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The 28th Legislature
Third Session

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

Third Session

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, December 3, 2014

[Mr. Rogers in the chair]

The Chair: Hon. members, I'll call the Committee of the Whole back to order. I'll give you a brief moment to settle in.

Government Bills and Orders Committee of the Whole

Bill 10

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

The Chair: I believe the hon. Member for Edmonton-Riverview was speaking. I'll offer you the floor again, sir.

Mr. Young: Thank you, Mr. Chairman. I support gay-straight alliances. I also feel that children in our schools should be accommodated wanting to have one. I've had many conversations with friends of mine, mentors. You know, in some of those conversations I would say that it's unfortunate that we need to have gay-straight alliances, but we do know that they work.

I would also express to friends of mine about how I'm indifferent about what your sexual orientation is. It doesn't matter to me. In the last little while I think I've changed my tone on that. I think it does matter. I do care if you're gay, straight, or whatever. I think we need to recognize the diversity and importance of everybody and value that and support every kid in our school. When we get to a point of not just being indifferent but celebrating our diversity, I think that's what we really want to achieve.

Speaking to this amendment, when I looked at Bill 10, I had some concerns about asking children who wanted to form a gay-straight alliance and were denied to go through the courts. I felt that was unreasonable. These are young kids who are looking for support. They may not have support at home, and they're looking for that support with their peers through a gay-straight alliance. This amendment recognizes that if a child is denied that right to have a gay-straight alliance, then the Ministry of Education will come out in support and close that gap. It's unfortunate if they are denied it because every kid should be supported, but if the school boards fail to do that, then the Ministry of Education will step in and do that. I think that's a move forward.

As I was speaking of before the break, Mr. Chairman, I also think we need to underscore the fact that this isn't just about kids looking for support. This is for all kids looking to provide support in a school setting, at the school. I'm willing to support the movement forward on Bill 10 with this amendment and want to recognize that the support we give for our kids, all kids: we're not going to solve that with legislation. I think it rests in a responsibility in all of us.

I want to actually thank the Member for Edmonton-Centre for bringing up this issue for me. In my family we've had the opportunity to speak to my young daughters about this issue. Like I said, I was indifferent about the issue. It didn't matter. But I think we need to care and proactively engage in the conversation that it's not okay to do any kind of bullying. I was actually surprised and taken aback when her response, from an 11-year-old girl, was that it doesn't matter; we don't care. I want to thank the member for bringing for that issue up.

Like I said, I support gay-straight alliances for all children, and I'm going to support this amendment because it does close that

gap in the absence of them being afforded that right that I feel they should have.

Thank you.

The Chair: Thank you, hon. Member.

The hon. Member for Rimbey-Rocky Mountain House-Sundre, followed by Edmonton-Rutherford.

Mr. Anglin: Thank you, Mr. Chair. The amendment is an improvement, but it's still based on the premise of "equal but separate," and I can't support that. The Charter doesn't support that. The fact is that – and we've been over this – the issue of discrimination is protected within the Charter. If students are going to be allowed to start clubs, it is the right of a parent to not allow their child to be a member of a club. That is not under attack here, but what we are dealing with is trying to create a process to work around what is a Charter right, which is: do we discriminate against students that are gay? Trying to create something separate but supposedly equal in my book is a cop-out. We need to face up to the fact that this is a Charter-protected right. What we're trying to do is create a process. And it's a proven process, these gay-straight alliances, where they have reduced discrimination and, more importantly, they have reduced teenage suicide. The data supports that.

So for this to be requested and implemented as an after school activity is something to me that every school board should not only invite, but they should never have the right to allow any type of discrimination based on something of this magnitude. There is so much misunderstanding on what this is about. I've gotten some hate e-mails that aren't even on base with what we're actually talking about here. The legislation that has been brought forward, as I stated earlier, was about creating through legislation a process so that these students could have gay-straight alliances.

There is not a member here that has stood up and said that they're for discrimination, and I know that. Nobody has said that. Everybody here is opposed to discrimination, but we're starting to split hairs on how to work around a very sensitive issue that nobody wants to face up to, which is that we're confronted with discrimination on a regular basis. Here it is, right here in this Legislature today as we debate this. All the process is is that students have a right to create these clubs, that they cannot be denied that right and treated differently just because they're gay.

As other members have brought up, if they were forming their baseball club, their hockey club, whatever other club – they have those clubs – they're not denied that. This is the same kind of right, and it doesn't infringe upon parental rights at all. It's not even part of the process. If a parent has an issue with a club that a child belongs to, that parent has the right to keep their child from joining any club. Unfortunately, in this type of situation I think a child that is being forced not to be in a gay-straight alliance club might be the child that probably needs to be there for some education, but that's another matter.

What we're confronted with today is the basic, fundamental right of these kids to establish an organization that does two things, in my view, two very important things: it cuts down on discrimination and it reduces teenage suicide. Those are two admirable points that I cannot oppose in any way, shape, or form, but I cannot – I cannot – support the bill or the amendment if it's going to create this separate but equal. It's ingrained in me. I come from a background that goes back to the civil rights era, that I'm quite familiar with, and I remember all the arguments. They haven't changed. All we now have done is changed it from dealing with black issues to issues of sexual orientation, and the arguments are the same. The fear and the ignorance are the same.

It's interesting because the kids, particularly people generally under 30 and under 25, don't even understand why we're debating this, many of them. It's just absolutely amazing.

7:40

So with that, Mr. Chair, as I look at this, I applaud the government for trying yet again. It's a good attempt, but it comes up short. Separate but equal is fundamentally wrong because separate but equal discriminates. We've seen it. It does not succeed. It is not a solution. These kids have a right, just as every kid has a right, to form these organizations. We cannot discriminate and say: "You can form that, but it may not be on the school property. We'll push you off the school property." That is fundamentally wrong, in my view. That's treating them differently than any other student, and I cannot abide by that.

I will vote against the amendment. I'd love the government to try yet again. Let's not go home till we get it right.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

The Member for Edmonton-Rutherford, followed by Edmonton-Calder.

Mr. Horne: Thank you very much, Mr. Chair. I appreciate the opportunity to go on the record with respect to the amendment. I also support gay-straight alliances and, for that matter, I support and I will continue to support any initiative which seeks to support the mental health and the mental well-being of every young person in this province. I think I can safely say that that's a sentiment that unites all of us in the House. Just in the way that it wasn't that long ago that many of us were afraid to talk about mental health and mental illness and many other issues that come into play, particularly with young people, we're fortunate to be standing here in a Legislature today debating a number of amendments that actually seek to defend and to support the rights of and the opportunities for these students.

That said, I think, Mr. Chair, this debate has not really focused fully on what this amendment seeks to achieve, and it is not a small thing. What the amendment does is that it takes a Constitutionally protected right, which is specific to Alberta in the Alberta Act, the protection of the rights of school boards and the autonomy of school boards, which is stronger in Alberta, I've been told, than in any other jurisdiction in the country, and it says that where school boards will not grant the opportunity for students to form gay-straight alliances, the government, the people as represented by the government, will step in and will assume that responsibility on behalf of the school board. That is no small thing.

That challenges many of the assumptions and the values that people hold dear with respect to the role of democratically elected school boards. It also affirms the belief, a belief that I share, that government has the responsibility to act always on behalf of the most vulnerable citizens in society. This is in no way to suggest that students who want to form gay-straight alliances are in any way weak or unable to fend for themselves. I think we've all seen, Mr. Chair, that they're quite capable of making a very loud statement on a very serious issue, and they're not looking for us to provide support to compensate for any inadequacies on their part. What they are simply looking for is for government and for this House to recognize the identity that they have claimed for themselves, to recognize that as full and equal in society, and to show that the government, in particular, as representatives of the people, as elected by the people, is willing to step in and take

remedial action where other autonomous entities, in this case school boards, are not willing to take that action.

The second thing I want to say, Mr. Chair, is: all of that said, I'm going to support the amendment. One, because of, I think, the courageous stance it takes with respect to the role of government, reaffirming what I think the role of government is, one I think that most Albertans share. But I think how we get there actually matters as well. This amendment actually contemplates the importance that needs to be attached to how we get to dealing with a school board if after this discussion we're ever to see what I think is an unlikely situation, that a school board deny the opportunity for a gay-straight alliance. How we get there in terms of providing students that opportunity really matters.

I guess, Mr. Chair, it comes down to whether we want to support legislation and an amendment that invites an adversarial process that undoubtedly would take parties through the courts, would pit Albertans one against the other in terms of their values, legitimate values, which in specific instances can conflict. Do we want to merely pass a bill that facilitates an adversarial process and really doesn't work to support the students at hand, or do we want to provide an opportunity in legislation for the minister of the day to work collaboratively, as I think all of us would expect a minister of government to work, with a school board to not only change their action but to change their minds and to change their hearts if that's what it takes? That is what this amendment provides for.

In my view, narrowing the scope beyond the statement that government will intervene and will facilitate and support and ensure that students have access to GSAs when they are denied invites, in fact, more of the conflict and more distraction, quite frankly, from the interests of these students and from providing a supportive school environment and supporting and fostering a community that supports them and identifies them and recognizes them than we would like to have.

In summary, Mr. Chair, I support the bill, and I support the sentiments that are expressed in the bill and the values that are represented in the bill in the same way that everybody else does, but my point is that it matters how we get there. If we elect to be very prescriptive in terms of the legislation, we invite, I think, more of the conflict and debate and animosity that we have seen that has brought not just the cause of this community and made that cause so difficult but for many, many other vulnerable communities in our province as well.

Mr. Chair, what I say is: let's support the amendment. Let us have the Minister of Education and the government work as we would intend them to work to respect and to collaborate and to try to bring about a solution within a particular school community if an unlikely situation like this were to arise. But let's not invite more conflict and more adversity within the system by being prescriptive in terms of the amendments here and then sparking a whole other debate in other quarters that will do nothing but detract from the cause of these very students that we're here to support.

Thank you.

The Chair: Thank you, hon. member.

The Member for Edmonton-Calder, followed by Calgary-McCall.

Mr. Eggen: Well, thank you, Mr. Chair. I just wanted to share with the Legislature this evening that during the supper hour I went over to city hall, where the City of Edmonton Youth Council was debating gay-straight alliances and what the position should

be of the Edmonton Youth Council. It was a very good debate, very engaging, with remarkable young people.

I was struck by the juxtaposition of debating this particular bill here in the way that we are, the way we've deviated from a very simple, straightforward issue that we should confront head-on, and how they were approaching it there as the Edmonton Youth Council at city hall. They were very collaborative, very supportive, looking for organic ways to solve the problem. Here we have people throwing on layer upon layer in a direct adversarial sort of context that serves to create amendments and, potentially, laws that will only cause more strife and confusion for the future. We, this generation, which is mostly considerably older, owe it to that generation that's debating at the Edmonton Youth Council today to make sure that we move along with the course of history and ensure that we have equality and social justice here in the province of Alberta that fits with the society which we are responsible to govern.

