere has indicated that he is not happy with sections of the bill proper, and I know that he already has advised me that he will be tabling amendments to the bill proper as well. I don't need to retract anything. It is abundantly obvious that they are not happy with the bill proper and that they also will be tabling amendments, when they had a year and a half opportunity.

Mr. Chairman, what troubles me even further is the fact that the Member for Airdrie-Chestermere is on the record saying that he hasn't read the bill in over one year.

The Chair: Hon. members, I heard the two sides. My ruling is that this is a point of clarification. Both sides have explained.

Minister, please stay on subamendment SA1.

Debate Continued

Mr. Lukaszuk: Thank you, Mr. Chairman. As I was earlier saying, the fact is that this bill was well consulted. The one goal of this bill relative to home education is to maintain that as a bona fide option. We want parents to have that option. We pride ourselves on the fact that home education has such a flourishing history in this province. There is no intention by word or spirit of the act to curtail or change it in any way, and we will continue to do that.

Now, for anyone to insinuate that somehow parents' rights are in jeopardy because one day the government of the day may change that is quite disingenuous, Mr. Chairman. Any member of this Chamber, particularly the Member for Airdrie-Chestermere being, well, at least trained in law, if not practising law, should know the fact that any government of any day can change any law as long as they bring it to the floor of the Legislature with amendments or with another piece of legislation to replace it. So to be reassuring parents that whatever we put in this act will be cast in stone and will never ever be changed by any future govern-

ment is simply not being frank and forthcoming with those parents.

Going back to his earlier comments, the fact is that we do have a history of a Progressive Conservative government in excess of 40 years now that has actually grown the home-schooling program and supported it and any aspect of it. There is no reason to believe that this government would want to change the path in any particular way. I can tell you on the record right now that there is no intention among any members of our caucus to make any changes, and we won't be making any changes.

I hope that home-schooling parents have the satisfaction of knowing that they have a government in place that has supported and will continue to support their options as they have exercised them up until this point. We hope that they will continue exercising them into the future because they have proven to us and to the rest of Albertans that home-schooling is a viable option and is the right option for some children where they choose to exercise it.

Thank you.

The Chair: Thank you, Minister.

The hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Chair. This is truly an interesting discussion, and I cannot believe the direction that the Minister of Education just went in. I'm going to have to clarify a few of the utterly incorrect statements that he just made. I want to start off by asking the chair whether the Minister of Education just received this – I don't know whether it's 20 pages – the concerns from the Calgary board of education that just came in. Is he going to get up there and slander the Calgary board of education and all the other people that are bringing and sending information to us. Does he not receive any?

This government is notorious – notorious – for coming up with legislation and then saying that they're going to go out and consult. It's an insult to Albertans. It's an insult to children. It's an insult to all of the school boards out there. It's just one insult after another, Mr. Chair, what this member got up and spewed out of his mouth.

Let's get back to the amendment, which is an amendment . . .

4:50

The Chair: Subamendment SA1.

Mr. Hinman: Yes, but to government amendment A1, which just shows how incorrect he is. It's the government's amendment that we want to amend. Oh, we're supposed to consult because we're clairvoyant and knew what he was going to bring forward. This is just remarkable, the stuff that he wants to try and bring out here.

The Calgary board of education, again, has pages of concerns with Bill 2 that they just put out, oh, after a year and a half. Again, this government has such a poor track record, Mr. Chair, that they can say, "We've only changed section 16 and section 2," but the fact of the matter is that until they've gone through it meticulously, there isn't a school board, there isn't a parent, there isn't a teacher in this province that will trust this minister on the open face saying: "Trust me. Nothing has been changed." They've lost the trust of Albertans. They don't deserve the trust of Albertans because of their past behaviour.

I want to go on a little bit about subamendment SA1 and to read it in here again. Oh, we get to the small letters, the big letters; we're changing back and forth. What we're wanting to do here is to substitute "as the first recital," and we want to put in here "the paramount right and responsibility to make decisions respecting

the education of their children, which includes." We want the paramount right to the parents.

Because I was in meetings in my office, I haven't been able to listen to everything, but the hon. Member for Edmonton-Centre started off by talking about the 1982 Constitution Act and where our freedoms are and who is responsible. Everyone uses the analogy – she used it today – that I have the right to swing my arm until it hurts someone else. So you've got to stop just before the nose of someone else is what she talked about earlier. [interjection] Because you are scaring people. When you've gone into their personal space and they're worried, it crosses over.

Arguments are going forward by many of the members about what's the right of the parent and where it is when a parent is starting to do damage to a child – there's physical, there's emotional, all of these areas – but we have a child's advocate, and there is a process for them to be protected.

So to think that we need to have a School Act that's going to say that the state will supersede and step in on choosing, you know, where these kids need to go or who has the ultimate right – is it the Minister of Education, or is it the parent? That's really what this is about. Albertans are very concerned and rightfully concerned because of the track record of this government on infringing on the individual rights of the citizens of this province.

Mr. Hancock: That's ridiculous.

Mr. Hinman: The Minister of Human Resources says that it's ridiculous. I want to put that on the record because he truly is ridiculous in his comments with what he has said.

I remember when I was in Eckville how he got hammered down when he made those same comments to one Keith Wilson by making such . . .

Mr. Hancock: That was also ridiculous.

Mr. Hinman: Yes. A year ago. And he likes to interject and put in these ridiculous statements on truth. [interjection] It would have been a much better one.

