

Legislative Assembly of Alberta

Title: **Monday, May 5, 2003**

1:30 p.m.

Date: 2003/05/05

[The Speaker in the chair]

head: **Prayers**

The Speaker: Hon. members, welcome back. Please remain standing after the prayer for the singing of our national anthem.

Let us pray. As we begin our deliberations in the Legislature today, we ask You, O God, to surround us with the insight we need to do Your will to the benefit of our province and its people and to the benefit of our country. Amen.

Now I would invite all hon. members to join in the singing of our national anthem in the language of your choice. 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 Visitors**

Mrs. McClellan: Mr. Speaker, I'm pleased to introduce to you and through you to members of the Assembly Mr. Joao De Abreu, consul of Portugal. The consul was only recently appointed, and this is his first official visit to Alberta.

About \$26 million in bilateral trade flows back and forth between Portugal and Alberta each year. Alberta's exports to Portugal include wheat, steel products, and building materials. Among Portugal's exports to Alberta are fine wines, cork, and footwear. Our relationship certainly extends beyond trade. More than 14,000 people of Portuguese descent now proudly call Alberta home.

I would ask that our honoured guest please rise and receive the traditional warm welcome of our Assembly.

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's indeed a pleasure to rise and introduce to you and through you to all members of the Assembly and to all Albertans tuned in a very special guest who is in the Speaker's gallery this afternoon. I'm referring to the Canadian ambassador to Ukraine, Mr. Andrew Robinson, who today is making his first official visit in that capacity to our province.

As members here will know, Alberta and Ukraine share a very strong and a very special relationship, and I'm very pleased that the ambassador and his staff in Ukraine have played a very vital role in helping shape our province's direction and the strengthening of ties with Ukraine. I'd also like to express our thanks to the ambassador for his very generous hospitality in hosting our Premier last year, almost on this very day, when he and I and the Member for Redwater were over there visiting. Later today the ambassador will join our Advisory Council on Alberta-Ukraine Relations for a very special meeting.

So with just about 300,000 Albertans of Ukrainian ancestry in this

province – I think I can speak on behalf of most of them, being one of them myself – I would say thank you to the ambassador and ask that he now rise with Melanie McCallum, who is here as his escort from International and Intergovernmental Relations, and receive a very warm round of thanks from all members present.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Thank you, Mr. Speaker. I have two introductions today. I wish to introduce to you and through you to members of this Legislature a group of very, very special visitors from Newfoundland, from a community called Botwood. They're from L.P. Purchase Academy, and they're here on an exchange, a co-operation between their school in Newfoundland and of course Vegreville composite high in Vegreville, Alberta. They are seated in the members' gallery. There are 35 students from grades 7, 8, and 9, and they are accompanied by the vice-principal of Vegreville composite, Mr. Roy Mills; Ray Jenkins; Shelly Whiteway; the principal from L.P. Purchase Academy, Paulette Colbourne; and parent Tess Greening. We had a wonderful lunch here in the Legislature just a few minutes ago. We're so proud to have visitors from that far away visiting here in Edmonton and especially the community of Vegreville, which was as a result of good communication between the two provinces. I would ask all the students and parents and teachers to rise and receive the traditional warm welcome of the Assembly. So much for sunny Alberta.

The second introduction. Again I wish to introduce to you and through you to members of this Legislature a special visitor from the town of Lamont, Mr. Ernie Sledz, who is seated in the members' gallery, a tremendous volunteer, a 4-H member from the days when we were involved in 4-H, and also a Lions Club member and past president. So I'd ask him to rise and receive the traditional warm welcome of this Assembly.

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

Mr. Cenaiko: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly Michael Lobsinger Jr. Michael has completed his third year in business and is majoring in political science at Carleton University in Ottawa. He's begun his first day today as my summer student constituency assistant and is here this week for orientation at the Legislative Assembly. I'd like to ask Michael to rise and receive the traditional warm welcome of this Assembly.

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

Mr. Masyk: Thank you, Mr. Speaker. I rise on behalf of the Member for Lesser Slave Lake to introduce a very special individual. Her name is Andrea Calahasen from High Prairie. She's here doing some volunteering for the hon. Member for Lesser Slave Lake. She's in the members' gallery, and I'd ask her to rise and receive the traditional warm welcome of this Assembly.

Thank you.

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

Mr. Maskell: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through to the members of this Legislature 20 members of the Westend Seniors Activity Centre accompanied by their executive director, Janice Monfries. The Westend Seniors

group numbers more than 700 and growing, and they're in the process of building a new \$1.2 million centre in Edmonton-Meadowlark. We thought that today would be a great day to tour the Legislature with its beautiful gardens and lawns, but instead we have a winter wonderland. West Edmonton seniors, my dear friends, would you please rise and receive the warm traditional welcome of this Legislature.

