

Legislative Assembly of Alberta

Title: **Monday, April 28, 2003**

1:30 p.m.

Date: 2003/04/28

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon and welcome. Hon. members, today's prayer contains a moment of silence, and at the conclusion of the prayer would we all remain standing for the singing of our national anthem.

Let us pray. On this day let each of us pray in our own way for all who have been killed or injured in the workplace. Life is precious. When it is lost, all of us are impacted. In a moment of silent contemplation may we now allow our thoughts to remember those taken before their time, those who have suffered through tragedies, and reach out to the families, friends, neighbours, and communities most immediately impacted. May God provide them eternal peace. Amen.

Now would you please participate in the language of your choice in the singing of our national anthem. We'll be led today by Mr. Paul Lorieau.

Hon. Members:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

The Speaker: Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Aboriginal Affairs and Northern Development.

Ms Calahasen: Mr. Speaker, thank you very much. It is my pleasure today to introduce to you and to Members of the Legislative Assembly a special group of people walking from Nanaimo to Ottawa. I hosted this group of elders and youth for lunch today. Their walk is a result of a vision that one of the members, Gina Meldrum, dreamt to raise awareness about the tragic problem of aboriginal youth suicide, which is five times higher than among nonaboriginal youth. They left Nanaimo on Vancouver Island on April 1, and they will arrive in Ottawa on June 21.

Mr. Speaker, they're seated in the members' gallery, and I ask that they stand as I call their names: Mr. Paul Laliberte of Nanaimo, B.C., the leader; Reno Trimble from Prince Rupert, B.C.; Thomas Watts from Vancouver Island; Gina Meldrum, Williams Lake, B.C.; David Elliott, Cowichan Tribe, Duncan, B.C.; Candice Faith Clappis, Vancouver Island, B.C.; Vincent Watts, Vancouver Island, B.C.; Greg Brown, Denman Island; Moves Far Women, Northern Ireland; Mary Whitehorse, Hinton; Mary Ann Whitehorse, Hinton; Channelle Plante, Hinton; Damien Plante, Hinton; Jonas Whitehorse, Hinton; John Bremner, Hinton; Steve Rush, Kildonan, B.C. I ask the members to give a warm welcome to this group of wonderful people.

The Speaker: The hon. Member for Clover Bar-Fort Saskatchewan.

Mr. Lougheed: Thank you, Mr. Speaker. I'm pleased to introduce to you and to the members of the Assembly two classes of grade 6 students from Win Ferguson school in Fort Saskatchewan. They're accompanied by their teachers Mrs. Joanne Simpson and Mr. Jeff Spady and also by parent helpers Mrs. Candace Kereliuk, Mrs. Gloria Govenlock, Mrs. Barb Hansen, Mrs. Allison Tucker-Lamour-eux, and Mrs. Cindee Robertson. They're in the members' gallery. I'd ask that they rise and receive the traditional warm welcome of the Assembly.

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

Mr. Lord: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to all members of the Assembly two people who are very near and dear to me. We have with us today one of my three sisters, Judith Ada Brown, who is one of the hardest working and most energetic people that I know, along with my nephew Lonny Nathaniel Brown, who's a student here at the University of Alberta and one heck of a guitar player, I might add. I would ask them to stand and receive the warm traditional welcome of the Assembly.

The Speaker: The hon. Member for St. Albert.

Mrs. O'Neill: Thank you, Mr. Speaker. It's my honour today to introduce to you and through you to members of this Assembly 20 students who are here from Keenooshayo elementary school in St. Albert. They are accompanied by their teacher, Mrs. Barb Hubbard, and by an assistant, Mrs. Sylvie Martinson. They are seated in the public gallery. I'd like also to recognize the fact that if not all of them certainly most of them are graduates of the DARE program most recently. I would like them all to please stand and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Well, thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of this Assembly a young constituent from Edmonton now, formerly from Vegreville. His name is Mr. Curtis Litun, and he is seated in the members' gallery. This young lad is multiskilled and multitalented, not only completing his degree at the University of Alberta in agribusiness, but he was the 4-H member who served on the judging committee in Saskatoon at Agribition and is also an ambassador for the Alberta food products council. I would ask Curtis to please rise in our gallery and receive the traditional warm welcome of this Assembly.

head: **Ministerial Statements**

The Speaker: The hon. Minister of Human Resources and Employment.

National Day of Mourning

Mr. Dunford: Well, thank you, Mr. Speaker. The 28th day of April is our National Day of Mourning for workers who have been killed or injured on the job. Over 100 people die from job-related injuries or illness each year in this province. Someone is injured on the job every three and a half minutes. This is simply too many deaths and injuries and too many devastated families and friends. We owe it to ourselves, to our families, and to our communities to make sure all Albertans are safe at work. Nobody in this province should ever have to say that they feel that their workplace is unsafe.

If government could legislate away workplace injuries, Mr.

Speaker, you can be sure we would have done it long ago. We all need to make workplace safety part of our culture. This year we launched the WorkSafe Alberta initiative in conjunction with labour, employers, and safety associations to make substantial improvement in workplace safety. We need kids to question their parents before they leave for work. We need parents to question their kids when they get their first job. We need unions to put safety first, and we need employers to realize that the investment they make in a safety program will pay dividends many times over.

We in this Assembly have the privilege and responsibility of leading our society. When it comes to societal change, we all have to accept that it is up to us to lead that change. If we will not do it, then we cannot expect anyone else to. The change that we have to make is to eliminate the idea of an accident. Even the use of that word is unacceptable because it implies that there was no way of anticipating or preventing tragedy, and that just is not true. With all the investigations that we have conducted, we know that safety comes down to making the right choice every time.

We honour our fallen workers by remembering them at ceremonies that are being held in communities across this province and by renewing our commitment to safer workplaces.

Thank you, Mr. Speaker.

1:40

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

Mr. MacDonald: Thank you, Mr. Speaker. Seventeen fewer families were devastated by the loss of a loved one to a senseless work-related death last year compared to 2001, but we can only truly celebrate when no one dies on the job in this province. People working to make a living for themselves and their families should not be robbed of the natural expectation that they will go home to a family and a future. Every three and a half minutes an Albertan is injured or killed in the workplace. Hopefully, industry, safety associations, labour, and government will be able to meet the challenge from Alberta's Human Resources and Employment minister to work together and reduce workplace incidents by 40 percent by the year 2004, and at this time on behalf of the Official Opposition I would like to thank the hon. minister and his staff for their commitment to improve workplace safety in this province.

Setting a good example to be followed is Syncrude. Syncrude and its contractors achieved excellent safety performance in 2002 while achieving a record production level, which is also reflected in lower operating costs. The combined lost-time injury rate was less than one injury for every 2 million hours worked. This compares very favourably to the Alberta mining and petroleum sector average of 14 injuries for every 2 million hours worked. Syncrude and all its contractors, union and non-union, are setting an example for the rest of the workplace in this province. I would be honoured and pleased to stand here next year and congratulate the minister on successfully sending far more Alberta workers home to their families for another year.

The National Day of Mourning was officially recognized by the federal government in 1991, eight years after the day of remembrance was launched by the Canadian Labour Congress. On this day we must take a moment to remember workers who have been killed, disabled, or become ill as a result of their work, but on every day of the year we must remain vigilant to prevent tragedy. This is how we must honour those who have had their lives taken or forever changed as the result of a workplace trauma. Mr. Speaker, hug your family a little longer tonight when you get home and remember those who were not so fortunate.

Thank you.

Mr. Mason: Mr. Speaker, I would request unanimous consent of the House to read a statement in response to the minister's statement.

[Unanimous consent granted]

Mr. Mason: Thank you very much, Mr. Speaker. Today marks the eighth annual International Day of Mourning for workers killed and injured on the job. Last year 101 Albertans were killed at work. This was the sixth year in a row that a hundred or more Alberta workers were killed. No one goes to work expecting not to come home. They expect and their families expect that they're going to go to work, that they're going to work safely, and that when their shift is over, they're going to come home and have dinner with their family. That has not been the case for too many people. Our hearts go out to their families and friends. They will not be forgotten.

Last year 155,000 Alberta workers were also injured on the job. It is essential that we ensure that people injured while working to support their families receive reliable workers' compensation services. We again urge the government to establish a long-standing claims tribunal so that injured workers do not face the additional burden of losing their homes and their independence. We should not sacrifice justice and leave workers and their families to carry the costs of their workplace injury.

In the last session of this Legislature we passed the Occupational Health and Safety Amendment Act to prevent workplace injuries. This Legislature will have to remain vigilant to determine what additional steps must be taken. Government, employers, and workers must work together to eliminate sources of workplace injuries and strive for injury-free work sites.

Thank you.

head: **Oral Question Period**

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

Education Funding

Dr. Nicol: Thank you, Mr. Speaker. The basic instructional grant given to schools increased by only 2 percent in the last budget. This gives an instructional grant for schools of \$4,454 per student for the next year. To the Minister of Learning: how did the government decide that an increase in the basic instruction grant of only 2 percent was enough?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. I would say at the outset that school boards received much more than 2 percent. As the hon. Leader of the Opposition fully knows, there was an 8 percent increase in special needs, there was a 3 percent increase in transportation, and the increase to my department on the basic learning side averaged out at a 4.9 percent increase. So, first of all, to say that the school boards only received 2 percent is absolutely wrong.

Second of all, Mr. Speaker, what we pride ourselves on when giving out the dollars to the school boards is allowing the school boards to have the flexibility in how they spend those dollars. Indeed, it is up to the school boards how they spend those dollars. When it comes to the actual amount, as to why it was 2 percent, there are economic issues that are concerned. We full well know that there are special-needs children which are built into the formula. There are sparsity and distance components in the formula, and that all determines what a school board receives when it comes to the actual funding.

Dr. Nicol: Again to the minister: has your department ever costed out what a school can buy with the \$4,454 and whether or not that's enough to give them a quality education?

Dr. Oberg: Well, Mr. Speaker, again, I'll use the example. That \$4,454 is only the basic amount per student. But even if it was only \$4,454, which it isn't, but if it were that, each particular classroom of roughly 25 students would have around \$120,000 to work with. The realistic amount is closer to \$7,000 that a school has actually to deal with. Seven thousand times 25 is very close to \$200,000 per classroom.

Dr. Nicol: Again to the minister: when will your department fund education based on the school's actual costs rather than this mix that you're talking about?

Dr. Oberg: Well, Mr. Speaker, if a student were just a student were just a student, it would be relatively easy to fund education. We have students in parts of this province where the cost of living is extremely high. We have students in parts of this province where there are only 10 or 15 students, and we have to educate them. That is our job, to educate those students, and that's something we take extremely, extremely seriously. So to say that it is a simple process, simply to say, "Well, this student costs \$1,000, this one \$5,000," is an absolute fallacy.

Municipal Funding

Dr. Nicol: Mr. Speaker, rural recreation centres may be forced to close their doors because increasing energy costs have made it impossible to make ends meet. Without energy rebates rural municipalities will have to find ways to further subsidize recreation centres just to keep them open. To the Premier: is it the policy of this government to force ice arenas to close and children to go out on the streets to play hockey?

Mr. Klein: No, Mr. Speaker.

Dr. Nicol: Why did the Premier stand up in this House and claim that the natural gas rebate program is reasonable and intelligently thought out when recreation centres and all other facilities working on fixed budgets throughout the province face closure?

Mr. Klein: Mr. Speaker, I'll have the hon. Minister of Energy supplement, but the rebate program as it now stands has been reasonably and intelligently thought out. Back in 2001, of course, we had to deal with the situation on an ad hoc basis, and we gave an undertaking to the Alberta public that we would come up with a program to deal with the issue in future years on a sustainable basis, and that's why the rebate program was brought in, to arrive at a yearly average of \$5.50 a gigajoule. So I don't know what to say to those communities other than that they do have opportunities to enter into budget programs, and on that point I'll have the hon. minister respond.

Mr. Smith: Well, Mr. Speaker, it is a well-thought-out and responsible program. In fact, if we can go back to the Leader of the Opposition's comments on the bill in 2001, it says:

If we go ahead and estimate the price of natural gas for our budgeting process at \$7 . . . and . . . start protecting the price at \$5, what we've got is a \$2 margin there that we . . . either have to put into our budget [or] debate the dollars that are necessary to cover that difference between what we're expecting out of revenues . . . Otherwise we'll end up running a deficit budget, and in Alberta we don't want to do that.

So I thank the member of the opposition for his comments. In fact, if he would again go through the Natural Gas Price Protection Act, he would find that the regulations embed his comments.

1:50

The Speaker: The hon. leader.

Dr. Nicol: Thank you, Mr. Speaker. To give that quote that I gave in 2001 really shows how little the minister understood about the question I asked.

To the Premier: why does the government insist on downloading its funding responsibilities to rural municipalities?

Mr. Klein: Mr. Speaker, we don't. We provide a reasonable amount of money to municipalities through various grant program, including the municipal grants and transportation grants, and there are numerous programs, I would remind the hon. leader of the Liberal opposition, that go to support community organizations. There's the community facilities enhancement program, the community initiatives program, so there are many programs available for municipalities. We do more than our part to assist and partner with municipalities. One of the more recent initiatives is one that was alluded to by the hon. Minister of Municipal Affairs. It hasn't been finalized yet, but this is a program to joint venture with municipalities to achieve conservation measures. So there is yet one more example of how this government participates and co-operates with municipalities to achieve things that are for the common good of Albertans.

Toxic Mold in Foothills Medical Centre

Dr. Taft: Mr. Speaker, last Thursday in this House the Minister of Health and Wellness said, "The best advice that I have . . . from the [Calgary] regional health authority is that there is no evidence of a toxic mold in [the Foothills]." The minister of human resources said, "We are not aware that there's been a definition of a toxic mold at this point." The Premier said, "There is no evidence of toxic mold in . . . the Foothills hospital." To the Premier: given that I have in my hand lab tests, which I will table this afternoon, showing that three kinds of toxic mold were found in the Foothills and that these were fully known by the Calgary health region, will the Premier withdraw his statements from Thursday and admit that this Assembly was misinformed?

Mr. Klein: Well, Mr. Speaker, I would like to see the documentation. I'd like to see who prepared the documentation. The hon. member did not answer a question that I posed nor is he required to answer a question, but I asked him: would he stand up in the House and name the person who identified the toxic mold and whether or not that person was acting for the Liberal Party and in the interests of the Liberal Party?

Dr. Taft: They were legitimate tests conducted for the Calgary health region.

The medical officer from the Foothills said earlier this month that the molds recently found in the renal dialysis unit were probably the same toxic varieties shown in these tests, which the Calgary health region has. To the Premier: is the Calgary health region not telling you this information, or is your government just not listening?

Mr. Klein: Mr. Speaker, the hon. Minister of Health and Wellness and the Minister of Human Resources and Employment are much closer to this situation, and I'll have either one or both of them respond.

Mr. Mar: Mr. Speaker, there has been some concern expressed by employees with the regional health authority, and today Alberta workplace health and safety and the Calgary health region and unions representing the hospital employees are meeting to discuss this particular issue.

Again, Mr. Speaker, I can only repeat what I said last Thursday, which is that the best advice that we have at this time is that there is no evidence of toxic mold in the Foothills hospital. However, I of course will undertake to the member and to all members of the Assembly a review of the material that he wishes to table later on this afternoon. I can only say, Mr. Speaker, that the people who work with the regional health authority do take the safety of their patients and their employees seriously. There has been comprehensiveness in the review of this issue undertaken by the regional health authority, but again if the hon. member has material that is meritorious of further consideration, then we'll certainly take that into account and raise that with the regional health authority.

Dr. Taft: Well, to the Minister of Health and Wellness I repeat the obvious request. If this government is so confident that there is nothing to hide, will he order an independent test for toxic mold at the Foothills immediately?

Mr. Mar: Mr. Speaker, I want to say that I do have confidence in the regional health authority, but I don't know anything about this report that the hon. member wishes to table later on today. He has the advantage of all of the information and speaking about it as if it were gospel. I can't say that. Neither myself nor the hon. member is a microbiologist. We are not experts in this area. We do rely upon solid individuals with the proper credentials to determine whether or not this is, in fact, a dangerous situation. All I can say, again, is that I have confidence in the regional health authority taking the issue of the safety of their patients and their staff seriously.

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

Severe Acute Respiratory Syndrome

Dr. Pannu: Thank you. Mr. Speaker, last Thursday the Premier gave universities and school boards 24 hours to come up with a plan to prevent SARS from entering the province through student exchanges. This from a government that has yet to come up with its own detailed action plan to deal with the threat of the SARS virus. My questions are to the Minister of Health and Wellness. With the confirmation of another case of suspect SARS in the Capital health region, why has the government failed to come up with its own detailed action plan to address the threat posed by the SARS virus in this province?

Mr. Mar: Mr. Speaker, I would refer the hon. member to *Hansard* of Thursday of last week, I believe, where we talked about how the province has been working for some number of years and continues to improve a program as it relates to infectious diseases. Now, you won't find a line item in our budget relating to SARS. You won't find a line item in our budget referring to West Nile virus, but they all fall within an appropriate category of infectious diseases that we have to be prepared for, and we are prepared for it. I indicated to the House last week that if one needs to see how successful this is, one need only look at how quick our response was to meningitis. So we do have a plan in place.

I should comment on this to the hon. member. We do as of today

have six suspect cases of SARS in this province. Now, suspect cases by definition are those cases where individuals are showing SARS-like symptoms, but there is no diagnostic test for SARS. Of those six cases, five of them have fully recovered. They're at home now, and they've fully recovered. The sixth one, the most recent one, which was brought to our attention earlier this week, is an individual who is now at home and has not shown any worsening of the symptoms. You move from a suspect case to being a probable case when your symptoms continue to worsen and there's no other medical explanation available. We have not had a probable case of SARS in this province, nor have we had a confirmed case of SARS in this province, Mr. Speaker.

So we do have an appropriate plan in place. We ask individuals to take appropriate precautions. When individuals do think that they have SARS-like symptoms, there is a process by which they can be appropriately looked after by the right kind of health professionals. In this way we can minimize the danger of SARS to Albertans, and we can protect their health as best we can.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. To the same minister: given that what the minister released last Thursday was a list of symptoms that Albertans should look for to see whether or not they're infected by SARS, when is this minister going to stop being complacent and instead impose a 24-hour deadline on himself by tabling a government SARS action plan in the Legislature no later than tomorrow afternoon?