I ask each of you here today to step back at least 10 paces from the various versions of this legislation that we've seen over the last couple of weeks and look to see: how can we make this a more equal place and a more just place, not just for the next few months but for the next generation and past that as well? If we seek to divide and make different sets of equalities for different types of people, we can only hope to fail, and that's what we're doing here today. We're creating a situation where we're going to differentiate between different kinds of clubs according to what outcome it is based on.

7:50

People all want to talk about this as well. In case anybody didn't know, this is, like, the conversation point across this province here this evening and will continue on. Someone at city hall said: "Well, you know, what about the football club? What if it offends me and offends my sensibility to have a football club? Should it also be excluded, or should we have the school board give that capacity to exclude that club?" I thought: you know, how simple, again bringing back all of these sorts of convoluted arguments we had last evening and then over the week and put it back to some simple thing. If we make different rules and different laws for different people, different groups, then we can only seek to a take step backwards as a society.

Again, taking a bad bill and creating some convoluted version of it only seeks to dig us further into a hole, Mr. Chair. Certainly, we know that if we don't make leadership from the top here in this Legislature, then we'll only see more of the same. The reason you don't see gay-straight alliances in certain school boards is because the people in the top positions are quashing those people who would want to have a gay-straight alliance. The teachers and the students organizing these things know that they're not being supported by the school board. Who really wants to go up against that sort of confrontation?

This does not change that. You're creating some sort of rarified air by which the ministry will swoop in and create a GSA in a place where they voted to not have it, either from the school board or from the school or whomever else. I mean, what a load of utter nonsense, Mr. Chair. What an obtuse way to organize these things. Certainly, those of you who have been brave enough to speak out against this and not just, you know, come out of some whipped position that you hope to personally gain from: well, good for you. Right? That's all I can say.

Again, we need to lead from the top here. We need to make sure that we create the laws. After all, if we make a law that compels gay-straight alliance clubs – you know, if there's a choice and people want to make those happen in school boards, then we can

make a law to do so. There's nothing stopping us from doing that. This idea that certain school boards or trustees might want to do it the other way around is completely an inversion of how laws are made here. We can make the law here, and they can follow it. It's as simple as that.

I'm seeing people tweeting in on this thing tonight from all over the province. I notice that Jon Cornish, a football player from Calgary, is urging us to do the right thing on this law to ensure that we have equality and social justice that extends to everybody everywhere all the time. Like I said before, the Edmonton Youth Council is voting on it here tonight. It's clear that we need to make sure that we keep in step with reality here in this Legislature and reflect the society that we are responsible to govern.

There are so many examples from around the world that if you create different laws for different people at different times, it only ends in ruin. I will follow very closely, from my own past, the events that took place in southern Africa as a result of trying to create different sets of laws and different sets of how people should behave. We all know that it all ends in the very worst circumstances possible, right? People think that we're exaggerating about this, but you make sure that you keep your smallest laws and your medium-sized laws and your biggest laws all focused on the same philosophical viewpoint, and that is that we create laws that are equal for all. If we make laws that somehow exclude certain gay-straight alliance clubs from having the same capacity to function right across this province if they choose to do so, then we, Mr. Chair, are not doing our jobs.

Thank you.

The Chair: Thank you, hon. member.

The hon. Government House Leader.

Mr. Denis: I rise, actually, just to ask for unanimous consent of this Chamber, Mr. Chair, that all bells be shortened to a one-minute interval for this evening.

[Unanimous consent granted]

The Chair: The Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. Unfortunately, I cannot support this amendment to the bill because it's not trying to do what you're saying that it will do in body and spirit. It will create two sets of laws for people. We are here to correct past mistakes. We are here to make laws which treat all Albertans equally. By denying students to have GSAs in schools and giving the power to the minister – I don't know why we are doing it. If we will end up doing it anyway, why not just straightaway give the students the right to ask for GSAs in schools? And schools should be able to do it. I mean, there should be no qualms about that.

Yesterday I was shocked when we voted on the bill in second reading and 42 of my progressive colleagues there were voting yes for this. I came here in 1970, and I have experienced discrimination first-hand myself. I was not physically abused or whatever, but when I started going to my work, my foreman said: oh, you smell of garlic; stay away from me. That was so stressful for me, and I had to find a different job. I was afraid to go to work because all my co-workers were making fun of me. And that was small stuff. Being a member of the LGBTQ community: I can't even imagine what they will be going through. I was talking to somebody, a young man, and he didn't have any friends till he got to high school. Look, all those years he lost enjoyment of life.

What we are trying to do here – we are going backwards. Ontario did it in 2012. Manitoba did it in 2013. Why are we holding back? There was a simple solution with Bill 202. You

know, sure, we can't bring Bill 202 back, but let's fix it with Bill 10. Let's do the right amendments and get it done. I'm seeing history repeating itself like with Bill 19, Bill 36, Bill 50. This government is under new management, a new Premier. Let's move forward. Let's not take a step backwards.

What are we creating here? Let's say that there was a Sikh club supposed to be going up in a school. Will we have the guts to refuse it? If there was a Pakistani club going up in a school, will we have the guts to refuse it? If there was a black club – pardon me – will we refuse it? Why are we separating LGBTQ students from those in a football club, a Sikh club, an East Indian club, you name it? If we can do it, why do they have to go through this red tape in order to have their GSA club in their school? It's like telling them: "No. You can't do anything. You can hold your meeting, but you have to go out of the house." I don't see how this amendment or bill will achieve what the government is trying to achieve.

I cannot support the amendment or the bill, period, because it's not going to do what the government says it will do. Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Edmonton-Strathcona, followed by Edmonton-Centre.

Ms Notley: Thank you. I'll be brief, Mr. Chair, with just a couple of points that I wanted to make. It had looked to me, before we broke, like there was a possibility, a little bright light, that suggested that folks over there might have been coming around to the right conclusion, but it's now, clearly, obviously, not the case. I just want to speak to a couple of points that were made by members opposite.

First of all, the Member for Edmonton-Riverview began in a very positive way by talking about his support for GSAs and about his conversations with his kids and talking about how he wants to see GSAs in every school and then suggested that this amendment will secure GSAs in every school. But, to be clear, the reason we are so vehemently opposed to this amendment is that this will not secure GSAs in every school. It will not secure GSAs in any school. It might. We can cross our fingers and hope that maybe those school boards who are so vehemently opposed to using the words "gay-straight alliance" in describing their after school clubs will somehow relent and allow the Ministry of Education to organize a GSA on their property. But, quite honestly, more likely than not, the case is that that won't happen.

8:00

Recently the Minister of Education tabled the number of clubs across the province. Let us just be very clear. Notwithstanding that we asked for this information, he didn't bother to give us the information about where those clubs were. But we know that there were only about 96 gay-straight alliance clubs, and at least 65 of them are in the EPSB. Then he said that there are another 1,300 other-named clubs across the province. What that essentially says is that about 95 out of 1,400 clubs have been allowed to be called GSAs. That's one-fourteenth, Mr. Chair.

Why in heaven's name would you expect, if you don't tell them that if a child asks for a GSA, they have to be given a GSA, that they will be given a GSA? Clearly, the record is that they will not be given a GSA. This amendment will not change that, not one bit. There'll be a GSA somewhere outside of the school on different property, as I said, maybe in the parking lot at the 7-Eleven across the street but not in that school. They will be treated separately and differently, just like the segregation laws that preceded true equality during the civil rights movement.

Now, the Member for Edmonton-Rutherford tried to argue that what we need to do is to respect the rights of school boards. I just need to say – and it's been said before – that this government hasn't respected the rights of school boards when it came to their funding. It hasn't respected the rights of school boards when it's come to their governance. It hasn't respected the rights of school boards when it comes to the delivery of provincial achievement tests, and the list goes on and on and on. The fact of the matter is that if they can take away taxing authority from the school boards and that didn't violate these so-called special rights of these school boards, I find it very hard to imagine that asking them to honour the Canadian Charter of Rights and Freedoms would somehow run awry of their rights.

Moreover, though, I was very troubled by the comments from the Member for Edmonton-Rutherford, for whom I often have some amount of respect. But I have to say that this notion that if we push the idea of enforcing the obligation to treat these kids equally, that will promote divisiveness: my goodness, Mr. Chair, is the exact argument that was used 40 years ago to justify the separate-but-equal laws, which did not amount to true equality. This idea that we have to very gently and carefully and diplomatically suggest that these institutions within our society, which are legislated creatures of this Legislature, by the way, who receive public funding through this Legislature, by the way, that we have to carefully and diplomatically and politely negotiate with them the obligation to treat these kids the same as kids from other minority groups troubles me greatly.

To be clear, to be very, very clear, this amendment does not achieve any of the objectives that the crocodile-tear-filled statements that have been made since our break suggest it's setting out to achieve. I would love to have the Minister of Education actually get up and engage in this debate.

Mr. Dirks: Are you serious?

Ms Notley: I'm very serious, Mr. Minister.

He's asking if I'm serious about this suggestion. Let me be very clear, Minister, I am very serious. Telling kids that to have a gay-straight alliance club, they have to leave the property of their school . . .

An Hon. Member: Nobody is saying that.

Ms Notley: Yes, you are because you are absolutely refusing to insist that it can be provided on the school property. [interjections]

The Chair: Please. To the chair. To the chair, please. Thank you.

Ms Notley: If you don't make them do it on the school property, then you are allowing them to say that it won't be on the school property. Other speakers have acknowledged that that is what's happening in this. So don't try to say that that's not what's happening in this.

For the Minister of Education to suggest that somehow I'm wrong by saying that maintaining the legislative ability of school boards to tell students that they can have their GSA meeting off the property is somehow unreasonable and somehow doesn't reflect discrimination – well, then clearly this minister needs to take an in-service on what discrimination is. He doesn't get it, and he shouldn't be in that position. I'm not at all convinced that he's capable of fulfilling any of the obligations that this amendment would suggest that he must.

So you guys have made a decision. It looked for a moment like you were on the verge of making the right decision. Clearly you've been whipped back into making the wrong decision, and

it's truly disappointing. I think the vast majority of Albertans are very, very disappointed in that as well and will be.

Thank you.

The Chair: Thank you, hon. member.

Ms Blakeman: Well, what a difference a dinner break makes.

I understand that my colleagues opposite have made a decision, likely not the decision that I was hoping they were going to make. There are three things I want to say to you. One is that what's written on the amendment is not what you're all hoping is going to happen. It's just not written there. It says very clearly, "If, in a decision referred to in subsection (3), the board decides that it will not support a student in establishing the organization described." Those would be the gay-straight alliances. Why are you allowing school boards to make those decisions? You control Alberta education. This is not a part of curriculum. This is an after-class engagement. Why are you allowing different schools to treat the same students differently. If you are a sexual-minority kid over here in a public school, then you get a GSA. If you're a sexual-minority kid over here in another school, you don't. That's one.

I know that many of you really want this to be what you want it to be, but that's not what it says. It has to be written on the paper. You can't, you know, interpret this later. The judges interpret it later, and if we've done a bad job, they will interpret it in a way that – I guarantee you – you will not be happy with because they'll interpret what's written there. What is written here is not what you are fervently hoping it means, and I know that. I can feel it. I can feel how much you want this to work. It's just not there.