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

Mrs. O'Neill: Thank you, Mr. Speaker. It's a pleasure today to introduce to you and through you to members of this Assembly 21 students and two assistants from Keenooshayo elementary school in St. Albert. They are here for the School at the Legislature. They are accompanied by their teacher, Mrs. Barbara Hubbard, and Mrs. Rosemarie Grosul, who will be with them all week as they learn much about the building and certainly about government. They are seated in the public gallery, and I would ask them to please rise and receive the traditional warm welcome of this Assembly.

1:40head: Oral Question Period

University of Calgary

Dr. Nicol: Mr. Speaker, Alberta is growing, but under this government educational opportunities are shrinking. In a memo sent to all staff last Friday, the University of Calgary president, Harvey Weingarten, said:

The University is now in the most difficult part of the budget restructuring process and it is fair to say that the impact is being felt across the institution. Many positions are being abolished and the process unfortunately means job losses for many of our colleagues.

To the Minister of Learning: does this sound like the Alberta advantage?

Dr. Oberg: Mr. Speaker, the University of Calgary is going through some significant restructuring. They have chosen, for example, to look at potentially cutting around \$50 million out of their budget. One of the things that they will do with those dollars is take some of the dollars that are saved and put them into student bursaries, things like that. They have also restructured what they do. They are attempting to go into four or five key areas and have the courses there. They are also attempting to get more into the postgraduate programs such as masters' and doctoral degrees.

Anytime you change the status quo, it is very trying, but they are doing it. They are going through a very good process of looking at exactly what they're going to do. They're visioning for the next 10 to 20 years, and I commend them for doing it.

Dr. Nicol: Why has the University of Calgary been forced to cut 64 support staff positions?

Dr. Oberg: Mr. Speaker, over the last four years since I've been minister, we've increased the University of Calgary's budget by very close to 25 to 28 percent. Included this year, as I answered the hon. Leader of the Opposition last week, is a 4.1 percent increase. What is not known to the university yet is exactly how the \$10 million from the performance fund and the \$10 million from the access fund are going to be given out to our postsecondary facilities. I'm assuming that when that is known, that obviously will be good news for them. But they are going through a restructuring process and looking at everything – absolutely everything – in great detail.

I will say that one of the things that I credit the University of Calgary with is that they're even looking at administrative offices.

The president of the University of Calgary is actually moving his office into a much smaller area. So these are the kinds of things that they're doing. They're looking at everything.

Dr. Nicol: To the Minister of Learning: Mr. Minister, how much of that restructuring and that cost cutting is due to the fact that you didn't give them as much money as they need to cover their internalized cost increases?

Dr. Oberg: Well, Mr. Speaker, the hon. member approximately two months ago was asking me about tuition increases. He was saying: why tuition increases? Well, there is money being raised through tuition; the postsecondaries are receiving in total 4.1 percent this year. As I stated in my last response, \$20 million has not been allocated yet, and I would assume that the University of Calgary will get a significant portion of that. What they are doing is looking at how they do business, why they do business, and where they do business. So I commend them on that visioning exercise that they're going through right now.

Education Property Taxes

Dr. Nicol: Mr. Speaker, last week the city of Edmonton announced that a typical homeowner will pay an additional \$57 for education property taxes next year. To the Minister of Revenue: why didn't the government lower the mill rate to keep the total amount of education property tax collected constant given that the mill rate was lowered last year to sustain a fixed amount?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. I would like to respond that with respect to all our taxation it's important that all taxes, regardless of the amount that we collect, are there to support the key priorities of this province. This one in particular supports Learning and its budget. I would ask that maybe the Minister of Learning supplement.

The Speaker: The hon. minister.

Dr. Oberg: Well, thank you very much for that. I would like to say that the dollar amount that is raised by freezing the mill rate, Mr. Speaker, goes exactly where the opposition has been asking us to put the money. It goes only to education. Statutorily that is where the education property tax has to go. We have seen significant growth in this province. We have seen significant increase in the value of a person's house, but realistically if your house was worth a hundred thousand dollars last year and it's worth a hundred thousand dollars this year, you pay exactly the same property tax.

Dr. Nicol: Again to the Minister of Revenue: isn't keeping the mill rate constant just another way of getting more taxes, a tax grab for the government?

Mr. Melchin: Mr. Speaker, I would like to first clarify a couple of things. Education property taxes are not the purview or responsibility specifically of the Department of Revenue, and I might actually have the Minister of Municipal Affairs respond.