The Chair: Hon. member, speak to the chair.

Mr. Hinman: Yes, Mr. Chair. [interjection] You know what that word means? That's surprising. [interjection] No. The other one that he was using.

What we want to talk about is: who has the paramount rights over our children and who's going to make the decision? I want to go back and maybe change the tone a little bit here. Albertans are grateful and I'm grateful for the system that we've had. Historically we've supported home-schooling; we've supported choice. I think that, as they like to echo all the time, this is one of the best places that provides one of the best educations for our children here in Alberta. Why? Because we've respected parents' rights to choose and then the choice of individuals to start other schools if they want to.

I know a wonderful lady who, in order to keep their public school alive in Warner, went out and did a lot of work and raised a lot of money to specialize in a hockey school for women. That's what we want. We want innovative Albertans to be able to come up with and look at new ideas and ways in which to keep their schools open or to meet the needs of their children so that they can be the best they can be.

Choice is just so critical if we really want to compete and keep up because that entrepreneur, those parents that are out ahead are going to come together and say, "We need this." Perhaps they can make that pressure on the public school board and say, "Provide

this for our children; we want to have this class in our curriculum,” or they could come and start their own private or charter school in order to do that. But we need to protect the parental right to make those decisions.

I’m always nervous when someone says that the state has greater interest in the children than the parents. Usually there’s again . . .

Mr. Hancock: We’re not saying that, though.

Mr. Hinman: Well, there is one that was kind of mentioning that, you know, they need interference and perhaps a doctor needs to step in or the school board or someone. The innuendo was certainly there that sometimes the parents aren’t informed.

That’s another interesting word here. On page 12 we have: “Whereas parents have the right and the responsibility to make informed decisions.” Again, it’s another part of the concern here, that they could say: “Well, they’re not informed enough. I’m an expert, so I can supersede that.”

What all of this amendment is and what the concern is – I know that the minister had the rally out front and again accused different members of instigating these rallies when, in fact, it’s his own bill and what they put in it that has caused the uproar, and it’s the past behaviour of this government that’s caused the uproar. The mistrust is why people are concerned.

Just today we had a question here on emergency services, and the Minister of Municipal Affairs made the comment that he wouldn’t know of an Albertan that wouldn’t want the government to come in and confiscate their car in order to save somebody. I say: “You know what? That’s what happens in a police state.” In Alberta I can assure you that what would happen when they came and said, “Can we use your car because we need to do this,” is that Albertans would give. You don’t need the authority to have the option to say: we’re confiscating this car. That’s offensive, yet that’s what this government wants. They want the authority to break and enter, to confiscate and do all of that.

Therefore, this loops over to why these same people don’t have trust in this government and say: “What is it? Why do they need legislation that’s so strong and worded such that there’s this loophole that would not allow the parents to make that choice for their children?” The Minister of Education knows better. He’s going to say: “This is what needs to be taught to your children. We know better.” Parents need to have that choice, and if it’s not protected and we don’t see it in here as paramount, we run into trouble.

Again, going back to the Member for Edmonton-Centre when she was talking about the Charter of Rights and Freedoms and going through that, as she eloquently said, it’s one of the few bills that actually reads quite easily. Albertans can pick it up and read through it. It is understandable. It goes through:

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly;

Again, she made the comment that with all of the security here, she didn’t know if that one was being respected, and I can understand her concerns and her comments on that. And

- (d) freedom of association.

Those are laid out there.

She also was very articulate in saying – and this is so critical in the rule of law – that if you have a list created and you’re not on that list, you’re not on that list. That’s the concern here. What is the list, how is it prioritized, and is this government going to

possibly infringe on the rights of parents by saying: “You know what? We know better. We don’t think that you’re teaching your children the right curriculum. You’re not teaching them the right arts. They need to be taught cooking,” whatever might come in as a new curriculum, saying, “This is what we need to do.” That’s fearful for many Albertans, especially those that are in the private and home-schooling area, where they want to have that right as a parent to make that decision on what is going to be there for their children.

5:00

Again, we know that in the Constitution and we know that under the rule of law you can’t teach hatred, and if parents are doing something like that, then there are already laws in place that we can do something about that. We don’t need these things in print and listed in this bill, the Education Act, yet they keep wanting to weave those things in, and because they weave those things in there, Albertans, parents become concerned.

It’s a simple amendment. It’s the right amendment. It’s very close to what the government has tried to do. Again, he’s accusing us because we didn’t consult with him. I guess, I have to say that, you know, let’s change that a little bit.

It’s an insult, usually, to try and talk to them on many of these things. They’ve been in here long enough that they just laugh at most of these things. Let’s just talk about bills 19, 36, 24, and 50. They laugh and mock about those. The Minister of Human Resources: I’ve been to the meetings where he does that and says that’s not true.

Mr. Hancock: Well, it wasn’t.

Mr. Hinman: He still wants to stand by that.

Mr. Hancock: That’s the worst abomination I’ve ever heard.

The Chair: Hon. members, the substance of the debate is subamendment SA1.

Ms Blakeman: Where are we?

Mr. Hinman: Keith Wilson in Eckville.

Ms Blakeman: Okay. All right. Focus in.