Two. I think when we were talking about how the Minister of Education, who is seeming particularly pleased – how nice to see a smile on his face. I think we were beginning to think in my terms, in urban terms, and we've been thinking about: "Well, that's okay. If a kid can't be accommodated here, then we can take him to central office in downtown Edmonton or downtown school board in Calgary. No big deal, right?" Except that we're not remembering the kids that are in Lacombe or Sundre or Claresholm or Fort Macleod or Wandering River or any number of other places in this wonderful province that are not going to be able to easily accommodate a group of kids somewhere else outside of their school building.

I know that you desperately want it to say that in these pages, but it doesn't say that in these pages. What I've heard from the sponsoring member is that it is hoped that the Minister of Education can work with the school board to somehow work something out, except this is the very same school board that said no. They said no using the autonomy you've granted them to say no, and they meant it. I am not sure what magical qualities you are imbued with, and you may well be. You're government. Perhaps you are imbued with magical qualities to go back to a school that you've given the autonomy to to say no and try to now convince them to say that, yes, they would allow a GSA in their school when they just said no. It's not written on the piece of paper.

This is going to be very difficult, to accommodate kids outside of urban areas. We're back into the same conversation where we have people saying: oh, this is so divisive, and it's so hostile. An hour and a half ago it didn't feel so divisive. It felt pretty much in the same place. [interjections] I am getting heckled, which is a lovely thing, Mr. Chair. But it's not going to change what's written on the piece of paper.

It's hard to be brave. It's hard to be brave. It's scary to be brave. But we're not here to be brave on behalf of ourselves; we're here to be brave on behalf of students. And I hope . . .

Ms DeLong: Then vote for it.

8:10

Ms Blakeman: I will be voting, Member for Calgary-Bow, but I won't be voting for this amendment because it's not doing what you believe it's going to do. It's just not written there. When the courts come to interpret it, if they do, they're not going interpret it the way you're thinking.

I agree with – now, this has got to be a red-letter day – my colleague from Airdrie, that we've done nothing here. [interjections] I know. Look at him. I can't believe it. It's an amazing day. But he's absolutely right. We will end up coming out of this very long, intense, emotional session having accomplished none of the things we set out to do. We will not have mandated gay-straight alliances into schools so that every school provides them. Neither will we have made any specific ways of helping kids that find themselves left on the outside.

So I still ask you to be brave, to step out into a dangerous place and support these kids. This is no black mark against the Member for Calgary-North West. I am not saying anything bad about her. This was a difficult thing for her to do. She brought the amendment forward. You know, I'm glad that you're giving her good support. [interjections] Oh, I've touched a nerve. I can tell.

You need to vote against your colleague's amendment. I wish you would, and I wish you would be brave and step out. I encourage you to be brave and step out, even the member that sponsored it, on behalf of the kids in Alberta that really, really, really need this.

Thank you.

The Chair: Thank you.

The hon. Minister of Service Alberta.

Mr. Khan: Mr. Chair, thank you for giving me the opportunity to speak to this very, very important issue. I want to say this loud and clear. I support GSAs. I support GSAs, and I will fight for the rights of gay and lesbian students in my community, and I will fight for the rights of gay and lesbian students across this province. I will resent and I will disagree vehemently with anybody in this building or outside of this building who suggests otherwise. That's why I support Bill 10, and that's why I support this amendment.

I'd like to take this opportunity to thank the opposition. I want to thank the opposition for pushing this issue. This is a crucial issue, an important issue. Mr. Chair, I'd also like to take this moment to actually acknowledge that I believe this is our parliamentary system working. In my two and a half years I don't know if I've seen the parliamentary system work better than this. I think we see the opposition pushing an issue, government responding to the issue, opposition coming back and pointing out when perhaps we haven't got it quite right, and the government responding. So I want to thank the opposition for helping us deal with this issue about gay and lesbian kids having to sue the school board. That didn't feel right for us, and you did a good job in getting us over that bridge. I want to thank the opposition for that.

But what I want to point out to the opposition is that this is about governance, this is about respecting rights, this about respecting rights for gay and lesbian kids, this is about respecting rights of freedom of religion, and this is about respecting parental rights. At the end of the day, this isn't about politics; this is about governance. This is an issue about governance, and Bill 10 is a bill that speaks to good governance.

Mr. Chair, I want to thank the Member for Calgary-North West. There's been a lot of talk about bravery today on the floor of the

Assembly. I don't think there's a braver member of this Legislature. I want to talk about the difference between governance and politics. Bill 10 is governance. To suggest in any way, shape, or form that this government is trying to promote divisiveness, that this government is trying to promote the spectre of civil rights, the spectre of apartheid, that's crass politics, and that does not help this conversation. That does not help the promotion of GSAs.

Mr. Chair, I support GSAs, and every one of my colleagues in this House supports GSAs. This concept that we're trying to move GSAs outside of the school doesn't reflect the facts. We currently have 94 GSAs within Alberta schools today, and we have over 1,000 clubs that identify themselves as diversity clubs. Our objective is to have GSAs established in schools. Let's be very clear about that. Let's be very clear about that.

Mr. Chair, Bill 10 is a bill that enables; it's an enabling bill. All the time we hear from the opposition about the stick or honey, honey or the stick. This is a bill that encourages and fosters and will help promote GSAs across this province. The subtle difference between enforcement and enabling is that we are now in a position to not have to enforce, which would be divisive, which would create conflict, which would create strife in Alberta, which would create the spectre and possibilities of lawsuits in Alberta. We are enabling, and we are encouraging, and we are promoting GSAs. I promote GSAs.

The Chair: You're speaking to the amendment, amendment A2?

Mr. Khan: I am speaking to the amendment, Mr. Chair.

The Chair: Thank you.

Mr. Khan: This amendment, Mr. Chair, will help Bill 10 work for my community.

One of the things we're not talking about is how this amendment will put GSAs in the hands of the school boards. The school boards have elected trustees. They represent the will of the people. I know this will work in my community because I've spoken to my school board trustees. I've let the school board trustees know that GSAs will be an election issue come next election time for our school board trustees. I have three high schools in my community. These high schools compete vigorously for students. Those trustees compete vigorously for students. I know and my constituents know and the school board trustees know that if they do not promote GSAs, it will adversely affect their enrolments.

Mr. Chair, I have a 16-year-old son and a 13-year-old daughter. As many folks in here have stated before me, this is a nonissue for that generation. This is an absolute nonissue for that generation. They don't understand why we're talking about this. I've heard many people from the opposition, Rimbey-Rocky Mountain-House-Sundre, say that for people 35 and under this is a nonissue, and they don't understand why we're talking about it. I strongly agree.

Mr. Chair, I absolutely believe that if a school board is not going to support GSAs – let me rephrase that. I have those three high schools. If one of those high schools in my community does not support GSAs, if one of those high schools in my community is painted as an intolerant institution, 15-year-olds, 16-year-olds will not want to go to that school. I believe in the youth of Alberta, and I believe in Albertans. I believe that when it comes to an issue of electing school board trustees and we put the will into the hands of Albertans, they will elect school board trustees that promote GSAs. They will elect the school boards that they deserve.

Mr. Chair, I support GSAs. My colleagues support GSAs. My colleagues believe in Albertans. What I'm hearing from some of the opposition is that they don't believe in Albertans. They don't believe that Albertans will do the right thing and support GSAs. Mr. Chair, I believe in GSAs. Every one of my colleagues in this House believes in GSAs, and that's why I'm calling for the vote on this amendment.

Thank you very much.

8:20

The Chair: Thank you, hon. member.

The hon. Member for Edmonton-Beverly-Clareview.

An Hon. Member: Question.

The Chair: Hon. member, just for the benefit of the members of the committee, I heard you call for the vote, but under Standing Order 65(1)(a) members may speak more than once, so I can only call the vote after all that wish to speak have indicated so.

I will recognize the Member for Edmonton-Beverly-Clareview, followed by Edmonton-Meadowlark.

Mr. Bilous: Thank you very much, Mr. Chair. I'll try to keep my comments brief. I do want to mention that I'm not sure what was in the food that my colleagues from the other side ate, but it completely transformed, it seems, my colleagues on the other side.

You know, more seriously, I want to say that for the first time since I've been elected in this Legislature, I had a glimmer of hope from the words spoken by a few of the PC MLAs seeing how wrong this amendment is and their position to vote against it. I had a glimmer of hope that maybe through debate and discussion and through the stories that people told, their personal stories about how they had been discriminated against in one form or another, they couldn't support this bill. You know, words can't express my disappointment coming back after the dinner break to see how quickly those feelings had either subsided or changed or been whipped out of them.

You know, I find it rich when members stand up and say, "I support GSAs," but then their actions are the complete opposite, where you're not supporting students who want to have GSAs by allowing boards to block them at will for whatever reason. To me, this issue that we're debating is about equality of rights, and I don't know what parallel universe I've stepped into that this is a debate. I mean, again, just look at what Albertans are saying. It's a no-brainer. Why is this even being debated? If students want to form an after school club, let them.

I do want to just make a quick comment to the hon. Member for St. Albert. He said that he believes in the youth, and the youth are going to make changes, and he talked about the boards. Last time I checked, hon. member, 15- and 16-year-olds couldn't vote, so I'm not sure how they're going to change the boards in order to elect boards that are going to allow GSAs. That's a whole other issue.

What I do want to mention, Mr. Chair, something that maybe hon. members from this Legislature can learn from a group of young people, is that tonight the Edmonton Youth Council had a rigorous debate about this bill, and the vote was 14 to 1 against the bill. You've got young people in this province discussing this who know what they need and what their friends need in order to support all Alberta students, yet in this Legislature it's mystifying, really, how few members understand the implications of this amendment. I know others have eloquently spoken to it, but it's essentially a discrimination clause.

The fact of the matter is that if people stand up and say that you support GSAs, then actually support all students everywhere having the right to have GSAs, not allowing boards or parents or

others to block them. I have yet to hear a coherent argument of how an after school, extracurricular club infringes on the rights of parents or other kids. I mean, kids' parents don't have to go to that club. The fact of the matter is that if we want to create a truly inclusive society, then everyone should be treated equally, and they're not. The reality is that we were for a moment and we are even right now at a very historic moment in time when we can bring Alberta into the 21st century, and we can truly effect change and ensure that students everywhere have equal rights.

You know, I've got to say, hon. members, that it's disappointing to come back and clearly see that the tone of the Legislature has changed and we seem to have gone backwards about 10 steps.

Dr. Swann: Dad, phone home.

Mr. Bilous: Well, daddy's got a long arm.

I'll urge members of the Assembly to vote against this amendment and against this bill. Let's get rid of it, and let's bring in legislation that truly empowers our youth and young people and treats them with the dignity, the respect, and equality that they deserve.

Thank you, Mr. Chair.

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

Dr. Sherman: Thank you, Mr. Chair. There's a saying: when you dig a hole, stop digging.

I rise to speak against the amendment to Bill 10 for a number of reasons. We have to examine how we got here in the first place. How we got here in the first place is that every Monday – you know, the government has a lot of bills they can propose. They control the agenda. Every Monday a private member from either the government or the opposition parties can bring forward a bill or an idea that we'd like to debate democratically. In this situation the hon. member for the fabulous constituency of Edmonton-Centre brought forward a bill, an idea, something that would make this a better province and a better society, a more inclusive society. This was a private member's bill that was brought forward.