2:00

Mr. Mar: Mr. Speaker, we of course have taken this matter of SARS very seriously. Ministers of health from across Canada have been talking about the appropriate measures that we can all take, and we have learned much from the experience of the province of Ontario. We have been in regular contact, myself with my counterpart, the Hon. Tony Clement, minister of health from Ontario, and our provincial medical officers and public health officials have been in contact with their counterparts in other parts of Canada. We do have a plan in place, and it is solid.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. My second supplementary to the same minister: given that in this year's budget funding for provincial health laboratories was frozen and funding for vaccines cut by 20 percent, how can the minister assure Albertans that Alberta's public health care system won't be overwhelmed by SARS or the West Nile virus?

Mr. Mar: Well, Mr. Speaker, on the subject of the Provincial Laboratory I can say, for example, in response to the issue of West Nile virus, that we will by this summer be able to test for that in our own provincial laboratory for microbiology. Our public health laboratory will be able to do that this summer instead of relying on the federal laboratory that's located in the province of Manitoba. That laboratory in Manitoba has done very, very good work for us in the past, but the speed of return on this will be quite a bit improved by being able to do this within the province of Alberta. So our laboratory is appropriately resourced, and we will take the necessary measures to ensure that we can maximize the protection of Albertans through surveillance and through education. Again, we do have a solid plan in place.

The Speaker: The hon. Member for Calgary-McCall, followed by the hon. Member for Edmonton-Glengarry.

Alberta's Relationship with the U.S.

Mr. Shariff: Thank you, Mr. Speaker. Last week the hon. Minister of Economic Development announced that he was traveling to Washington, D.C., in an attempt to strengthen ties with our good friends and neighbours to the south, the United States of America. My question is to the hon. Minister of Economic Development. Can the minister tell us whom he met with and what they spoke about?

Mr. Norris: Well, I'd like to thank the hon. member for the question and say at the outset, Mr. Speaker, that it was an absolute honour to go and represent Alberta. Contrary to reports these meetings were not secretive, and they weren't ultra right-wing groups at all. They were members of the Bush administration that we met with to talk about Alberta. Things that were discussed, obviously, were: now that the conflict in Iraq is coming to a close, where does Alberta fit in that rebuilding process? I would like to make it very, very clear to the members of the House that the leadership that our Premier showed was not only courageous and at the right time, but the message got through loud and clear, and our American friends and trading partners are more than willing to continue doing business with Alberta. To that end, we talked about the role Alberta will have in the continental energy program that President Bush and Vice-President Cheney have talked about. I'm very, very pleased to respond that, most significantly, Alberta is front and foremost in that process, and we will continue to be a good friend and ally. That was the message we gave, and they heard it loud and clear.

Mr. Shariff: Can the minister tell us if those meetings were successful in strengthening Alberta's relationship with the U.S., and how does he measure it? [interjections]

Mr. Norris: Well, you know, I hear the members opposite talking about puffball questions. Quite frankly, I find it offensive that they don't even want to hear the answer, because guess who's driving the economy, Mr. Speaker? It's the businesses of Alberta. It's not these people right here. I can tell you that for darn sure. If you want to actually find out what's going on in the world, open your eyes and go take a trade mission with our biggest trading partner, who is extremely offended by comments of a personal nature, which you guys seem to do on a regular basis, attacking people rather than policies. I don't understand that. I still don't understand that. It's nonsense, absolute nonsense.

The bottom line, Mr. Speaker, is that there were personal attacks made by people in Canada on our biggest and best trading partner, the United States. So if you think it's a puffball when people are losing their jobs in Alberta, that's probably what you should go out and campaign on. We don't think that; we don't feel that way. Businesses are driving this economy. That was the message we wanted to get out, and they got it loud and clear. [interjections] You still rattle on. You still don't get it; do you?

The bottom line is that jobs are very vitally important to Albertans. The oil sands represent untold fortune, and we are going to get the Senate house committee on oil and energy supply as well as, hopefully, the Secretary of Energy to come tour the oil sands in the fall and see what's going on in Alberta, because it's sure not getting out from those guys.

The Speaker: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Lacombe-Stettler.

Private/Public Partnerships

Mr. Bonner: Thank you, Mr. Speaker. On page 17 of the 2003-2006 fiscal plan it says that alternative financing, P3s and privately borrowed money, will cost Albertans \$76 million in interest costs alone. It would be immensely foolish to spend all this money on interest payments when this province has endless surpluses and there will likely be a multibillion dollar sustainability fund. It would be cheaper just to spend the money we already have or borrow the money ourselves rather than pay the private corporation premium. To the Minister of Infrastructure: why is this government willing to spend \$76 million in interest costs for alternative financing when this province has plenty of money to finance these projects itself?

Mr. Lund: Mr. Speaker, I thought on Thursday, when our budget was before the House, that we went through this very thoroughly, but obviously the hon. member is very slow at picking up what exactly P3s are all about and what alternate financing might be about. I have explained to him on numerous occasions that the P3 concept is not just about the financing or getting capital to build a project. There are a whole host of other areas where we see an advantage, and so does the private sector see an advantage in doing partnerships and making sure that our projects are built in a timely fashion.

Mr. Bonner: To the same minister, Mr. Speaker: what proportion of the \$76 million in interest costs will be a premium paid to private corporations above what Albertans would have to pay if they borrowed the money themselves?

Mr. Lund: On and on it goes, Mr. Speaker. I'm not sure what angle to approach it from because, obviously, he hasn't picked up what we're talking about. There's not even a P3 coming forward. At this point we don't want to have one before us if we can demonstrate once again that, in fact, we're not paying a premium for the dollars. I've given the member many times in the House examples where we have the likes of Good Sam and Caritas and Bethany Care and others in P3 partnerships with us, or go down to Olds College and look at what Greenleaf has done. Look at what the John Deere corporation has done at Olds College, and the list goes on and on and on. We could cite so many examples. This is not about paying a premium for the dollars that are invested.

Mr. Bonner: Why is this minister willing to unnecessarily spend \$76 million in interest payments when that money could be used to purchase more than 14 new schools?

Mr. Lund: Mr. Speaker, I guess he must be figuring that if he says it often enough or reads it often enough, he's actually going to believe it. [interjection] Well, there is one good thing about having him in here: at least he's not telling students these kinds of economics, because it doesn't make any sense.

The Speaker: The hon. Member for Lacombe-Stettler, followed by the hon. Member for Edmonton-Mill Woods.

2:10

Video Lottery Terminals

Mrs. Gordon: Thank you, Mr. Speaker. My questions today are to the Minister of Gaming. I would like to talk about the constitutional challenge initiated by VLT retailers in 1997-98 in those municipalities that voted by plebiscite in favour of VLT removal. Seven municipalities – namely, the county of Lethbridge No. 26, the MD of Opportunity No. 17, the regional municipality of Wood Buffalo, the towns of Lacombe, Canmore, Coaldale, and Stony Plain – will

be affected by the outcome of today's court decision to dismiss the constitutional challenge of Bill 36, the Gaming and Liquor Amendment Act, and the lifting of the lengthy injunction. Mr. Minister, why has it taken four years for this government to take action and finally remove the VLTs from these municipalities?

The Speaker: The hon. minister.

Mr. Stevens: Thank you, Mr. Speaker. As the hon. member has rightly indicated, in '97-98 there were a number of votes throughout the province of Alberta where communities determined whether or not they wanted VLTs to continue within their communities. At that time, the government indicated that we would honour those votes. In '97 a number of the communities had votes that led to removal. In '98 there was a challenge of the legislation under which we were operating, which led to a court decision indicating that we would have to amend it. Amendment to the legislation was done in the spring of 1999, and the following day an application was made to the courts for an injunction pending a determination of the constitutionality of that legislation.

We have been pursuing this matter. In the intervening period there was a Supreme Court decision, which originated in the province of Manitoba, called the Siemens case, which was very similar to ours. Alberta Justice lawyers intervened in that. The Supreme Court ruled last fall verbally and gave written reasons this past January. The decision, therefore, was adjourned until the end of April in order that the court that would hear this matter would have the benefit of the Supreme Court decision. Because of the Supreme Court decision, Mr. Speaker, I'm reasonably satisfied that this matter was resolved quickly and finally today.

The Speaker: The hon. member.

Mrs. Gordon: Thank you, Mr. Speaker. Just for the sake of the retailers could the minister please answer: are there any further appeals possible, and when will the machines be removed from these municipalities?

Mr. Stevens: The decision today, Mr. Speaker, was based on a consent judgment. Specifically, it indicated that the actions against the government would be discontinued and the injunction that has prohibited the government from relying on its legislation to remove the VLTs from the seven communities would be lifted. Because it is a consent judgment, that brings the matter to a final conclusion as of today, and therefore within 48 hours from today the VLTs will be removed from all the locations in the seven communities which are affected.

Mrs. Gordon: Will the community groups, associations, and organizations that live and volunteer their time in these municipalities still be able to access lottery funds?

Mr. Stevens: The short answer to this question, Mr. Speaker, is yes. We have in the province a number of communities where there has never been gambling, where there has never been VLTs. In '97 we removed VLTs from a number of communities. In all those situations community groups in those affected areas have been able to make application for and receive grants if they wish, and we intend to maintain that policy going forward.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Peace River.

Legal Representation for Children in Care

Dr. Massey: Thank you, Mr. Speaker. Recently a judge in Calgary ruled that 439 children who were allegedly abused while in government care are entitled to legal representation. My question is to the Minister of Children's Services. Why did government lawyers argue that these children should not have legal representation?

Ms Evans: Well, Mr. Speaker, it would be very difficult to abbreviate some 32 pages of court findings and all the testimony and all the interaction in the court and give sufficient response here. Suffice it to say that we made representation, and we have considered the representation that was made and the judge's comments relative to jurisdiction, his instructions further to the parties. I'd be very pleased to sit with the hon. member and arrange for a thorough debriefing on it, but I will not fetter the judgment with a very quick response to it. You would be aware that in this House previously I have responded to the hon. member's question on the John Doe cases and indicated that where children need legal representation, we do provide it.

Dr. Massey: To the same minister, Mr. Speaker: why hasn't the minister provided the files of these children to their legal representatives so that a fair assessment of their plight can be made?

Ms Evans: Well, Mr. Speaker, clearly, the Crown has reviewed the files, and it would be less than responsible for us simply on the applicant's request to provide files that are confidential, files that belong to the children and families and guardians in question.

Mr. Speaker, perhaps the Minister of Justice would care to comment on the appropriate disposition of files in Children's Services when anybody makes an application and tries to render a judgment in opposition to the Crown.

The Speaker: Hon. Minister of Justice and Attorney General, from a sub judice point of view is this okay? Only you know if there is an ongoing court case here or not.

Mr. Hancock: Well, thank you, Mr. Speaker. I think we're talking about the policy of when it's appropriate to release information by the Minister of Children's Services. I think that if the situation were reversed and the Minister of Children's Services took it upon herself to release files of individual children to somebody who came along and purported to be an advocate on behalf of those children, the opposition would be screaming foul under the Freedom of Information and Protection of Privacy Act. I think it behooves the Minister of Children's Services to be completely circumspect with respect to how she handles children's information, information in files of the government, and to do so until such time as a court may determine whether there is somebody who is appropriate to be placed as a next friend or in any other way act on behalf of those children.

Dr. Massey: Well, if that's the case and given that neither the Public Trustee nor the Children's Advocate will legally represent children abused in government care, who will protect these children?

Ms Evans: Well, Mr. Speaker, currently we are protecting these children. The Crown is protecting these children, and the blanket statement that these children may not be protected is false. We clearly provide that protection. We provide legal representation. We provide review by the Children's Advocate, and we receive advice from the Children's Advocate if further consideration is needed. Earlier this year we indicated that we had a much faster

turnaround on abuse cases, immediate turnaround where those occur, and should the Children's Advocate determine that there was a necessity for representation, that would be brought forward, and from time to time that, in fact, has happened.

The Speaker: The hon. Member for Peace River, followed by the hon. Member for Edmonton-Gold Bar.

Health Regions' Funding Formula

Mr. Friedel: Thank you, Mr. Speaker. My questions are to the Minister of Health and Wellness. Members of the health region boards in my area have expressed some concern about the funding levels they're receiving for providing services in this coming year. While the overall provincial funding for health care seems adequate, it looks like there's a disproportionate amount of the funding going to metro regions and the rural regions are having to struggle for the funds for providing a proper level of service. Also, there's concern that the amalgamation of the rural boards doesn't seem to have helped the situation all that much. I wonder if the minister could tell us what the overall financial picture is regarding the delivery of health services in all the rural regions compared to the metro regions.

The Speaker: I'm going to accept that question, but I also caution the members as well. We have to be very brief on this, and tomorrow we have designated estimates of Health and Wellness.

2:20

Mr. Mar: Thank you, Mr. Speaker. I'll say right off the top that, in fact, the largest increase to a health authority was to a rural region, and that was region 9, centred around Fort McMurray, receiving an increase of 9.9 percent.

Mr. Speaker, a year ago in Budget 2002 we anticipated keeping overall health spending at a 4 percent increase, in line with projected increases in provincial revenues. In Budget 2003 we were pleased to announce an increase in health funding of 7.2 percent. That included \$248 million in federal transfers. The nine health regions received an average of a 6.1 percent increase, for a total base operating budget of \$3.868 billion. It is true that the regional health authority in Calgary received a slightly larger increase than the average, at 7 percent. The new Capital health region is at about the average, at 6 percent. No health region throughout the province received less than 4.2 percent.

There is recognition in our funding formula, Mr. Speaker, for population growth, so the faster your population is growing, obviously the larger the increase you'll get. Funding also recognizes the demographics of aboriginal Albertans, seniors, and women of childbearing age, who tend to use more health services. There is a funding adjustment for doing that. Finally, there's a funding adjustment for doing business in more remote areas. For example, again, the region surrounding Fort McMurray received the highest increase in the province, at 9.9 percent.

Mr. Friedel: To the same minister, Mr. Speaker: I wonder if he could tell us where we're at relative to the definition of a minimum level of ensured health services no matter where you live in the province.

Mr. Mar: Well, Mr. Speaker, on the legal side of it I can say that there is a standard that is established through regulations and legislation that would include the Hospitals Act, the Public Health Act, the Health Professions Act, and the Nursing Homes Act. Of course, the standard of quality for professional standards is established by the various health professional colleges.

With respect to the delivery of services, Mr. Speaker, it would be correct to say that there is not equal access but that there is equitable access to services throughout the province. An example of that would be that nobody would expect pediatric cardiac surgery to be done in a facility in Fort Macleod, but a mother who has a child who is in need of such surgery would certainly have equitable access to that service that is performed in the city of Edmonton.

Mr. Speaker, we are embarking on further refining our definition of what are the reasonable expectations of services regardless of where people live in the province. Primary health care initiatives are an important part of that, and as people know, the Health Link line will be up and running throughout the entire province by the summer of this year. We are also engaged in a process of a Rural Health Strategy Committee, that will have its work completed by May of this year, and we certainly look forward to the results of that in terms of better defining what are the reasonable expectations for health care regardless of where people live in Alberta.

The Speaker: The hon. member.

Mr. Friedel: Thank you, Mr. Speaker. Again to the same minister: when these changes are implemented, will the funding formula be adjusted to adequately cover any of the necessary changes?

Mr. Mar: Mr. Speaker, our population-based funding formula has been the subject matter of a number of different independent evaluations and most recently in 2001 by Ernst & Young. This review and the previous reviews have confirmed the integrity of our funding formula. The answer in short to the hon. member's question is no. The answer is not more health funding or reallocating what we have, but each region should allocate wisely to implement new models of delivery for delivering services in better ways.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Highlands.

Natural Gas Prices

Mr. MacDonald: Thank you, Mr. Speaker. Natural gas storage levels have dipped to historic lows, which means historic high natural gas prices for Albertans. Although ATCO Gas's proposed May rate is about \$5 a gigajoule – and that's more than double the seasonal average price of \$2 a gigajoule – the true shock of rising prices will hit consumers again when they receive their home heating bills next winter. Thanks to this government's flawed Natural Gas Price Protection Act Albertans will have to struggle through another winter of high heating bills before any help is perhaps available. My first question is to the Premier. Is it government policy that Albertans have to start saving now so they can afford to heat their homes next winter given that there is very little likelihood that there will be an election next year and that home heating bills will remain high as a result of that?

The Speaker: There's a lot of speculation here.

Mr. Klein: All speculation. Mr. Speaker, I heard the word "perhaps" even from the hon. member: perhaps next year; perhaps this might happen; perhaps that might happen. Perhaps that might happen: I mean, that is good political doublespeak, but it doesn't mean anything.

Mr. Speaker, I would remind the hon. member that there is to be a review of the regulations associated with the legislation at the end of June this year to determine whether the assessment period for

setting the rate is the right rate, whether the floor price is the right price, and all of that will be reviewed. I don't know when the hon. minister is planning on bringing in the recommendations, and I'll have him supplement my answer relative to that particular situation.

The Speaker: The hon. minister.

Mr. Smith: Well, thank you, Mr. Speaker. Indeed, the regulation will be under review in accordance with this government's timely and orderly regulation review process. It will be a vigorous review. It will be one that outlines previous experience. It will also be one that's mindful that it takes some two months from the time a royalty is assessed on a producing gas well to the time that the government actually collects that royalty on behalf of the province. It will also reflect the fact that royalties per gigajoule average in the 23 to 33 percent range. In fact, you know, if you had a \$12 per gigajoule price, the maximum amount of revenue the Crown would receive out of that would be as low as \$4. So it's one where the review is planned. It's orderly. The hon. member should also remember that last August the price of gas was \$1.84 per gigajoule.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: why is this government waiting until June to conduct its review of this flawed trigger in the Natural Gas Price Protection Act given that Alberta consumers need protection now?

Mr. Klein: Mr. Speaker, I take very strong exception to the word "flawed." It was well thought out, and for this hon. member to use the word "flawed," what he is doing is he is insulting literally hundreds of professional public service employees who spent hours and hours within the Department of Energy, professional people – economists, lawyers, petroleum engineers – people whose profession depends on their knowledge of the situation. He has insulted them by saying that they have come up with a flawed formula for a process to provide rebates, and I'd ask him to stand up and apologize to those people for suggesting that they came up with a flawed process. It is not flawed, but those same professionals, not Liberals but professionals, will be reviewing the regulations to see if we can fine-tune it and make it more acceptable to the Alberta public.