Mr. Hinman: The hon. Member for Edmonton-Centre wants me to focus back in here. I will try and do that, but it’s difficult with the government and all of their past behaviour. That’s why you make judgments, Mr. Chair. Because your relationships and the things that you’ve had in the past have an impact on your judgment, and the people of Alberta, thankfully, are going to be able to have a judgment on this government and their ridiculous bills that they pass, saying that they’re protecting rights when all they’re doing is protecting their power. All they’re doing is protecting their authority. They’re entrenching that power and authority over and above the citizens of Alberta, saying: “Trust us. We’re the government and we know best.”

That’s what the problem is. Many Albertans are phoning. They’re e-mailing. They’re writing letters. They’re concerned where the line is drawn on parental rights.

If they’re hurting their children – again, I do understand. I’ve seen the homes of parents that are illiterate that don’t want their children to go to school. We know that that’s wrong. That’s where the government and the child advocate can step in and say: “No. This child needs to be brought out and go to school.” And that’s appropriate. We understand that. But it doesn’t mean, though, that they can come and say: “You know what? We want you to teach

this curriculum in here because we think that this is right.” Those parents might not agree with that. Do we have that cultural diversity? Do we have that religious freedom that allows people to do those things? Parents are very concerned that they don’t.

I believe that it’s right, so what we need to do is look at this amendment, and we need to accept subamendment SA1 to the government’s amendment A1, and put in there, “the paramount right and responsibility to make decisions respecting the education of their children, which includes,” and then we can read through the bill. We all know what it includes going forward.

We would hope that others would continue to speak on this. It’s a very small change, but again as the Member for Edmonton-Centre says, if it’s not on that list, if it’s not written in there, it doesn’t exist. That’s why there’s a concern, Mr. Chair.

The Chair: Hon. Member for Edmonton-Gold Bar, you have patiently been waiting.

Mr. MacDonald: Yes, I have.

I appreciate the opportunity to participate in debate on this subamendment. I would like to compliment all members from various parties for their contribution to the debate and the discussion this afternoon, not only on Bill 2 but also on this subamendment that has been proposed to us by the hon. Member for Airdrie-Chestermere.

I have been looking at this legislation for some time. I’ve had consultations with various groups. On the public record I certainly appreciate hearing from constituents. I’ve heard from home-schoolers, and I’ve heard from other individuals who have been expressing their opinion on this legislation. Certainly, I welcome their observations. I welcome their phone calls and their e-mails regarding this bill. It’s a very important bill, and it’s a very important discussion that we’re having this afternoon.

Certainly, we have heard various hon. members talk about the paramount right and responsibility to make decisions respecting the education of their children. Now, I can understand where the hon. member is coming from, but I really don’t think that when we look at this bill and we look at education in general – we’ve got to remind ourselves that we’re not necessarily just talking about public education like we should. Public education is a foundation of our multicultural community, our multicultural province, and our multicultural country. Without public education multiculturalism will not work.

Has the government accommodated home-schoolers? I believe they have. There is within the public education system in our constituency a school that is delegated to providing support for home-schoolers, particularly as they get into the subjects that one generally encounters in junior high and in high school. This program for home-schoolers for both the pupils and their parents seems to work quite well.

I have an opportunity on occasion to visit this facility and to visit during graduation time, and it is interesting to see the diversity of the student population, if I can call them that, and the communities that they call home. Some of the students come from as far south as Sylvan Lake, and certainly there are cases where they come from well north of the city of Edmonton. They do gather for their graduation ceremony, and both the pupils and the parents are very proud of their accomplishments, and so they should be. That would be one example of an accommodation that has already been made by the province.

Home-schoolers have every right to question the direction that this government is taking with this bill, as do citizens who do not have their children enrolled in home-schooling programs.

When we look at this bill and we look at the hon. member’s subamendment, I would certainly remind members that there are other parts of this bill that are important. It was touched on by the hon. Member for Calgary-North Hill. There is a section in here, and there’s a section in the current legislation, regarding compulsory education.

7(1) Every person who

- (a) is a resident of Alberta and has a parent who is a resident of Canada,
- (b) at September 1 in a year is 6 years of age or older, and
- (c) subject to subsection (2), is younger than 17 years of age, shall attend school.

Not may attend school, but shall attend school. It’s compulsory, and so it should be. I don’t know why if this bill is to become law, it is necessary to have this amendment.

5:10

When you go further into the bill, Mr. Chairman, you will see where individuals have responsibilities. Let’s start with part 3, section 31. Students have responsibilities, and they’re outlined here in this proposed legislation. Parents have responsibilities. School boards have responsibilities. Trustees have responsibilities. It’s outlined here, but let’s look at parent responsibilities.

Parents have the responsibility to

- (a) make decisions respecting the child’s education,
 - (b) take an active role in the child’s educational success, including assisting the child in complying with section 31,
- which is the section on student responsibilities. Parents must
- (c) ensure that the child attends school regularly,
 - (d) ensure that the parent’s conduct contributes to a welcoming, caring, respectful and safe environment,
 - (e) co-operate and collaborate with school staff to support the delivery of specialized supports and services to the child,
 - (f) encourage, foster and advance collaborative, positive and respectful relationships with teachers, principals, other school staff and professionals providing supports and services in the school, and
 - (g) engage in the child’s school community.

Sometimes in my work here I may be guilty of violating that because I’ve been busy, and perhaps I was not as engaged in my three children’s school community as I should have been.

These are legislative requirements that are in this bill already, so to suggest that we need to change this and make sure that parents have the right and responsibility to make informed decisions respecting the education of their children, that is what I see in here already. That is to be eliminated or struck, and we are to replace this with the subamendment as proposed.

