

Legislative Assembly of Alberta

Title: Tuesday, February 10, 1998 8:00 p.m.

Date: 98/02/10

[The Deputy Speaker in the chair]

[On motion, the Assembly resolved itself into Committee of the Whole]

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIRMAN: I'd like to call the Committee of the Whole to order.

Just a reminder to ourselves, since we haven't sat in Committee of the Whole for some months now and not to reopen an old debate, members are allowed to remove their jackets, to have coffee or juice in, and indeed are allowed to move from one place to another and sit. We only have one member standing and speaking at the same time and none, of course, sitting and speaking. With those general admonitions, I'd like to begin.

Bill 1 Protection of Children Involved in Prostitution Act

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Yes. Thank you, Mr. Chairman. I'd like to start off by addressing some of the concerns that were mentioned when we were in second reading in regards to Bill 1. Bill 1 and the June 1997 amendments to the Child Welfare Act responded to two of the many recommendations made by the task force on child prostitution. The phase 2 working committee, responsible for following up on the task force recommendations, included representatives of several government departments. The committee has already begun work on implementing the recommendations, recommendations which will address education issues, health issues, and specifically youth issues, including safe houses and other programs intended to support these children and to end their involvement in prostitution. We're also scheduling a meeting tentatively in April with all of the various stakeholders, and that'll be held in Calgary because we believe in a bottom-up and not a top-down process.

The task force recommended to the federal government that the Criminal Code be amended in areas relevant to the issue of prostitution. Alberta Justice and our Justice minister provided the federal government with the task force report and was instrumental in lobbying the federal government for amendments, some of which were addressed in Bill C-27, amendments to the Criminal Code enacted in May of 1997. Alberta Justice will continue to liaison with the federal government for additional amendments and is hopeful that given the recent comments by the federal Minister of Justice there will be additional amendments to the Criminal Code in keeping with the Alberta task force recommendations. Bill 1 provides an additional tool together with the Criminal Code and the Child Welfare Act to protect children involved in prostitution.

The first issue is the comparison of Bill 1 and the Child Welfare Act. What does Bill 1 do that the Child Welfare Act doesn't do? Bill 1 is specifically intended to combat juvenile prostitution and assist children engaged in prostitution. It is more focused than the

general provisions of the Child Welfare Act. Some specific things that Bill 1 does that the Child Welfare Act does not do are that it makes it easier to get a child off the street by giving broader authority to apprehend a child engaged in prostitution and it gives new authority for police officers to obtain a court order to return the child to the guardian. In an emergency the police officer can apprehend the child without an order and convey the child to a safe house, where a director can return the child to a guardian. It gives broader authority for guardians of children to obtain restraining orders against a person encouraging a child to engage in prostitution. It expressly provides for the establishment of programs to assist children involved in prostitution and more clearly provides for the prosecution of johns and pimps and fines raised to a very high level.

What is the point of confining a juvenile prostitute for 72 hours? What does the government expect to accomplish in 72 hours? The 72-hour period will be used to ensure the immediate safety of the child and to assess the child. The director can then release the child if the child will be safe or the child can be released to a guardian or an application can be brought to bring the child under the Child Welfare Act.

The ability to take the child off the street for 72 hours is important for four reasons. Number one, if the child needs any immediate medical help, that can be provided. If the child wishes to escape from a pimp or from street life, this will provide an opportunity. The child can be returned to parents and guardians, who at least will have a chance to apply family resources, and there will be an opportunity to bring the child into a longer term resource available under the Child Welfare Act. The 72-hour period is intended to be the beginning of intervention, not the end. It is crisis intervention, not long-term intervention. But unless these children are removed from the street, there will not be an opportunity for any long-term intervention.

There was also a question about abandoning responsibility to our municipalities: why is the government abandoning its responsibility to municipalities? Although the preamble recognizes the responsibility of families and communities to provide protection to children engaged in prostitution and commits the government to assisting families and communities, it also commits the government to ensuring the safety of all children and to assisting children to end their involvement in prostitution. This is not an abandonment by government; it is rather a recognition of the holistic nature of the solution to the problem of child prostitution. Therefore, the legislation provides new powers to police officers, new powers to parents, and new powers to child welfare authorities as well as an express provision for the government to establish programs to assist these children.

The question was brought up about abandoning responsibility to police officers: why is the government abandoning its responsibilities by relying on police officers rather than the child welfare workers to implement this legislation? Bill 1 relies on police officers to apprehend children as it is police officers who are on the street and who will have the first contact with the children engaged in prostitution. Once children are apprehended, they are either turned over to their guardian, if there is a court order allowing that, or conducted to a safe house, where the child is turned over to the director of child welfare. Relying on police to make the first contact with children on the street is not an abandonment by government of its responsibilities. Apprehensions can be made continually under the Child Welfare Act with or without police assistance. Bill 1 complements the Child Welfare Act; it does not displace it.

Why does the government think Bill 1 will have any effect when amendments to the Child Welfare Act to include prostitution have not had any effect? Bill 1 is intended to complement the Child Welfare Act, not displace it. It has broader power to apprehend, broader ability to obtain a retaining order, and more clearly, including pimps and johns in offence provisions will increase the ability of families and governments to intervene to assist children engaged in prostitution.

The age of consent. Does the age of consent of 14 years in the Criminal Code mean that it will be impossible to enforce the offence provisions against pimps and johns? The Criminal Code is federal criminal legislation. The age of consent in the Criminal Code is a defence to a criminal charge. Bill 1 is not criminal legislation. It is legislation to protect children and to assist them in ending their involvement with prostitution. The offence under Bill 1 is that of willingly causing a child to be in need of protection. The Criminal Code defence does not apply to Bill 1.

Can't children be apprehended currently under the Child Welfare Act or the Criminal Code? Children can be apprehended currently under the Child Welfare Act, but there will be broader grounds to apprehend children engaged in prostitution under Bill 1 as well as the new ability of police officers to return children to guardians once they are apprehended. Under the Criminal Code children can only be apprehended if they are arrested, and the emphasis in Bill 1 is to treat the children as victims and not as criminals.

Can't children be confined currently under the Child Welfare Act or the Criminal Code? The confinement powers under Bill 1 are similar to the confinement powers under the Child Welfare Act as both acts allow an initial period of confinement up to three days. If longer confinement is required, Bill 1 requires the director of child welfare to proceed under the Child Welfare Act. Under the Criminal Code confinement would only occur after arrest if bails were denied, and confinement would not be for the purpose of providing treatment or assistance.

8:10

Heavier jail sentences are preferred. Instead of heavy fines for pimps and johns, wouldn't it be better to increase the penalty to 10, 20, or 30 years in jail? Provincial legislation can only provide up to two years in jail. In any event, it is important to recognize that Bill 1 is child protection legislation, not criminal legislation. Increasing the jail term for pimps and johns would be a matter for the federal government to pursue.

Association of Chiefs of Police comments. The following questions have been posed by Chief Lindsay, chief of police, in his role as president of the Alberta Association of Chiefs of Police. The proposed act does not remove responsibility from child welfare authorities in the manner suggested by his question. Bill 1 provides that when a child is apprehended and conveyed to a protective safe house, a director has exclusive custody of the child and is responsible for the child's care, maintenance, and well-being while the child is confined up to 72 hours.

Edmonton-Norwood asked about the redesign of children's services: "There is a strong correlation between what is . . . proposed programs, not yet identified within Bill 1." The government recognizes the important relationship of the children's services redesign initiative and the need to create and support collaboration in this regard. As a task force member we had a representative from the council of regions, and the representative will be continuing to represent the children's services initiative on the phase 2 working committee and co-ordinating the task force recommendation. I as the chair have continued to attend the

council of regions meetings during the life of the task force and will be consulting with them again on the implementation stage.