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. You know, in this province as it grows, we have to capture the growth. The hon. Leader of the

Opposition knows full well that as people come to our province, they don't bring the schools with them. So we're capturing a growing province. But ultimately it's important to clarify that if your assessment has not gone up in this past year, your education property tax will not go up either.

Dr. Nicol: To the Minister of Municipal Affairs then: what has this minister done to prevent the government from forcing municipalities to raise taxes after this government promised that the school property tax would be frozen?

Mr. Boutilier: Mr. Speaker, let me again clarify. I know it's a very complex issue, that of assessment, but one thing is for certain: in our province we are growing. Assessments are going up in fact in certain communities, but it's important to note that if your assessment doesn't go up, your tax bill stays the same. In fact, if your assessment goes down, your actual education property tax bill will go down as well.

Calgary Courthouse

Mr. Bonner: Mr. Speaker, in 1924 Lord Hewart famously said: justice must not only be done but should manifestly and undoubtedly be seen to be done. I believe that all members of this Assembly would agree with this sentiment. However, the P3 courthouse in Calgary clearly violates a principle of this statement. To the Minister of Infrastructure: did the minister give any thought to the judicial optics of a corporation owning and leasing a courthouse before it decided to proceed with this P3?

Mr. Lund: Mr. Speaker, I'm having great difficulty understanding what difference it makes who owns the building. What difference does it make? As a matter of fact, right today the Court of Appeal is in leased space. They do not own the building; we do not own the building. We lease the space. We find situations where in other locations they are owned. For that matter, I don't understand what difference it makes who owns the building, who operates the building. What difference does it make on those scores as long as the building meets the standards that are necessary for the function that's being performed in the building and it's kept up to the proper standards? We will make sure that that happens.

Mr. Bonner: Mr. Speaker, to the same minister: what safeguards did the minister put in place to deal with the potential conflict of interest when company X is taken to court but company X owns the courthouse?

Mr. Lund: Well, I wonder, Mr. Speaker, if the member has thought of what happens if TransCanada PipeLines is taken to court, because quite frankly that's where one of the courts is situated today.

Mr. Bonner: To the same minister: what is this minister going to do to preserve the integrity of Alberta's justice system with respect to this courthouse?

Mr. Lund: Mr. Speaker, once again, I don't think the structure affects the integrity of the justice system. To respond more fully on how we are protecting the justice system, I would ask the Minister of Justice to supplement the answer.

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

Mr. Hancock: Well, thank you, Mr. Speaker. The key element here

is that once the court is appointed, it operates independently and without any control by the government or any other party whatsoever.

With respect to where a court sits, the issue of whether or not there is any potential conflict can be dealt with in terms of the arrangement that's made between the government and the owner of the building. Quite frankly, we have courthouses across this province that are situated either in publicly owned buildings or in privately owned buildings. They've operated well. They do not impugn in any way, shape, or form the integrity of the court, the ability of the court, or the independence of the court to carry out its duty.

If a P3 proceeds in Calgary and we end up with a state-of-the-art facility in Calgary to house all of the justice needs of Calgary and area so that people know where to access justice, where to go to the courts, where to get the services they need relative to the justice system, that will be an improvement for the courts in Calgary and will not be a denigration to the courts in any way, shape, or form.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Edmonton-Beverly-Clareview.

1:50

Health Care Waiting Lists

Dr. Pannu: Thank you, Mr. Speaker. The Tory government has allowed wait times for a range of surgical procedures and diagnostic tests to steadily grow over the last year. Longer wait times erode confidence in the public health care system and create pressure towards a two-tier, privatized health care system. The government has clearly broken its promise made a year ago to guarantee timely diagnosis and treatment by reducing wait times. My questions are to the Minister of Health and Wellness. Why did the government break its promise and let wait times for open-heart surgery, cataract surgery, hip and knee replacements, and MRI diagnostic tests steadily increase over the past year?

Mr. Mar: Mr. Speaker, we have a plan in place. We recognize that the issue of access is an important one for Albertans. They also say that quality is an important issue, but mostly Albertans are telling us that issues of access to important health care services are their priority. What are we doing? Well, we're following through on a plan. That plan is found in the Mazankowski report. It's found in our three-year business plans. It's found in the business plans of regional health authorities.

What are we doing? Well, look at our infrastructure plan as an example, Mr. Speaker. We'll have over the next three years \$750 million of new infrastructure that includes issues like dealing with the cardiac centre of excellence in the city of Edmonton, the bone and joint centre of excellence in the city of Calgary, each of those projects being in the range of \$125 million. We have a new children's hospital, again somewhere in the range of \$200 million; redevelopment of the Royal Alex hospital, something in the range overall of \$200 million. We're dealing with matters of important diagnostic tests. We're moving forward on primary health care initiatives. We're moving forward on wait list registries that are found on-line. We're moving forward on improving our access to frontline health care services. We're moving forward on a province-wide Health Link line. We're moving forward on a number of different initiatives that I think will give us a leading-edge role for moving forward on important health care initiatives in this country.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Assuming that the government

has a plan that works, why did this minister fail to act when it became obvious months ago that wait times for public MRI tests were growing and reaching crisis levels?