There seems to be some thought or some chatter that there will be issues of discrimination. The hon. Member for Edmonton-Centre talked about this earlier today. What happens if something goes wrong? Maybe this is what the hon. member is trying to attempt here with this subamendment, but when something does go wrong, the courts come into play.

All Canadian jurisdictions stipulate that no person may deny or discriminate on the basis of religion, creed, or a related concept in the provision of any service, accommodation, or facility that is customarily or ordinarily available to the public. This would of course include our entire school system. How have the courts worked in the past? I’m not going to take up the House’s time on this, but . . .

Ms Blakeman: Yes, you will.

Mr. MacDonald: No. But I will point out a case of a young Sikh student. Recently in the context of the Canadian Charter of Rights

and Freedoms religious discrimination was found by the Supreme Court of Canada where a school council of commissioners – the decision prohibited a traditional Sikh student from wearing his kirpan, sealed and under his clothes, to school.

The student in this case genuinely believed that he would not be complying with the requirements of his religion were he to wear a plastic or a wooden kirpan. Ultimately the court found the interference with the student's freedom of religion was neither trivial nor insignificant as it deprived him of his right to attend a public school.

The court found that while protecting the safety of students was a pressing, substantial objective and the prohibition against weapons was rationally connected to this objective, the prohibition did not minimally impair the student's rights as there are ways of wearing a kirpan without threatening safety in the school context. That's one example. That's how the courts worked. In another example no discrimination was found by the Canadian Human Rights Tribunal when a complainant was prevented from travelling on an airplane with a kirpan that was considered dangerous to the public. So there are examples here of give-and-take in the system. I think we should be aware of that when we're discussing the Education Act and this amendment.

Now, this is another rather interesting example, Mr. Chairman. It has been held that provisions in a will that provided for establishment of bursaries for students who were practising Roman Catholics did not violate human rights legislation or public policy. The Court of Appeal in Ontario reached a different result when they found that a trust established to provide for education of persons of white Christian Protestant and of British heritage violated public policy.

As you can see, when we have a look at discrimination in human rights and some of the case examples, there certainly are decisions made, and the decisions that have been made have been, in my view, wise and respectful of not only the individuals but the laws that we currently have. I guess what I'm saying is that I think we should have confidence in the courts, that we should have confidence that the courts will be flexible in adjudicating cases, and for that reason I really don't think that the amendment as proposed here is necessary at this time, nor is it needed.

Whenever you go through this bill, there are sections that certainly, in my view, would satisfy the concerns of a number of different groups. Certainly, as we work forward into this legislation or we go beyond the preamble, I will listen with great interest to the Minister of Education and others who may or may not want to comment on section 58, which is centring around religious and patriotic instruction or exercises and what a school board can do.

Now, with that, there is a definition of board in here that, in my view, does not include private schools. We do know that there is a lot of money going into private schools. We do know that the budget is going up. I believe the last time I looked, it was in excess of \$170 million, and that's what we need to have a look at.

Hopefully, Mr. Chairman, we will have more time during Committee of the Whole to discuss the role of private schools which are funded by the taxpayers within the entire school system in this province.

Thank you.

The Chair: The hon. Member for Edmonton-Centre on subamendment SA1.

Ms Blakeman: Thank you very much. I think I originally put myself on the list to rebut something that was about an hour and a half ago, so I've sort of lost my train of thought, but I did make a

couple of notes. Oh, yes, I know what it was. It was: who gets to make the decisions?

Mr. Hinman: That wasn't an hour and a half ago.

Ms Blakeman: Yeah, it was. That was.

A couple of points I want to raise about this subamendment, for starters the word "paramount" or "paramountcy." This is from Random House. I'm sorry that it's an American dictionary, but that's okay. Let's pretend it's all right. If you look at the word "paramount," it says: chief in importance or rank; chief; number one; top; foremost; primary. You can't have two number ones. You can't have two chiefs, two primaries, two top-of-the-totem-poles. It's not possible. We already have one paramountcy in here, and that is: "Whereas the educational best interest of the child is the paramount consideration in making decisions about a child's education." I'm pretty sure this amendment is not striking that out. No, it's not. You can't have two paramount clauses.

5:20

One, I would argue that this amendment is – I guess I can't say out of order because Parliamentary Counsel said that it was in order, and I would never argue with Parliamentary Counsel ever, at least not on the record. I think that's part of the argument here. The question that the Member for Airdrie-Chestermere was making is: where does the buck stop? Who gets to make the final decision?

I think what we've been wrestling with all afternoon here is that in your home with your child, outside of exact educational time, a parent does, obviously. Maybe it's not obvious, considering how long we've been talking about this. But I would argue that as a citizen in this province, as an employer, as a legislator, when it comes to public education, on behalf of citizens we legislators make the policy that gives forth those decisions.

In other words, I would say that when it comes to public education, the citizenry as a group makes the decision about what's in the best interest of the child so that we have a consistent standard. When a 25-year-old goes to apply for a job and says, "I was educated in Alberta," you say: "Okay. Then I will believe that you know math 30 or its equivalent, science 30 and its equivalent, social studies, English, whatever. I think I know as an employer generally what kids in Alberta are taught, and I will believe that you know that."

That's what I expect as the product, a consistency there. You know, don't misinterpret me there, that I'm somehow degrading people or something when I talk about product. You guys know what I mean here. There has to be a consistency of the outcome of what we're trying for, and to allow it to be up to every individual parent as to what they determine is the final educational outcome of their child is not a consistency here. It flows against the idea of a general public education.