Mr. MacDonald: I'm glad the Premier doesn't consider me a professional Liberal.

Now, again to the Premier: what plans has this government made to ensure that energy rebates will be available for Albertans next winter given that industry analysts expect the price of natural gas to average over \$6 a gigajoule for the 2003-2004 winter heating season?

Mr. Klein: Mr. Speaker, I'll defer to the hon. Minister of Energy.

Mr. Smith: Mr. Speaker, I don't know where the member has been the last two months, but let's take him back to Bill 19, that delivers clear choice to the marketplace, that allows Albertans ways of determining how they want to purchase their natural gas, how they want to combine that with the purchase of their electricity. Let's take the hon. member back to when ATCO announced, when the prices started to move in January, that they would put an equalization payment together so that Albertans could pay on a 12-month basis. The budget program had been around long before this member decided to find the green pastures of Alberta from his previous home province of Prince Edward Island.

2:30

Mr. Speaker, it's very clear. Albertans will look at a commodity. They know that this commodity provides tremendous benefits on a

North American basis, it provides tremendous benefits to Albertans, and in fact they are well served by the processes that are in place, and we have a protection act that is under review for this summer.

The Speaker: The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-Currie.

Calgary Health Region Review

Mr. Mason: Thank you very much, Mr. Speaker. Justice Manfred Delong's inquiry into the death of Vince Motta included a recommendation that the province should hold a judicial inquiry into the state of the Calgary health authority and into Mr. Motta's death. Last week I asked the Minister of Justice if he would use his prerogative to accept that recommendation and hold a judicial inquiry. My question is to the Minister of Justice. Will the Minister of Justice use his prerogative under the legislation that empowers him to call a judicial inquiry and accept the recommendation of the justice in this case and call a judicial inquiry into Vince Motta's death?

The Speaker: The hon. Minister of Justice and Attorney General.

Mr. Hancock: Well, thank you, Mr. Speaker. Judge Delong in his recommendation in the report on the fatality inquiry actually indicated that a judicial inquiry could be called if it was found that steps had not been taken to improve the situation – I don't have the exact language in front of me right now – but it wasn't a definitive recommendation that there be a judicial inquiry held. It was a recommendation that an inquiry be held if certain things hadn't happened. That's what the hon. minister of health over the last week and a half has been explaining in great detail in this House in answers in question period about what actually has happened, what is happening, and what's going to be happening. So I think it would be premature to take any steps with respect to a judicial inquiry.

I would however want to indicate to the member that it's not the prerogative of the Minister of Justice to call an inquiry under the Public Inquiries Act but rather the prerogative of Executive Council on the recommendation of any minister or the Crown. The act happens to fall within the purview of the Ministry of Justice, but it would be imprudent of the Minister of Justice just to step forward and call public inquiries at any time. The response that the minister of health has given in this House time after time after time in answer to questions on this matter is that we're thoroughly and carefully looking at everything that's happened with respect to emergency services in Calgary relative to that matter and, I think, fulfilling entirely the recommendation that was given by Judge Delong in this case.

The Speaker: The hon. member.

Mr. Mason: Thank you, Mr. Speaker. Why has the Minister of Justice decided that a corporate lawyer hired by the same Calgary health region that was so severely criticized by Judge Delong will be able to provide findings that address the deep-seated public mistrust of this problem-plagued organization?

Mr. Hancock: Well, the fact of the matter is that the Minister of Justice didn't decide that. It's not in his purview to decide that. I don't think anybody decided that, but the minister of health last week gave a perfectly good and lengthy response to what the Calgary health authority is doing and how they're reviewing their situation.

Mr. Mason: Mr. Speaker, why is the Minister of Justice failing to act to protect Calgarians and find answers for the Motta family when

he knows that asking the CHR to investigate itself is akin to asking the fox to investigate what happened to all the chickens?

The Speaker: The hon. Minister of Justice and Attorney General.

Mr. Hancock: Well, thank you, Mr. Speaker. I think that question itself is insulting to the people of Calgary and the people who are operating the Calgary regional health authority as well as to all the individuals involved. The fatality review process is a very substantive process, a very carefully thought out process. It starts with the role of the medical examiner in this province, who looks at any death situation to determine whether further investigation is warranted. If further investigation is warranted, it goes to the Fatality Review Board. The Fatality Review Board then turns and makes a recommendation to the minister as to whether an inquiry should be called. In this case an inquiry was called. The inquiry has gone through all the evidence, has called the witnesses, has dealt with all the issues, and a report has come out. Now, within five days of the report coming out, these people want us to call a public inquiry and redo that whole process. The minister of health has answered at length and completely.

head: **Recognitions**

Order of the Sisters of St. Louis

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

Mr. Lord: Thank you, Mr. Speaker. I rise today with some good news and some very sad news. The good news is that next month the Order of the Sisters of St. Louis will be celebrating their 200th anniversary. The order was founded those many years ago in the wake of the French revolution in order to provide charity and assistance to the vulnerable and the needy, particularly young single mothers.

Since then the order has grown around the world where the good nuns these past 200 years have provided their humble, selfless but immeasurably helpful, and badly needed services to tens of thousands of the world's people.

The loss in Calgary a week ago of Sister Norma Basso, Sister Theresa Tetrault, Sister Joan Flaherty, and Sister Rita Proulx has been a very hard experience for all in the order, the diocese, and the larger community across southern Alberta, particularly for those who have been helped over the past many decades by the sisters in their good work at Elizabeth House in Calgary. Our deepest condolences to the order, to their many, many friends and loved ones and our prayers for a speedy recovery to Sister Helen Hengel.

The Speaker: The hon. Member for St. Albert.

World Irish Dance Championships

Mrs. O'Neill: Thank you, Mr. Speaker. I rise today to recognize the Irish dancers from Alberta who returned recently from Killarney after competing in the world's Irish dancing championships. Rebecca Bell, a 12 year old who dances with Mattierin School of Irish Dancing in Edmonton, won a world medal.

To demonstrate the high quality of the performers and the calibre of the international competition, I would note that there were only two other world medals won in Canada, and they went to Toronto. The Mattierin School of Irish Dancing won a recall medal in the 13 to 16 years age group in the ceildh competition. These dancers were the only Canadians to achieve this honour, and I would say congratulations to all of the competitors.

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

National Volunteer Week

Mr. Graydon: Thank you, Mr. Speaker. The volunteer sector is extremely important to our society. This week we pay tribute to that sector through National Volunteer Week, and we salute the valuable and significant contribution of our volunteers. On behalf of my colleague the Minister of Community Development, who is responsible for the Wild Rose Foundation and for Alberta's volunteer sector, I ask all Albertans to support April 27 to May 3 as volunteer week in Alberta.

Across our province events and activities will recognize and thank our volunteers. The Wild Rose Foundation in collaboration with Volunteer Alberta helps facilitate volunteer week. This week a record number 148 Alberta communities representing more than 2 million Albertans is participating. Volunteers contribute over \$1 billion annually to Alberta's economy and over \$14 billion nationally. Through the Wild Rose Foundation, which receives support from the Alberta lottery fund, our government proudly assists many volunteer-driven activities.

Please join me in thanking our Alberta volunteers. Thank you.

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

Alberta's High Schools

Mr. McClelland: Thank you, Mr. Speaker. I rise today to recognize the Fraser Institute's recent report on Alberta's high schools. To no one's surprise Edmonton's Old Scona academic high came out on top again. Congratulations to students, teachers, and the Edmonton public school board, who had the foresight to create the learning opportunity that exists there at Old Strathcona. That that particular school came out on top of a survey of academic achievement is not news. Had it not come out on top, now, that would have been news.

Alberta and Edmonton particularly have many excellent schools and teachers who help create excellent citizens. Today I want to especially recognize those teachers and their schools that achieve excellence who did not start out with the cream of the academic crop, schools and teachers that start out with those of us in the middle of the pack and inspire us to be more than we thought we could be or would be. Is that also not a demonstration of excellence? High schools serve a diverse cultural and academic mainstream as well as small tributaries of special interest and need. Yes, we recognize the excellence of Old Scona and also of Strathcona, of Harry Ainlay, Louis St. Laurent, and Victoria.

The Speaker: The hon. Member for Edmonton-Mill Woods.

2:40

School Parent Volunteers

Dr. Massey: Thank you, Mr. Speaker. This National Volunteer Week I wish to recognize the work of a special group of helpers, school parent volunteers. Where do you find them? You'll find them in classrooms listening to children, in hallways helping students put up displays, in workrooms copying materials, and in lunchrooms keeping order. You'll find them sitting on school councils struggling with school budgets, organizing school events from read-ins to spring concerts, and tracking down guest speakers. You'll find the more courageous among them setting up Internet networks to advocate for our public schools, at public forums appealing for more resources, and in all kinds of community meetings advancing the needs of students and youth in our schools. You'll find them at bake sales, bingos, and casinos raising dollars for

library books, computers, and, yes, even for textbooks and copying paper.

These parents deserve our heartfelt thanks and our protection. They must be protected from being pushed into doing tasks for which they are ill prepared, and they must be protected so that we no longer hear them describe themselves as burnt out, volunteer dropouts, or fund-raising fatigued.

Thank you.

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

Rosemary Brown

Mr. MacDonald: Thank you, Mr. Speaker. Today I rise to celebrate the life of Rosemary Brown, the first woman from Jamaica to be elected to political office in Canada. Miss Brown passed away in Vancouver of an apparent heart attack at the age of 72.

As a British Columbia MLA from 1972 till 1986 Rosemary Brown fought for human rights and equality as well as social justice. She created a committee to eliminate sexism in textbooks and educational curriculums as well as helping to introduce legislation prohibiting discrimination based on sex or marital status. The mother of three's efforts led to an increase in the number of women represented on boards, commissions, and directorates. Her determination and hard work has inspired many Canadians, and this country is better for having been served by Rosemary Brown.

Thank you.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

Camrose Kodiaks

Mr. Johnson: Thank you, Mr. Speaker. It's my pleasure to rise today to recognize the Camrose junior A hockey Kodiaks, who won the Alberta/B.C. Doyle Cup on Saturday after a 5 to 4 overtime win over the B.C. champions, the Vernon Vipers. This is the second time in three years that the Kodiaks have won the Doyle Cup, and it will also be the second time in three years that the Kodiaks will be fighting for the Royal Bank Cup, the national championship.

From May 3 to May 11 the Kodiaks will travel to Charlottetown to represent Alberta and B.C., and if the Doyle Cup playoffs are any indication, the Kodiaks should be extremely tough to beat. They won the Canadian championship in their last attempt, in 2001.

I'd like to take this opportunity to congratulate all the players, coaches, managers, and everyone involved in the organization on the success of the Kodiaks. As well, I wish the Kodiaks continued success in their upcoming national championship bid, and I know that all of Alberta will be cheering them on.

Thank you.

head: **Presenting Petitions**

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

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and present a petition signed by 299 Calgaryans requesting that the government "withdraw the draft management plan for the Evan-Thomas Provincial Recreation Area and . . . disallow any further commercial or residential development of the Kananaskis Valley."

Thank you, Mr. Speaker.

head: **Notices of Motions**

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

Mr. MacDonald: Yes, Mr. Speaker. Earlier today I corresponded with your office by letter, and this is in regard to a question of privilege I would like to raise later this afternoon.

Thank you.

head: **Introduction of Bills**

The Speaker: The hon. Member for Clover Bar-Fort Saskatchewan.

Bill 38

Workers' Compensation Amendment Act, 2003

Mr. Lougheed: Thank you, Mr. Speaker. I request leave to introduce Bill 38, the Workers' Compensation Amendment Act, 2003.

Mr. Speaker, this bill seeks to ensure that dependent children of deceased workers will receive WCB pension benefits. Bill 38 applies specifically to cases where a deceased worker's dependent children do not live with the worker's surviving spouse or adult interdependent partner.

Thank you.

[Motion carried; Bill 38 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd like to move that Bill 38 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Thank you, Mr. Speaker. I rise to table the appropriate number of copies of the TD Bank Financial Group report, Calgary-Edmonton Corridor: Take Action. It's certainly a great news story about Alberta. According to the information, the Calgary/Edmonton corridor has become Canada's western tiger. The report says, and I quote . . .

The Speaker: Just table it. It's not a government document. It's somebody else's paper.

The hon. Member for Calgary-Currie.

Mr. Lord: Thank you, Mr. Speaker. I rise to table the requisite number of copies of a report about a new technology called thermal depolymerization, which is proving capable of turning the 600 million tonnes of turkey guts and other waste produced each year into 4 billion barrels of Texas light crude oil at a cost of \$8 to \$12 a barrel. It's called Anything into Oil.

Thank you, Mr. Speaker.

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

Mr. Cenaiko: Thank you, Mr. Speaker. I'd like to table the required number of copies of letters sent from 51 Edmontonians supporting Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of a news release which I'm releasing today congratulating our many parks volunteers who were honoured at the annual volunteer conference held in William A. Switzer provincial park. There are numerous outstanding individuals and organizations including the Wagner Natural Area Society from Spruce Grove, district conservation officer Glenn Naylor from Kananaskis Country, Riverlot 56 Natural Area Society, the J.J. Collett Foundation of Ponoka/Lacombe, Margot Hervieux of Grande Prairie, Gladys Pennock of Elnora, Casey Bizon of Boyle, Mike and Jean Kliparchuk of Edmonton, and Roy and Edith Middleton of Plamondon along with Scotty and Murri Spence of Innisfail.

Thank you very much to our volunteers.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm tabling the appropriate number of copies of a brochure, The Edmonton May Week Festival. This multidisciplinary festival brings together labour movement and arts communities to celebrate and affirm their contributions to society. The brochure highlights various . . .

The Speaker: Hon. member, again, it's not a government document, so table it.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you, Mr. Speaker. I would like to table correspondence dated between April 16 and April 25 from this hon. member to the office of the Speaker of the Legislative Assembly in regard to the question of privilege that will be dealt with later on this afternoon.

Thank you.

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

Dr. Taft: Thank you, Mr. Speaker. I'm tabling the appropriate number of copies of tests at the Foothills medical centre for toxic molds.

Thank you.

The Speaker: The hon. Member for Edmonton-Gold Bar on a Standing Order 15 petition?

Mr. MacDonald: I have no petition.

The Speaker: You do under Standing Order 15(2). You sent me a letter and basically said that you wanted to make a petition with respect to a point of privilege; correct?

Mr. MacDonald: Yes.

Speaker's Ruling Imputing Motives Allegations against Members

The Speaker: The chair is going to make just one brief comment before he recognizes the hon. member. Before the hon. member commences with his purported question of privilege, the chair wants to caution the member and all members who wish to participate in this debate about imputing false or unavowed motives to another member or making allegations against another member. This is prohibited under Standing Orders 23(h) and (i), and in short the chair will not tolerate any allegations impugning the reputation or motives of a member. On this subject the chair would refer members

to the section in chapter 3 of Marleau and Montpetit's *House of Commons Procedure and Practice* found on pages 83 to 95 of that work.

2:50

Hon. members, it is important to remember that only the Assembly itself can place limits on what is said in here. One of the great freedoms we enjoy as legislators in the British parliamentary system is to be free from lawsuits for what is said in this Assembly. This means that it is the traditional and accepted role of the chair to enforce the rules and practices concerning allegations against other members as there is no other recourse.

The hon. Member for Edmonton-Gold Bar.

Privilege Contempt of the Assembly

Mr. MacDonald: Thank you, Mr. Speaker. It is with great disappointment that I rise today at the earliest possible opportunity and after providing you the appropriate written notice in accordance with Standing Order 15 on a question of privilege regarding certain repugnant materials that have been circulating in the parliamentary precincts and which have been in the possession of a certain member of the government caucus while that member was present in the House. I am raising this point of privilege and hope that you will find that there is a prima facie case of privilege.

I will first briefly outline the events that gave rise to this question of privilege. I will then turn to relevant legislation passed by this Assembly. Finally, I will refer to the definition of contempt, followed by recent precedents established by the House of Commons, and conclude with a reference to the Criminal Code of Canada. Members who wish to review the material I'm referring to can review the correspondence between Mr. Speaker and me which I tabled earlier today. I felt shame tabling this document, photocopied at the taxpayers' expense, knowing that it would be circulated further. It was, however, I decided, the right thing to do.

Mr. Speaker, you will recall that I wrote to you on April 16, 2003. In that letter I informed you that I found a photocopied document by the photocopy machine by the west corridor leading to this Chamber. I consider the document, *How True Canadians Really Feel*, to be hate literature. Hate literature has no place in this Legislative Assembly let alone the province.

In a letter dated the same day you informed me that "this is indeed a very disturbing matter and this document is certainly inappropriate material to be in the Legislature Building, grounds or Annex." You also informed me that the Sergeant-at-Arms was currently conducting an investigation into the matter. I met with the Sergeant-at-Arms on April 17, 2003, to discuss the matter. I looked forward to receiving and I have received the Sergeant-at-Arms' findings.

Mr. Speaker, please let me remind all hon. members that in 1980 this Assembly spoke out forcefully against hate in moving words contained in the Human Rights, Citizenship and Multiculturalism Act, words that still stand true today. The preamble to the act reads as follows:

Whereas recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world;

Whereas it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status;

Whereas multiculturalism describes the diverse racial and cultural composition of Alberta society and its importance is

recognized in Alberta as a fundamental principle and a matter of public policy;

Whereas it is recognized in Alberta as a fundamental principle and as a matter of public policy that all Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity; and

Whereas it is fitting that these principles be affirmed by the Legislature of Alberta in an enactment whereby those equality rights and that diversity may be protected.

Furthermore, Mr. Speaker, we in this Assembly have not been afraid to speak against tyranny. In the preamble to the Holocaust Memorial Day and Genocide Remembrance Act, passed in 2002, this Assembly spoke out against those who persecuted and murdered millions of people "because of their race, religion, level of physical or mental ability or sexual orientation."