The governing party did all that it possibly could within its power to ensure that the private member's bill would not be brought before the Legislative Assembly to be debated. We had questions for returns. Gosh, they debated the questions for returns for hours. So we asked you to remove our questions for returns so we could bring the bill forward. They ran out the . . .

The Chair: Hon. member, on the amendment.

Dr. Sherman: I'm speaking to the amendment. I'm speaking on the amendment, Mr. Chair, but I have to give you the context of how we got here.

How we got here was that it was a private member's bill. They didn't want it heard. So we pulled our questions for returns. The bill was going to come up on Monday. The only way for the government to not have the bill heard was to introduce a similar bill and pass it through first and second readings – and you know the rules, Mr. Chair – which means that the hon. member's bill would fall off the Order Paper. That's what this is all about.

I call this weasel politics. Weasel politics is what this was. They're using every legislative tool that they have so a private member cannot bring forward an idea on the legislative floor because it's an opposition member. That's how Bill 10 even came in. In fact, they had to rush, and on the back of a napkin, God knows where in this province, scratch something forward that even they think was a bad thing. So they are amending their own

bill, which was ill-conceived and flawed and made on the back of a napkin. Again, the amendment is something that they made on the back of a napkin. That's premise number one.

Premise number two. I thank the hon. Member for Calgary-North West for attempting to help dig her team out of a hole. That's what she's trying to do. She's trying to help them dig out of a hole. Mr. Chair, the whole point is that these young people who are lesbian, gay, queer, transgendered, or bisexual want to have their own peer support group in the schools because they don't feel like they have peer support groups, whether they're at home or in the churches or in the communities. It's their special club at school. The people who influence children are the parents, their peer group, the teachers, or their elders, other people in their communities.

8:30

The school is a special little place for young people, and we were all there. We have clubs, all sorts of clubs. Mr. Chair, where in this country, if you can't have your club, do you have to go to the board – you know, the stuffy old people that were elected by your parents – many of them who disagree with the practice of these young people and the way they're born? Where else do young people have to go to stuffy old people, democratically elected, to get their permission? Failing that, they have to go to some stuffy old minister on that side to get approval. God knows where.

Young 14-, 15-year-old kids: look, they want to go to school, and they want to study. They want to play. They want to play their sports. They want to hang out. They don't want to go meet board members and politicians to get special permission. All this bill does is put more obstacles in their place. These poor young kids are already struggling with their sexuality. They're already struggling with teenage years, my dear friends. Some of these might even be your kids or your neighbours' kids or your brothers' and sisters' kids or your cousins' kids. Do you seriously want them to go talk to a minister, to have the minister come down and say: hey, you school board, thou shall do this?

It's our duty as provincial legislators. The national legislators of this country brought in the Canadian Charter of Rights and Freedoms. These are the rules that govern us as a country. It's our duty as provincial legislators to pass an inclusive law that makes it easier for these young people to associate together in a democratic and free country. We should make it easier for our school board trustees, not put them in a situation where suddenly they're stuck between, you know, some religious right-wing conservatives and some progressive people in their community. Suddenly they're caught in the middle. We don't need to have these problems with 62 different school boards and however many different school divisions.

Mr. Chair, I want to remind everybody that the reason we're talking about this is because the government's weasel politics would not allow this hon. member's bill onto the floor. They're digging holes, and this is getting even worse. They're putting barriers in front of our children that desperately need some help. Frankly, these kids are not going to step forward, and I doubt that they're going to come and talk to the school boards in rural Alberta and other parts of Alberta, let alone talk to the legislators. They certainly don't want that scrutiny. It's only going to make their problem worse.

Mr. Chair, I would ask the hon. members from the government side to reconsider. I believe that your intentions are good, but I also believe that you don't have the political courage to do the right thing. You're trying to do it, but I don't believe you have the courage.

Ms Blakeman: Prove him wrong.

Dr. Sherman: Hon. member, I hope they will prove me wrong.

Please prove me wrong and vote against this amendment. This is not an inclusive amendment.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Mr. Mason: Very briefly, Mr. Chair. This whole debate began, ironically enough, with an act of bullying. It was the bullying that I've seen over and over again since I've come to this place, the bullying by the majority of opposition parties. The hon. Member for Edmonton-Centre was treated in a most deplorable fashion, not even allowed to speak to her bill, a bill that the Premier a few days ago had said publicly would be a free vote on the part of the Progressive Conservative caucus. He said that there would be a free vote on Bill 202. Well, I suppose he was right in a way, Mr. Chairman, because we were free of a vote on Bill 202 because of the obstructionist tactics of the Progressive Conservative majority in this House.

So we move on to the government bill, Bill 10, which is terribly flawed and has created quite a firestorm in the last few days, which is precisely why the hon. Member for Calgary-North West introduced the amendment today. Now, since the supper break, when we know the Tory caucus was meeting to discuss their response to this amendment and to this bill, it's become clear that people who were passionately speaking not only against the bill but against the amendment as well have now changed their tune. That's par for the course as well, Mr. Chairman. Almost everyone on the other side who has spoken since we've come back started out by saying: I support GSAs. You know, they repeat it over and over again. The Minister of Service Alberta must have said that about six times in his speech.

Mr. Chairman, the point is this: they don't get it. This is not about supporting GSAs. Ultimately, this is about supporting equality, and that includes the right of students who may be gay or have gay friends to form a club like any other kid in their school, which is being denied by the bill, which now gives the ultimate authority over that matter to the school board, no longer appealable to the courts, which was an absurd thing in the first place. So then the minister is supposed to come in and rescue them and save them. That's absurd. It's absolutely ridiculous that we would have to get to the point where students who want to start a club in a junior high or a high school have to appeal to a minister of the Crown in order to be able to do so.

The hon. Member for Calgary-North West, when she was pressed before supper, admitted that they would not be necessarily allowed to have their GSA meeting in their school. That gave rise to the basic criticism of the amendment, which still stands, that it is essentially segregation. It's a separate but equal approach: yes, you can have your club, but you have to go somewhere else to do it. You know, that is not equality. That is not treating LGBTQ students the same as every other student. That is discriminatory. It's separate, maybe not so equal. That, I think, Mr. Chairman, is and remains the fundamental problem with this amendment, as they're trying to fix a bill that was so badly flawed in the first place that it probably cannot be fixed.

I urge members to cut out the nonsense about supporting GSAs and support equality. That's what we expect of our MLAs, and that's what we're not getting with this bill or with this amendment.

The Chair: Thank you, hon. member.

Before I recognize the next speaker, may I just remind all members that while the rules of committee allow each member to speak one, two, three, four, five times, I would hope that when you speak – in this case we're dealing with amendment A2. If you would attempt to keep your comments to the amendment, I would really appreciate it.

Thank you.

Mr. Kang: I will be short. I will be brief. Mr. Chair, it's an honour to speak again to the amendment on the bill. We have been hearing from my colleagues from all sides of the House that they all support GSAs. The younger generation: they don't care. People under 35: they don't care. So why are we debating this? Why are we playing all these tactics here? You know, let's give it to the students who want GSAs in schools, and let's move on. Why are we here? Let's give them the right to form the GSAs so we can stop the bullying, we can stop the discrimination, we can stop these suicidal thoughts that the members of the LGBTQ community are having. Those students: let's help them out.

We haven't heard from the Minister of Education, his thoughts on this. It would be helpful if he stood up and shed some light on this, too, where he stands on this. That would be helpful.

8:40

Let's move on. Let's give it to them. Who are we to impose our will on the younger generation? We are saying, on the one hand, that they don't care, and then we are imposing our will on them. Why? Let's move on. Let's vote down this amendment. Let's vote down this bill, and we'll probably bring in Bill 202: simple, straightforward. Let's get it done.

Thank you very much, Mr. Chair.

The Chair: The Member for Airdrie.

Mr. Anderson: Thank you, Mr. Chair. I just wanted to stand – you know, we got a chance over the supper hour to also take a look at this amendment and discuss it as a caucus. I want to make it very clear why it is difficult for our caucus to support this amendment.

I want to start by saying that, in our view, certainly in my view, there's a lot in Bill 10 that the government got right. I agree very much with adding parental rights into the Bill of Rights. I think that was an excellent, excellent thing for the Premier to do. I agree with the Premier's decision and the government's decision to take the term "sexual orientation" out of the notification clause and replace it with just "religion" and "sexuality." I think that's more inclusive. It gets to the same subject matter anyway when we're talking about sex education and so forth. I think that was the right thing to do. I think that adding "sexual orientation" officially into the Bill of Rights was definitely again the right thing to do in Bill 10. I think that that was correct. All those things I believe the Premier and his government got right. I also really respect the fact that there was an attempt in Bill 10 to make it clear that we do respect the local autonomy of locally elected school boards. I think that is important.

Here's the issue that I have with the amendment and why it's so hard to support it. I think that if you're going to respect local autonomy, if you're going to say: look, we want to permit Catholic schools and other faith-based schools – and it's not just Christian private schools; there are other religious private schools and so forth. If we want to protect their local autonomy and allow them to create a program both with their curriculum and with their extracurricular activities in everything that is consistent with their views and their values and the culture of their faith – if you're

going to do that, we still have to recognize that in some cases in those schools there are kids that are going to be bullied.

Kids can be bullied in any school, not just those schools. There are situations where they will be bullied, and particularly what we're talking about now is that it's LGBTQ students that will be bullied. We all agree with that reality, that it does happen. So we have to say: okay; if we're going to respect local autonomy, which is good, we also have to make sure that we're ensuring the protection of the students involved in the bullying. The problem I have with this amendment is that I just don't see how it accomplishes that. That's the difficulty I have with this part of the bill.

I think that we could sit down and do a much better job of crafting legislation that would actually protect local autonomy, allow our faith-based educators to teach their faith according to the dictates of their conscience and their religion and so forth, all of that, but still pass amendments that would ensure that the child, who in some circumstances is being bullied because they are LGBTQ youth, will have protection and will have a support strategy. That's why we very carefully as a caucus for days – it felt like years at times – constructed a set of amendments that would try to accomplish that.

That's why earlier today we proposed an amendment which specifically said that if a GSA application request is denied by a faith-based school, the school must work collaboratively with the requesting student to provide a bona fide antibullying or alternative support strategy that meets the needs of that student. That would ensure no matter what that if a student says, "You know, I'm being bullied, and I want to start a GSA; I need help," that if that is a problem for whatever reason for that faith-based school, the obligation is still on the school to say: okay; let's sit down and work collaboratively with the student to address the bullying situation head-on, to make sure that there's a support strategy, whatever that looks like. It could be a hundred different types of support strategy and so forth.

I don't think it's enough to just say: you know, the board says no. Then you go to the Education minister, and the Education minister says: "Okay. Well, I'll set up a GSA. If it has the school's approval, it will be on the school site. If it doesn't, it will be off the school site." Or whatever it looks like. I just don't think that's getting to the core problem, which is, really, protecting the kids that are involved in the bullying. That's what I think needs to be addressed.