My concern about this entire discussion and, to a large extent, this bill and particularly the government's amendment A1 is that it is moving us away from the tenets of a public education. The reason that I kept bringing up and walking everybody through what a freedom is, what a right is, what a protection is, what we must provide as education, and what an accommodation is is because I think we should not be putting the accommodation of home-schooling and private schooling and charter schooling, if it is outside of the public system, on the same footing as those public educations which are guaranteed in the Constitution and the Charter. They are accommodations, and I do not think they should be on the same footing.

As I said, I understand that there are sometimes good reasons for home-schooling a child, but I think that should be the exception, not the rule. I disagree with the government bending over backwards to offer – here we go with the air quotes – choice to parents around education. I expect children will go to school and get the same education. What is wrong with our public education that we the government – my own government, my hon. colleagues opposite me – feel that we have to give everybody an out, that we have to allow anybody that wants to do it differently to do it differently? Why aren't we defending public education? That's what we're here to do.

I don't understand. You have not given me a good argument, Mr. Minister, as to why we should be opening the door to everybody that wants to do a different education and gathering it and funding it under that chapter heading of public education. It's not. Private education is not public education. It should not receive one dime of public funding, in my opinion. A private school is a private school is a private school. No public funding.

I can see the reason for home-schooling, but I believe it should fall exactly under public schooling. You know, it must produce exactly the same outcome. If they want to do it over a 12-hour period instead of a six-hour period, fine and dandy, but the outcome should be the same. If there's a reason for doing that, okay; then don't put your kid in public school. But I expect the same result out of it.

I have failed to hear a compelling reason from any of the home-schoolers or from the government as to why we would put them on the same footing as public education. It's not. Unless they can meet that same test, then, no. That is the way I put it. Now, obviously, I'm going to be willing to make that consideration, but I'm not going to put them on the same footing. Definitely not private schooling. It should not be considered in what we're doing here. It's not public education. It should not be funded that way.

Charter schools, as I said, should be under the public school system, or they're not counted in either. What I see are constant exceptions, constant opting out. I mean, we still have section 11.1 under the Human Rights Act, which allows parents to opt out of everything. Why? It's public education. We have designed this to be the best possible education we can offer in this the richest of all possible provinces, so why are we allowing everyone to opt out? Do we really believe in our public education system so little that we have to allow anybody that wants to get out to get out? I just don't think our system should be degraded that way.

I think the more we do this, the more we end up with the Swiss-cheese system. The more people you allow to opt out, eventually, like with public health care, if you allow enough people to go out into the private system, now you only have the people in the public system who need very specific care and often more expensive care. I don't want to see that happen to my public education system in my province. I don't think that's what we're here to do as educators, to allow that system to degrade, to be Swiss cheese, to have holes constantly poked in it as we allow this group out and that group out and this group out. Why? Why are they allowed to be getting out? Why are we allowing them choice? What's wrong with the system we have? Why can't we support that system? I think it diminishes the whole. So, no, I won't support this.

One last thing. You know, there have been some digs taken at bureaucrats here. For the most part, I think people that work in the education system, that work in the ministry here, that help us develop policy and give us advice on it, and the people that administer that policy by working for the school boards, by being elected officials on those school boards, by interpreting that again, and by being teachers in the classroom deserve some respect. They work hard for our children. They are doing their best for our

children. I'm tired of people taking digs at them as though somehow they're sitting in a backroom trying to create the worst possible scenario for our children.

They're working hard for us. I mean, honestly, do you really believe that somebody that's hiring in the Department of Education goes: "Gee, how much do you hate this system? You really hate it? Good. I'm going to hire you so you can screw up every kid that comes through our system?" That's not true. They're working very hard to produce the best possible system. Why aren't we believing them? Have they really produced such terrible outcomes? Do we really have that many children that are out on the street right now that are terribly educated? Really? That's just not true.

Most of our kids do very well in public school, like, 99 per cent. They go out there, and they do us proud. Many of them go into the trades. They go to college. They get diplomas and certificates. They go on to university. They become citizens of our province and do very well for us.

5:30

Get some backbone, folks. Protect that public system, that has served us so well for so long, and quit allowing this very good public system to be opted out of by anyone who wants to get out. Defend the system that we have and insist that people adhere to it.

I'll climb down from that high horse. Sorry about that. But, honestly, I just think there's something wrong with what I'm hearing this afternoon, and that is a lack of respect and support for a public school system. I think that's what's important.

I'm going to be coming back on you, Mr. Minister, because I think you have caved in a number of other places in this act in which you should be upholding a public system. You can look forward to that. I know you're thrilled.

Just to bring this to a close, I can't support subamendment SA1, and further to that . . . [interjection] Yup. Yeah, that doesn't mean you're right, by the way. It just means you're wrong on both accounts. Let's get that clear.

I'm going to come back tonight, Mr. Chair. I thought I wouldn't, but I'm going to come back tonight because I want an opportunity to be able to speak on the main amendment again once we vote subamendment SA1 out.

I hope that's clarified what my position is just so that I'm not misunderstood. Okay. Leave it at that, Laurie. Sit down.

Thank you.

The Chair: The hon. Member for Airdrie-Chestermere on subamendment SA1.

Mr. Anderson: Thank you very much, Mr. Chair. This is a good debate, a good discussion. Or maybe not. Maybe it's not a good discussion. It depends, I guess, on who you ask.