Red Deer-South asked about the Criminal Code defining the age of sexual consent as the age of 14. I would hate to see a defence raised that this can somehow be used as a tool to prevent the effect of the bill taking place. I have addressed the age of consent to the hon. member by memo and have answered his questions.

Edmonton-Mill Woods' question was:

I have had some constituents come to me with children or grandchildren who are facing this particular problem and don't know where to turn to get off this program of prostitution.

The task force heard concerns from parents, guardians, police, and others regarding how to get youth involved in prostitution off the street. Bill 1 and the amendments to the Child Welfare Act address the issue by defining child prostitution as child abuse and these youths as victims and providing broader apprehension powers as an additional tool to address this issue.

Mr. Speaker, I'm looking forward to hearing from the hon. members and continued debate of Bill 1.

THE CHAIRMAN: Okay. Are there any comments, questions, or amendments to be offered with respect to this bill?

I'll call on the leader of the ND opposition.

MS BARRETT: Thank you, Mr. Chairman. I'll speak briefly to the elements of this bill, all of which I support. I understand that later this evening we will be dealing with some amendments. I know one amendment I would favour strongly should it come forward, and that is that in the preamble government as well as community be cited as responsible for the children who are involved in prostitution.

I like the fact that "child" is defined as under 18 years, Mr. Chairman, and I'll tell you why. I know that a few days ago, when I was speaking on the throne speech, I shocked a couple of ministers when I identified that when I was first elected in 1986, the prostitutes in the area that I live in and represent were usually 14, 15 at the youngest. They are now 11 years old. If they hadn't known me all those years during the time when I was an MLA and then went on to TV and radio and print media, I don't think they would have trusted me to tell me that: 11 years old. It's time we understand that these children are victims.

I also would like to cite that the increased latitude given to the police or those in authority to lodge an argument with a judge or justice of the peace is truly appropriate. If you see a little kid being shot up with - I think it's usually heroin, but I don't stop to ask the kids or the creeps who are giving them the drugs whether it's heroin or something else that they're putting into those kids' veins. I do know one thing. When my constituency office was on 97th Street, every morning when I got there, in front of the door were leftover needles and condoms and milk cartons. For a long time the milk cartons had me totally puzzled. I found out that the milk cartons are used as a way to consume products such as Lysol. I never did figure out why, but I know that the milk cartons were used as a way to consume. There was lots of evidence that the people who had been there overnight or in the wee hours of the morning were pimps or johns by virtue of the number of used condoms in front of my constituency office door.

The latitude given to the police, I think, is appropriate. The latitude even given to the public implicitly is appropriate considering what I suspect is the increasing number of children who are being preyed upon by pimps, who not only want to make money off the sale of their bodies but also off the sale of drugs to them to get them hooked. Prostitution at an early age is commensurate with lifelong dread. Once they're on, they're rarely off.

A constituent of mine, a 50-year-old grandmother, was forced to turn tricks recently after seven years off the street. I asked her when she originally started turning tricks. She was 17 at the time. Most of the girls that are standing on the street corner in Edmonton-Highlands – remember, I live two blocks away from where the primary action in this city takes place, two blocks away – are definitely under the age of 17.

Finally, on the confinement elements, I believe that this Bill is very appropriate because it does take a good three days to clean the kid up. Remember, they are usually, if not drug addicts, being fed drugs, illegal drugs and highly addictive drugs.

My only concern about this bill is one that cannot be amended by any opposition member because it would make it into a money bill, and that is that the extent of follow-up services is not cited in this legislation. I'm hoping that the provincial budget, which is set to be released two days from now, will specify the kind of funding that's going to be made available through the department of social services for the follow-up that I know is necessary. The only reason I know it's necessary, Mr. Chairman, is that I personally have guided more than a handful of young prostitutes out of that way of life. It's taken me weeks of agony to do so. I did so with pride as a citizen; not an MLA, a citizen.

On that note, Mr. Chairman, having consulted with the Government House Leader over what is apparently a one-word problem with this bill or some amendment . . . [interjections] Having consulted with the Government House Leader and the Opposition House Leader, I understand that there are no more glitches. I'm pleased to have had the opportunity to address what I believe is a really important bill. It's more than window dressing. Gee, can you believe it? I'm going to be voting with the Premier on this at third reading.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, thank you very much. I have a question. Firstly, I want to say that I was listening closely and appreciated the follow-up we heard from the Member for Calgary-Fish Creek, who certainly responded to a number of the concerns that I know I had heard colleagues raise. I haven't had a chance to go through each one.

There's one other item I want to query now that we're in the minutia of the bill. I want to draw the attention of the Member for Calgary-Fish Creek to section 3(2) and the initial words there, where it says, "Notwithstanding subsection (1)(b), if a child is confined and is neither returned under subsection" et cetera. In reading through it, I think that what the draftsman is referring to, the only thing that makes sense, is actually referring to section 2(1)(b). Otherwise, it doesn't make a great deal of sense.

8:20

So I'd like to ask the member to look carefully at section 3(2), because I think there's been a drafting error. I think the reference ought to be that the item that we're saying "notwithstanding" would be section 2(1)(b). That's the thing that makes more sense. Otherwise, there's not really any real logic to it as it's laid out now. Now, that's something I'm looking for some clarification on.

In the meantime, Mr. Chairman, there's been an amendment that has been circulated. It's in the name of my colleague from Edmonton-Norwood, but at this time I'd like to move this amendment, the amendment that's being distributed, on behalf of and as agent for my colleague from Edmonton-Norwood.

THE CHAIRMAN: Hon. members will note that the amendment moved by the hon. Member for Calgary-Buffalo on behalf of his colleague the hon. Member for Edmonton-Norwood deals with the preamble to the third recital, and this'll be called amendment A1.

Now, I've got two people up.

MR. DICKSON: Oh, sorry. I was . . .

THE CHAIRMAN: No, no. You were the one that was up, and I just held you up so that I could make that explanation.

MR. DICKSON: If the Member for Calgary-Fish Creek would just allow me, what I had meant to do was just finish describing the purpose of the amendment, but I think that in the interest of economizing on time, I'm going to defer. If she doesn't say what I think she's going to say, I'll bounce back up again.

Thanks, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Yes, Mr. Chairman. On behalf of the minister and myself, we will accept the amendment. We feel it adds to what we're trying to get here: the commitment in regards to the government of Alberta recognizing families', communities', and the government's responsibility. So we will accept that.

MRS. McCLELLAN: Don't talk them out of it.

MR. DICKSON: The Minister of Community Development encourages me not to talk people out of voting for it. I guess we're ready to vote on it then.

[Motion on amendment A1 carried]

THE CHAIRMAN: Hon. Member for Edmonton-Norwood, are you wishing to speak now?

MS OLSEN: Thank you, Mr. Chairman. I'd like to move an amendment to Bill 1, Protection of Children Involved in Prostitution Act. The amendment is being distributed right now. It's an amendment under section 3(1)(b)(ii), which is amended by adding "the child has attained the age of 16 years and" after "child if." The amendment to this particular section . . .

THE CHAIRMAN: Hon. member, we'll just pause for a moment to make sure that hon. members have received a copy. This will be known as amendment A2. Everyone okay?

All right. Hon. Member for Edmonton-Norwood, on amendment A2.

MS OLSEN: Thank you. I move this amendment. This section right now reads:

- 3(1) If a police officer apprehends a child under section 2,
 - (a) the police officer must notify a director forthwith, and
 - (b) on the child's being conveyed to a protective safe house, a director must
 - (i) return the child to the custody of the child's guardian or to an adult who in the opinion of the director is a responsible adult who has care and control of the child,
 - (ii) release the child if in the opinion of the director the child is capable of providing for the child's own needs and safety.