We also brought a very clear amendment forward that proposed that if the school board was mandated to create this alternative strategy working collaboratively with the student and that if for some reason it still failed in that regard and didn't do a good enough job, then the student wouldn't have to go to a court application process to appeal that – because we all know that's impossible for a student to do – but they would be able to go to the Ministry of Education and appear before a panel, consisting of three people appointed by the minister, to review the decision of the board with respect to their decision not to allow the GSA. Then that board could either confirm the decision of the board or make recommendations back to the school board regarding steps that could be taken to adequately support and protect the students involved.

Those were the amendments that we brought forward because we thought that these amendments would, in our view, make Bill 10 a bill that we could wholeheartedly support. Certainly, the majority of us in our caucus could wholeheartedly support it. What's frustrating is that without these amendments it makes it very, very difficult to support the bill because the protection aspect is not being addressed. You know, at the end of the day if

you strip everything out of this discussion, really, the most important part is the protection of the kids that are experiencing the bullying. If we're not taking care of that part, then it makes it very difficult to support the bill.

Now, I want to make it very clear that I don't believe for a second that not agreeing to the amendments that we proposed earlier or not agreeing with what I'm saying right now in any way is making the government members intolerant of LGBTQ students or youth. I don't buy that. That, to me, is not fair. It's not accurate. I know most of the folks over there just as I know most of the folks on the opposition side with the Libs and New Democrats, and I have yet to meet one that is an intolerant person and is in any way bigoted. I just haven't. That's not the reasoning. There's no doubt in my mind that that's not the reason for rejecting these amendments.

But the government does need to understand that without these amendments being put in, without these protections for LGBTQ students, it's going to make it very difficult for us in the Wildrose caucus, who have put a lot of time and effort into trying to find that balance that everyone is talking about. Then just to have that part rejected out of hand, it's very difficult for us to now go and support – well, certainly this amendment but to support the bill because it's not being addressed.

Again, I invite the government to please – there's no reason why we can't adjourn debate tonight and come together as a group and figure out a set of amendments that will actually accomplish what we're going for here, which is the protection of LGBTQ youth, while still respecting local autonomy. I think we can get there. I think, you know, the intent is there, but I just feel that the delivery mechanism here is not the right one.

8:50

You know, there's no point in being here until 3 in the morning debating clauses on this bill. We could put together an amendment here that works. But just ramming this one through doesn't work, Mr. Chair. We might not get this chance because the problem is that if we pass this amendment – and this also makes it difficult to support – then it takes away our ability to amend sections 2 and 3, which are the main parts of the bill with regard to dealing with the bullying problem around LGBTQ youth. We won't be able to bring any further amendments, so at that point I don't know what we're debating anymore.

Again, I just would ask the government to please reconsider. Let's put this on the table. Let's adjourn debate on it. [interjection] Maybe you don't agree with me, but I would like to adjourn debate on this bill and come together and find a solution that's actually going to protect our LGBTQ youth and students and all those other important issues and rights.

With that, I am going to move that we adjourn debate.

[Motion to adjourn debate lost]

The Chair: We will continue with debate on amendment A2. No other speakers?

Hon. Members: Question.

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

[Several members rose calling for a division. The division bell was rung at 8:52 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Allen	Goudreau	Olesen
Bhardwaj	Horne	Olson
Brown	Jansen	Quadri
Cao	Johnson, J.	Quest
Dallas	Kennedy-Glans	Rodney
DeLong	Khan	Sandhu
Denis	Klimchuk	Starke
Dirks	Kubinec	Towle
Drysdale	Mandel	VanderBurg
Ellis	McDonald	Weadick
Fawcett	McIver	Xiao
Fenske	McQueen	Young
Fritz	Oberle	

Against the motion:

Anderson	Fox	Notley
Anglin	Griffiths	Pedersen
Bilous	Kang	Sherman
Blakeman	Lukaszyk	Swann
Donovan	Mason	Wilson
Eggen	McAllister	
Totals:	For – 38	Against – 17

[Motion on amendment A2 carried]

The Chair: The hon. Government House Leader.

Mr. Denis: Thank you very much, Mr. Chair. I'd like to move that the committee rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

Dr. Brown: Mr. Speaker, the Committee of the Whole has had under consideration Bill 10. The committee reports progress on Bill 10. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Deputy Speaker: Opposed? That is carried.

9:00 Government Motions

The Deputy Speaker: The hon. Government House Leader.

Time Allocation on Bill 10

12. Mr. Denis moved:
Be it resolved that when further consideration of Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, is resumed, not more than two hours shall be allotted to any further consideration of the bill in Committee of the Whole, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

The Deputy Speaker: Hon. members, this motion is debatable. The standing orders provide for five minutes from the Official Opposition.

The hon. Official Opposition House Leader.

Mr. Anderson: Really quick. Boilerplate opposition, it says. There you go. [interjections]

The Deputy Speaker: Please proceed, hon. Opposition House Leader.

Mr. Anderson: Sorry. They're really distracting me over there right now. I don't know what it is.

You know, I think, obviously, I would have preferred to do an adjournment here tonight so that we could all go home and talk about it. It's 9 o'clock. We could come back tomorrow, and we could debate it further and maybe have a better bill with regard to Bill 10, but I guess we're going to be invoking closure. Closure obviously isn't one of, I think, the best things to do in our parliamentary democracy, especially after just a couple of hours of debate. It is a reality that we have dealt with many, many, many times in opposition. I think that, obviously, we would like to see – again, I really wish we could adjourn debate and get a good bill done here, but the government has invoked closure. They've done it before. I'm sure they'll do it again.

With that, I'll pass it off to someone whose boilerplate arguments . . .

The Deputy Speaker: Nope. That's it. It's just five minutes to yourself, hon. Opposition House Leader.

Mr. Anderson: Oh, I understand that, but what I'm going to do, what I'm proposing – I am just saying that . . . [interjections] You want me to be more angry. I'm just kidding.

Obviously, I don't think we should do closure, Mr. Speaker. That's it. Thank you.

The Deputy Speaker: The hon. Government House Leader has moved Government Motion 12.

[Motion carried]

[The voice vote indicated that Government Motion 12 carried]

[Several members rose calling for a division. The division bell was rung at 9:03 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Allen	Goudreau	Oberle
Bhardwaj	Horne	Olesen
Brown	Jansen	Olson
Calahasen	Johnson, J.	Pastoor
Cao	Kennedy-Glans	Quadri
Dallas	Khan	Quest
Denis	Klimchuk	Rodney
Dirks	Kubinec	Sandhu
Donovan	Lemke	Starke
Drysdale	Luan	Towle
Ellis	Mandel	VanderBurg
Fawcett	McDonald	Weadick
Fenske	McIver	Xiao
Fritz	McQueen	Young

Against the motion:

Anderson	Eggen	Notley
Anglin	Fox	Pedersen
Bilous	Kang	Sherman
Blakeman	Mason	Swann

Totals: For – 42 Against – 12

[Government Motion 12 carried]

The Deputy Speaker: The hon. Government House Leader.

Mr. Denis: I would want to bring a motion again for one-minute bells. Would this be the appropriate time to do so, Mr. Speaker?

The Deputy Speaker: One-minute bells for committee. Again, for the annunciation of the House, if we move back into the House, another motion would be necessary at that time to change the time of the bells. So as we move into committee, I'll recognize you, and we'll have that motion immediately.

Mr. Denis: Thank you.

Government Bills and Orders
Committee of the Whole
(continued)

The Chair: I'll call the Committee of the Whole to order, and I'll recognize the Government House Leader.

Mr. Denis: Thank you very much, Mr. Chair. At this time I would like to ask for unanimous consent of the House for all bells for the rest of evening in Committee of the Whole to have a one-minute interval.

[Unanimous consent granted]

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

The Chair: With that, we're back to Bill 10, and I'll recognize the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. I would like to move on behalf of my colleague the hon. Member for Edmonton-Strathcona an amendment to Bill 10. I will send to the table prepared copies for distribution.

The Chair: Hon. members, this will be amendment A3, and I have been advised by Parliamentary Counsel that this is in order, so, hon. Member for Edmonton-Highlands-Norwood, you may speak to amendment A3.

Mr. Mason: Thanks very much, Mr. Chairman. I will move that Bill 10, An Act to Amend the Alberta Bill of Rights to Protect our Children, be amended by striking out section 5.

Now, just to speak to that, it is on page 12 of the bill in case anyone is having difficulty because there's another section 5 earlier, on page 6, that we definitely are not moving. This section currently reads:

Coming into force

5 Section 3, except subsections (1), (8)(b) and (12), comes into force on March 1, 2015.

Mr. Chairman, the amendment deals with the application of this act to private schools. Section 5 allows certain sections of this act with regard to antibullying measures to come into force on the 1st of March, 2015, in private schools. Our amendment will require that private schools implement antibullying measures, including the one regarding GSAs, upon Royal Assent.

9:20

These schools receive government funding. In the 2013 budget funding for private full-day kindergarten was increased by more than the funding for public schools. Public schools receive no funding for kindergarten. Private school full-day kindergarten had their funding increased by 11.6 per cent.

Mr. Chairman, Albertans pay for these schools, and Albertans want to protect students in their schools, which include these private schools. As a result, we feel that these schools should not be exempt from antibullying legislation for any extended period of time. We think that the issue of dealing with bullying is simply too important to wait, so the exemption as it applies to private schools is removed by this amendment. We would respectfully suggest to all members opposite and on this side that as these schools are publicly funded, we have every right to expect that they will comply with antibullying legislation, the same as schools in the public system.

Thank you, Mr. Chairman.

The Chair: Speaking to the amendment, the hon. Member for Calgary-Mountain View.

Dr. Swann: Well, thank you very much, Mr. Chair. I'm pleased to stand in support of this amendment. Once again we're dealing with some element of discrimination. I mean, how would we expect to be a Legislature without applying consistently our commitment to human rights, whether it's in a public school, a separate school, a private school? These are all in whole or in part funded by the public purse. They're all required to follow Alberta curriculum. They're all required to follow the basic Charter of Rights, the Constitutional rights that we've all endorsed as legislators. It makes no sense to exempt some aspect of the school system from these important values and principles. There's no place for separating out private schools, which are 70 per cent publicly funded. There's no way that this should not be accepted, and possibly we can find some kind of redemption for this Bill 10.

Thanks, Mr. Chair.

The Chair: Are there others to speak to the amendment? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. I rise to speak in favour of this amendment. You know, I find it interesting that now we're dealing with a different piece of the bill, yet it still seems to be the same conversation: whether we truly believe in equity and applying the same rules across the board.

This amendment really amends the bill to apply to private schools. Now, as the two former speakers have said, private schools receive a considerable amount of public funding. In fact, they receive 70 per cent of what public schools receive even though they are private. This amendment ensures that private schools are also, you know, obligated in regard to antibullying measures. I mean, at the end of the day, Mr. Chair, you know, there are, obviously, LGBTQ students everywhere, in all schools, so we want to ensure that these students are protected and that there is a level of – I mean, I want to take it beyond respect, to ensure that the private schools are not being exempted from antibullying legislation. Again, you know, the spirit of this amendment is to promote equality and to ensure that we don't have different rules or that one school can discriminate over a group of students. Again, students need to be protected, to have safe spaces no matter where they're going.