It's too bad that it has to get personal, but the rhetoric that this Education minister, who is supposed to be looking after our kids, sometimes uses is just incredible. The games that are played. You know, he talked earlier about this amendment, that we somehow didn't give him amendments. In reality, Mr. Chair – and I'd be willing to table this – we gave our amendments to this minister two weeks ago, after studying Bill 2 and getting feedback from stakeholders and so forth. We wanted to make an effort to send those amendments to him through his staff so that he could see them. Actually, his staff asked us: what are your plans on the amendments? Two weeks ago we gave him those amendments, so what he said earlier was patently untrue. It's just brutal.

He also talked about that nothing had changed from Bill 2. He was just on an online forum saying that I hadn't read Bill 2 in over a year. Bill 2, of course, wasn't introduced until this year. Bill 18 was tabled last year, and we had an opportunity to look at it. Of course, it has changed, including, he might want to note, the preamble that we're talking about today. The preamble has changed. For example, you added the word "informed." Where parents have the right to make decisions regarding their children's education, you put "informed" before decisions, which changes the meaning. So you did change it, and we looked at it, and we got feedback on it.

What it shows to me is the disdain that this minister and others in the government have for this process here. I look at this process in a perfect world as an opportunity to amend these bills, to make them better, to give the opposition and government members, including noncabinet members, an opportunity to bring forth amendments, have discussion, go back and forth both in the House and out of the House, discuss how to make the bill better, and then bring it here and make amendments.

That's the Legislature that I wish existed because I think there are tons of phenomenal ideas over on that side of the House and over on this side of the House. The problem is that you've got a kind of God complex that exists with certain ministers over there, where they think: "No. I've ruled, and what I say has got to be the right way. I have done my consultation and my forums, and that is good enough."

You know what? The problem is that you didn't consult the people of Alberta because everyone in this room represents the people of Alberta. The point of being in Committee of Whole debating these amendments is so that the people of Edmonton-Centre can have a voice in this matter and can suggest some amendments, and the people from Bonnyville-Cold Lake will have an opportunity to be represented by their member and offer amendments and comments as will the people of Calgary-West or Calgary-Greenway or Banff-Cochrane or anywhere.

Yet we don't treat it like this. We don't treat each other – certainly, the government, this minister don't treat the opposition with that respect. We're here, apparently, to play games. That's all that we want to do is to play games. Well, that's baloney. We want to improve the bill.

My first comments on this amendment were very congratulatory to the minister. They were saying: thank you for getting most of this bill right and most of the preamble right. I even complimented the idea and the thrust behind his amendment. And then he comes back with these childish little comments and makes it into a big political theatre. Well, guess what? That's not what this is about.

We're trying to introduce a very simple amendment that is going to strengthen and enshrine further the rights of parents with regard to choosing what education is right for their children. I think that's a laudable effort. Instead, all we get is yipping from the minister. I thought that when the Member for Calgary-Nose Hill stood up and gave some comments and questions and so forth that those were very fair comments, very gentlemanly, very statesmanlike. We disagreed, but that's okay. The comments from the Member for Medicine Hat: the same thing. I disagree with him, but they were gentlemanly, and he had his point of view.

I just wish for a second that the partisan hat might come off of this particular minister, who's obviously a little bit concerned about the polling numbers and the fact that, you know, he may not have his position very much longer if he continues to be so chippy and arrogant. That, I think, is what his real worry is. Hopefully, we can get back to having a discussion, a gentlemanly discussion, on this bill.

Back to the bill. I thought the comments were very interesting from the Member for Edmonton-Centre. I certainly did not agree with them, but I can see a little bit more of where she's coming from, and I respect that opinion. I don't think that supporting school choice or the rights of parents is mutually exclusive or contradictory with or is saying that there's something wrong with our public schools. I don't see it that way. In fact, I think that school choice is a great strength to our public schools. I think it has made them better. I think the competition that has existed because of school choice within a publicly funded education system has really strengthened our public schools to the point where parents like me are completely confident in my current public school, which is why I choose to send my children there.

However, if you took that competition away, if you made it a monopoly on education, I think what would happen is that we would slide back into some of what you see in other jurisdictions around the world and particularly in Canada, where their education results aren't as good in their public system. I think that a classic example of this, in my view, is that the Edmonton public system is one of the best systems in the world. It has an incredible number of choices in it. There are faith-based schools within the public education system. It's fantastic that they've been able to find that balance because it's a tricky one, and it takes a lot of work and a lot of, you know, mistakes being made, and then you've got to go back and make sure you're okay and the parents are okay and everyone is feeling included and everything else. I think that's fantastic.

5:40

I think that the reason the Edmonton public system is so world renowned is because of the strength that it has derived from having to compete with other systems in this province to show parents and to prove to parents that it is the best place for their kids to be educated.

I know that in Rocky View school division I've had this debate with my trustees. They used to be my principal and vice-principal, at the same time, if you can believe that, when I was in school. They're now the trustees that I work with as MLA for that area. They would disagree with me on the aspects of the need for competition in the system, but I always tell them: "Look at Rocky View schools. Look at the reading program in Nose Creek, for example." Well, that program was derived from several charter schools in Calgary that do it.