The concern raised by many people that I've spoken to is that if the child is 13 or 14, that child should remain in custody for the child's safety. So we wanted to make this amendment in line with the Child Welfare Act in that the Child Welfare Act allows for independent living of 16 and 17 year olds. We would like the act to reflect an age where a child at 16 can be released "if in the opinion of the director the child is capable of providing for the child's own needs and safety." We just wanted to make sure that there was an age there that was appropriate, where a child at 13, 14, or 15 was not going to get released back into the community, end up back on the street, and we'd go through the same process again. We deem those children to be at far more risk. However, independent living is allowed for at ages 16 and 17, so we feel that some of those decisions can be made by that particular child at that time.

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Chairman. I'm pleased to rise in regards to amendment A2. Again on behalf of the minister and myself and a government that believes what's best for children is something that we're after in this piece of legislation and the experience from the Member for Edmonton-Norwood, who has served previously with the police and in vice, we would be pleased to accept this amendment.

[Motion on amendment A2 carried]

THE CHAIRMAN: The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. First of all, I'd like to thank the minister and the Member for Calgary-Fish Creek for entertaining the two previous amendments. I think the spirit of co-operation to make a bill the best bill is great.

I'd like to move another amendment to Bill 1. That amendment is as follows: section 2 is amended in subsections (1), (2), (5)(a) and (d), (7)(b), (9), and (11) by striking out "police officer" wherever it occurs and substituting "police officer or director" and in subsection (5)(c) by striking out "police officer's" and substituting "police officer's or director's". Section 3(1) is amended by striking out "police officer apprehends a child" and substituting "child is apprehended", and 3(1)(a) is amended by striking out "the police officer" and substituting "the police officer that apprehends the child."

THE CHAIRMAN: Thank you, hon. member. This amendment will be called amendment A3.

Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. The reasoning behind this is that as the first amendment reflected a change in the responsibilities, this also gives the child welfare director some responsibility under the act as well, not leaving it solely to the discretion of the police or to the police. It's more of a collaborative effort, a collaborative working environment where the police are supporting child welfare and social services and likewise. It's also giving the director that ability to do the same and act in the same manner as the police. So I hope that this amendment will be considered as well.

8:30

THE CHAIRMAN: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Chairman. I'm pleased to rise in regards to amendment A3 again on behalf of the minister and myself and the Premier. If this bill works and it's clearer for people to understand that a police officer or a director has responsibility under this bill – we already know that it can be done under the Child Welfare Act. But if this adds clarification and gets the kids off the street and sends a clearer message to the police, then we would be pleased to accept it.

MR. SHARIFF: Mr. Chairman, I too would like to speak briefly on this amendment that is being proposed. Having been a child welfare worker, I concur that social workers who are on the front lines are usually confronted with these kinds of situations. I'm very pleased to say that this change will reflect the need that the social workers have and be able to discharge their responsibilities under this act as well. So I definitely would like to support this amendment.

[Motion on amendment A3 carried]

THE CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Chairman. It certainly is a pleasure to rise tonight to talk to Bill 1, quite briefly. Over the past six to eight hours the hon. Member for Edmonton-Norwood, the hon. Member for Calgary-Fish Creek, and myself have sat down in an attempt to come to a conciliation on this bill. I think that it has become very evident that the three of us, that this Legislative Assembly want to eradicate juvenile prostitution, and I think that we have thrown aside our political partisanship in the bid to make a bill that will hopefully do just that. I can certainly pledge support on behalf of the Department of Family and Social Services for this bill. I'd like to commend the hon. Member for Calgary-Fish Creek for bringing this bill forward and the hon. Premier for carrying it as Bill 1. With that, I hope that this bill passes very quickly and that we can get on with the fight against juvenile prostitution.

THE CHAIRMAN: Further questions? Okay. The hon. Member for Calgary-*Buffalo*.

MR. DICKSON: Mr. Chairman, earlier, before we dealt with the three amendments, which have now all been adopted and incorporated into the bill, I had raised a concern, and I was hoping that the hon. minister would be able to address the concern. The concern was simply this, Mr. Minister, through the chair: if one looks at section 3(2) of Bill 1 – and my concern, of course, is making sure that we get this right before we fold the bill up and move it off our desks. I'm querying whether there's a drafting error and whether the reference in section 3(2), where it says "notwithstanding subsection (1)(b)," ought not to refer to section 2(1)(b). It actually doesn't make very much sense, in my respectful view, the way it's worded now, and I just wonder if the minister can confirm that there's been a drafting error or if indeed it's quite deliberately in there.

There had to be some explanation because it doesn't follow now, and because of the importance of this bill, we want to make sure it can be readily enforced and that all the work that the Member for Calgary-Fish Creek and the minister have gone to – we want to make sure we've got a bill that's capable of ready interpretation and effective application enforcement by the

Provincial Court of Alberta. I'm hoping that we can get that clarification, if it's possible, now before we put the bill to bed and leave the committee stage, Mr. Chairman.

THE CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Chairman. What it looks like is that the hon. member is absolutely right, that there has been a drafting error in this bill, and we will correct that immediately in the form of a written amendment. Indeed what it should do – and I would move that amendment, that section 3(2) be amended to say “notwithstanding section 2(1)(b).” It should be amended to section 2(1)(b) as opposed to (1)(b). We will be writing that out and giving it to you immediately.

THE CHAIRMAN: Perhaps while we're waiting for the written amendment to come, if there are any further comments, questions, or amendments, we could entertain those at this time, and then we can go back and get that amendment whenever it is appropriately ready.

I now have three people standing but only one in his place. The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman, but I'm not speaking on the amendment; right? We're speaking generally. The amendment hasn't been moved? Okay. I just wanted to make sure exactly what it was we were talking about.

I do have one general concern about Bill 1 that hasn't been addressed so far by any of the amendments, and that is the concern that has to do with the potential for downloading responsibility for the enforcement and oversight of this legislation on to municipal authorities. I have had an opportunity now to talk to social service departments of cities and police departments of municipalities in this province, and they tell me that they have a very real concern about their ability to do everything that may be expected of them in terms of Bill 1. That's not to say that they're opposed to this bill or that I am standing in the Assembly speaking in opposition to the bill at this stage. I think we're making good progress on making it quite a workable bill. But I'm wondering if the minister or the sponsor will be able to provide some assurances, beyond the promise of the \$5 million of program money that may be made available, to those municipal authorities that the ball is not just going to be dropped in their court.

What we have here is a requirement now, for this bill to become operational, that the police take it upon themselves to act as investigator and social worker and friend of the victim in terms of the young people who may be drawn into prostitution. Unless they have the manpower, unless they have the other resources to do that work, it's not clear how even with this new tool they're going to be able to impact child prostitution the way that those of us in this Legislature would like to see. Even the \$5 million of community resources, if there aren't safe places to take these children for the 72 hours or for any other period of time, won't make a real difference.

If the children can be apprehended but there's no place to take them, it can't be helpful. If the children are apprehended and there's only a place to take them for a very short period of time because of the demand on that kind of a facility, then it won't be very helpful. A city the size of Edmonton is already stretched absolutely to the limit because of cuts in policing grants, cuts in

other provincial funding that used to flow to the city, discretionary dollars that no longer exist. So city social services no longer have the kind of the flexibility that they used to have to create programs and opportunities: safe havens, halfway houses, what are known as halfway backhouses as well.

What we have is a great step forward in terms of a legislative instrument, and it's certainly a bill that has cleared up some of the problems that I personally encountered in previous work that I have done, but it doesn't guarantee that the next necessary step will be taken. I heard the phrase earlier today that it is a start, not a solution, and I think that's a good way of describing this bill. As I say, unless the minister can be more specific about how that \$5 million that's been talked about will be spent, and unless he can guarantee that there will be other dollars flowing, perhaps through the Department of Justice, maybe even through the Ministry of Health, to deal with both preventative programs and also programs that would provide relief to municipalities that are going to be struggling to support this legislation, we can only consider this to be the most tentative of beginnings, the smallest start towards the solution that we're all seeking.