Many of the arguments that have been given this evening deal with human rights and the fact that protecting our students should

span across all religions, races, genders, ages, and sexual orientations. We want to make sure that this important issue isn't overlooked. Again, the bill the way it's currently written, you could have some private schools wiggling out of their responsibility to ensure that students aren't bullied based on sexual orientation, perceived sexual orientation, or gender identity. So I will encourage all members of the Assembly to support this amendment.

Thank you, Mr. Chair.

The Chair: Speaking to the amendment, the hon. Member for Airdrie.

Mr. Anderson: I've read this over. This is the first time I've seen the amendment, and I'm trying to quickly peruse through. I'm not quite seeing how this exempts private schools from these things. Maybe it's just that I need more time to cross-reference everything and figure it out, but I'm just reading it. I'm not seeing how that would exempt private schools from this bill. I mean, maybe I can get an explanation from the government side on that, but I'm not seeing it. So until I understand it, until our caucus understands it, I don't think that we are comfortable supporting it.

The Chair: Other speakers to the amendment?

Seeing none, I'll call the question.

[Motion on amendment A3 lost]

The Chair: We are back to the bill. Are there any other speakers to the bill?

Mr. Mason: I have another amendment, Mr. Chairman, on behalf of my colleague the MLA for Edmonton-Strathcona, which I will provide to the table, including copies for all members.

Thank you.

The Chair: Hon. members, this will be amendment A4, and again this amendment is in order.

This has been moved by the hon. Member for Edmonton-Highlands-Norwood on behalf of the Member for Edmonton-Strathcona, and you may speak to it, hon. member.

Mr. Mason: Thank you very much, Mr. Chairman. Well, I will move on behalf of my colleague the MLA for Edmonton-Strathcona that Bill 10, An Act to Amend the Alberta Bill of Rights to Protect Our Children, be amended in section 1(2) by striking out clause (a) and substituting the following:

(a) by striking out "or sex" and substituting " , sex, sexual orientation, gender identity or gender expression"; and I'll speak briefly to that.

The amendment seeks to go beyond the inclusion of sexual orientation in the Alberta Bill of Rights to also include gender identity and gender expression. There is a developing understanding of LGBTQ issues beyond traditional, narrow categories: gay, straight, and so on. It's increasingly clear and the research is increasingly showing that there's a whole continuum of individuals with a variety of orientations and identities relative to their gender or how they express their gender, and that is something that we are trying to capture here.

9:30

It's an opportunity, I think, for the government to show real leadership rather than continuing the horrific record of this government with regard to the rights of certain Albertans. It has also been proposed at the federal level. We think that this is an opportunity to show some real leadership to support the rights not

only of lesbian, gay, bisexual, and queer Albertans but also for transgendered Albertans, Mr. Chairman, whose rights have not yet been recognized but would be should gender identity and gender expression be included.

Mr. Chairman, this is an attempt to be more inclusive, to not leave other people at the side of the road when we are trying to protect people's rights. It needs to go beyond, you know, the traditional definitions and make sure that all Albertans, regardless of their sexual identity, sexual orientation, or how they express their gender, are protected from discrimination. That is, again, what this is about. This is about protecting people from discrimination, which is the objective, of course, of the Alberta Bill of Rights.

We feel that we should be expanding this definition to become more inclusive. I would hope that all members will see the benefit of doing so and will support our amendment. Thank you.

The Chair: Speaking to the amendment, the hon. Government House Leader.

Mr. Denis: Yes. I want to thank the hon. Member for Edmonton-Highlands-Norwood for suggesting this. My department is currently looking into the issue of adding gender identity as prohibited grounds for discrimination in our Human Rights Act. I do think that this is something we should do, and we'll likely see some legislation in the near future in this respect. I should note that the Human Rights Commission already sees items of gender identity as being under the heading of sexual orientation, so this would just be clarifying the further intent to protect all Albertans from discrimination regardless of any of those enumerated characteristics in the Human Rights Act.

Where I'm not really clear, though, is on gender expression. I would have to do some more research because I have not heard that particular term. I definitely support the intent of the amendment from the Member for Edmonton-Highlands-Norwood, but I would have to do some further research on gender expression.

On gender identity: I think you can look forward to that in the next session.

The Chair: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. I will thank the Justice minister for engaging in discussion on this.

I will attempt to answer your question. Well, I'll start off by answering your question. I think this amendment is very important. Gender expression is how a person chooses to express themselves vis-à-vis their look, their clothes. It's how they choose to express their gender, which is different, and that's why it's drawn out and why we're pulling it out. Gender expression and gender identity are separate from LGBTQ. When we say the LGBTQ community, to make it truly inclusive, then we need to talk not just about sexual orientation, but it's also talking about gender, gender identity, gender expression.

I appreciate that the minister's department is working on this. I think this is a very significant yet small amendment that will make a difference to many Albertans, so I will encourage the minister to support this.

The Chair: The hon. Government House Leader.

Mr. Denis: Thank you. Edmonton-Beverly-Clareview, thank you very much for your comments. I definitely agree with where you're going here, and I agree with your sentiment and your spirit. I'm pretty much there with respect to gender identity, but again I just would want to do some further research on the gender

expression issue. You likely will see some amendments to our Human Rights Act, as I mentioned in my previous exchange, dealing with gender identity even though the Human Rights Commission does recognize that as de facto prohibited grounds of discrimination already.

The Chair: Are there other speakers to the amendment?

Back to the Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Yes, and I'll thank the minister for his comments. Again, I appreciate that the minister is talking about amending the Human Rights Act to include this, which I do think would be a very positive step forward. I am excited to hear that, and I look forward to it.

I just want to emphasize, you know, that while we're in the middle of discussing this bill, we do have an opportunity, until those amendments come forward in the future, to ensure that all students, all people regardless of how they identify are included. I think that, honestly, this would be a great first step forward. I know that folks from the LGBTQ community, the sexual minority community, would very much appreciate seeing a bold step forward in advance of an amendment to the Human Rights Act. This amendment, I feel, is reasonable but, again, as the Member for Edmonton-Highlands-Norwood said, an opportunity for us to show leadership, to take a real step forward, again acknowledging transgendered Albertans and specifically naming that community, whose rights have not yet been recognized.

You know, I think it's important to make this step. I have friends that are transgendered. I have friends that express themselves differently depending on the day, and I know that they have felt very, very silenced. When we look at not just pieces of legislation, but when we look at the Charter and we look at the documents that protect the rights of everyone, they do feel excluded that they are not named or listed in that. I think this is an opportunity to take a step forward.

I appreciate the minister wanting to further explore gender expression, but I think we have a real opportunity here, Mr. Chair, and I hope that the Minister of Justice will take advantage of this opportunity and seek to incorporate this amendment into Bill 10.

Thank you, Mr. Chair.

The Chair: The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. I also agree with the Member for Edmonton-Beverly-Clareview that by striking out "or sex" and substituting "sex, sexual orientation, gender identity or gender expression," that will make it broad. It will make it more inclusive. If the Justice minister is thinking about, you know, amending the Human Rights Act, I think this will be a step in the right direction. We won't have to come back to change the Bill of Rights if we do it now. I think we have the opportunity, and let's get it done.

I'll support this amendment because it will make it more broad and more inclusive. I think we have the opportunity. We should accept this amendment and fix this, you know, once and for all.

Thank you.

The Chair: Thank you.

Other speakers to the amendment? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chair. This is an interesting amendment because by seeking to amend section 1(2) in Bill 10, which, for anybody following along at home, is amending the Alberta Bill of Rights – that's actually on the Queen's

Printer website. You should go have a look at it. I actually did and downloaded it. Well, you know, sometimes you see things, and you ask yourself: what on earth is that?

9:40

In fact, the Alberta Bill of Rights is – there it is – two pages, four sections. Not much to it. According to the history that I read, it was an attempt by the province to establish its own Charter of Rights, and it was done in 1983, so just after the Canadian Charter of Rights and Freedoms was brought into place. It's never actually used and rarely referred to, which is why so many people were saying: "What bill of rights? You mean the Alberta human rights code? What are you talking about, Alberta Bill of Rights?"

Nobody ever refers to it. There's a reason for that. There's nothing in the Alberta Bill of Rights that requires compliance, that says that you have to do this or that has an enforcement mechanism where they chase you down and say, you know, "Not only are you doing it, complying with it, but you must, and we're going to make you" or that has a penalty clause that says that if you don't do it, "Here's what you're going to pay; here's the fine" or whatever. Boy, I feel like I've already said this to you guys, and I apologize if I have. But, seriously, for anyone that doesn't want to comply with the Alberta Bill of Rights, so what? Nothing is going to happen to you. It doesn't matter. Nobody is going to check up on you. Nobody is going to chase you down. You're not going to get a fine or a penalty or anything. It's just a nice saying. It's a nice piece of paper that says some nice things.

I appreciate that my colleague for Edmonton-Strathcona is attempting to clearly define – because who doesn't love clarity, especially in legislation? – what we mean when the government is trying to add "sexual orientation" into this bill of rights. The odd bit of this is that the government is amending this through Bill 10 to add in "sexual orientation" under their first section.

1 It is hereby recognized and declared that in Alberta there exist without discrimination by reason of race, national origin, colour, religion or sex . . .

And, of course, in here they're going to add "sexual orientation."

. . . the following human rights and fundamental freedoms, namely . . .

And then it goes through:

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) . . . equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association.

That's as far as it goes in the little extra bill I've got.

The government has attempted to put "sexual orientation" into the first section, Recognition and Declaration of Rights and Freedoms, which amendment A3 – yes? – is attempting to clarify by exactly what we mean.

The Chair: Amendment A4, hon. member.

Ms Blakeman: Oh. Sorry. A4.

See, the odd bit of this is that despite this piece of paper that has no compliance, enforcement, or penalty to it, the government has put "sexual orientation" in the top, under Recognition and Declaration of Rights and Freedoms, but then – this is not derogatory – in the bottom they're putting in at the end of section 1 under that same Recognition and Declaration of Rights and Freedoms "the right of parents to make informed decisions respecting the education of their children."

It's a really odd combo because there's nothing else in there that talks about any other specific function of government. You would think that once they've added in education, if they're going to start that list, then wouldn't there be the right to, you know, timely access to health care, reasonable access to advanced education, support for maintenance of infrastructure so that buildings don't fall down on our heads? There's a whole list of things. If you're going to open this up and start talking about different departments like Education and adding them in, then you could be adding in a whole bunch of stuff. So that one sits really uneasily with me.

It just doesn't make sense, and it looks like it was done to appease two different parties but not very well done. I think that in the end it doesn't really – well, to my mind, it doesn't appease people very well because it doesn't actually give them what they're looking for.

I'm perfectly willing to support what my colleague from Edmonton-Strathcona is attempting to do here by adding into that beginning part that I've already read to you: without discrimination by reason of race, national origin, colour, religion, sex, sexual orientation, gender identity, or gender expression. Very specific list there. Fine by me. You know, it helps people understand exactly what we're talking about. It's just that I wish that this was a more substantial bill of rights, that it actually meant something or did something or stood for something. But it seems to be this kind of dusty, forgotten piece of paper that has been dragged out to try and make it look like the government is including something that, in fact, it's not including.