It's having these little units of competition, these little innovative kind of petri dishes out there, that allows innovative ideas, education ideas, different pedagogies, different ways of educating children. Allowing that to occur has greatly benefited Rocky View school division. In fact, Rocky View school division just this last year put together in one of their schools a very, very innovative pedagogy where they essentially had four main themes. One was more sports-based. One was more science-based. I think space was another one. Nature and environment was another one. They would use these overall themes, and the parents would choose which kind of theme the Alberta curriculum would be taught through. It was an interest of a child. So when they learned physics, for example – that's a bad example because you don't learn physics then.

Pardon me?

Ms Blakeman: But we should. It's much more equal.

Mr. Anderson: Well, there you go.

Math, for example. A math problem about, you know, calculating how much distance someone covered in a certain

amount of time. If you went through the sports model or theme, you would learn how fast the hockey player is when skating from the blue line to the blue line if it's this distance at this speed. All this sort of thing.

They would use that whereas someone who was in the kind of a nature and environment track would say: "This is the distance between two mountains. If there's a horse going through it at this speed, how long would it take? What would be the incline?" And so forth. It's very interesting.

At first people were kind of like: whoa; what are they doing? But there are a lot of parents that were very, very happy with it. My kids aren't in that school; they're not old enough yet. It's a middle school. Anyway, I thought it was very, very innovative.

There was a problem with that because our schools are so overcrowded in Airdrie. Of course, you get first dibs if you live within the jurisdiction that's assigned. Some parents who were concerned with that and wanted to move to a different public school were a little bit upset about that, but that's a different problem. That's a problem of lack of school space rather than the innovation that was being shown there.

Anyway, that's certainly something that, in my view, I don't think we would have gotten if we didn't have the influence of charter schools because essentially that's what charter schools do. They are public schools as well, publicly funded, and it's first-come, first-served, and there's no tuition, so they're more like public schools than a private school. But they focus on something, whether it's music or new languages or whatever it is, that allows the child to kind of have a little bit of a different pedagogy or curriculum focus and so forth. I think it's very good, and I think that's why you see such innovation going on in our public system.

I hope that that clarifies at least where my viewpoint is coming from on this with regard to why school choice and parental choice actually are strengths to the public school and not detriments to it.

Now, why should we put this at the top of the preamble? Getting back to it, the hon. member made a very good point, I thought, when she said that the educational best interest of the child is the paramount consideration when making decisions about a child's education. Then she noted that it's kind of hard if you have two paramountcy clauses in the same one. I thought that was a very good point, actually.

Ms Blakeman: You'd just like to switch those.

Mr. Anderson: That's right. Let's switch them out. No, no, no. What I think would be good, actually – and perhaps we can talk about this over dinner; well, maybe not; I'm sure you have dinner plans, hon. member, but maybe we can all talk about it as a group here this evening – is that perhaps we can define what "best interests of the child" means and when the parent's paramountcy ends.

You know, it would be interesting to say, "Look, parents have the right to make these determinations until they infringe upon the rights of the child or hurt their legal rights or take away their legal rights" or whatever the wording is. I think that would clarify it and say, "Look, parents actually are the ones that have the paramount right to determine what the best interest of the child is until they lose that right through abusing it, through breaking the law, by taking away their child's right or not respecting their child's right" or whatever. That would be a very interesting conversation, and then we could come back to that. In that way, they wouldn't be mutually exclusive.

You could say that, yeah, the paramount right – I agree with the hon. member that it should always be in the best interest of the

child. Of course, in the courts we use that, best interest of the child. That should be the paramount consideration, not the paramount right but the paramount consideration, in making decisions about a child's education, and then maybe go on to say that it is the parents that have the paramount right to determine what that best interest is with regard to education until they've given that right up through harming the rights of the child and so forth under law. Anyway, something like that might be a very honourable and worthy thing to have in here to improve the wording of this bill.

Again, this is good debate. I would like to see some additional subamendments, for sure, on the preamble because I think I'd like to get the preamble right. I mean, we always just assume that the preamble is right. How many times have we just kind of all said: "On the title of the bill, are you agreed?" "Agreed." "On the preamble of the bill, are you agreed?" "Agreed." Well, I don't agree with the preamble here, and I think that we need to change it. I don't think that it adequately reflects, even with the amendment from the Education minister, the paramount right that parents have to determine the education that is best for their children.

I think that it would be a very interesting exercise in democracy, Mr. Chair, if we would as an Assembly come together and actually find something that works for more than just the governing party, perhaps have some kind of compromise that takes into account some of the things that some of the members of the Liberal or the NDP caucuses have said because I think that there might be some commonalities, at least on the best interests of the child. In my view, I haven't heard anything from the Member for Edmonton-Centre or the Member for Edmonton-Strathcona that would disagree with the fact that parents are the ones that are in the best position to determine what the best interest of the child is unless they hurt that interest of the child, unless they take away the rights of the child in question.

I'd be interested and very curious to hear some more debate on this issue if you think that you have anything to say, hon. member. But you have to promise to be nice – okay? – because we're getting back to gentlemanliness here and are actually having a good discussion and not sinking, you know, as mum says, to fighting the pigs in the mud, right? Okay.

Thank you.

5:50

The Chair: The hon. Member for Fort McMurray-Wood Buffalo on subamendment SA1.

Mr. Boutilier: Yeah. Thank you very much. Mr. Chairman, I will say that the hon. Member for Airdrie-Chestermere has made numerous points, and I certainly hope that the Minister of Education is listening intently, no different than we expect of our children when they're in school, to listen intently in terms of what we refer to as teachable moments.