8:40

Mr. Chairman, the only other concern that I have about this legislation is that we see it as a part of the government's commitment to children, but we still haven't seen the final version of the children's services review. There have been questions raised recently regarding the status of that review and the role of the authorities that are going to be put into place that'll be governing those new services. I would like to hear again from the minister or the sponsor some indication of how these new child service authorities and this whole new child welfare regime will be supported and assisted through the principles and the contents of Bill 1.

Mr. Chairman, I hope that the minister or the sponsor will take a couple of minutes during debate at this stage to shed some light on those concerns.

MR. SHARIFF: Mr. Chairman, I would like to add to the debate at this point in time on Bill 1, Protection of Children Involved in Prostitution Act. I want to focus more on the preamble, which focuses on “the safety, security and well being of children” being “a paramount concern of the Government of Alberta.” As parents we are quite concerned about what happens to our children and what happens in their lives. I believe that this is a very important part of the preamble, indicating that we have to start focusing on making sure that our children have a safe, secure, and nurturing environment in which they can be raised.

It also goes on further to talk about children engaging in prostitution being victims of sexual abuse, and this is the worst kind of sexual abuse that one can encounter. A minor child's whole future probably is destroyed in an abusive environment. It is wrong, and we certainly have a responsibility to make sure that our laws in the province deal with those who victimize minor children.

The preamble also goes on further to say that we recognize “the responsibility of families and communities to provide that protection.” That is paramount. I think every family has to make an effort and assume responsibility to protect their minor children. Unfortunately, in some situations it is family members who first abuse minor children.

I believe the statistics are as high as about 60 to 80 percent of children first being abused by either family members or individuals in whom they have placed some level of trust. This says a lot

about our values and the problems that we are experiencing today in society. There is a lot of negative media out there that promotes sexual activities with young children. We also have some sick people out there who are pedophiles. We also have some very sick people who take young children and control them with either drugs or force and then render them to prostitution. Some of these people even live luxurious lives while the minor children are held as sex slaves.

Our government, as the preamble goes on, "is committed to assisting families and communities in providing . . . protection." That certainly is something that we should all be vigilant about. We have to make sure that our communities have the necessary resources to deal with the problem of prostitution. While we are on the subject, we also have to look at prostitution in the broader context. In my opinion, if we accept it, then we are giving some subtle messages for its perpetuation, and some go to the extent of dealing with it at the minor level.

Mr. Chairman, as you know, our commitment is to ensure "the safety of all children." I believe we also have, then, a responsibility for making sure that the resources that will be required for treatment, the resources that will be required for the police officers to deal with such scenarios, and the resources that will be required by social service agencies will also be made available. As I had previously indicated, expanding on this act to allow the director and through the director the social workers also to be able to use this act to deal with some of their duties will enhance this act. I'm glad that we passed that motion.

Then I would like to go on further to talk a little bit about the 72 hours that will provide the opportunity for the child to be assessed by professionals. This would be a time for either psychologists, social workers, or other therapists to be able to stabilize the child, to be able to have the child off the drugs or alcohol or other addictive substances that the child may have been exposed to. Having stabilized the child, I hope that within the 72 hours at least a preliminary case plan can be developed with which they would be able to then either go back to court or come up with a service plan that will protect the child from being further abused as a prostitute.

8:50

There is also a provision in this act where the police officer, if unable to appear personally before a judge, will be able to make an application by telephone or other means of telecommunication. This is going to shorten the period and provide some immediate response to the problem at hand. As you know, Mr. Chairman, sometimes getting time in court on a late Friday afternoon or on a Saturday or Sunday or on a long weekend may be difficult. This provision will certainly assist, because, in my understanding, there are judges that are assigned responsibilities beyond the normal hours when the courts are open. The information that will be provided by telephone or other telecommunication is supposed to provide a statement of the circumstances that make it impracticable for the police officer to appear personally before a judge. This is a mechanism whereby the police officer will address the problem of not being able to appear before a judge for whatever the reason may be.

The police officer will also have to provide the identity of the child if it is known. This in particular provides the officers with the opportunity of dealing with a child who refuses to give identity, however, in the police's opinion, is a minor child. That, I think, is a good part, because the officer has to deal with the problem as the officer sees it. The police officer also has to go on further to establish grounds for believing that the person is a

child and is in need of protection. That was the argument that I had just made a couple of moments earlier.

With that, Mr. Chairman, I believe I have highlighted some of the concerns and issues that I felt strongly about, and I believe there is somebody here who would like to continue this debate.

THE CHAIRMAN: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you very much. I would just like to pick up on a point that the hon. Member for Edmonton-Glenora made, and if I stray from the parameters I am allowed in this Committee of the Whole, I'm sure you will bring me to task and give me good advice.

My concern is around some of the recommendations that were brought forward in the prostitution review that was shepherded through by the Member for Calgary-Fish Creek. It's around the funding and the financial support and resource support that is to be given to this project. In particular, my concern is around a recommendation that the community lottery boards identify child prostitution as a priority in making decisions on projects and initiatives for community benefit. This causes me some concern. This is a new program, and we're recognizing this as a new program. I think a new program requires new dollars. My concern is that in giving direction to the community lottery boards that they should give priority to this, they're setting up a competition with other equally worthy groups but in different sectors in the community and, I think, also perhaps giving undue stress to the community lottery boards.

I'm trying to stay focused on the fact that this is Bill 1 and it's dealing with child prostitution, but I think it's important, as with a number of other new initiatives from this government, that there be an understanding, that there be enough support given to the program. Perhaps with a bit of gentle chiding I think I might say that the government hasn't always done that; in other words, give sufficient resources to support a new program. This process, the working together and the teamwork that's been demonstrated by the hon. members in bringing this bill to pass and the co-operation that's been demonstrated in passing the amendments to strengthen the bill, is an excellent example of complementary work. I guess what I'm trying to say is that I hope that there is complementary, not competitive, money to support the program.

That was the only point I wanted to make. Thank you for allowing me to make it.

THE CHAIRMAN: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you, Mr. Chairman. I'd like to move amendment A4, which would be

In section 3(2) by striking out "Notwithstanding subsection (1)(b)" and substituting "Notwithstanding section 2(1)(b)".

THE CHAIRMAN: Has everyone received a copy?

Hon. minister? Okay.
Any further comment?

[Motion on amendment A4 carried]

MS OLSEN: There is certainly a spirit of co-operation here. I would like to take this opportunity to speak to the bill in general. Certainly, as I've moved through the bill, I've had some very serious concerns with it. I'm very happy that the amendments put

forward were accepted because I feel much more comfortable with the bill coming forward.

As I previously stated, one of my concerns certainly was the issue around authorizing only the police in this bill, and I think that the movement towards identifying and delegating or having the director of child welfare being able to address this issue is a broadening of the act and certainly allows again for some accountability to the department, allows for the responsibility to be also undertaken by the department, not just the police agencies that are involved.

I'm happy to see that the amendment in regards to the preamble was taken. I also feel very comfortable that – again, it's an accountability issue – the government has adopted that and that they do understand the necessity to be responsible and accountable along with the communities, again working with the communities on the whole issue of child prostitution.

My greater concern, I guess, as I move through this, is: is this bill redundant legislation? In some respects, possibly yes; sure. But the bottom line is that it identifies a problem. It doesn't work as necessarily a stand-alone bill. It certainly works in conjunction with the Child Welfare Act. It certainly directs the authorities to work in conjunction with the Child Welfare Act. It allows for the continuation of care where required, and I think that's something that has to be noted. The Child Welfare Act and this bill have a lot of similarities, certainly are complementary to each other, and I think that the needs of the kids on the street will be met.