Mr. Speaker, the question of privilege that I rise on today is regarding the aforementioned article, *How True Canadians Really Feel*, being in the possession of a member in this Chamber. As I informed you in the letter dated April 25, 2003, I regret that two of my colleagues, the members for Edmonton-Riverview and Edmonton-Glengary, and I witnessed this inappropriate material in the possession of the Member for Edmonton-Glenora while in the Chamber at 5:08 p.m. on Thursday, April 24, 2003. In accordance with a request from the Sergeant-at-Arms that I continue to keep him informed about related incidents, I wrote to you about this very incident in a letter dated April 25, 2003.

Mr. Speaker, I believe that this material amounts to a contempt of parliament, which, as you know, is

any action which, though not a breach of a specific privilege, tends to obstruct or impede the House in the performance of its functions; obstructs or impedes any Member or Officer of the House in the discharge of their duties; or is an offence against the authority or dignity of the House, such as disobedience of its legitimate commands or libels upon itself, its Members, or its Officers.

Furthermore, *Erskine May* defines contempt as being any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his [or her] duty, or which has a tendency, directly or indirectly, to produce such results.

Mr. Speaker, I also note that the House of Commons unequivocally denounced hate propaganda on November 25, 2002, after a question of privilege was raised. Speaker Peter Milliken of the House of Commons placed serious sanctions on Jim Pankiw, the Member for Saskatoon-Humboldt, who had uttered hateful statements. I would also add that the Criminal Code of Canada in sections 318, 319, and 320 clearly outlaws hate propaganda be it spoken or written.

The most fundamental parliamentary privilege we have as Members of the Legislative Assembly is the right of free expression and free speech. However, I think that we must also recognize that even the most fundamental privilege is confined by the limits imposed upon us by reasonableness and decency. It is most inappropriate for hate propaganda to be floating around in this Assembly and in the parliamentary precincts, and it is most inappropriate for a member of this Assembly to have possession of the same. Freedom of expression and speech does not give members the right to be hateful. Mr. Speaker, my point is this: if we abuse our freedom of expression and speech, we risk the erosion of our parliamentary privileges because Albertans will view members of this Assembly with suspicion, and rightly so.

Mr. Speaker, I have spent considerable time this weekend contemplating this question of privilege. After much reflection and

deliberation I cannot imagine any valid justification for the presence of such an extremely racist, sexist, vile document within the guarded confines of this Assembly. I could not legitimately stand here today and call myself a member of this Assembly if I did not raise this question of privilege to deal with the possession of this document by a member of this Assembly in this very Chamber. It is the most difficult thing I have done in the years that I've been here.

I would expect, Mr. Speaker, that you will allow the member that I have named an opportunity to provide justification for his possession of the document. The member has always been, inside and outside this House, a compliment to this Assembly and this province. He has been gracious and has dealt with this member with dignity on occasions that I have had to meet with him. However, at the same time, on the eve of Yom ha-Shoah, the day of the Holocaust, I am certain that you will agree with me that this is a matter of the utmost serious nature and that steps will be taken by the Assembly and each individual member to prevent such hate literature from gaining a foothold in this Assembly ever again.

At this time, the earliest opportunity afforded to me, I have briefly set out the facts as well as the relevant quotes from parliamentary authorities that show that there is a prima facie case with respect to this most serious matter. Page 227 of *Maingot* states that the Speaker asks simply, "Has the Member an arguable point?" If the Speaker feels any doubt on the question, he should leave it to the House by finding that there is indeed such a case.

Mr. Speaker, I am prepared to move the appropriate motion if you find this to be a prima facie question of privilege. Thank you and all hon. members of this Assembly.

3:00

The Speaker: Hon. Member for Edmonton-Gold Bar, just on a point of clarification: the member that you named in your statement was the Member for Edmonton-Glenora?

Mr. MacDonald: That is correct.

The Speaker: To assist the chair should this matter have to be reviewed further, was any discussion held with the Member for Edmonton-Glenora prior to your statement in the House today?

Mr. MacDonald: No. There was no discussion with the hon. Member for Edmonton-Glenora.

The Speaker: Okay. So, then, hon. Member for Edmonton-Glenora, this is the first you've heard of this?

Mr. Hutton: Yes.

Mr. MacDonald: However, Mr. Speaker, to clarify, please, I did send the hon. member a note in regard to this matter at 25 after 2 today.

Mr. Hutton: Mr. Speaker, I did receive a note from the hon. member saying that he had provided you with a written submission. I asked the hon. member what it was about, and he would not provide me with that information. So until he stood up and spoke right now, I did not know what the matter was about.

The Speaker: The hon. Minister of Justice and Attorney General on the matter.

Mr. Hancock: Well, Mr. Speaker, precisely on the matter you've raised, this member raising the purported point of privilege this

afternoon has obviously given a considerable amount of thought to it, including preparing a written text, but hasn't had the courtesy of following rule 15(2), which suggests: "written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question." This is a most grievous assault on the character of a member of the House without any notice.

The purported notice that I see says: I've given written notice for a question of privilege after question period today; this concerns the conduct of the Assembly around 5 p.m. on Thursday, April 24; you are involved in this matter. Absolutely no notice of the allegation that was to be made. It's totally inappropriate to handle the matter in this fashion and to expect any member of this House to be able to respond to that type of an allegation without having any advance notice that the allegation was being brought up, what the content of it was, or what the purported question of privilege was.

The hon. member has tabled now a copy of the very document that he complains about, so it's now on the official record of the Assembly. He had actually provided to me a copy of a letter some time ago raising a concern about finding the document in the photocopy machine, I believe. It is a terrible document, not a document that I would want to have around, but I can say to the hon. member and members of this House that in my mail almost daily I get vile documents. They get sent to us. I bring mail into the House to read. So there can be any one of a number of explanations that a person might give, but one cannot even be expected to appropriately respond to those types of allegations without having had the courtesy of being given advance notice of what was going to be raised and what was going to be complained about.

This note is not advance notice. It does nothing to allow the member to know what action is being complained about. It would be in my view inappropriate to call upon the member to defend himself in these circumstances. In fact, Mr. Speaker, there has been really no allegation at all against the member other than the fact that he had in his possession a piece of paper which has got vile content.

I can assure members of this House that I have had in my possession – and in fact I do now courtesy of the hon. member having tabled it today – a piece of paper with vile material on it. I bring my mail folders into the House without any knowledge of what's in them before I read them, so there's vile stuff sometimes in that. The type of mail that the Minister of Justice gets and, I assume, some other ministers in this House get can have all types of content, so one should not be raising into question the conduct of a member just because they've seen him or her having possession of a document, and if they're going to, they should give the courtesy of advance notice.

The Speaker: Hon. Minister of Justice and Attorney General, to interrupt you for just a moment, there's one point here that has to be made very clear on this, and that is that under section 15(2) it says:

A member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker . . .

That was done. That was done by 11 o'clock this morning.

. . . and, if practicable, to any person whose conduct may be called into question.

What is not contained in the statement, however, is who the individual might be. So when the chair received this letter just a few minutes after 11 o'clock this morning, the chair, the Speaker, had no knowledge of which member might be being talked about. Until the hon. Member for Edmonton-Gold Bar rose a few minutes ago, I was unclear as to who it would be. So in fairness, absolutely and totally in fairness, I would not expect the Member for Edmonton-Glenora to be in a position to be able to respond today.

So the interruption, hon. minister, is that should this matter now be held over till tomorrow, the argument in terms of a response need not be given today, if that's where the Minister of Justice and Attorney General was going. On the other hand, if the hon. Member for Edmonton-Glenora would like to make some comments, that's a choice in consultation between the hon. member and the Government House Leader, if the hon. member chooses to do that. It's the hon. member's choice.

Mr. Hutton: Mr. Speaker, with regard to this matter I was in possession of a document, and I, too, found it repugnant and offensive. The fact, as the hon. Government House Leader stated, is that we receive many pieces of material, articles, and papers within this House. What I did with that document was throw it in the trash. A point of privilege against my good name I take very, very seriously, as anyone should in this House, and I would ask that the hon. member retract that. The fact that I'm in possession of a document does not mean that I am doing anything or that my assessment of that document has anything to do with my character in this House. I would ask that the member kindly retract his statement.

Thank you, Mr. Speaker.

The Speaker: Hon. members, it probably would be most prudent if one dealt with one of these matters first and, depending on the resolution of the first matter, see if in fact there is a second matter.

The chair again will refer to Standing Order 23: "makes allegations against another member; . . . imputes false or unavowed motives to another member." It may be most prudent to just wait until tomorrow to give the hon. Member for Edmonton-Glenora an opportunity to reflect and the hon. Member for Edmonton-Gold Bar to think as well.

The hon. Member for Airdrie-Rocky View on this point.

Ms Haley: On this narrow point, Mr. Speaker.

The Speaker: What's the narrow point, member?

Ms Haley: Well, you are suggesting that they wait until tomorrow, and I wanted to raise my concern about leaving this out overnight for the media to take exception to and accuse my colleague of having some kind of reprehensible document in his possession. I think this is awful. I'm horrified by what I'm hearing in here. To not conclude this today I think is a miscarriage of justice against my colleague, and I want his name cleared.

The Speaker: Hon. member, we're not having a debate with the chair. The chair gave the hon. member the option to do what he wants to do. It is up to the hon. member to make that choice of what he wants to do. Now, if the hon. Member for Edmonton-Glenora would like to proceed today, the chair will hear it. This Assembly will hear it. That is the choice of the hon. member, but we'll deal with the point raised by the hon. Member for Edmonton-Gold Bar.

Mr. Hutton: Well, again, Mr. Speaker, I want my name cleared. I did have in my possession said document. I looked at it, and I put it in the trash. I don't see how that is a point of privilege. We receive many, many things in our mail and that are handed to us on a regular basis that we find offensive. In particular, I come from a home where three-quarters of my family are Jewish, and to raise it the day before the Holocaust memorial is totally offensive to me, and that is why I would like my name cleared today.

Thank you, Mr. Speaker.

3:10

The Speaker: I take it, then, hon. Member for Edmonton-Glenora, that it's now we're going to deal with this matter.

Mr. Hutton: Yes.

The Speaker: Okay. The chair will recognize other participants. The hon. Member for Calgary-McCall.

Mr. Shariff: Thank you, Mr. Speaker. I rarely rise to speak on such matters in the Assembly, but I feel very compelled to stand and speak to this point of privilege. On Thursday at 5:08 the Assembly was in committee, and this member was sitting as the chair of the committee. Therefore, I feel very compelled to rise and speak to this matter.

As you know, Mr. Speaker, in *Beauchesne 27* it states that "a genuine question of privilege is a most serious matter and should be taken seriously by the House." This is a very serious matter. While I was seated in this Assembly, there was no commotion that I noticed at that point in time. There was no observance reported to me of any inappropriate behaviour or action in that quadrant of this Assembly.

Mr. Speaker, anybody can have in their possession a piece of paper that is offensive. But let me quote once again, from *Beauchesne 69*. This is a ruling made by the Speaker.

The Speaker has reminded the House, "It is very important . . . to indicate that something can be inflammatory, can be disagreeable, can even be offensive, but it may not be a question of privilege unless the comment actually impinges upon the ability of Members of Parliament to do their job properly."

That, in my opinion, didn't happen.

This colleague of mine is an honourable man, and today his reputation is being tarnished by innuendos. I as a member of this Assembly will not tolerate this, and I will join him in saying that the Member for Edmonton-Gold Bar had better withdraw those remarks and deal with this issue today.

The Speaker: We are on a point of privilege as raised by the Member for Edmonton-Gold Bar. We will deal with that matter.

Who else wants to participate on this matter with quotations from citations? The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. Yes, I'm also quoting from our *Standing Orders of the Legislative Assembly of Alberta*, 23(h), (i), and (j). They talk about:

- (h) makes allegations against another member;
- (i) imputes false or unavowed motives to another member; [and]
- (j) uses abusive or insulting language of a nature likely to create disorder.

Mr. Speaker, the hon. Member for Edmonton-Glenora and I happen to be what we call Legislature buddies. We share the same legislative assistant, and I have been working side by side with this hon. member for two years and have never heard a single derogatory comment. I've never seen any ill literature.

The Speaker: Hon. member, character testimonials are not required here at this point.

Rev. Abbott: This is an attack on his character.

The Speaker: No. Character testimonials are not required on this point. Do you have something to add?

The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. In reference to Standing Order 23(h), "makes allegations against another member," I'm having a bit of a difficulty with the allegation, which basically states that the member has offended either this Chamber or members of this Chamber and has rendered their work impossible or difficult in this Chamber with some of the materials in question. The matter that I would like to bring to you – and I think it's the principal question of this matter – is: has the Member for Edmonton-Glenora been the originator of this particular document in question, or has he been a recipient of this document?

Mr. Speaker, you have given us the privilege in this Chamber of having laptop computers, which we can use in this Chamber at certain times during the proceedings, and I must advise you that because of this technology, which indeed was a positive move – they are very helpful to us as MLAs in serving our constituents – there is an aspect which the Speaker perhaps may not have anticipated and that I'm certain no member of this Assembly wants to partake in, and that pertains to spam e-mail.

Mr. Speaker, I must advise you that daily I receive on my Legislature-issued computer through my Legislature-issued e-mail address materials which I find to be offensive and that probably all members of this House would find offensive. Now, does having those materials in this Chamber before me displayed on a screen put me in a position of being in possession of materials which are discriminatory or perhaps offensive, or does it not? I would suggest to you that by being in receipt of those materials and having no active role in producing or generating those materials, I would not be considered to be a guilty party in any way. One cannot predict what one will receive until one opens it and one then is in possession. So there is the issue of, I would suggest, *mens rea*. Was there any intent for this individual to produce those materials and pass them on? I have not received any of those materials from this member, and as far as I know, he hasn't circulated those materials throughout the House. Therefore, if he was only a recipient of those materials, no allegations can be made against him in this House.

Thank you.

The Speaker: Hon. Member for Edmonton-Glengarry, a citation, please.

Mr. Bonner: Thank you, Mr. Speaker. By way of clarification, in the Assembly on Thursday afternoon the hon. Member for Edmonton-Gold Bar had returned to the Assembly, and at that point, when passing by the seat of the Member for Calgary-Bow, where the Member for Edmonton-Glenora at that particular point in committee was sitting, he did notice that the member was in possession of the article *How True Canadians Really Feel*. Upon returning to his seat here, the Member for Edmonton-Gold Bar had asked me if I would check to make certain that he did see the correct title on this piece of information, particularly as he had brought this point to the attention of yourself at a previous time. At that time I did go. I did notice that indeed that was what was in possession of the Member for Edmonton-Glenora.

When the Member for Edmonton-Gold Bar was done in his part of the debate, he also had asked the Member for Edmonton-Riverview to check to see if in fact the Member for Edmonton-Glenora did have *How True Canadians Really Feel* in his possession. The Member for Edmonton-Riverview did go and did confirm that, yes, that was in fact what he was reading. So by way of clarification, that is what the three members from the Official Opposition saw at that particular time.

Thank you.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. The question before you right now is whether there's been a prima facie case of privilege made out, and with respect there has been no such thing. All that has been suggested by both the members of the opposition and certainly by the member that raised the point of privilege is that a particular document was seen in the possession of the member against whom he's made the allegation. I would suggest that there is no information or evidence before the House as to how the document got in the member's possession, what he was doing with the document, whether he was circulating the document, whether he was doing anything with it, or if in fact simple possession of the document or doing any of those other things abridges the privileges of members of the House.

What does abridge the privileges of the members of the House is in section 64 of *Beauchesne*; that is, Reflections on Members. "The House has occasionally taken notice of attacks on individual Members." I won't go through the detail of it because it's an old citation, but reflection on the character of a member – now, that is a breach of the privileges of this House. The allegation that's been made by the Member for Edmonton-Gold Bar against the Member for Edmonton-Glenora violates all the rules of this House, as far as I'm concerned, but brings absolutely no prima facie case of privilege because it does not deal with the question of how the document came into the House, what was being done with it, what the motives or intentions were. Every member, as the Member for Edmonton-Castle Downs mentioned – and I have to agree with him – received vile and offensive things on their computer virtually every day until at the end of March legislative services put a screen on which cuts down most of it but not all of it. We bring in file folders with mail from constituents and mail from people who want to send us things, sometimes anonymously, and you read it, and you have it in your possession.

3:20

To make out a prima facie case of breach of privilege, one has to go far beyond what the hon. Member for Edmonton-Gold Bar has done in terms of alleging that somebody brought an offensive piece of paper into the House or had an offensive piece of paper in their hands in the House. All of us can agree that the paper itself is obnoxious, vile, and no right-thinking person would agree with its contents. That is something far different than impugning the character of a member in the manner which has been raised this afternoon without even the courtesy of a notice to the member. Mr. Speaker, I would ask you to rule that there's no prima facie case of privilege such as brought by the Member for Edmonton-Gold Bar and ask us to move on with a question of privilege against the Member for Edmonton-Gold Bar.

The Speaker: The hon. Member for Edmonton-Riverview with citation.

Dr. Taft: It's a clarification of the facts.

The Speaker: No. You're participating now on a very important point of privilege. Do you wish to participate?

Dr. Taft: I wish to participate.

The Speaker: You have a citation to participate on this point of privilege?

Dr. Taft: *Beauchesne* 67. It's a question of: "It is always the responsibility of the House to decide if reflections on Members are

sufficiently serious to justify action." So the point becomes then: what action did the member take? I rise with real angst because there are huge issues of all kinds here ranging from freedom of speech to the vileness of the document to the honour of the member. But for point of clarification what the three of us clearly saw was the Member for Edmonton-Glenora sharing this document with the Member for Spruce Grove-Sturgeon-St. Albert, and at that point – and goodness knows, as much as anybody here I hope that there's an innocent explanation – it appeared to us that there was in fact the circulation of this document among the members of the Assembly, and as a result of that there was a breach of privilege.

Thank you. [interjection]

The Speaker: Hon. Member for Edmonton-Rutherford, please.

Now, look; this thing is getting a permutation here. We've heard the hon. Member for Calgary-Bow mentioned, and now we've just heard the hon. Member for Spruce Grove-Sturgeon-St. Albert mentioned. Would either of the two members like to participate on this point?