I'm willing to support this amendment, but I still question the point of adding to the Bill of Rights seeing as it doesn't make any difference to what's actually happening.

Thanks very much, Mr. Chair.

The Chair: Thank you, hon. member.

Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

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

Mr. Mason: Thank you very much, Mr. Chair. It's an unexpected pleasure tonight to introduce three guests: first, Councillor Andrew Knack from Edmonton city council, who, as I understand it – I'm kind of, you know, freelancing here – is the adviser to the Edmonton Youth Council. Is that correct? Claire Edwards, who, many of you know, was a page here for a number of years, is the chairman of the Edmonton Youth Council.

Ms Blakeman: Chairwoman.

Mr. Mason: What did I say?

Ms Blakeman: You said "chairman."

Mr. Mason: Did I? Oh, my goodness. I'm terribly sorry. And tonight of all nights.

The Youth Council tonight passed a motion 14 to 1 opposing Bill 10, just so members might know.

Also, I'd like to introduce Richard Feehan, who is the NDP candidate in Edmonton-Rutherford in the next election. I'd invite all members to give them the very warm traditional welcome of the Assembly.

Bill 10

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

(continued)

The Chair: Are there other speakers on amendment A4? The hon. Member for Edmonton-Strathcona.

Ms Notley: Yes. Very briefly. I'm glad that this amendment has been brought forward. I think that the Member for Edmonton-Centre rightly identifies that the relevance of amending the Bill of Rights is sometimes questionable given its actual role as a legal document in the province. Nonetheless, that's what the government chose to do, so we thought it was an opportunity, therefore, to ensure that the list of prohibitive grounds for discrimination should be expanded upon to reflect changes that are occurring throughout the country. For instance, we know that the federal government is considering language like this as well. We are proposing, of course, to add gender identity and gender expression.

The two are not the same. Gender identity I think refers to the internal experience of the person in question and how that might ultimately govern their life whereas gender expression doesn't necessarily mean that you have an unexpected gender identity. At least this is my understanding. For instance, you know, we recently had a case not too long ago, I think last week or two weeks ago, where there was a euphemistically termed individual, a drag queen, who was refused service by a cab company. Just a day or two ago I think it was. That, for instance, is an example of gender expression, and one ought not be discriminated against as a result of one's gender expression, which may or may not be related to one's gender identity. That's why the language is framed the way it is, gender identity as well as gender expression.

By making this amendment, it would allow this Assembly to bring the language it uses in the Bill of Rights up to date, and it will allow them, heaven forbid, to get ahead of the curve, interestingly, in relation to this conversation that's going on with respect to human rights codes across the country. That is why we thought we would introduce the notion here today through this amendment, and I urge my colleagues to support us in the proposal.

Thank you.

9:50

The Chair: Are there other speakers to amendment A4?

Hon. Members: Question.

[Motion on amendment A4 lost]

The Chair: We're back to the main bill.

The hon. Member for Edmonton-Centre.

Ms Blakeman: Hi, Mr. Chair. At the table you have an amendment from me, and if I could get that distributed now? I even managed to pass you the one that has the signature on it.

So, happy people, as I often say: some days I walk up that hill to try and do good, and some days I walk up that hill to try and have things go a little less badly. This is one of the little less badly parts. The amendment that I'm proposing to Bill 10, An Act to Amend the Alberta Bill of Rights to Protect Our Children – gee, that's an interesting title, Mr. Chair.

The Chair: This will be A5, hon. member.

Ms Blakeman: Thank you very much, Mr. Chair. So my amendment is now A5.

You know, that's interesting. I just noticed on this title that it talks about the Bill of Rights, but that's actually a very small part of what this bill actually does amend.

Any of you that have been following along with me – and I'm sure you hang on every word – will know how important the specificity of language is to me. One of the things that I was warned about as I was preparing for Bill 202 was to be very careful with the word "sexuality," and I'm trying to help the government be very careful with the word "sexuality." So this section to be amended is 2(5), which is the section that starts out under Division 2, Bullying Awareness and Non-discrimination. For anybody following along, if you flip the page over so you're now on page 3, this is the parental opt-out section that's actually in the Education Act which, of course, is coming into effect in September 2015. The existing School Act is what is covering us right now, but I just thought to be clean I would just go straight to the Education Act.

So under section 58.1(1), this is where:

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

That's what's in Bill 10, and that is changing the existing Education Act, which actually has religious and patriotic exercises.

Every time I've mentioned that, people have said: what is patriotic exercise? And I say: "Oh, well, that's when you used to salute the flag at school or sing *O Canada*. That's the patriotic exercise." When I was really young, you used to have to wear white gloves to do it. It was really a big deal. But that actually has been cut out. Anybody that's seriously following this, that section about being able to opt your kids out of patriotic exercises has disappeared in this amending bill brought forward by the Member for Calgary-North West. Any of you that really wanted to opt your kids out of class because of patriotic exercises, you just lost your right, so you might want to contact the Member for Calgary-North West if you somehow want that back in.

But, anyway, what they're dealing with now is an opt-out clause for religion or human sexuality. One of the things that's interesting about that is that there are more people that want their kids to be able to not be exposed to religion, and then there's people on the other side of this – and this is where you get balancing rights – that want their children to be in a faith-based school. It's always really interesting when I hear from people that don't want their kids to be in a class where there's going to be instruction about religion. They want to be able to opt them out.

Adding in "human sexuality" is a problem, and here's why. The government has wisely followed my lead and taken sexual orientation out, so you can no longer specifically opt your kids out of class because of sexual orientation. This always led to a really interesting conversation about: how do you actually teach kids sexual orientation? I've never had an answer to that. I don't think you can. That's a good reason to take it out.

But I had suggested that that section talk about sexual health education because I think that it is very helpful if you've got a professional talking to kids with age-appropriate material about sexual health education. You're talking about things like sexually transmitted diseases, you're talking about abstinence – good idea, folks – the concept of consent. I mean, there are a lot of different things that can be handled under that. Then, of course, they can go home and talk to their parents about the rest of what it means. We've heard a couple of my colleagues here tonight talk about that and how they dealt with it when their kids came home from that class.

What we need to be careful of here is that a number of the courts interpret sexuality as encompassing sexual orientation and gender identity, so after all this work that the government has gone to now to take sexual orientation out, they may have accidentally left it in. I just want to be really clear about this because this is the unforeseen consequences part, and I'm trying to stop you from stepping over that cliff.

The previous amendment was being very clear in spelling out "sex, sexual orientation, gender identity or gender expression." You're very clear about what they're talking about, and I'd almost prefer that that kind of thing would be in section 58 because then you would know what you were talking about. That blanket phrase "human sexuality," everybody thinks they know what it is, but everybody's got a different version in their head of what it is. Some people are thinking that it's the birds and the bees. Some people are thinking sexual orientation. Some people are thinking gender identity. Some people are thinking: I just don't want my kid to know this. There are lots of different interpretations of that, and I really think we put ourselves in a difficult position here. All that work to take sexual orientation out, and you may still have it there and not know it. I would like to be very clear that we're not including that, which is why I wanted it to read "sexual health education."

The other thing. A number of people here have already expressed: well, I don't see a difference between sexuality and sexual health education. Okay. Fine. Then let's call it sexual health education because then we do know what it's about. If you want to opt out, that's what you're opting your kid out of. I don't know how you opt your kid out of a class on sexuality. Like, what is that a class on? You're not supposed to be talking about worms and things like that, so what is it that you're opting your kids out of when that phrase is in there? It is unclear and unspecific, and that's the problem with the phrase.

What my amendment A5 is doing is striking out "human sexuality" and substituting "sexual health education." I think that's what we're really trying to get at there. That at least gives us a very specific and very easy to understand declaration or description of what you're talking about. I also take it out later where it's talking about if it's just a little bit of talk, subsection (3) on the next page.

This section does not apply to incidental or indirect references to religion, religious themes or human sexuality in a course, program of study, instruction or exercises or in the use of instructional materials.

So if it's a minor reference, the opt-out is not offered, and you also shouldn't have to be needing to give advance notice, which you do have to do here.

10:00

Oh, Mr. Chair. That's just such a pain. That's just so much extra work for those schools to have to give advanced notice to parents. I know that it's really important to some people, but yowza; it's not as though we gave them any more money in the schools to handle this. To me, it really makes it stick out, particularly when "sexual orientation" was still in it because it was like flashing, you know, those Las Vegas lights that go around. Chase lights, they're called. It was like those chase lights and the flashing lights that go, "Warning, warning; danger, danger; danger here; here be dragons," because this was such a terrible thing to be talking about with sexual orientation.

We have managed to get rid of that. Good. Thank you very much. But I think we need to be very clear what we're talking about when we talk about human sexuality, and I've already heard a number of definitions of what people on the other side think it is.

I do think that's very problematic. So let's be clear about it. Let's pass this amendment, and then we know exactly what we're talking about, sexual health education, and we don't allow it to stray into any other area that could be misinterpreted, particularly by the courts.

I know how fond you all are of judge-made law, so vote with me. Don't let those judges make law from this one. You can cut them off at the pass so easily just by voting for amendment A5.

Thank you very much.

Dr. Swann: I rise in support this amendment. Clarity of language is important, and this is a very difficult area for many of us with new terminology coming up almost every year. What this amendment does, I think, is simplify and provide a more inclusive description of what happens in a classroom around sexual health education, which I think is the intent of the bill, so that parents know exactly what they're saying yes or no to. We're not saying that parents shouldn't have a role in deciding some aspects of sex education and inclusion of their children in that activity. In fact, we think it's important for parents to know and be part of the conversation, as many people in the Legislature have already said over the hours of debates we've had. All this does is make more clear what it is they're saying yes or no to.

"Sexual health education" is an all-inclusive term. It's part of what we expect schools to do, and we want it to be done in a healthy and mature way. That adds a helpful term, I think. I don't know anybody that would not feel that was more clear than "human sexuality," which covers a whole gamut of activities and themes.

With respect to shifting from "religious themes or human sexuality" to just "religious themes," we've already talked about the sexual health aspects of it. We don't need to repeat it in subsection (3). So it's a given that that would be just a more economic use of the language. I won't belabour it. It's more clear language. It's more clear intent. It's more clear for parents, who need to know what it is we're doing.

I hope everyone here can support this friendly – very friendly – amendment.

The Chair: Are there other speakers?

Ms Notley: Well, I rise to speak in favour of this amendment. It is an effort to clarify something that has been the subject of much discussion because, of course, on one hand, we saw the government taking the issue of sexual orientation – I think it was sexual orientation. What did they take out of the notification? Anyway, they took the piece that included discussions of sexual orientation out of the notification language and put in "human sexuality," but as soon as they did that, many people started asking: well, what does human sexuality mean, and can human sexuality include sexual orientation?