[Mr. Shariff in the chair]

I guess my last concern is that in section 7 we've identified that the Minister may establish programs that in the opinion of the Minister are necessary to assist children in ending their involvement in prostitution.

I've stated before and I still maintain that – you know what? – we don't need legislation for that. However, given the fact that it is in the legislation and there's \$5.2 million attached to that, I can buy that, because that to me is the most essential part of this bill: the program development and implementation for the youth that are out on the street. Given the commitment of money over three years, I think that's the right direction to go.

9:00

My concern lies around: are we going to start programs and be able to maintain those programs? Who are going to be the partners in the developing of the secure-custody facilities? Will funding go just to secure-custody facilities? Or will we ensure that the programs are going to be ongoing, sustainable? When a child is detained under this act – I don't want to use the word “arrest” even though I feel that's some of what you do when you take somebody's freedom away, be it a child or an adult – and put into secure custody, I want to feel comfortable.

I know the hon. Member for Calgary-Fish Creek has invited me to the meetings of the stakeholders' group for implementation, but I need to know that those groups are going to be identifying all of the services and then that there's going to be the backing, that the government is going to back those programs and that there's a real commitment not just in the legislation but absolutely out on the street, where it counts. I would be extremely disappointed if we went through all of this and then two years down the road we said, “You know, we don't have the money to fund these programs anymore.”

These are not cheap programs. These are not pilot programs.

These programs will take one child three, four, maybe even five years of addictions counseling, of actual psychological counseling, working through some of the issues that these children face on the street day to day and the reasons they're out on the street. Let's not lose sight of the fact that a child is working out on the street generally because the conditions at home are abhorrent. If they're abhorrent at home and they feel that working out on the street is better, then we've got a problem and so does that child, and we have to work towards correcting that problem. That can't come in just 72 hours. It can't come in just one month. It's going to be long term, so that commitment absolutely has to be there. I want to feel comfortable that that's where we're headed. There are not hundreds and hundreds of kids out there, but the kids that are out there we have to ensure that we're dealing with.

The other aspect of it is that prevention is also a key. We have to be in the schools. Believe it or not, we have to be talking about child prostitution in the schools, especially where those kids are most vulnerable, and I think my constituency could probably use a public education program in probably half a dozen schools in the area. Those kids in some of those schools are very much at risk to end up out on the street working in front of my constituency office, and that's a concern for me. I need to see that commitment as well.

I guess I'm concerned about the whole notion of creating secure facilities. Where are those facilities going to be? I know we've talked and the member talked about some of those concerns I've had. I'm hoping that we're going to see either more beds in our existing facilities or that those people involved – who's going to set the standards? Who's going to create the environment? What environments are going to be created? Are they going to be in homes with secure doors and bars? What kinds of facilities can we envision? I think we need that picture painted for us as well. That's critical.

A little bit of accountability as well. I notice in here that a police officer does not have to take a child off the street to a secure environment if in the police officer's discretion the environment they're taking that child home to is a good, secure environment. My only question there is: who follows up to ensure that that child who was on the street is now taken home to either parents that care or to another responsible adult? Who fills that gap? Then that child who was out on the street in need of services but got sent back home or to another family member or a responsible adult – how are we going to get that child into the program? I think that's another thing we have to look at. That gap has to be filled.

I'm going to bring this up, and I may have mentioned this before. I recently became aware of a young girl from Sherwood Park who was brought into the city and put in the independent living program. The home she was put in was on 107th Avenue and 105th Street. I just want to reiterate this because at 16 I think it's somewhat young to be out on your own. However, if that's what we're going to work towards and that's what the government's committed to doing for some of these kids, then the location of those residences, where they're established and set up, can't be in a culture or an environment that's going to create temptation for these kids. They're already vulnerable as it is, and 107th Avenue by 105th Street in the city of Edmonton is just not the location that we want to put these kids in on their own, especially if we're not having close follow-up supervision and those kinds of things. I think that's an issue that I need to see resolved.

I think that pretty well addresses my concerns. I'm thankful that we were able to reach some agreement, come to some understanding of the bill, the motivation behind the bill. I look forward to any more debate and discussion on this.

Thank you.

[The clauses of Bill 1 as amended agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

Bill 7 Rural Gas Amendment Act, 1998

THE ACTING CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. I'd just like to take a few moments to speak about Bill 7 and to take this opportunity to thank the minister of transportation for setting up meetings, which I know other ministers may not have done in a timely fashion. But certainly the minister of transportation was most accommodating that way. [interjection] I'm not looking at anyone in particular over there, Mr. Agriculture. Anyway, I do appreciate that his bureaucrats came forward and were very informative and insightful.

I think a few concerns have been expressed on Bill 2. I also want to thank the Member for West Yellowhead – I hate to put that on public record, but it's there now – for his time and attention to the matter though . . . [interjection] He came late. If he needs medical attention, he should call St. Albert.

9:10

MR. STRANG: They're on red alert.

MRS. SOETAERT: They're on red alert.

To the bill, Mr. Chairman. I understand the intent of this is to privatize Gas Alberta. Last summer a resident of St. Albert met with me because his background with this government and with many of the ministers in it in the '70s was such that he was the one who helped set up the original gas co-ops. He was very concerned about the privatization of this. In fact, the history of that is written in a book the government has put out, actually, and he is in it. He gave me that book. I checked it out with the Ethics Commissioner. It was under \$200, so I gratefully accepted it.

Actually, that was a move by former Premier Lougheed, and it was his way of gaining rural support. I think it was a very wise move at the time because there certainly were a lot of isolated rural communities that didn't have natural gas. So that was the motivator behind this gas co-op, this rural Alberta gas co-op.

Maybe in the '90s it is time for it to be privatized. I'm not sure. I know the information given to me was very forthright. I'm not questioning the information that we've received. I'm personally not sure that it's the best thing for some isolated rural communities. If it doesn't serve a big company well to accommodate some far-reaching isolated farms, then maybe they won't once this is privatized.

I don't want to say a few years from now that I told you so, that it didn't work, because I'm not sure that it will or it won't work. I know the sponsor of the bill probably has asked those questions himself and I asked them in our meeting: what is this going to mean to those isolated farmers?

One of the things I found in the bill that is of some concern to me was section 4(2), that where it's appropriate,

waive or vary a standard referred to in subsection (1) or accept an alternative to such a standard where the chief officer is of the opinion that the waiver, variance or alternative will not significantly compromise the safety, performance or quality assurance that the standard was designed to achieve.

I always worry about safety standards. That's part of my portfolio, and I don't want this bill in any way to underestimate safety. I think if you were to look at the Auditor General's report from last summer, recommendations 22 and 23 indicated that if we do need anything in this province, it's higher safety standards. It's all well and good to have the standards, but they have to be enforced as well. If an employee designated by the deputy minister of transportation or the minister of transportation is responsible for setting and enforcing standards for rural gas utilities and low-pressure distribution pipelines, I guess I ask: how much life is left in that system? What kind of pressure, what kind of safety standards, and what are the special circumstances that would force the minister to waive that compliance? So if the sponsor has an example of what would waive that compliance and gives me some level of comfort, I'd appreciate that.

Under section 31 I was concerned that this might be a delegated authority, and if that's so, then I guess we've lost any control in that it allows the minister to "enter into an agreement with a person" and give them all the powers needed to purchase, sell, exchange gas and maintain, and that virtually in a nutshell privatizes it, which is what this bill does.

So I've expressed my concerns. I know that it's a fait accompli, that the wheels are in motion, that this is happening, and that the board has been set up, a new board has been elected, that they'll be guaranteed to have suppliers for at least another two years and purchasers for five.