Mr. Horner: Thank you, Mr. Speaker. I'm going to cite 23(h) and (i) because I feel that both the hon. Member for Edmonton-Glenora and now myself have been accused of motives or accused of thoughts or accused of agreement with a document which may or may not have been on our desks as the members walked by and evidently wanted to read the documents that we leave on our desks. It is true that the hon. Member for Edmonton-Glenora and I were involved in a conversation here at the desk, and he was sitting in the Member for Calgary-Bow's chair because it's adjacent to mine. There don't appear to be any listening devices here for the hon. members opposite to understand what we were talking about, which had nothing to do with the document that is at hand in the citation today. I just find it absolutely repugnant that I'm being accused of agreement with a document which I also find abhorrent and that I know the Member for Edmonton-Glenora finds abhorrent. I'm flabbergasted that this is even being brought to this House, and I agree with the House leader in that I believe that a case of privilege should be brought against the Member for Edmonton-Gold Bar.

The Speaker: Hon. Member for Calgary-Bow, are you interested?

Ms DeLong: I wasn't here.

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

Mr. McClelland: Thank you, Mr. Speaker. I cite *Beauchesne* 25, and to paraphrase that particular reference, it has to do with the prima facie case of privilege brought by a member. That means that the member who has brought the particular notice of privilege is somehow saying that his or her capacity as a member has been in some way abridged and seeks remedy for that. Therefore, whether this document is offensive or not offensive is not the question. The question is: has a document in the possession of someone else caused the Member for Edmonton-Gold Bar to question his privilege of carrying out his duties as a legislator? It does not. Therefore, under the definitions placed in *Beauchesne* 25, sixth edition, the Member for Edmonton-Gold Bar does not in my opinion have a prima facie case of privilege.

Thank you.

[Two members rose]

The Speaker: Well, hon. Member for Edmonton-Gold Bar, I've

already recognized you. Hon. Member for Edmonton-Glengarry, I thought I already recognized you too. That having been said, I think we're going to come to a conclusion with respect to this matter.

Two separate strains seem to have come through here. First of all, there was a tabling in the Assembly of correspondence between the Speaker and a member. That's highly irregular, very irregular. Members convey thoughts to the chair or the Speaker. As the impartial, nonpartisan chair of the Assembly the chair recognizes the privileged information he is receiving, and it is very irregular for members to make public, then, correspondence that the Speaker would give to that particular hon. member. But having done that, we now have these documents to play with, so let's just deal with the involvement of the chair in this matter first.

The Member for Edmonton-Gold Bar sent the chair a memo – and I believe it was April 15 – and basically took exception to finding a photocopied document in the Legislative Assembly that afternoon. The Member for Edmonton-Gold Bar has his own opinions with respect to the piece of paper. I responded back to the hon. member the following day saying the following:

Thank you for your letter of April 16, 2003, and the attached document, regarding the photocopied document which you found in the west corridor leading into the Chamber on April 15, 2003.

This is indeed a very disturbing matter and this document is certainly inappropriate material to be in the Legislature Building, grounds or Annex.

I appreciate you bringing this matter to my attention.

I have put a handwritten note: "I will have the Sergeant-at-Arms investigate." Copies were sent to the Government House Leader, the Official Opposition House Leader, and the third party House leader. The matter was investigated, and a report was provided to the chair.

On April 25, 2003, in a memo from myself to the hon. Member for Edmonton-Gold Bar I write the following:

Further to your letter of April 16, 2003 I can advise that an extensive investigation was conducted by the Sergeant-at-Arms.

While it is not our practise to discuss the operational details of the Sergeant's inquiries, please be assured that the exercise was complete, thorough and consistent with the seriousness of the matter.

Regrettably, we were unable to determine who may have placed the documents within the precincts on April 15th, 2003.

Again, I appreciate you bringing your concerns to my attention.

Copies went to the Government House Leader, the Official Opposition House Leader, the third party House leader, the Clerk, and the Sergeant-at-Arms.

Now, hand-delivered to my office at approximately 11 o'clock this morning was a letter that the hon. Member for Edmonton-Gold Bar alluded to earlier. Then we heard what happened at 2:35, when the hon. Member for Edmonton-Gold Bar got up and identified the member and some aspersions, suspect, that were taking place. Let me make it very, very clear that my involvement in this matter had simply to do with the administrative duties of the chair with respect to the utilization of photocopy machines in and about the precincts. There seems to be general agreement, at least with the chair and for other people who've spoken, on words such as "vile," "inappropriate," "offensive" material and no ascribing to anyone about belief with respect to the validity of the document itself. Most of us appear to have simply discarded it. It's just another piece of paper among the hundreds and thousands that Members of the Legislative Assembly will receive at any given time.

3:30

Now, what's really important in here is the statement. I think that if there was an allegation made by the hon. Member for Edmonton-Gold Bar and ascribing motives, when identifying the hon. Member

for Edmonton-Glenora and in hearing from the hon. Member for Edmonton-Glenora, at least what the chair heard was that the Member for Edmonton-Glenora had basically found no merit in the document whatsoever, discarded it. The chair has heard nothing and knows nothing further beyond that in terms of what anybody would think about it, would feel about, would want to think about it. As far as the chair understands, the Member for Edmonton-Glenora discarded the paper, and even if he had not discarded the paper, what would the point have been? All members receive countless numbers of documents. There's nothing in the document with respect to a certain group that's identified in there, and the Member for Edmonton-Gold Bar raised it, and then the hon. Member for Edmonton-Glenora raised it. It was this Assembly who basically passed very important legislation with the Holocaust memorial day, and this is a very important part of our history that we want to commemorate. That disturbs the chair. That very, very much disturbs the chair with respect to this.

I'm reminded as well that one has to be very, very careful about imputing motives to anyone. That is a very serious matter. I would also like to remind hon. members that there's an old saying – and I forget who it was who said it – that gentlemen do not read other gentlemen's mail. It always strikes me as funny how what an hon. member may have on his or her desk should become the purview of other hon. members. It strikes me that one of the great safeguards we have as legislators is the responsibility, coupled with the need to have availability of whatever documentation or paper we want, to arrive at the best conclusions that we have. I'd hate to think that certain documents, certain books would be burned. We've certainly gone far beyond the McCarthyism times of the early 1950s. I don't like the document, but that's not the point. Simply because it is someplace, how can one ascribe a motive to anyone who may be near it? Heaven knows that in the 23 years that I've been a privileged member of this Assembly, I have received papers from people that I'm 180 degrees away from and 12,500 miles away from. If the circumference of the Earth is 25,000, that puts me at the exact opposite side of the equator, yet we get them.

I heard what the hon. Member for Edmonton-Glenora said. I think he is truly shocked by what has transpired here today. I think he's truly embarrassed by what has transpired here today. This is not a point of privilege, and the chair regrets that he even entertained opening this subject matter as a point of privilege.

head: **Orders of the Day**

head: **Written Questions**

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 24, it is my pleasure to move that written questions appearing on today's Order Paper be dealt with today.

[Motion carried]

Sports Lottery Sales

Q13. Dr. Massey moved on behalf of Ms Blakeman that the following question be accepted.

What were the total sales numbers broken down by individual game for the sports lottery products Pro-Line, Over/Under, and Point Spread for the calendar years 2000 through 2002 inclusive?

The Speaker: The hon. Minister of Environment.

Dr. Taylor: Yes. Mr. Speaker, on behalf of the hon. Minister of Gaming I'm pleased to respond to this. This ministry is characterized by and the hallmark of his ministry is openness and clarity, so he's very pleased to respond and indicate that the government is prepared to accept the question.

The Speaker: The hon. Member for Edmonton-Mill Woods to conclude the debate.

Dr. Massey: Yes. Thank you, Mr. Speaker, and thank you to the minister for providing the information that was requested.

[Written Question 13 carried]

Sports Lottery Payouts

Q14. Dr. Massey moved on behalf of Ms Blakeman that the following question be accepted.
What was the total payout to customers in the form of winnings from tickets purchased, broken down individually by game, from the sports lottery products Pro-Line, Over/Under, and Point Spread for the fiscal years 1999-2000 to 2001-2002 inclusive?

The Speaker: The hon. Minister of Environment.

Dr. Taylor: Thank you. Once again, Mr. Speaker, a characteristic of the front bench is openness and clarity.

An Hon. Member: And monitoring.

Dr. Taylor: And monitoring of course. Once again, on behalf of this minister we're pleased to indicate that we will respond to the question.

The Speaker: The hon. Member for Edmonton-Mill Woods to conclude the debate.

Dr. Massey: Yes. Again we thank the minister for allowing us to do our job of monitoring. Thank you.

[Written Question 14 carried]

head: Motions for Returns

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Proper notice having been given on Thursday, April 24, it is my pleasure to move that motions for returns appearing on today's Order Paper also be dealt with today.

[Motion carried]

Alberta Career Computer Center Inc. Audit

M14. Dr. Pannu moved that an order of the Assembly do issue for a return showing a copy of the financial audit of the Alberta Career Computer Center Inc. prepared in late 2002 or early 2003 for the Ministry of Human Resources and Employment by Doug Courts, chartered accountant.

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

Dr. Pannu: Thank you, Mr. Speaker. With your permission if I may

provide a bit of background to the motion. This morning my office received a fax from the Minister of Human Resources and Employment with a proposed amendment to this motion. I wish to thank the minister for his courtesy in providing me with a copy of his proposed amendment in advance. With your indulgence, Mr. Speaker, I'd like to take a few moments to give some background to the motion, and if it's also appropriate, I'll seek your advice to make a few comments on the amendment now or later.

The Speaker: Hon. member, the chair does not know if an amendment is going to be moved, so speak to the question, just to your question. That's all we're doing here right now.

Dr. Pannu: Thank you, Mr. Speaker. I'll speak to the motion then, yes.

Since last fall our office has received numerous complaints from former and current students attending the Alberta Career Computer Center, a provincially licensed private vocational school located in Edmonton. Our involvement with these students has been a real eye-opener, Mr. Speaker. Through our involvement we have discovered that students attending private vocational schools have no rights and few protections compared to, for example, students attending public postsecondary institutions. For example, many private vocational schools either make no provision for or, in the case of Alberta Career Computer Center Inc., outright prohibit the formation of student organizations on their campuses. Students are subject to disciplinary action and even expulsion if they even discuss problems with the school with their fellow students.

3:40

Quite frankly, Mr. Speaker, the students have provided us with documentation which, were it to be a public institution, would likely be found to violate the Charter rights of freedom of speech and association. Because schools like ACCC are considered to be private, they are not required to meet standards of transparency and accountability that apply to public institutions. Not only are private vocational schools not audited by Alberta's Auditor General, but many schools don't even make their audited financial statements public. Students cannot take their complaints to the Ombudsman for investigation. Conflicts of interest and ethics rules do not apply to private vocational schools. Neither do freedom of information and protection of personal privacy rules.

Yet private vocational schools indirectly receive most of their funding from the provincial government. Students attending these schools are eligible for Students Finance Board grants and loans. In many cases Students Finance Board funding is forwarded directly to the school by Alberta Learning to cover tuition and book costs. Under a federal/provincial agreement these schools also receive employment insurance training dollars for those students who are EI eligible. Tuition at these schools is often a hundred percent paid for by government, and we are talking about 15,000 or more dollars for a six-month course, so the public dollars involved are very substantial.

Very few, if any, private vocational schools would survive in the absence of government funding, Mr. Speaker. In order to be eligible for government funding, private vocational schools require a licence from the private institutions branch of Alberta Learning, yet from documentation that has been provided to my office, little accountability is demanded by the private institutions branch of private vocational schools in general and ACCC in particular. Students have been making formal complaints to the private institutions branch about ACCC for at least five years. There's no evidence that these complaints were ever acted on. More recently a former ACCC

student filed a formal written complaint over six months ago. He has yet to receive anything other than a brief acknowledgment letter. To be frank, it appears, at least in this case, that the private institutions branch of Alberta Learning exists to protect the interests of private vocational schools rather than the interests of students attending those schools.

The Ministry of Human Resources and Employment has been more responsive than Alberta Learning to student complaints about ACCC. One of the actions that the HRE ministry took was to ask Doug Courts, an Edmonton chartered accountant, to conduct a financial audit of the school. I'm informed that as a result of the findings of this audit the Minister of Human Resources and Employment has suspended funding to the ACCC from the skills development and labour market development programs. I'm pleased about that. A number of former ACCC students co-operated with Mr. Courts' investigation. However, HRE, the Human Resources and Employment department, has refused to provide a copy of the financial audit report to these students. That is why I'm requesting a copy of the audit report both on behalf of the students and on behalf of all Albertans, who have a right to know whether they received value for money in terms of the public dollars that have flowed to ACCC.

So I conclude my comments here, Mr. Speaker, and the minister may want to speak about his amendment at this moment.

Mr. Dunford: Mr. Speaker, I know that our attention this afternoon has been somewhat diverted because of a previous issue, but I just can't believe that after sending over this morning an indication, for which the hon. member has already thanked me, in terms of the amendments that I was bringing up, the hon. member would go ahead and make the comments that he has just done. I could see that if in some way a member of our government was trying to stonewall him on this particular issue or some matter, but we had clearly indicated to him that we would be able to comply with his request by making some amendments. There was no need, in my view, for all of the comments that now form part of the record. I might as well have shown absolutely no co-operation towards you. I might as well have kept this thing entirely to myself, because what is the use? What is the use of trying to co-operate and collaborate with the hon. member when he pulls these kinds of stunts?

I'm in a position now, Mr. Speaker, of moving ahead with something that I thought was warranted, was generous. He's made comments about what HR and E has done. Those issues are currently under dispute with the party that's been mentioned. There might be legal cases that will come out of this – I have no idea – but we still have these comments now on the record by this hon. member. I want to say, then, with the greatest hesitation possible, which a half an hour ago would have been within the greatest feeling of wanting to collaborate and co-operate with people within this House, that I hesitate with the greatest hesitation possible to even move these amendments. I can't tell you how frustrated and angry I am at this particular moment in time.

But I move that MR 14 be amended in two ways: first of all, by substituting "a copy of those portions" for "a copy"; and secondly, by adding "that may be disclosed under [FOIP]." So the amended motion for a return will read:

A copy of those portions of the financial audit of the Alberta Career Computer Center Inc. prepared in late 2002 or early 2003 for the Ministry of Human Resources and Employment by Doug Courts, chartered accountant, that may be disclosed under the Freedom of Information and Protection of Privacy Act.

Now, these amendments, Mr. Speaker, are proposed in the spirit of being open and transparent about our contracting processes while

recognizing that we have a commitment to protecting students' privacy through FOIP, and I hope that all members will support these amendments.

The Speaker: On the amendment, the hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I will limit my comments to the substance of the amendment. I want to thank the minister for offering his co-operation in the fullest, and I had absolutely no reason to believe that what I was saying in any way was to be treated by the minister as offensive.

As to the amendment I understand that the purpose of the amendment is to remove personal information that would identify former or current students at ACCC. Assuming that that's indeed what the intent of part of the motion is, I certainly support this, Mr. Speaker. The possible difficulty with the amendment might be that because the commercial interests of the school are also involved here, some of the information concerning the audit may be held back. That needs to be made public to make sure that we get the ends that we seek to achieve by way of my request in the form of my motion and the minister's amendment to that motion.

In conclusion, Mr. Speaker, I look forward to receiving a copy of the audit report as soon as possible. I hope that the audit report will have as little information deleted from it as possible to make sure that the privacy rights of students are fully protected. So it's with some delight and a feeling of thanks that I accept the minister's amendment and look forward to receiving the information that his department will be offering.

Thank you.

[Motion on amendment carried]

The Speaker: On the motion?

The hon. Member for Edmonton-Strathcona to conclude the debate.

Dr. Pannu: Mr. Speaker, I have nothing more to add. Thank you for the opportunity.

[Motion for a Return 14 as amended carried]

3:50head: **Public Bills and Orders Other than**
Government Bills and Orders
head: Second Reading

Bill 205
Citizens' Empowerment Act

[Adjourned debate April 14: Mr. Broda]

The Speaker: The hon. Member for St. Albert.

Mrs. O'Neill: Thank you very much, Mr. Speaker. This afternoon I am pleased to have the opportunity to speak to the merits of Bill 205, the Citizens' Empowerment Act. To begin with, I would like to extend my gratitude to the Leader of the Official Opposition for introducing the bill. It is, as ever, important to remember that as members of the Alberta Legislature we were elected to represent our constituents and to give their concerns a voice in a forum where they can be heard. This is all part and parcel of a democracy: letting the public's view and concerns be heard, thereby giving everyone in society a stake in our common progress as a society. For this reason more than any other, I am very grateful that the hon. Member for

Lethbridge-East has sponsored Bill 205. What he is doing by introducing this measure is democracy in action.

[Mr. Shariff in the chair]

Having said that, Mr. Speaker, I am unable to support Bill 205. While I can appreciate the spirit with which the bill is imbued, Bill 205 is just not practical. If we look at the etymological origins of the word "democracy," we see that it comes from two Greek words: on the one hand, the word "demos," meaning people, so that would account for the first half; and "kratos," on the other hand, meaning strength or authority. Combining the two, then, we see that democracy means strength of the people or rule of the people, the very essence of our society.

Not to trivialize anything, but we probably would not think of what was practised in the old city-states of ancient Greece as democracy. For instance, as a woman I would never have been able to stand here and speak to you let alone be able to represent anyone in the ancient Greek state. The Greeks, however, were clearly onto something when they chose to let society be governed by the people rather than by a dictator, an emperor, or some other supreme rule.

Now, Mr. Speaker, I don't want this to seem like a history lesson; however, it is instructive to take a look back to see how far we've come as well as to see how the concept of democracy has evolved. For starters let's recall that it wasn't really until sometime during the latter half of the 20th century that we could say that democracy had gained widespread recognition as the most efficient, fair, and egalitarian way of running a society. To this very day we all know that around the world there are many people, far too many people, for whom the concept of democracy and the rights we normally associate with democracy remain elusive.

So, Mr. Speaker, the fact that we can sit in this House today and discuss how or whether to engage in a particular activity that may or may not further the ends of democracy is really quite remarkable and shows us and, I might add, others too how fortunate we are. As our societies have grown larger and increasingly complex, adjustments have been made to the manner in which we practise democracy. Some of these are, shall we say, convenience oriented. For instance, whenever an election rolls around, we allow people to vote in advance of election day if they prefer or by absentee ballot if they will be unable to vote in their respective precinct on the day the election is held.