I do believe on this important issue that I support faith-based schooling. I support the absolute, paramount right of a parent to raise their children and educate their children in no matter what way, be it through home-schooling like parents that do home-schooling, be it through charter schools, through public, Catholic, separate schools. Faith-based schools are so important as well.

I think that this subamendment that the member on behalf of the Wildrose caucus has put forward is an important one because it comes down to the foundation of our society. We all recognize the importance of the role of a parent in terms of determining, you know, how they bring up their children, and teaching is an important part of that.

As I mentioned earlier, I'm very proud to say that at one point in my life I had been trained in school to be a teacher, as has my wife, who has been a teacher for many, many years. In fact, that's where I met my wife, in an academic institution called Keyano College, that does a very good job. In our schools I also must admit how much I enjoyed it when I used to substitute teach as well. In terms of the important role that teachers play, I thank all teachers who play a role in educating. But at the same time the almost paramount role that a parent plays – I come from a family where my father was a teacher and then went on to be a vice-principal and a high school principal for many, many years. I'm proud to say that my father was well respected in the role that he does, just like so many teachers and parents that do an excellent job in educating their children.

This is really the foundation of our society, the idea that we have the right to be able to stand up here in this Assembly and say: I support faith-based schooling. I support the paramount right of a parent to raise their children, to educate their children, to ensure that the child gets the fullness of life by so many people in terms of whom they will encounter in their lifetime. But they also will learn the independence. It's like letting the birds go free from the nest. Ultimately, I know all parents believe that they have an important role in feeding the bird in that nest and having teachable moments so that as they go out into society, they go out into society well prepared.

I say that as a parent. You know, my wife and I were late starting our family, and someone said that, oh, well, I'm just a slow politician. But I will say that being 51 years old with our son Marc, who will be just entering kindergarten next year, I often talk about the importance of the role of a parent, but that is not in any way, shape, or form about the importance of so many other factors that influence our children.

I want to say that I don't know how many members of the Assembly are up at 6:30 or 5:30 in the morning, perhaps at my age, you know, up watching Treehouse. Be it parents or grandparents, watching that is something. In fact, it was kind of interesting. I made the comment, Mr. Chair, that someone said: you know, Guy, you watch Treehouse in the morning, and then you come to the Legislature and see Treehouse in the afternoon. The only difference, though, is that I'd say that my four-year-old has been giving better answers.

But in the spirit of collegiality here, I will say that it is truly – I believe it to be – a foundation of our society to be able to have that right to choose as a parent what is best for your child. I am convinced that every member of the Assembly that is in here today, I hope, does not disagree with that tenet relative to what is so important.

Mr. Chair, I want to say that I support faith-based schooling. I support schooling in the public sector, which I had the honour of being a teacher in. I support the educational systems that are in place, having attended a Catholic university, St. Francis Xavier University in Nova Scotia, which I'm proud to say was in fact considered to be the best undergraduate school by *Maclean's* magazine six years in a row. So important are home-schooling, charter schools, francophone schools, and our public and Catholic and separate schools as well as, of course, faith-based schooling.

It's so important. That's why I stand here today to indicate that I support the subamendment that's put forward by my Wildrose caucus member, the Member for Airdrie-Chestermere, because clearly I believe he is on the right track.

I want to say that in raising our children, clearly, all of us bring a wealth of training, be it from the lives that we have come from prior to entering this Assembly, no matter what profession that is. I know that every profession, no matter if you're a teacher or not, brings that wisdom of our society. The experiences that parents bring to their children I believe are equally important, and that's why it should be a paramount right of a parent to be able to raise their children. That is in both a moral and a spiritual way, which I believe are equally important, and at the same time ensuring that we follow the laws of this great country of ours and follow the laws of this great province of ours or the municipality where we live, you know, another building block of teaching our children.

There are many, many moments that we may use, but I do believe that this subamendment will reassure parents. This subamendment will reassure Albertans and will reassure Canadians of the fundamental right of being able as a parent to raise your children and the fundamental right of faith-based schooling and the fundamental right of making a choice between home-schooling or public school or Catholic school or separate school or charter school or francophone school. No matter what type of schooling it is, the fundamental right of a parent to be able to do that is really what this subamendment is all about. I would hope and pray that that is what everyone in here wants to achieve.

With that, we want to respect all Canadians, all Albertans in coming forward with this subamendment, and I think this really does do that. I really think that it's a teachable moment for the Minister of Education and his government. It's a teachable moment for him to actually listen intently to what the purpose of this subamendment is and take it not because it's coming from the Wildrose and the opposition party but because it's coming from a parent that cares deeply, no differently, I'm sure, than the Minister of Education cares deeply about the children of Alberta and his own children. That is so important, and that's very admirable.

That being said, Mr. Chair, I truly do believe that as we move forward with the Education Act, some of the positive things, feedback I've received from teachers – I have received a considerable amount of feedback. I especially want to thank Pastor Glen, who, in my view, provided me with some incredible insight into the importance of faith-based schooling. I thank him publicly here for his comments and support.

I find it so interesting that as we go forward, we want to make sure we don't rush into a decision, that we actually make the right decision for our children and our grandchildren. I know many people in here have grandchildren, and as much as I may be watching Treehouse at 5:30 or 6 o'clock in the morning, like the Member for Airdrie-Chestermere as well – I know the member from Calgary clearly does that – in fact, I will say that speaking to grandparents has provided such . . .

The Chair: Hon. member, I hesitate to interrupt, but it's 6 o'clock. The committee is in recess until 7:30.

[The committee adjourned at 6 p.m.]

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