I'd like some response on this if possible from that side – I don't know if that will be forthcoming – maybe to allay some of those fears, and then if that's comfortable, maybe I'll have a chance to ask a few more questions later.

Thank you, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for West Yellowhead.

MR. STRANG: Thank you, Mr. Chairman. There are a couple of items I'd like to bring up, and I guess what I'd like to start with is to answer some of the questions that transpired earlier. A number of points were raised during second reading by the hon. Member for Edmonton-Ellerslie and also Edmonton-Gold Bar. I'd like to take this opportunity to provide and explain some of the items on these questions.

Regarding low-pressure pipelines, they are not a part of the privatization. They will continue to be regulated by the province. The two-year sunset relates only to the privatization of the gas brokerage operation. The gas distribution lines will continue to be maintained by the gas co-ops and other rural gas distributors, as they always have been, and will continue to be regulated by the province. Safety standards are not to be loosened up at all. The only change to this is to allow for some alternate but fully safe operation procedures if they are approved by the province.

The question from the hon. Member for Edmonton-Gold Bar

regarding a monopoly situation is a very good one. In fact, that is why we are sunsetting the requirements for the co-ops to buy and suppliers to sell after two years, so that Gas Alberta Inc. will have to be competitive to retain its customers. So there will be no monopoly.

The question regarding gas availability is an important one as well. I would first like to clarify that the bill does not in any way change the rural gas program, which helps reduce the cost of the rural gas distribution system. The program remains in place and will continue to be administered by the province. Gas Alberta does not own any delivery facilities as it is solely an aggregate of gas or, if you prefer, a gas brokerage or a wholesaler. The co-ops and other rural gas distributors provide the distribution system to supply the retail customers.

9:20

Just to give you some of the other ideas that the hon. Member for Spruce Grove-Sturgeon-St. Albert, all those . . . I think one question is a good one. I've always wondered, too, about the waiving of compliance with standards, and I think this is the one that we have to look at. I guess the one thing that I can assure you is that Alberta has adopted the Canadian Standards Association code, which is Z 662, as the standard for design, construction, operation, and maintenance of gas distribution systems. Advancing technology or circumstances particular to Alberta may not necessitate the chief officer to consider waiving or altering the standards prescribed by Z 662.

For example, the current standard calls for distribution to conduct leak surveys using various procedures. With the advent of automatic meter reading, the use of a new technology, gas flow of wholesale metering facilities are being monitored daily and provide an even more effective method of detecting gas leaks within the natural gas system. Therefore, the chief officer has been permitted the use of this technology in addition to the existing standards, and I think that's the main thing that we have to look at. This is typically an interim measure until Alberta representatives put forward recommendations to modify the national standard.

Then I guess the other thing that I'd like to just expound on. On the aspect of different areas being served, the existing ones that we have with Gas Alberta, who when we pass this will be Gas Alberta Inc., right now there are nine municipalities, six Indian bands, and 64 gas co-ops. I think that's the aspect that we have to look at, those 64 gas co-ops. So if there is a farmer out in the area, then he goes to his gas co-op. That is where he is working with the individual, so they can then put the gas out in that area.

I guess the other thing is that these people, especially with the sunset clause, have to prove to all their existing customers – they have to be competitive. We're living in a competitive world. So they'll be buying on the spot market; they'll be taking long term. So then they'll be responsible to all these different co-ops. They'll always be there to work with them.

I think the other thing that we have to realize is that we have two people from the co-ops, we have two people from the federation, and then we have two people from government on there, plus you have their CEO. So I think that's the other thing. Then there are another 20, 25, possible more customers – to give you some names, the town of Castor gas utilities, Alder Flats Gas Co-op – that are not in the federation now. So I think it's important that this is going to work, and we're going to give them the latitude to work.

If there are any more questions, I'd be more than pleased to answer them. Thank you.

THE ACTING CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert. [interjections]

MRS. SOETAERT: I have one more question. These House leaders are getting to me, Mr. Chairman. This is democracy in action.

Just one more question to the Member for West Yellowhead, if I may. You mentioned that two people from government are on that board. Are they off that board after two years when that's up?

MR. STRANG: As far as I know, Mr. Chairman, that will likely be it, because that'll be up to the end of the sunset clause.

[The clauses of Bill 7 agreed to]

[Title and preamble agreed to]

THE ACTING CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE ACTING CHAIRMAN: Opposed? Carried.

**Bill 8
Agriculture Statutes (Penalties)
Amendment Act, 1998**

THE ACTING CHAIRMAN: The Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Well, thank you, Mr. Chairman. I'd just like to cover the points I made the other day with respect to Bill 8. There were three questions raised. One of them was from the Member for Calgary-Buffalo with respect to fur farms. He wondered if the maximum penalty of \$5,000 is too low. I don't believe this is a concern since the offences and penalties under the Wildlife Act can also be used when it comes to penalties in areas of escape and disease spread to wildlife, to name a couple. So I think \$5,000 is fairly fair in this particular area.

With respect to soil conservation, again it's not only the fine but the cost of the work that a municipality may do on that particular quarter section that will be billed to the landowner. So it could be not only a \$10,000 fine but over \$10,000 worth of work done on any given day if they have to send in graders and rippers. It may quite frankly sometimes be about half the cost of the quarter section. The fine plus the remedial work is rather significant.

[Mr. Tannas in the chair]

The last one, as the hon. colleague so wisely put it the other day: with respect to the Dairy Board Act sections 18 and 19 have become redundant because the regulation for minimum retail prices was discontinued a few years ago.

So with that, I think I've covered pretty well everything that came up the other day, but there may be more comments.

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this Bill?

The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Chairman. I want to start off by

congratulating the Minister of Agriculture, Food and Rural Development for bringing forward to the Assembly a nearly perfect omnibus bill. We've had considerable discussion in this Assembly about the form and content and nature of omnibus legislation, and this minister almost got it right.

It would be a perfect omnibus bill, because even though it amends I think 10 separate pieces of legislation, they're all dealing with a common thread, that being fines and penalties, with the exception of the references to the name change of the – just a minute; I'll find it – Public Utilities Board to the Alberta Energy and Utilities Board under the Dairy Board Act. My suggestion to the minister: if he finds any more of those irregularities, the Official Opposition would be more than happy to see those come forward in the Miscellaneous Statutes Amendment Act. That's where that kind of housekeeping could normally come.

Other than that, this gets pretty much full marks for omnibus legislation. I hope that all other ministers will look at this shining example of what an omnibus bill should be like.

I have one other comment as well, and that is that I notice that one of the common themes in this legislation is to remove the option of imprisonment and replace it with a more substantial fine. I think that's appropriate. I think Albertans would probably agree that, for example, violations of the Vegetable Sales (Alberta) Act should not result in imprisonment and that a substantial financial penalty for a violation would be both more appropriate and give the public purse more value. So I also congratulate the minister for recognizing that imprisonment should be used as a last resort when it comes to violations of these kinds of statutes.

Thank you very much.

9:30

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. I just want to take a few brief moments to speak as well in Committee of the Whole to Bill 8. I want to thank the minister for his note that he was more than open to receiving questions, et cetera. I'm sure there will be time for any major legislation coming through for a briefing on our part, especially when we start talking about the privatization of brand inspections, because, quite honestly, I know you're still working that one out. I know this just virtually puts everything in line with, I guess you might say, the 1990s. My nonrural counterparts over here have no appreciation for that fact sometimes.

MR. MITCHELL: What does Oprah have to say about this?

MRS. SOETAERT: We're not talking about Oprah speaking about livestock.

Anyway, Mr. Chairman, I will support this bill, and I do appreciate the minister's availability for comments.