As time has passed, democratic rights have also been extended to encompass more and more citizens, and this is clearly the case here in Canada. For instance, in 1916 Alberta was the third province to enfranchise women. On the other hand, it wasn't until 1960 that aboriginal people were allowed to vote in federal elections. Of course, casting ballots in support of nominees isn't the only way we can express our wishes. To be sure, this was not necessary the way things were done in the past. Quite the contrary.

In its early stages common expressions of the democratic process were Quaker meetings and the legendary town hall meetings. Suffice it to say that at these gatherings all those assembled had the opportunity to express their views and opinions, particularly so at the Quaker's meetings, as no restrictions were placed on who could express his or her views regardless of race, gender, or status in society. Once everyone had a chance to speak, and only then, a vote was taken and a decision made. In a sense, Mr. Speaker, this was perhaps a truer or purer form of democracy than what we have now in that it afforded anyone who cared to do so an opportunity to express an opinion.

However, that it worked as well as it did had, I believe, a lot to do with the number of participants. There is or was a limit to the

number of people who could be reasonably squeezed into a meeting hall. Cities, to the extent that they existed, were smaller, and the landscape tended to be dotted with towns, villages, and hamlets. As societies have grown, therefore, the form of democracy practised these days is representative democracy. Ours is obviously one.

As I said at the outset of these remarks, all of us in this House were elected to represent the residents of our districts. They chose us to speak for them and give voice to their concerns in the Legislature. Ideally, it would be of course preferable if everyone's concerns could be heard on every issue, but it is easy to see that today such a system would collapse on the basis of its unwieldiness and its lack of manageability.

A representative form of democracy, therefore, seems to offer the best opportunity for citizens to freely vote for those whom they want to represent them. Furthermore, if those who are elected do not live up to the expectations, the public can be assured that they will have the opportunity to vote them out of office within a finite period of time. By selecting representatives, Mr. Speaker, those who are elected are given the mandate to act on behalf of their constituents. The assumption that all of us make is that those who are elected will act in the best interests of their constituents.

The ability of elected officials vis-à-vis Bill 205 to fulfill their mandate may be undermined by citizen initiatives, and this could in turn make politicians reluctant to make difficult and controversial decisions. Moreover, I believe that those who run for office, certainly those whom I have met in our provincial jurisdiction, tend to be driven by a deeply held belief in the importance of public service and have a wish to be of assistance to others.

This, Mr. Speaker, leads me to another point. Not all members of society are interested in participating in the democratic process, and while this is very disturbing, it is only realistic to acknowledge this. Voter participation rates have dropped considerably and for the most part consistently in the last 25 years. In the most recent federal election in 2000 only 60.2 percent of Albertans chose to participate, whereas in the provincial election two years ago fewer than 53 percent of Albertans voted at all. While these numbers may not be low enough to speak of, quote, voter apathy, unquote, it is nonetheless unfortunate that less than two-thirds of Albertans consider it important enough to participate in elections. If, however, the term voter apathy is too severe, it might still be appropriate to speak of voter fatigue. In the last three years there has been a federal election, a provincial election, and civic elections. It may not seem like much of a commitment to go and cast a ballot three times in the course of a three-year period, and the casting of the ballot doesn't take much time or a whole lot of effort. On the other side of that, though, there is the consideration that we want voters to be able to make informed choices. Indeed, it is desirable that all of us always make informed decisions regardless of the situation.

Having said that, we all know that staying informed takes time and effort, and aside from the fact that not everyone considers it a worthwhile endeavor to make such an investment, if we are unable to secure more than a 60 percent participation level with one election a year, how can we expect any higher levels of participation for what will most likely be special-interest issues?

So I would say, Mr. Speaker, that I urge everybody here not to vote in favour of Bill 205 as it is an intrusion in what we are about here in the Legislature.

4:00

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise and speak this afternoon to Bill 205, the Citizens'

Empowerment Act. Certainly, the hon. Member for Lethbridge-East is to be congratulated for bringing this legislation forward. It's thoughtful and timely in this province, and I believe it would further reduce what has been known as the democratic deficit. Regardless of what area of the province they live in, people are concerned about democracy and how they can play a role in it, and I think it is a step in the right direction for people to have a more direct role in influencing the laws that govern their lives. Alberta has always had a long tradition of grassroots democracy, and in fact at one time the recall of Assembly members was part of the political process here. When we look at legislators and ourselves and that we should be more receptive to initiatives for direct democracy, well, I would encourage all hon. members of this Assembly to consider Bill 205 and pass it because I think we would certainly have a better province as a result.

If we look at Bill 205, it's divided into two parts: the democratic guarantee petitions and initiative petitions. The first is the establishment of the provision where Albertans can start a petition to trigger a referendum to allow the citizens to improve or express their disapproval of the legislation that has been passed by the Legislature.

Well, some would say that the current petition that's going around on the lack of natural gas rebates by this government could be an example of this, Mr. Speaker. Thousands and thousands of Albertans have certainly accessed www.altaliberals.ab.ca to download a copy of a petition and have signed it and organized various campaigns throughout the province to express in this case their disapproval of legislation that has been passed by this Assembly, and that's the Natural Gas Price Protection Act.

So in one way or another perhaps if we had Bill 205, citizens would have a direct voice or a say in what's going on. When we're talking about petitions, certainly they are an expression in any democratic society, but whenever you have a set number of names on a petition or a size of a petition, then that is a mark, or a bar so to speak, for democracy.

The second part of this bill is the establishment of a provision where Albertans can start a petition to have a piece of legislation introduced in the Alberta Legislature. There's probably not a member here that doesn't at one time or another get the idea that it's perhaps suitable that some research be done on a specific topic and that there be thought put into the idea of bringing forward a bill. Time permitting, every hon. member can have a voice in the merits or the negative aspects of a certain legislative idea. To incorporate this so that citizens can start a petition to have a piece of legislation introduced into the Alberta Legislature would certainly strengthen the democratic process in this province.

Now, the hon. member is to be again congratulated when you think that this could be the first part of a whole series of initiatives to enhance democratic renewal in this province. The main focus of initiative processes and the whole idea of referendums – the first place people think of is B.C., and this legislation is different from the B.C. legislation in several ways. The legislation as proposed here, Bill 205, does not allow an initiative petition to deal with money at all whereas in the province of B.C. there are provisions and remedies so that they can do that. In British Columbia any citizen initiative must go to a standing committee of MLAs and then either to an election process or to the House, and certainly the bill here, Bill 205, cuts out that middle person, Mr. Speaker.

B.C.'s legislation has a unique formula for determining if a petition passes a referendum. It states that more than 50 percent of the votes and two-thirds of the electoral districts must be in the affirmative for the legislation to pass. Here ours is going to be simply, Mr. Speaker, 50 percent plus one vote of those who voted in the affirmative means that the entire initiative is successful. In the

B.C. legislation if the initiative is successful, then the bill is introduced in the Legislature. That's it. Whether it's passed or defeated is unimportant. That is the end of the process. In our legislation as proposed by the hon. Member for Lethbridge-East, the bill is introduced, and if the bill isn't passed by the Legislature, then it goes to a referendum. If the referendum is successful, then the bill is reintroduced in the Legislature, and the cycle goes on and on.

Mr. Speaker, when we're talking about the referendum and legislation, this portion of the bill essentially attaches the condition onto every bill that comes to the Legislature. It establishes that no act can come into force until 90 days have passed from the date of royal assent. The exceptions to this provision are, again, money bills, bills which impose a tax, private acts, or acts which are meant to deal with an emergency situation. Within the 90-day period a citizen can apply to the Chief Electoral Officer to start a petition, the purpose of which is to call a referendum with the question being whether or not the bill in question should come into law. As part of the conditions the petition must be completed within 90 days after royal assent is given. Further, the petition must have a number of signatures equal to 5 percent of the total number of electors eligible to vote in the most recent general election. This would amount to approximately 95,000 signatures. I understand that South Dakota, as one example, uses this 5 percent formula.

4:10

Now, if the petition is in order, the process states that "the Lieutenant Governor in Council must set a date for a democratic guarantee election," or, as we all know, a referendum. The date must be no later than 6 months from the date the Chief Electoral Officer reports that the petition is in order. This part is similar to the South Dakota example where legislation except that which is urgently needed by the state can be the subject of a referendum when a proper petition is presented.

An Albertan can apply to the Chief Electoral Officer to start a petition, and these are the initiative petitions under part 2, Mr. Speaker. If one has an interest in proposing that a piece of legislation be introduced in the Legislature, they can go ahead and do this. Now, again, no proposed petition for legislation to deal with money can ask for the cutting of public funds, impose a tax, or be contrary to the Charter of human rights legislation.

Thank you.

The Acting Speaker: The hon. Member for Drayton Valley-Calmar.

Rev. Abbott: Thank you, Mr. Speaker. It is with great pleasure that I rise today to join debate in second reading on Bill 205, the Citizens' Empowerment Act, sponsored by the hon. Member for Lethbridge-East.

Mr. Speaker, I strongly support the spirit behind the Citizens' Empowerment Act. If passed, Bill 205 would certainly enhance our government's commitment to openness and accountability, and it would back our promise to listen to Albertans by giving them an avenue to affect legislation in a much more direct manner. I believe in grassroots democracy. I've seen it work in the past, and it's surely one of the cornerstones of this government's philosophy. I believe that citizens have good ideas and that they want an opportunity from time to time to have a more active voice in government.

The citizens' initiative aspect of Bill 205 will enhance our present system of democracy by allowing citizens a different level of participation and a more direct role in our democratic system. It is a measure that allows citizens to bring forward and vote on a legislative proposal in a very grassroots, bottom-to-top way. In fact, Mr. Speaker, it looks an awful lot like my Bill 211 from the First

Session of the 25th Legislature, the Citizens' Initiative Act, 2001, which I admittedly borrowed from the hon. Member for Bonnyville-Cold Lake. So here we go again.

Mr. Speaker, Bill 205 gives Albertans a new avenue by which issues of great importance can be brought to this Legislature. Currently citizens have the right to vote in favour of the political party or candidate whom they feel has the most policies, ideas, and philosophies that are closest to their own, but we all know that not every Albertan likes every party's entire platform come election time. Thus, Bill 205 will allow citizens the opportunity to add to or possibly even omit an item or two on the government agenda.

Citizens' initiatives are not a new or radical idea. Some of our friends in the U.S.A. have enjoyed citizens' initiative opportunities for over 100 years. We can learn lessons both good and not so good from our neighbours to the south. Since 1898 Americans in 24 different states have voted on issues including giving women the right to vote, reducing property taxes, physician-assisted suicide, defining marriage, racial preference in hiring, Sunday shopping, legalizing the medicinal use of marijuana, outlawing steel traps in hunting, campaign finance reform, the minimum wage, the eight-hour workday, limiting government spending increases to inflation and population growth, controlling pollution, funding for private schools, banning cockfighting, and raising tobacco taxes.

On average only 40 percent of citizens' initiatives in the United States are approved by the voters. In fact, since 1904 citizens in those 24 states that have the initiative process have been able to get approximately 1,900 statewide referendum questions on the ballot. Of those 1,900 questions put to the voters, about 850 were actually adopted by the citizens. So in about 100 years' time citizens have enacted about 850 laws. The high water mark came in 1996 when there were 102 referendum questions on the ballot spread over 24 different states, and of course of those 102 questions citizens adopted only 42. Now, to put this into perspective, Mr. Speaker, during that same year the state legislators in those same 24 states enacted approximately 17,000 laws. That's 17,000 compared to 42. So you can see that the fear of representative democracy being stifled or undermined is just not true.

Now, Albertans also enjoy an interesting history on citizens-initiated referendums. In 1913 our province enacted the Direct Legislation Act, which provided the means for submitting legislation to electors for their approval as well as initiation of legislation by electors. An initiative under this act could come about by a petition of voters but could not expend public funds or go beyond the legislative jurisdiction of the province. Albertans never used the Direct Legislation Act, and Premier Manning repealed it in 1958 due to a court challenge in another province upon similar legislation that may – not would but may – have implicated Alberta's bill if so challenged.

Mr. Speaker, I believe that the core theme of Bill 205 will help enhance democracy in Alberta and complement the work we do as elected members of the provincial Legislature. The citizens' initiative in theory will not threaten the powers of the Legislature or impinge upon the authority of the Lieutenant Governor. In no way does it seek to replace or interfere with the fine work done by this Legislative Assembly and especially the hon. Member for Airdrie-Rocky View. However, it has been said that the very presence of the citizens' initiative process in a given jurisdiction helps to prevent the misuse of power. It helps with public opinion and encourages public involvement in legislative issues. With the citizens' initiative Alberta voters will have a voice all the time, not just one day every four years. Citizens will no longer have to beg politicians to address concerns because voters will be able to initiate legislation themselves if their concerns are ignored.

As with any piece of government-initiated legislation, the input of average Albertans has an influence. Public consultation has become a very important part of developing legislation here in Alberta under this government. Most of our bills have been through extensive consultation with either the general public or the stakeholder groups. This is, Mr. Speaker, due to our government's commitment to openness and accountability as well as recognition of the valuable input that Albertans can provide on important issues. Bill 205 carries the philosophy behind public consultation one step further. It is a bottom-to-top process which gives Albertans the power to initiate legislation.

Mr. Speaker, the citizens' initiative will make politicians more responsive to voters' concerns rather than to special-interest groups. By empowering voters, the citizens' initiative will reduce the power of lobby groups to make specific demands on government. The electorate will have an avenue to voice their displeasure to legislation more quickly and efficiently. At the same time, the citizens' initiative will give voters more choice by allowing them to accept or reject laws in a referendum in addition to voting for candidates for the Legislature.

Average Albertans will have a tool for directly promoting good policies. Voters will be able to force debate on issues that some politicians may want to avoid, like changes to our health care system or issues on the economy or the environment. Voters will also have a real say on new issues that were not discussed in the election. In a participant democracy all citizens are involved in deciding important issues. I believe that this bill will restore faith in democracy and get people more involved with what's going on under the dome. It is also likely to increase the ever declining voter turnout ratios during election time, as we've heard from the member opposite.

Some people say that we don't need citizens-initiated referendums because we already have government-initiated referendums through our plebiscite provisions in the Election Act, but this is not addressing the real grassroots movement of the people. Alberta was founded and built by ordinary, grassroots people. We must not ever let that slip away. It was the grass roots that made us what we are, and this bill will help us stay close to the people as a province and as a government.

Others may criticize that referendums stop government from doing its job or that it's an all-out assault on representative government. The truth is that referendums enhance democracy by enabling voters to have a real and direct say on issues that affect them. Referendums are not a substitute for the day-to-day running of our province, which is left to the hon. Premier, the hon. cabinet ministers and their departments, as well as private members. With the citizens' initiative MLAs will continue to vote for or against different laws in the Legislature. Albertans would not run the ministries of Health and Wellness, no, Learning, or Infrastructure, nor would they manage the details of putting together the province's annual budget. I believe that Albertans appreciate elected government officials setting policy and budgets and proposing and voting on legislation. They simply see the initiative process as a check and a balance if the government does not respond to voters' concerns.

Now, another criticism may be that referendums oversimplify issues. In fact, referendums enable real debate on specific issues. This debate involves all citizens, not just politicians and media elites. In contrast, elections themselves may oversimplify issues by forcing voters to consider a myriad of candidates, parties, personalities, policies, and issues and limiting the voter to place one X beside one candidate. By voting for that one candidate, the voter cannot express any disagreement with particular policies of that candidate or their party.

Some people say that referendums will erode the social fabric. That's another charge, but the truth is that referendums will actually strengthen the social fabric by getting citizens to communicate with each other rather than just lobbying their politicians.

4:20

The final criticism that I will address, Mr. Speaker, talks about the money spent. Well, the truth is that in Canada's 1992 referendum on the Charlottetown accord, the yes side outspent the no side by a large margin and still lost.

In conclusion, Mr. Speaker, I do support the spirit of Bill 205. I see nothing wrong with more political participation. However, I have concerns with the level of participation proposed in Bill 205. To me 5 percent seems to be too low a figure, and I wonder if the hon. member would consider increasing the participation rate to 10 percent of eligible voters. I also believe that the hon. member may want to reconsider the provision that allows a citizens' initiative to block legislation. If these changes were made, then I could support Bill 205 because then it would encourage more political participation.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Thank you, Mr. Speaker. This Bill 205 – or we probably lovingly refer to it as the came-in-second-again bill – is the process that people that can't relate to voters on the voting stage have to relate to the things they can: confusion, bureaucracy, things that can stifle the legislative process or stop it. So this happens quite often with parties that haven't had success with the voters.

There is a process to bring private bills into the system, and we've dealt this year with two private bills that were introduced. One only has to watch what a referendum process that doesn't include money would accomplish. It would become a never-ending process or, as this should probably be referred to, the dum-dum process. Having 95 percent of 5 percent be able to turn over 50 percent plus one of 100 percent only makes sense to the opposition. That you could stop bills by a democratically elected House is astounding. If you're going to create legislation that isn't connected to money, you have to really think what you're doing here. Morality isn't the issue in this House; it's how we spend people's tax dollars, and that's where it should end. It's when we get off that rail that we start to get ourselves in trouble.

The idea that we couldn't do an expenditure of public funds – I'm wondering: what would you accomplish? We can't stop at taxes, what most people would want to do, and it's all contrary to the Canadian Bill of Rights. Probably most people would take issue with some of those, and they would like to have the discussion about it, which they can't do under this act.

This bill isn't what it's being left to the voters to be, somehow empowering democracy. This is an attempt to attract support for something that is unworkable, irresponsible, very costly, and probably unmanageable, and I think this good House will in due course give it its appropriate position in the garbage, where it belongs.

Thanks, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Speaker. It is indeed a pleasure to speak this afternoon on Bill 205, the Citizens' Empowerment Act. Certainly, I would like to thank the hon. Member for Lethbridge-East for bringing this particular bill forward.

We did hear a little bit earlier about the history of this type of legislation, and this piece of legislation is certainly a modernized version of the Direct Legislation Act. This piece of legislation, by way of history, was brought in under the Liberal government of Art Sifton in 1913. This act remained on the *Statutes of Alberta* for over four decades and was repealed by the Social Credit government in 1958. Now, the Direct Legislation Act was never used to the fullest extent. So certainly the fears that people will have about this type of legislation slowing down the process of this House or being overused or whatever are fears that are unfounded. The original process was started, Mr. Speaker, when the debates over liquor came up in the 1920s. However, the government did capitulate by bringing in the Liquor Act.