Now, I actually think that as much as the Member for Edmonton-Centre wants to help this government avoid litigation on this bill, that the horse is kind of out of that barn already, and there's no putting it back in because I think that this legislation as a whole is going to do nothing but attract litigation because of its numerous discriminatory elements.

You know, as much as the Member for Edmonton-Centre is doing a kindness to the government to try and inject a little bit of clarity to this legislation, the fact of the matter is that the amendment that was just passed by this government in conjunction with the remainder of Bill 10 is going to take up a lot of court time, I'm thinking. A lot of court time. And it's unfortunate because, of course, the people that are going to have to finance that are probably those who are least

able to afford it, but I suspect they still will because the legislation is so deeply flawed.

That being said, in the interest of trying to promote clarity where possible, I do agree with the sentiment that is included in the amendment put forward by the Member for Edmonton-Centre in the effort to limit the notification piece to education around sexual health education. I think that's reasonable. I think we all agree that parents should be notified of these things because parents want to have some control over when they have these conversations with their kids, and they want to know when it happens. That's entirely reasonable.

But, of course, the concern is, you know, that if you're Joe Average parent who wants to insist upon your rights or who believes you have the right to get notice when the teachers in your school begin talking about issues that might include sexual orientation or discussions about the human rights code or perhaps even a discussion about this legislative debacle that we've just been through – because I'm sure that lots of really thoughtful social studies teachers would love nothing better than to have their classes watch our debate and then discuss amongst each other what a disaster this is. It's certainly a learning experience for how not to govern. Nonetheless, all of that could well trigger one parent's decision to go after the teacher for not giving notification that students would be subjected to such legislative idiocy, and they might use this language in order to assert that right to be notified.

There's no question that by replacing "human sexuality" with the term "sexual health education," we are more inclined to limit parents' objections to those occasions where teachers might decide, for instance, to teach their kids about issues around human rights that include, of course, conversations around sexual orientation because, of course, sexual orientation is also part of human sexuality. As much as I do think that the government was intending to try to narrow the scope of the notification, I don't think they succeeded in doing that with the use of the term "human sexuality."

So I absolutely urge members to support the amendment put forward by the Member for Edmonton-Centre in this regard. I think it is one that is designed to provide clarity and precision to what I think was already the intent of the government with respect to this legislation. As I say, you know, you're going to be in front of the courts a lot with it anyway. Why not limit the number of things you're in court about? When it comes to this legislation, taxpayers are going to unfortunately be funding the government's defence of this legislation, which is actually also irritating to me from a taxpayer point of view. But, anyway, I digress. Nonetheless, let's limit the degree to which taxpayers have to fund the defence of this travesty of a legislative document.

Ms Blakeman: Unintended consequences of a lack of clarity.

Ms Notley: A lack of clarity that exists within this.

It's unfortunate that other parts were not, perhaps, as unclear as this because then at least it wouldn't be quite so offensive.

Nonetheless, that being said, I urge members to support this amendment. Thank you.

The Chair: The Member for Edmonton-Beverly-Clareview.

10:10

Mr. Bilous: Thank you very much, Mr. Chair. I rise to speak in favour of this amendment. Again, you know, we're trying to repair an extremely broken bill. I appreciate the Member for Edmonton-Centre's efforts and, well, not just the spirit of this amendment, but I appreciate this amendment itself.

First and foremost, as a former teacher I can tell you that teaching about sexual health education is very important, Mr. Chair. I think that what this amendment attempts to do by using language that is much more open and inclusive and that covers the full range of topics and subjects, not just human sexuality, is very important. That's what it's been called for the last hundred years or so, so it's nice to see some language that modernizes it, that is much more inclusive, whether we are talking about homosexuality, heterosexuality, gender identity, sexual orientation, and ensuring that our curriculum relates to all students regardless of who they are or where they come from.

I think that this amendment is positive. I have a few more comments that I am going to save to speak in general to Bill 10. I do think it's worth noting, Mr. Chair, and for the members opposite to note that Bill 10 is actually trending fifth in Canada on Twitter as we speak. I would encourage the members opposite to read some of the comments that not just Albertans but Canadians are making on Bill 10 and how this is a very dark day for people in Alberta. I actually plan to read some of the tweets out to members of the House so they can see exactly how hurtful this bill is.

Thank you, Mr. Chair.

The Chair: The hon. Member for Edmonton-Meadowlark, the Liberal opposition leader.

Dr. Sherman: Thank you, Mr. Chair. I rise to speak in support of the amendment put forward by the hon. member from the fabulous constituency of Edmonton-Centre. It's been a very divisive, long, emotional debate for many of us. I want to thank the hon. member for wanting to make a little tweak that will make this a better bill. You know, again, I'll say that the government's intent is right, is good. Because of rushing through a bill – I believe we need to change the wording “human sexuality” to “sexual health education” because at the end of the day this is really simple. What we're talking about is the birds and the bees. It's about the birds and bees. Let's be clear, and let's call it what it is.

Mr. Chair, as a physician one of the reasons I think we should make it very clear and distinct is simply from a public health perspective. I've talked to a couple of religious leaders, and they don't really want to talk about the birds and the bees. It's interesting that there are a number of pregnant young women in this certain school. I talked to the religious leaders, and I said that I've talked to these young women. They are my patients. I said, “Are they all doing it?” They said, “Even the guys with the glasses are doing it in the stairwells.”

I think we as a society and as parents do have a role and duty to educate children and care for them and look after them. I just had two young adults who went through the school system, a son and a daughter. They are both in university now. I was thankful that the school system taught them about human sex education, and as a doctor I sort of have supplemented that a little bit as well.

Mr. Chair, these are the facts right now in Alberta based on data from the Health department a few years ago. Low-income young women in Alberta between the ages of 15 and 19 are having babies at 11 times the rate of high-income young women. So, really, we have babies having babies. We have a baby boom here, and we have a lot of young people. Children having children. I saw a 42-year-old great-grandmother in the emergency department one day. The grandmother was 28, and the mother was 14.

It's important not only for families and parents to have an open, honest conversation with their children about, you know, taking responsibility when it comes to the issues of having sex or not having it when you shouldn't be having it, but if you are having it, you should be responsible about it. So let's be more specific in the

legislation. Call it what it is: the birds and the bees, human sexual health education.

I would ask the members of the government – you've won almost every battle against the opposition parties on this issue. I would impress upon you that this is something to help your bill now become just a little bit better and to prevent further unintended consequences. There's no need to leave this so open to interpretation, no need for things and unnecessary issues to get into the court system. Call it what it is.

If you would please support this amendment, we in the Liberal opposition will be very thankful and grateful for having had the opportunity to respectfully debate and convince you to support a minor change in what is now your legislation, that you're tabling.

Thank you so much, Mr. Chair.

The Chair: Thank you.

Are there other speakers to amendment A5?

Seeing none, I'll call the question.

[Motion on amendment A5 lost]

The Chair: We're back to the bill. Speaking on the bill, the hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. I'll try to keep my comments brief, but I can tell you that there's a flurry of outrage.

Mr. Mason: You always say that.

Mr. Bilous: I'd like to thank the hon. Member for Edmonton-Highlands-Norwood for reminding me that I seem to always begin by saying that I'm going to keep my comments brief. My students used to say the same. They would actually sit down and get very comfortable when I'd say: this isn't going to take long.

Again, you know, you've got to love technology and Twitter because there are Albertans and Canadians that are engaged in a discussion across the country about Bill 10. There are some real Canadians and Albertans very angry, frustrated at what this bill is doing. One tweet:

My son about #bill10, “They're debating what?? I didn't think that was still a thing. Gay marriage is legal but kids can't meet?”

Another one actually was from a prominent CFL football player that was interviewed today, Mr. Jon Cornish, who was quite unhappy with Bill 10 and said:

I want my kids growing up in a world where it doesn't matter who you love.

Another tweet:

I saw a friend cry today watching the debates. I'm so angry at what that pain is. Equality is a right.

Next:

The message #bill10 sends to LGBTQ youth is that they don't matter and don't deserve safety. Fend for yourselves because #ableg doesn't care.

And:

The PCAA position, their comments and the Bill are living proof our kids need unencumbered access to GSA's.

Then:

Have any of the MLA's voting for #bill10 actually spoken to #lgbtq kids, they just might want to before deciding their fate.

Another tweet:

One of the saddest days in Alberta politics. This bill has done nothing to protect our kids!

And:

If the education minister won't speak for #LGBTQ kids now, how can he be trusted to represent them in bill 10?

Obviously, I can't use names in the House, but I think we know whom we're talking about. A few tweets came in.

All those "mayors brunches" seem a complete farce. Didn't stand up when most needed.

Another tweet:

#bill10 A very dark day for Alberta.

They're pouring in much faster than I can keep up.

10:20

So, Mr. Chair, I think that, you know, regardless of the amendments that members have tried to put forward this evening to amend this piece of legislation, the country is talking about a piece of legislation that is very divisive. It is a bill that separates and segregates and discriminates. It's not a bill that supports our youth, our students. It doesn't support GSAs. When I take a step back and think about all the hours that we've spent this evening debating whether or not kids should be allowed to form an extracurricular club at their school, it seems so ridiculous that we're even having this discussion, even more absurd that there's opposition to something that should be an inalienable right. It should not be denied to any youth.

I can tell you, Mr. Chair, about one of my biggest concerns. You know, earlier I heard comments from the service minister talking about how kids could always go to another school, then, and find one that maybe is supportive of GSAs. Well, here's the reality, Mr. Minister. There are – how many? – thousands of kids living in rural Alberta who do not have a choice, if they are denied a GSA in their school, to go to another school. This legislation that we're passing is having and will have an incredible impact on young people in this province. It is a sign that basically says: if you are LGBTQ or a sexual minority, you are not welcome here.

It is shameful, Mr. Chair. I can't express the disappointment that I'm feeling for the direction that we're going. You know, all parties in this House had the opportunity to do the right thing. You look at the frustration and shame last year when Motion 503 was voted down. This was an opportunity for political parties and for all members to get it right. I'm speaking directly about supporting the Member for Edmonton-Centre's private member's bill, Bill 202, which would have addressed this. It would have provided a solution that many young people are looking for.

In my last comment, Mr. Chair, I do want to mention the fact that GSAs are not exclusive, and it floors me that there are people out there that do not understand the purpose of these clubs, which we've tried to explain, and who they're for, which is everyone. That's why they're called a gay-straight alliance. They're not exclusive. They are inclusive. Everyone is welcome in these clubs.

So it is with a very heavy heart that I will take my seat and continue to urge members of this House to throw out this bill. Let's start from scratch and protect the rights of young people everywhere in this province.

Thank you, Mr. Chair.

The Chair: Are there other speakers to the bill?
Seeing none, I'll call the question.

[The remaining clauses of Bill 10 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Chair: Opposed? That is carried.
The hon. Government House Leader.

Mr. Denis: Thank you very much, Mr. Chair. At this point in time I would move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 10. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Thank you, hon. member.
Does the Assembly concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? That is carried.
The hon. Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. It's been a long day for every member here. In accordance with that, I would like to move that this House stand adjourned until 1:30 p.m.

[Motion carried; the Assembly adjourned at 10:27 p.m. to Thursday at 1:30 p.m.]

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