[The clauses of Bill 8 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 9 Marketing of Agricultural Products Amendment Act, 1998

THE CHAIRMAN: The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Chairman. I'd really just like to thank the opposition for their co-operation in working through both of the bills, especially Bill 8 but certainly Bill 9.

This particular bill was in our miscellaneous statutes last year. However, there was some question as to whether this bill had something to do with the Canadian Wheat Board, and the third party did not allow it to go through miscellaneous statutes. Otherwise, the bill is really intact to what it was last year, and even though I'm not a lawyer, I did guess the need to amend and revise last year. I guess we want to make sure that we cover different interpretations so that if it's either revised or amended, it's still appropriate under this legislation.

Again, I'd take any questions with respect to this particular legislation, but as I mentioned before, we did have the co-operation of the opposition.

Thank you.

THE CHAIRMAN: Are there any comments, questions, or amendments to be offered with respect to this bill?

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

MRS. SOETAERT: Thank you, Mr. Chairman. I just wanted to say that I do appreciate the minister's comments. I know that this is actually a bill that they've been asking for, and this actually saves them a lengthy review process, which could be quite costly and quite a waste of time, quite honestly.

One thing we did when we got this: we faxed it to the stakeholders. They were pleased to see that it was there. They didn't know it was coming forward – that's just a hint for the minister – but they were very pleased to see that their input had been regarded and put into legislation. I know that the stakeholders are very much in support of this, and so are we.

Thank you, Mr. Chairman.

THE CHAIRMAN: The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Just to close. We did not consult the stakeholders again this year because they gave us approval last year, and because of the miscommunication during the final days last session to do with the miscellaneous statutes act, the bill did not go through.

However, I'd just like to remind the hon. member that fur isn't covered under the agricultural products marketing act, but that's just for information.

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Just for a moment I'd like to speak, Mr. Chairman. My simple point was that you know what might have put this through a little sooner – and I'm sure the stakeholders would have appreciated it – is if we'd had a fall session. I just had to take the opportunity to say that.

[The clauses of Bill 9 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 10

Regional Airports Authorities Amendment Act, 1998

MR. KLAPSTEIN: As I mentioned in second reading, the amendment is intended to allow for adding additional members to the airport authority boards to accommodate members from the federal government, the result of negotiations in their lease agreement, and also to make another amendment that would make it easier for authorities to secure long-term financing. I guess I'll leave it at that and try and answer questions later on.

THE CHAIRMAN: Okay. Are there any further comments, questions, or amendments to be offered with respect to this bill?

MR. DICKSON: Mr. Chairman, I'm half tempted to think that we're going to be able to just keep on recirculating the comments that were made at second reading, through committee, and at third reading as well. But just to indicate again, the position of this caucus has been that this is a bill we support, that the regional airport authorities frankly are doing a first-rate job in this province, and this bill helps to make them more effective and more successful. For all of those reasons I know members of this caucus are happy to support this particular initiative, and we look forward to more of the same kind of dynamism and leadership that we've seen in our major centres from our regional airport authorities.

Those are the comments I wanted to make at this stage, Mr. Chairman. Thank you.

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Chairman. I, too, would like to make just a few brief comments on this and once again thank the minister of transportation for setting up the briefing and the Member for Leduc. I think that spirit of co-operation certainly makes the process of the Legislature work more cooperatively and smoothly. I thank the minister for that opportunity, and I encourage all the ministers to follow his lead. Can you believe I am saying that?

I do want to say that we do support this. We asked several questions in the briefing. They were answered. I know this puts us in line with what the federal government is requesting and with what the regional airport authorities are asking for, so I don't see any reason to speak endlessly at this time of the evening. We do support this bill and will be pleased to see it go through legislation.

THE CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. We've made remarkable progress tonight on five bills so far. I'm also speaking in favour of Bill 10. There's a reason why I think we've been able

to make such efficient use of the time of the Assembly, and that is because we have had, I think, true co-operation between the Official Opposition and the members of Executive Council on ensuring that there was good understanding and open communication about the intent of this legislation.

9:40

Mr. Chairman, I would just like to go on record as stating that because of this experience, I think this adds a tremendous amount of weight to the argument that we should take a look at the structure of standing policy committees. We should examine whether or not standing policy committees should become all-party committees of the Legislature so that this kind of nonpartisan co-operation on developing the best legislative agenda for the people of Alberta could extend, and that prestudy of bills, as it is in other jurisdictions, could become a permanent feature of the political landscape and of the legislative landscape. We would be able to generate the best ideas and have the highest quality of discussion in a nonpartisan nature before the legislation is drafted in its final form and presented in this Chamber so that when we actually are debating legislation, it's a matter of fine-tuning it, a matter of getting the best laws possible.

There will always be disagreements. There will always be differences of opinion. There will always be political ideology. But I think that the experience we've had this evening is a good example of what can be accomplished when the Official Opposition and the government sit down in a nonpartisan way to do the absolutely best possible job on behalf of Albertans.

[The clauses of Bill 10 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill 11

Alberta Sport, Recreation, Parks and Wildlife Foundation Amendment Act, 1998

MRS. McCLELLAN: Mr. Chairman, I believe that I answered all of the questions in second reading, so I will just wait for members' comments and any other activity that may arise.

THE CHAIRMAN: Are there any further comments, questions, or amendments to be offered with respect to this bill?

The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thank you, Mr. Chairman, for the opportunity to speak to this bill briefly in Committee of the Whole. I do have one amendment that I would ask the Members of the Legislative Assembly to consider with this bill. I will get it passed out to you.

Essentially, the amendment has to do with the section in the bill which is being changed to remove the requirement for an MLA to be appointed to the foundation. May I congratulate the government on that move. I know it was done for housekeeping reasons, to bring this Sport, Recreation, Parks and Wildlife Foundation in line with the other lottery foundations that fall under the Ministry of Community Development. I think it's important that these

foundations be arm's length, and having an MLA appointed to the foundation makes that very difficult. I notice that my colleagues have spoken to this previously. Specifically, back in February of '94 the Member for Edmonton-Mill Creek commented on that at some length.

So I would like to move this amendment as circulated, which asks in the proposed section 2(1) to strike out "the Lieutenant Governor in Council" and substitute "an all-party committee of the Legislative Assembly."

THE CHAIRMAN: The committee, then, has received copies of the amendment to Bill 11. This is known as amendment A1, as proposed by the hon. Member for Edmonton-Centre. It appears everyone is ready to hear your arguments for the amendment.

MS BLAKEMAN: Thank you. I've done this with an eye to assisting the government in its endeavours to be open and accountable, and I hope also to encourage as wide a representation of the members on the foundation as possible. I think that with an all-party committee selecting the members of the foundation, there is a wider range of people to draw upon. More people are known and come to the attention of a variety of different people that could be involved in this committee. It need not be a large committee. I think the idea behind it is an important one.

The lottery foundations do provide funding to almost all of our recreation and leisure groups in the province at this point, and these activities are really important to the quality of life of Albertans. I think that we want to have as representative a group as possible appointed to the committee. That's not to give undue criticism to the current state of affairs or to anyone that is currently serving or has served in the past on these foundations, but I find that when you can bring a all parties into it and have different minds working on it and different philosophies pulling on the different backgrounds of people, you can end up with a better group that is working in a nonpartisan way to serve the best interests of Albertans.

Having said that, I would urge the Members of the Legislative Assembly to give serious consideration to this amendment. I hope it will meet with favour.

Thank you.

THE CHAIRMAN: The hon. Minister of Community Development.

MRS. McCLELLAN: Mr. Chairman, thank you for the opportunity to speak to the amendment. Unfortunately, the consultation process doesn't seem to flow both ways. I received this amendment just shortly before, which doesn't surprise me. Howard told me to say that. I shouldn't say that - the Member for Edmonton-Glenora.