Now, then, as well, when we look at legislation that we pass in this House, we had an example earlier this year, particularly . . . [Mr. Bonner's speaking time expired]

The Acting Speaker: The hon. Member for Lethbridge-East to close debate.

[Motion lost]

Bill 206

Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003

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

Mr. Cenaiko: Thank you very much, Mr. Speaker. I'd like to as well recognize individuals that are here in the gallery this afternoon to take part in listening to our debate on Bill 206. In the gallery today, Mr. Speaker, we have three detectives from Calgary and Edmonton. Detective Len Dafoe is from the Calgary Police Service in the vice unit. Detective Jim Morrissey and Detective Randy Wikens are both here as well from the Edmonton Police Service. Last but not least, Ed Campbell is here, and Ed is with the Prostitution Awareness and Action Foundation of Edmonton. So I want to welcome and ask the members of the Assembly to provide them with the warm welcome of this Assembly.

Thank you very much, Mr. Speaker. I'm honoured to begin debate in second reading of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. I would like to talk about the importance of this bill to Alberta's inner-city neighbourhoods and how Bill 206 could make living and raising families easier for these people living in Alberta's major urban centres. Bill 206 would allow police officers the discretion to seize vehicles from sex trade offenders when prostitution charges are laid. If they were found guilty, their vehicle would be sold.

The question most people ask is if I really think that taking away vehicles from johns will have an impact on eliminating prostitution. Based on my 25 years of experience as a police officer, I can say that on its own Bill 206 will not end prostitution. The goal of this bill isn't to provide a surefire solution to the problems associated with street prostitution. The intent of this bill is to target sex trade offenders as the main contributors of street prostitution and provide police services with another tool to fight street prostitution.

After living and working in downtown Calgary for nearly 20 years, I have watched communities literally crumble due to the criminal activity that follows street prostitution. I know that children who play in inner-city neighbourhoods and communities are vulnerable to the debris of this trade, including dirty needles and used condoms, as well as sexual predators lurking in the playgrounds

and streets. I also know of the dramatic increase in drug activity in communities with street prostitution problems.

There are two objectives I hope to achieve by moving ahead with Bill 206. First of all, by singling out the sex trade offender, I hope to convince people that prostitutes are not the problem. Sex trade offenders are. There has always been some form of prostitution, be it in a bawdy house, from an escort agency, or on the street. The daunting task of eliminating street prostitution would be made easier by removing the main tool from offenders.

The second objective I hope to achieve is to take the issue of street prostitution from the municipal to the provincial level. Municipal governments should be congratulated for the creation of successful programs that have reduced the number of prostitutes walking the streets, but the reduced number of prostitutes has not necessarily reduced the number of johns cruising inner-city neighbourhoods.

4:30

I also believe that we must get away from this notion that prostitutes are part of a sex trade. Based on my experience and the experience of hundreds of citizens, 99.9 percent of prostitutes are addicted to some form of substance. What other trade has those sorts of statistics? Whether it's liquor, drugs, or other narcotics, these men, women, and children are selling their bodies on the street to feed their addictions. They are not part of a trade. They are tragic victims of violence. There's only one loose similarity between trades and street prostitution: once you remove the customer, the business will fail.

Mr. Speaker, Bill 206 has two major highlights for law enforcement: removing the main tool for prostitution from offenders and giving offenders strong incentive to rehabilitate. There is a growing demand for a stronger deterrence for people involved in prostitution-related activities, especially in inner-city communities. Here's how Bill 206 works. Vehicles would be seized when prostitution-related charges are laid and the offender refuses to participate in an alternative measures program. The vehicle is stored in a municipal hold lot and would become the property of the Crown after a guilty plea or a conviction. However, vehicles would be returned if a first-time offender participates in an alternative measures program or a diversion program. This is an extremely important part of Bill 206.

An alternative measures program developed by the community and the Police Service and the Crown prosecutor's office has proven its effectiveness both as a deterrent and as a rehabilitation tool here in Edmonton. John school is one example of an alternative measures program. According to statistics between 1996 and 2000 1,026 men have attended john school here in Edmonton, and only nine have reoffended. Nine have reoffended out of 1,026 men who entered the program willingly.

There are three additional highlights to Bill 206 based on comments from members in this caucus, government departments, police services, and community groups. First, police officers will have the ability to seize and release the vehicle. The intent of this bill is to reduce the instances of street prostitution and ensure that offenders are punished for the criminal activity, not entire families. It is not my intention to infringe on the jurisdiction and effectiveness of police services in Alberta. Police officers are in a much better position to decide if a vehicle should be seized or if a family has been harmed by the actions of the offender.

The second change states that a peace officer may release the vehicle to the registered owner or someone authorized by the registered owner if the officer is satisfied that seizure of the vehicle is causing or will cause undue financial hardship. Again, Mr. Speaker, the intent of this bill is not to penalize the mom or the wife, the son or the daughter. The intent is to build safer and healthier

communities for families and children, Mr. Speaker, by providing community service work, possibly in the same community the offence has occurred in. I firmly believe as well that education is required to provide sex trade offenders with the reality of the criminal act they were or are going to be involved in.

Bill 206 would be an effective tool against street prostitution only when added to the existing infrastructure of law enforcement and prostitution control programs. A lot of work has been done to reduce the number of prostitutes walking the streets. This bill, combined with other programs that the policing community in Alberta has been working with, will make further progress to remove sex trade offenders and allow communities to rebuild into safe places for children and families.

I'm confident that seizing vehicles as proposed in Bill 206 would be a very effective deterrent for first, second, and repeat offenders. In fact, combining vehicle seizure with an alternative measures program has been successfully implemented before. Bill 206 is based on legislation passed in Manitoba in 1998. The government of Manitoba went through extensive debate and consultation to ensure the bill's effectiveness. The idea of seizing vehicles related to prostitution-related offences was one of the government's campaign promises. The bill, now an act, continues to be a strong deterrent for prostitution offenders. Recently Saskatchewan passed similar legislation. I realize that street prostitution problems in Manitoba and Saskatchewan differ in comparison to Alberta's; however, a precedent has been set, and people opposed to this bill cannot say that this sort of legislation is too strong and infringes on the rights of citizens.

It's also important to note that very few vehicles that have been seized are actually sold. Saskatchewan and Manitoba governments have learned that taking someone's vehicle away encourages them to rehabilitate. Therefore, the worst case scenario is that second offenders or repeat offenders will have their vehicle seized if they don't learn the first time. Police services in Alberta may use this as they wish. Some vice units may want to use this tool as an alternative measure to deter johns, while others may want to use the tool to its fullest intent, subjecting johns to media embarrassment and penalty.

Mr. Speaker, I think it's important to remind Albertans that street prostitution is illegal and destructive. I think we need to introduce a strong deterrent to reduce street prostitution in Alberta's major centres. I have found that prostitution evokes strong and wide-ranging reactions and opinions. Some people strongly oppose the exploitation and violence associated with prostitution while others resent the damage inflicted on their neighbourhoods. A number of these people want stronger laws enacted and fewer leniencies shown by the courts. Prostitution is openly carried out in residential neighbourhoods near schools, playgrounds, and in my riding of Calgary-*Buffalo*. For families living in these neighbourhoods, raising children gets that much tougher when the world of prostitution meets school-age children who see prostitution near their homes, outside their schools. Dealing with these concerns requires special initiatives, particularly when it comes to their effect on children.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to speak to Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. Now, I listened with interest to the hon. Member for Calgary-*Buffalo*, who has brought forward this bill, and his background before he entered

this Assembly would certainly give him considerable authority and background on this issue. When one considers the merits of this bill, certainly they are noteworthy and worth while, but in the course of debate – and I certainly hope this will proceed through the Legislative Assembly – perhaps the hon. member could explain the fact – and their concerns are valid – that Bill 206 undermines one of the main principles of our Canadian judicial system, and that is that one is innocent until proven guilty. The fact that these cars are going to be taken right away certainly flies in the face of that.

This bill has received wide support. I myself certainly saw the hon. member consulting with the local neighbourhoods, with community groups, with residents in regard to this, and I appreciate that effort. It is legislation that certainly has its merits, but it also has its drawbacks. I think the best thing to do, Mr. Speaker, would be to proceed with this legislation and see if we can improve not only the neighbourhoods but see if there are any ideas that could be brought forward that would satisfy the ideas of one of the tenets of our justice system, which is that one is innocent until proven guilty.

Now, I understand that if someone is caught soliciting for prostitution, there are many conditions, which the hon. member indicated, that would prohibit the vehicle from being seized: certainly, if the owner can demonstrate that they didn't know that they were involved in solicitation – I at this time, as well as others, would be interested, hon. Member for Calgary-Buffalo, if there is an example in regard to this that we could have – if the vehicle being used was stolen, or if it's a person's first time being charged with prostitution or related offences.

4:40

I'm of the impression that this seizure is going to be instantaneous – and in the course of debate I'm sure we will find out – but the vehicle, as I understand it, may be released by a police officer if the offender might be eligible for or consents to being punished by alternate measures. The hon. member I think discussed this earlier, but I think the whole idea, including taking a course for johns, is a step in the right direction. Certainly, there are considerations being attempted here if the seizure of the vehicle is going to put undue financial hardship on the person that got caught. The vehicle may be released. But how quick are these decisions going to be made? Is there a hearing process involved in this? How does all this work? I would appreciate an explanation of this from the hon. member for the benefit of myself and other members.

When you consider that targeting johns is basically the whole idea behind this bill, I would have to say that it is about time. It amazes me. I think Manitoba and Saskatchewan have already tried similar ideas, and they have been met with a little bit of success at least, if not considerable success, but at some point I think that the name of anyone caught with solicitation offences should be published. They should be printed in a newspaper, or I don't know where you'd print this, but I think that would also be a significant deterrent to this sort of behaviour.

Certainly, with those questions, I at this time will cede the floor to another colleague, Mr. Speaker. In conclusion, I think all hon. members of this Assembly should have a good look at Bill 206 in considering making this bill law. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Manning.

Mr. Vandermeer: Thank you, Mr. Speaker. It is my pleasure today to rise and join debate on Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. I believe that this bill must be passed. It is imperative that all members realize the importance and the implications of this bill. After all our debate I hope that all of us vote favourably for it.

Mr. Speaker, when I first started studying this bill, I did not support it. In fact, I did not think it was a proper area for this government to be delving into. I thought that it might infringe on too many rights and was too vulnerable to constitutional challenges because it seemed to step into federal jurisdiction, but then I learned a little bit more about some of the issues that this bill is trying to solve, and I realized how important Bill 206 could be in this province.

The goal of this bill is to amend the Traffic Safety Act so that police officers will be able to seize the vehicle of a person who attempts to become involved in a prostitute-related offence. At first glance that seems heavy handed. When I first learned of this bill, I was not in favour until I learned of the startling statistic which was that the average age of a street prostitute is 15 years old.

An Hon. Member: How old?

Mr. Vandermeer: Fifteen years old.

Mr. Speaker, when the standing policy committee met with a number of detectives from Edmonton and Calgary and I questioned them on some of the issues, I asked: what is your main purpose behind pushing ahead this kind of legislation? They explained to me that their main purpose is to get kids off the street, and that was when I changed my mind and decided I would support this bill.

I don't know if members of this Legislature realize what that means. I will repeat it: the average age of a streetwalking prostitute is 15 years of age. A 15 year old is a child, a child who has no business being on the street for any reason, but the worst bit is that if 15 is the average age, that means there are children on the street selling themselves who are younger than 15. That is why I support this bill. It is a good way of going after the men who pursue children for sex. I have heard disturbing reports of men prowling the streets for young girls for sex. To me that is child abuse of the worst kind. There is no excuse for a person who pays a child to have sex with him.

I agree wholeheartedly with this bill, and I agree that this is another great step in trying to curb prostitution on Alberta streets. We must continue to battle the problem. It is not going away on its own, so we must come up with solutions such as this one, which goes after not the prostitute but those seeking the prostitute.

Mr. Speaker, there are many programs in Alberta which are designed to help prostitutes leave the curbside, to help the young streetwalkers leave a dangerous life and return to a safe environment. These programs target the prostitute. What this bill does is target the john, the reason for street prostitution, because without the john it is tough for pimps and prostitutes to make any money. The impact of johns harassing innocent women and children in neighbourhoods is an ongoing problem here in the city of Edmonton itself. What happens is that johns go through communities, propositioning anybody they find. The reason for it is because they have had success obtaining sex for cash in those communities. After we pass the bill, if a john happens to proposition an undercover police officer, the police will be able to take their car away.

This government has championed many programs to curb prostitution. We have especially tried our very best to get the young streetwalking children off the corner with the creation of the Protection of Children Involved in Prostitution Act. All the efforts we have made to curb prostitution have been small but important steps in fighting a large problem. Bill 206 is another step in fighting a significant problem, a step which could have a significant impact on the problem. By forcing johns away from the prostitutes, many will have to find new areas to work. They will clean up many of our streets and make many communities safer. As well, it may keep

johns from searching out sexual activity in our cities and towns.

Our Protection of Children Involved in Prostitution Act is a great example of a working program this government has championed to help children. Since the act has been brought in, over 894 referrals have been made and over 426 children from across Alberta have been given protection under the act. Mr. Speaker, that number is phenomenal: 426 children have been taken off the streets for selling their bodies. That is an extremely sad situation in this province. Children should not be on the street and being subjected to that kind of abuse. Under the act the youngest child that was taken off the street was 12 years of age, which is so terribly sad. I can't imagine the pain it must cause the family of a child involved in the sex trade, because with prostitution comes other dangers including drug use, physical abuse, and the likelihood that death is not too far away.

The Protection of Children Involved in Prostitution Act has had a remarkable impact on street prostitution in urban communities. In the first year of implementation of the act police and social workers utilized the apprehension authority under the act 273 times in Alberta. In this past year it was reduced to 81. This shows that our effects are working, but more still needs to be done. There are still children out on the street selling themselves to make money for their pimps. One of the biggest impacts of the act was a shift in understanding that the legislation created in the public. This was a large success as it became clear to all Albertans that children involved in prostitution are victims of sexual abuse, which is completely unacceptable. No child deserves that.

4:50

We have programs to help prostitutes, and now it's time for us to begin a program that will stop prostitution at the root of the problem: the buyer. Without the buyer there will be no seller, and if we have no seller, that means we will have less children in a very distasteful and dangerous environment.

Albertans know that there is a problem in our province with child prostitution, and they have asked and expect us to do something about it. We have done plenty in the past, and we will continue to do more, and I applaud the Member for Calgary-*Buffalo* for his dedication to this issue. I know that he has seen many of the horrors of the business of prostitution by being a former police officer. I believe that we as legislators in this House should recognize that this bill is an attempt to deal with the problem of getting rid of the buyers, and this is a problem that we should be confronting in our positions. I implore all members to vote in favour of Bill 206.

Thank you.

The Acting Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. I appreciate an opportunity to make some comments about Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. We've already heard some of the issues that the bill raises. I think the two main principles that come into conflict with the proposed legislation are the fact that the bill denies the assumption of innocence by denying due process and allowing any police officer to act as judge, jury, and bailiff. That very important principle that we all honour and protect in our country is put up against the principle that the communities and neighbours in communities must be safe and secure and live in as healthy an environment as possible in which to raise their families. So we have two really conflicting principles, and it's trying to mediate our way between those and come up with a solution to a problem that others I think have characterized in many ways as being a horrendous problem for those that are involved in the trade and that those such as the communities where the trade is plied must put up with. So it's a bit of a balancing act.

We've been down this road before in the Legislature. A few years ago there was a bill that allowed the police to take action against intoxicated drivers, that has given them powers similar to the ones that we see in Bill 206, and again the same issues were raised. In the case of the intoxicated drivers I think the decision that came down on the side of allowing the officer the latitude to make decisions that are usually reserved for juries and courts was that there was a human safety issue, that to allow an intoxicated driver to continue would endanger the lives of others and, in fact, could endanger the very life of the driver himself or herself. So, in that case, I think the danger was rather clear.

I think that on this bill you might get – and I think we've already heard that – some similar arguments, that by allowing johns into the neighbourhood, by allowing them to cruise the streets, we are in fact endangering the lives of the people that are involved in the trade and in many cases I think, as already has been pointed out, of children who by force of circumstance find themselves forced to do some rather reprehensible things. So it's a difficult problem, and I think, again, the community would argue that there is a safety issue just for them as some of the characters that are involved in this trade are, to say the least, unsavoury and do present a real physical menace to innocent citizens who are trying to go about their normal daily business. So I guess that if you're going to come down on any side, you have to come down on the side of trying to make communities safer for individuals and to take our risks in terms of the freedoms that we enjoy.

I think we've been provided with some data from other provinces that have gone down a similar road and have enacted similar laws, and to this point there hasn't been a challenge to the legislation based on an individual's rights being abrogated. So the fact that it hasn't been challenged maybe speaks to the care with which it has been applied and that officers are careful not to abuse the right that the legislation gives them. So I think that that is some assurance that the legislation won't be abused. I guess the question as it becomes more widespread and is no longer under the microscope – this law will be certainly here initially and I'm sure was in other provinces – is that after that initial period it won't be looked at as carefully, and are there opportunities for it to be abused.

There are provisions here that allow the owner of the vehicle to make his or her case if the vehicle was being used without their permission or was being used to take part in the prostitution without their knowledge. It allows them some ways out via attending john school, and I think that if nothing else it can be looked at as a measure that can be taken in the interim while we try to seek some other solutions to a really, really difficult problem. It is a piece of legislation that can be revisited should we end up finding that there are difficulties with it. It's not written in stone. We are constantly amending laws in this Legislature.

So I think that on balance, although it makes me uneasy in some areas, Mr. Speaker, I'm going to support the bill and hope that the kinds of reservations that others have raised - I think there was a rather strong editorial in one of the local newspapers that raised some serious reservations about the bill. Even with those reservations in place, some immediate solution to the problem is needed, and until we can think of other measures and put those in place, then I think this bill deserves support.

Thanks, Mr. Speaker.

The Acting Speaker: The hon. Member for Olds-Didsbury-Three Hills.

5:00

Mr. Marz: Thank you, Mr. Speaker. I'm pleased to join in the

debate today on Bill 206, sponsored by the hon. Member for Calgary-Buffalo.

Mr. Speaker, our communities are the backbone that holds this province intact. Without the support and backing of the various community groups and police services across this province Albertans would not enjoy the current standard of living that they do. An example of community support is occurring in the city of Calgary. The Calgary Police Service vice unit in conjunction with an organization called Communities for Awareness & Action on Prostitution Issues have joined forces to educate the public in the areas of crime and street prostitution. This committee, CAAPI, was formed in September of 1997 under the direction of the Calgary Police Service, community volunteers, representatives from various social agencies in the city of Calgary, the city of Calgary Department of Community and Neighbourhood Services, as well as city council members.

CAAPI's main goal is to educate the public on how street prostitution affects all citizens of Calgary, and it's their goal to work towards a safer city. The organization is working toward protecting the rights of women, children, and families, not just the rights of sex-trade offenders such as sexual exploiters and pimps. I think it's essential that communities are aware of the harmful effects prostitution has on Alberta's cities. Community groups such as CAAPI desperately want to work together with governments and police services to make their inner-city communities safer places to live, work, and play.

Mr. Speaker, there are many angles that a community can implement to prevent and eliminate street prostitution. The effective multilevel approach is one in which the police work closely with the local residents in the community and the local authorities to develop a response that involves new styles of intense policing and a combined traffic management scheme that is designed to remove or at least significantly reduce the incidence of cruising and soliciting in a particular area. Low-level strategies of intervention may be enough to deter clients, but intensive strategies on the part of both law enforcement and affected residents may be necessary to deter the committed street prostitute.

To produce maximum benefits, the interventions have to be implemented in a particular sequence with a great deal of thought, care, and commitment. If the police's effectiveness is to be noticeably improved, relationships with the community organizations and with a range of relevant agencies need to be developed. This is paramount to a successful campaign. A multilevel approach involves two things. First of all, there must be a shift from the position of reactive to proactive, and the second element for successfully reducing street prostitution is the sharing of responsibility for crime prevention and control with other agencies and communities.

It's important that the community as a whole address a couple of different points as it pertains to defining a successful strategy, the first being an improved flow of information between the police and the public. The level of commitment on both sides must be underlined in order to mount a proper defence.

The second involves a traffic management plan. Mr. Speaker, Bill 206 speaks to this very notion. The purpose of Bill 206 is exactly what might be considered a traffic plan. By allowing peace officers to seize vehicles involved in prostitution-related offences, this will give communities an increased sense of security, a reduction in the volume of prostitution-related traffic, and a reduction in the level of crimes reported as well as ultimately an improved relationship amongst the public, the police, and local authorities.

Many communities across this country and across North America have taken these initiatives on themselves to improve their area of

living. Having a regular neighbourhood meeting is an excellent method to accomplish many things, the most important of which is keeping a community safe. By individuals getting involved in creative strategies with other members of the community, it creates an atmosphere of proactivity, not reactivity, in the community. It's been suggested by members of the Calgary police vice unit to use incident reports by community individuals in order to keep notes on any action or actions that they may have witnessed in their area. These reports can then be turned in to your community liaison officer for their review. This is an excellent way to promote involvement in the community and have written hard copy proof of any witnessed improprieties in the neighbourhood.

Another creative strategy is to identify sex-trade offenders via a web site. One particular group of individuals in the Victoria Park area of Calgary did just this. They identified individuals who were causing problems in the neighbourhood and publicly raised their profiles by publishing their names and photographs for everyone to see. This type of program focuses the attention on the real offenders behind a community's concerns.

CAAPI has made it abundantly clear that these are some of the primary means to rid the streets in their community of these problems. The organization also strongly suggests that members of the community compose letters to municipal, provincial, and federal politicians to support changes to current legislation that will help police to curtail prostitution in the area.

Mr. Speaker, Bill 206 should be commended for this initiative. Many inner-city communities in Edmonton and in Calgary as well as both Edmonton's mayor and city council as well as the mayor of Calgary have expressed strong support for the idea of seizing and selling vehicles involved in this type of prostitution-related crime. The vehicle seizure proposed in this bill would be a very effective deterrent for first, second, and longer repeat offenders.

The Calgary Police Service for one has gone to great lengths to be proactive in this fight against prostitution-related offences. In October of 1998 they launched a strategic plan to develop short- and long-term solutions to the issue of prostitution and its collateral safety issues. Additionally, the Calgary Police Service continues to focus on a holistic strategy that combines efforts with committed agencies to assist in mobilizing citizens from the community to address the issue and to make the city of Calgary a safe place to live. As mentioned earlier, with the involvement of the community this problem can be overcome.

As a longtime rural constituent I understand the meaning of community. The meaning of the word is somewhat exemplified in its definition: "a unified body of individuals." It's knowing that your neighbour is looking out for you and your well-being as much as you're looking out for them and theirs. It's about trust, friendship, and common values and goals. Many rural Albertans know exactly what I'm referring to as this has been the hallmark of the rural setting for many generations. Urban constituents, thanks to programs like these offered through the Calgary Police Service, are also finding true value in the word "community," looking out for neighbours and their children, knowing that the favour will be returned one day.

Mr. Speaker, Bill 206 is a move in the right direction of reducing prostitution-related offences, reducing the crime that always follows, and in the same token strengthening the communities that so many of us here in Alberta pride ourselves on. In closing, I'd urge this Assembly to support this bill. Thank you.

The Acting Speaker: The hon. Member for Edmonton-Glengarry.

Mr. Bonner: Thank you very much, Mr. Speaker. It is indeed a pleasure to rise this afternoon to speak to Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment

Act, 2003. I want to first of all thank the Member for Calgary-Buffalo for his extensive work in bringing forth this piece of legislation to the Assembly. This bill is designed to seize vehicles of johns caught soliciting someone for the purposes of prostitution.

Particularly when you're looking at prostitution, as the Member for Edmonton-Manning had indicated, the majority of our prostitutes on the street are minors, average age of 15 years. So this type of behaviour of prostitution certainly does have a huge impact not only on our communities but on families that are involved. In looking at the piece of legislation that we are debating here this afternoon, I think we also have to consider all families and the impact that they do have on communities.

5:10

Early in my first term, after being elected in 1997, the Department of Justice had put together a trip where we got to tour numerous facilities under their jurisdiction. We started at the Edmonton Police Service jail. We went to the Law Courts, back to the Remand Centre, and finally we went out to the youth detention centre. As events unfolded that day, we followed a 14-year-old girl who had been picked up soliciting officers for prostitution. She was soliciting two undercover officers, and this occurred at 4 a.m. Now, we saw her in the police holding cells awaiting her time in court, and at that particular time she was certainly not very concerned about the charges in front of her.

When we went to court, we were quite surprised to see that this same individual was appearing in front of the judge as we were there. Again, her attitude was certainly not one that you would think was a good attitude at that particular point. When the judge had put what he thought would be a good sentence on her, he asked the mother to reply. The mother did, and she said: really, even with these conditions you've placed upon her, I have a great fear that she'll be back on the streets again tonight. So, at that time, what the judge did was recommend that she spend three weeks in the youth detention centre until they could move forward with this particular thing.

As we left the courts and went over to the Remand Centre, we saw this same girl, and she was distraught, quite upset. Obviously, an impact had finally been made upon her. Later in the day when we were touring the youth detention centre, we saw her again, and I think that the impact on her was extremely strong.

This particular bill is a bill that would focus on the crime, and the crime is certainly against this youth, and the crime is certainly being committed by the johns who take advantage of this young person and put her in a position where it has a huge impact on her family.

Now, Bill 206 certainly does target the johns, but I do have some problems with the discretionary power that this particular bill does give to police officers. I certainly have absolutely no trouble if the cars of johns are seized under this particular bill. I do have some questions, though, if the car belongs to the mother of a family and she has no indication that the car is being used for the purpose it is.

I think that, as well, we have to look at the situation as to whether the same vehicle is being used in both situations – when the offence is committed, is it the same car that is used in both occasions? – and whether in fact the owner did have an understanding that the car was going to be used for these purposes or that the owner of the car certainly gave the individual permission to use this vehicle for whatever reasons. I think that if we are truly looking at a law that is going to cut down on the impact of prostitution on our communities and on families, we also have to look at the huge impact that this will have on families whose car was used, particularly if the car was registered to the mother or, in the case of common-law relationships, where the car of the mother of the family is being used by her common-law.

So those are my major concerns with this bill. I think that overall it is a very good bill. I also think that even if this issue cannot be cleared up, I will be supporting this bill because I think that for too long we have allowed johns to travel freely in our communities, and there is no doubt about the serious nature of prostitution and how it does affect our communities.

With those comments, Mr. Speaker, I will take my seat and certainly listen to the arguments of others on this bill and once again thank the hon. Member for Calgary-Buffalo for bringing this piece of legislation forward. Thank you.

The Acting Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you. I wish to speak in support of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. When my devoted colleague for Calgary-Buffalo first introduced this bill, I thought of how lucky my constituents in Whitecourt-St. Anne are that we don't have to deal with these types of issues as do my colleagues from the urban ridings. In fact, I thought I'd just sit and listen to the debate and just keep out of the proceedings because it really didn't impact Whitecourt-St. Anne.

I changed my mind when I read an article in the *Calgary Herald* on March 7. The article really caught my attention, and I want to share the story that was in the article. The heading of the article that caught my attention was: "Daddy, can you blow up this balloon?" In the article it states that a young girl was playing in the backyard last fall when she picked up what she thought was a balloon. Her dad was inside the house when his four-year-old daughter walked in. She said: Daddy, can you blow up this balloon? Well, she had a condom in her mouth that was filled with sperm. The rest is history from there. I don't have to get into the details. It's believed that the used condom was thrown over the high backyard fence in a neighbourhood in southwest Calgary, and this area was working to get rid of the prostitution problem in Calgary. Well, six months later this little girl is still getting needles to test for HIV, hepatitis B, and other diseases. This little girl has gone through five sets of testing, but it may take up to six or nine months before anything shows up. You can only imagine what this family is dealing with and feels like.

Colleagues, this could be your child or, for some of you, your grandchild. Bill 206 is another tool in the toolbox needed to assist our larger communities get rid of street prostitution and discourage johns from soliciting prostitutes in any neighbourhood.

I encourage all of you to support Bill 206. Thank you.

The Acting Speaker: The hon. Member for Airdrie-Rocky View.

Ms Haley: Thank you very much, Mr. Speaker. I appreciate very much the opportunity to rise in the House today and speak to Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. I'd like to thank my colleague the Member for Calgary-Buffalo for bringing this initiative forward as it is clear that his intentions are very genuine. However, I have to respectfully register my disagreement with the proposed legislation as I see a number of problems with the bill if it is passed.

We always try to provide police officers with any additional tools that can help them deal with criminal activity. In particular, the ability to seize vehicles used in prostitution-related offences would seem to give law enforcement officers yet another option when dealing with such cases. What I find difficult to support about Bill 206 is not the idea behind it but rather the fact that the bill encroaches into the jurisdiction of the Criminal Code of Canada, which falls under the judicial umbrella of the federal government.

Bill 206 calls for an expansion of provincial powers under the Traffic Safety Act. Presently the act limits provincial powers to prescribing things like the maximum allowable speed of vehicles, traffic control devices, or signs at railway crossings. It remains to be seen whether there would be a constitutional challenge if this bill should be passed.

5:20

Secondly, Mr. Speaker, the seizure of vehicles as punishment for a crime presents a number of problems as well; namely, that the punishment can be unequal for an identical offence. To illustrate my point a little better, imagine that two vehicles are seized from individuals that are found guilty of the exact same offence. Each vehicle is valued at \$15,000. For the first individual the vehicle is the only means of transportation for an entire family and cannot easily be replaced due to financial constraints. In the case of the second individual the second car is used sparingly. The impact on the two families involved is extremely different. Similarly, if we were to seize a \$110,000 Mercedes Benz, is that a reasonable penalty for picking up a street prostitute? This becomes especially questionable since we are doing it on the presumption of guilt rather than on the premise of innocent until proven guilty.

As many of us already know, Manitoba and Saskatchewan have passed similar legislation in the recent past, and although this would seem to support Bill 206, I must disagree. As I already mentioned, 206 is vulnerable to constitutional challenges, and should such a challenge be successful in either Manitoba or Saskatchewan, it would likely mean that our Alberta law would also be subject to the outcomes of that court decision. But here's where I am most concerned. If these constitutional concerns are not addressed and such a challenge comes at some point in time, would the government then be responsible for reimbursing all of those who had their vehicles auctioned off? Would we also be liable for punitive damages?

Mr. Speaker, as I mentioned at the outset of my speech, I understand and sympathize with this bill, which is why I supported the Solicitor General on the child prostitution act. It is why I support the john school and why I support the youth project ranch in my constituency. However, I am unable to support a piece of legislation that presents real concerns with the equality of punishment and is so open to constitutional challenge. These questions must be addressed before we can proceed with legislation in this area.

Further, this particular piece of legislation seems to have considerably weakened as it has progressed through our process. While I oppose this bill, I also oppose prostitution, but I don't believe that this bill addresses that emotional issue. Despite my opposition to the proposed legislation, I'd still like to thank my colleague for Calgary-Buffalo for bringing it forward, generating more awareness about the seriousness of an issue relating to street prostitution.

I would also like to say that every time we do something like this, we drive prostitution to a different level, and this bill does nothing to address real issues like diseases, drug use, the blatant use of the term "escort services" that everybody gets to hide behind now. They're so commonplace that they get freely advertised in every mainstream newspaper in this province.

Creating legislation that only raises questions about jurisdiction and equality of punishment is not an effective way of dealing with the problem. We sit in here and we talk about children; I totally concur. You know, people that abuse children this way should be dealt with harshly, but I don't believe that taking somebody's car addresses that issue.

Once again, Mr. Speaker, I'm sorry that I can't support this bill. I know that it was brought forward with nothing but the best

intentions, but I think it's flawed legislation. I hope everyone will carefully consider not just hyperbole, not just emotional gut reaction to a child being abused – nobody appreciates that; nobody in here condones that – but don't pass laws that aren't going to hold up or achieve what it was that you were trying to accomplish in the first place.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Montrose.

Mr. Pham: Thank you, Mr. Speaker. I know that Bill 206 enjoys a fair degree of support among members, and I know that its aims are laudable. However, with respect to the sponsor of Bill 206 I must vote against the bill and encourage other members to do so as well.

Nobody denies that prostitution is harmful to society, johns, and prostitutes as well as to the communities in which it takes place. It is even more true when we look at cases of child prostitution. There's nothing more sickening than forcing or inducing a child to become a prostitute. No kids should have to go through that, and anyone that forces a child to go through that should be punished to the full extent of the law. I don't want this john to go into john school; I want him to go to jail.

Also, we all agree that it would be a good thing if we were able to clean up neighbourhoods where prostitution takes place, especially if young children live in that neighbourhood. However, we need to consider whether or not Bill 206 is the best way to handle this problem. In Canada we are rightly blessed with the presumption of innocence until being proved of guilt. Bill 206 rearranges this presumption. Under Bill 206 a driver is considered guilty until he can prove his innocence. This is unfair to the driver, who has a right to a fair trial. It is also an affront to our legal system, which works only if the presumption of innocence is granted.

The sponsor of the bill and many of those members who have supported it today suggest that it will simply be another tool in the box of law enforcement officials which can be used to rid our street of prostitution, and they might be right. However, I'm going to argue that the method by which this bill is used, when truly considered, should prevent us from passing Bill 206 into law.

In short, I believe that the method is an infringement on the sanctity of due process. We have heard the member talk about the likely method through which a vehicle would be seized. Many members may argue that if someone gets caught red-handed, it would be okay to take away his vehicle. I disagree. The suspect – and until he's proven guilty, he is still a suspect – hasn't spent one second with his lawyer. He has not spent one second learning about how this may proceed through the legal system. It is why this bill makes me afraid. We have courts to determine guilt, not police officers.

A police officer's job is to ensure peace and safety and to charge offenders with a crime. At that point, it is a judge or jury's role to determine guilt and assign a penalty. If we alter this arrangement and allow police officers to take the role of judge and jury, then we seriously jeopardize the integrity of our legal system. It could be compared to asking what other powers we're prepared to hand over to police officers and in what other ways we are willing to compromise the impartiality of the law. That is what we would be doing by passing this law. We would be making the assumption that the police officer's description of events is the definitive description of events and that this description would be good enough to seize a vehicle. However, I would argue that a simple hearing of the police officer's description does not provide enough evidence to seize a vehicle from a suspected john. What about the story provided by the suspect? Is this to be given any weight?

We know from past experience that more than one police officer

has made mistakes. There's enough reason to suspect that it will happen again, and as long as that suspicion exists, we should be very wary of giving more power to police officers. Because these things happen, we need to ensure that a full hearing in a court of law takes place. If the evidence from a hearing shows that the suspect was in fact guilty of soliciting for the purpose of prostitution, then the suspect should be fully punished.

Now, I know that a lot of members may suggest that this bill doesn't extend the powers of police officers to such a great extent. After all, a police officer can seize the vehicles of people who they suspect of drinking and driving or driving recklessly. In those cases, police officers can take away vehicles, so why not in prostitution-related cases? This argument does not hold water, Mr. Speaker. First, the police officer's job is to ensure the safety of others in the face of a direct threat. If a driver is drunk or reckless, he's directly endangering others. The officer's duty as an upholder of peace and safety is to take that car away for a brief period until a court makes a judgment. In these cases, citizens feel comfortable with a certain degree of police power. However, they should feel uncomfortable with the cop being the final arbitrator.

Mr. Speaker, I understand that the intentions of the Member for Calgary-Buffalo are good. I, like him, want to see prostitution eradicated, and I want to see those neighbourhoods where prostitution is rampant cleaned up. However, I'm not willing to bypass the law or jurisprudence to see it happen. In a society which promotes the supremacy of liberty and individualism, we need to be able to sort out if the individual has in fact broken the law before we limit his or her freedom. This gives rights to the suspect, and inheriting that right provides some really scummy people with their rights within the legal system. Sometimes we do not want to do this, but we do it to ensure that a fair trial is had, and we do it to ensure that these people who are innocent and are charged with a crime are afforded every possibility to prove their innocence.

The Acting Speaker: Hon. member, I hesitate to interrupt, but it's 5:30. The House stands adjourned until 8 p.m.

[The Assembly adjourned at 5:30 p.m.]