Mr. Chairman, I would like to make a couple of comments regarding the amendment. I do not support it, and I would ask members to consider not supporting it. I think the hon. member laid out her reasons for it. I see no purpose to this amendment that would improve the activities of the Alberta Sport, Recreation, Parks and Wildlife Foundation.

Mr. Chairman, I've had the responsibility for that foundation for some time now, and over the 10 years plus I've been in this Legislature, I've certainly been aware of its work. I have never had a criticism of that board or of their activities. They do operate very independently. I can assure you that many people put their name forward for consideration for these foundations,

and they are all considered. I have no idea, for the most part, of any of their political affiliations, nor is that a criterion.

This board foundation does report through the Ministry of Community Development. It is a government function. Its budget is debated in the government budget. It is not a function of the Legislative Assembly as a budget item. They submit an annual report every year, which is laid before this Legislative Assembly. Some short days and weeks from now, Mr. Chairman, we will have the opportunity to debate that budget and to review it. Again, they're also there for review in the public accounts, and I frankly don't ever remember there being a criticism of that foundation at that stage either.

I think that the hon. members in this Assembly on either side of the House do appreciate the work of the foundations. I simply can't support it because I don't see that it improves the bill. Again, I brought this amendment forward to make sure that all of our foundations operate in a similar fashion and to remove the necessity by legislation of a Member of the Legislative Assembly to sit on it. I have to say that the members who have sat on that in the past have sat on that board, I think, with distinction. They have never interfered with the operations of the board. I had not ever heard that criticism either.

I would suggest that we not accept the amendment and that we continue the moving of this to the next stage in the manner in which it was intended.

9:50

THE CHAIRMAN: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Chairman. I'm speaking in support of the amendment, not because I disagree with the Minister of Community Development in her comments about the work of the Alberta Sport, Recreation, Parks and Wildlife Foundation. It's not really a matter of criticizing that foundation, and I certainly hope that nobody will interpret the amendment or any of the suggestions of the Official Opposition on how this legislation can be improved as a criticism of that foundation.

Mr. Chairman, instead I think that this should be seen as an attempt to open up the process. Impartiality, like justice, must not only be a feature of how the government works, but it must be seen to be a feature of how the government works. When you're dealing with a foundation appointment, in this case the appointment of 10 members, I think it can only enhance their credibility, I think it can only enhance their impartiality, I think it can only enhance in fact the status and the esteem of the provincial government if it was absolutely clear from the get-go that there was even no attempt, suggestion, or shadow of political interference or political pressure.

In fact, I remember the Premier earlier on suggesting that there should be a whole new process for the appointments of boards, committees, commissions, and the minister is suggesting chairs. That's fair enough. My recollection is that the suggestion, the musing, the thinking out loud was a little bit broader than that. I would like to encourage this government to act on those musings and to go to a new process. Whether it be as a result of an amendment such as that from my hon. colleague from Edmonton-Centre that we establish an all-party committee of this Assembly to review and suggest appointments or whether it be some other process that Albertans would clearly see as impartial and as unfettered is not particularly the point. The point is that we must be able to assure Albertans that there is no political interference or even a suggestion of it on such bodies as this foundation and others under this minister's jurisdiction and others of her colleagues in Executive Council.

So I am speaking in favour of the amendment to make the appointment a product of an all-party committee.

MRS. McCLELLAN: I'll only take a moment just to say that I appreciate the comments that the hon. Member for Edmonton-Glenora has made. I would point out that we do operate in that function in a number of groups; for example, the Human Rights Commission. They are all vetted through a review panel, and it's something I would consider and think about in the future and look at. I've always done that for the chairs of any of these; they're vetted.

I would only point out to the hon. member that often there is perhaps one person's name that comes forward for some of these boards. They do take a lot of time. It's a volunteer commitment, and I can assure you the pay is not high. I think the consideration of having a review panel if there are a number of names come forward for one position is one I've always been very open to.

I wanted to just thank you for those thoughts and suggestions.

MR. DICKSON: I'm sure the Minister of Community Development is absolutely genuine when she talks about the review panel nominating people to an agency like the Alberta Human Rights Commission, but you know, Mr. Chairman, that still isn't a complete answer. I'm speaking of course in favour of the amendment that's on the table. I don't mean this as any criticism of anybody currently on the Alberta Human Rights Commission, but since the minister raised the issue, I do have to say that there are people known to me with qualifications in the area of human rights that are so strong and that distinguish these people to such an outstanding degree. So when I see the appointments come out – and some of the people who are appointed are known to me; some are not, and I'm not suggesting that's a criterion – it's interesting to me that the names of some of the people who I think would have an outstanding contribution to make to the Human Rights Commission don't surface when that order in council comes around.

I think, Mr. Chairman, the amendment that's put in front of us is a much stronger amendment even than the new wrinkle that the government introduced a couple of years ago in terms of appointments to some of those important agencies like the Human Rights Commission in Alberta. I think there is some transparency, and I think there is a greater appearance of nonpartisanship. I can see that the Minister of Community Development and I may have to agree to disagree on the efficacy and the value of the process that's currently in place for appointments to the Alberta Human Rights Commission.

I did say that I'm not trying to be judgmental in terms of anybody who's currently on the commission. I simply say that you always want to screen for excellence. You always want to screen to get the pre-eminent people in a field involved in one of these things, and I think Albertans all have to have a measure of satisfaction that we're screening for not just adequacy. You want the bar to be raised as high as possible, and you want the absolute most outstanding candidates you can find. If one is to say, "Well, how is that most likely to happen?" I'd challenge the minister – I'd challenge anybody – to come up with a stronger selection process than an all-party committee of this Assembly.

DR. WEST: Oh, for God's sake, it's the same thing.

MR. DICKSON: Well, Mr. Chairman, if I had been a member of government as long as the Minister of Energy has – I'm not sure

exactly how long he's been here, a lot longer than my five years. I understand that when you're here for such a long time, you just are inclined to think that the way things work is as good as it possibly could ever work. But I'm more of a small "r" reformer. I think there are always ways we can do things better.

DR. WEST: You're not a small "r" reformer; you're so far to the left you're falling off.

MR. DICKSON: The beauty, Mr. Chairman, of this amendment is it doesn't matter where you are in the political spectrum. What happens is that if you're able to have an all-party committee involved in this absolutely pivotally important role of appointing people to a committee or a commission as important as the Alberta Sport, Recreation, Parks and Wildlife Foundation, you've neutered all of those criticisms, those complaints right from the get-go, and it seems to me that there is some important value in doing that.

Notwithstanding what the Minister of Energy may be muttering in the ear of the Minister of Community Development, I want her to pay close attention to the issues that have been put forward. I know she will. However she chooses to vote on this amendment, I know that in time she'll see the value of what's being proposed here. It's just a question of how long Albertans are going to have to do without the benefit of this much stronger appointment process.

Despite the admonition or encouragement of the Minister of Community Development to members to vote against the amendment, I think the minister probably said that as more of a reflex action, not as a benefit of the kind of very sobering, careful consideration that's so characteristic of this minister in the way she treats all that sort of initiative. I know that had she had a little more time to consider this amendment, she would have appreciated the value and the merits of it. I see in fact the minister nodding now, so I suspect that she may have revised her original advice to other members in the Assembly. This may be a good time to call the vote, Mr. Chairman.

10:00

[Motion on amendment A1 lost]

[The clauses of Bill 11 agreed to]

[Title and preamble agreed to]

THE CHAIRMAN: Shall the bill be reported? Are you agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Hon. Government House Leader.

MR. HAVELOCK: Thank you, Mr. Speaker. I move the committee do now rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

MRS. GORDON: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: bills 7, 8, 9, 10, 11. The committee reports the following with some amendments: Bill 1. 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: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 10:05 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]