Mr. Mar: Mr. Speaker, we have the highest scan rate in the country for MRIs – it's 24 per thousand – that I'm aware of. I could stand to be corrected. There's no other jurisdiction anywhere in Canada that has a scan rate for MRIs at the same rate that we do.

Now, the number of MRIs over recent years, over the last two or three years, has somewhat doubled, Mr. Speaker. We now do about 75,000 or 80,000 MRIs a year, yet the demand continues to increase. We have to seriously examine whether all of these MRIs are in fact necessary. This is an important diagnostic tool. Nobody is questioning that, and I assume that the hon. member doesn't question that. But having said that it's an important tool, in some cases we have to be asking whether or not this important tool is being used properly, and that is something that we plan on investigating.

Mr. Speaker, on the overall issue of wait lists, we're dealing with them, and it doesn't matter whether it's in the diagnostics or if it's in the actual procedures themselves.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. The last question to the minister: given that the wait times for MRI tests have been going up, why is the government letting 50 million federal government dollars earmarked for diagnostic and medical equipment sit unused in a bank account somewhere instead of immediately applying these dollars to buy equipment and train personnel to reduce the overly long wait times . . .

The Speaker: Hon. leader, you've got about four questions in one. The hon. minister.

Mr. Mar: Because we have a plan to use this important resource properly, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Edmonton-Mill Woods.

Federal Public Building

Mr. Yankowsky: Thank you, Mr. Speaker. I continue to get questions regarding the status of what we call the old federal building, which is owned by the province. I'm also being asked about the interior condition of the building, which, rumour has it, has been used by movie producers and by police for training. Other questions I keep hearing are "Is it for sale?" and "Why hasn't the government renovated it to house government offices instead of paying high rent in private facilities?" My questions are all to the Minister of Infrastructure. Would the minister tell this Assembly what really is the condition of this building?

The Speaker: The hon. minister.

Mr. Lund: Thank you, Mr. Speaker. It is true that the police service does use it for some of their training, and, yes, there has been some activity in the building relative to the movie industry, but of course that's not why we would continue to own it. There have been proposals come before us to renovate and incorporate it into the whole Legislature Grounds. Those seem to run at a very high rate. We have had some interest in purchasing it, but at this point we do not have a for-sale sign hanging on it.

The Speaker: The hon. member.

Mr. Yankowsky: I have no further questions.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Red Deer-North.

Education Funding

Dr. Massey: Thank you, Mr. Speaker. Service-level cuts including fewer teachers and larger classes are being planned by three of our four largest school boards in the province. The minister's reaction thus far includes an audit of Edmonton public and talking to Calgary public. My questions are to the Minister of Learning. Did the audit of Edmonton public eliminate the need for service cuts next September?

The Speaker: The hon. minister.

Dr. Oberg: Thank you, Mr. Speaker. I have not seen the final budget from Edmonton public. As a matter of fact, I will be meeting with Edmonton public within the next couple of weeks to go over their response to the audit, but quite frankly they have not done their final budget, and I have not seen it.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the same minister: did the talk with Calgary public eliminate the need for service cuts there next September?

Dr. Oberg: Again, Mr. Speaker, essentially the same answer. Calgary public will be bringing out their preliminary budget tomorrow. We will obviously work with them. We've been working with them since October. It allowed Calgary public to run a balanced budget this year. Our talks with Edmonton public allowed Edmonton public to run a balanced budget this year, and we'll continue to work with them to ensure that their budgets are balanced with as few upsets in the system as possible.

Dr. Massey: Again to the same minister: is the minister confident that school allocations will not result in school service-level cuts in September?

Dr. Oberg: Mr. Speaker, I find it absolutely amazing that on one hand we're asked why there's more money going into education from the education property tax and, on the other hand, we get another question that says that there's not enough money going into education. On one hand, they say: "Well, you shouldn't be taxing anymore. You shouldn't be putting any more money into education from the property taxes." On the other hand, they're saying that they want more money into the education system.

Be that as it may, Mr. Speaker, the bottom line is that we will continue to work with them. Calgary public, for example, this year has received a \$17 million increase for 700 fewer students. They're anticipating that there will be a drop in enrollment of about 700. We will certainly work with them. We're waiting for their budget, which will come down tomorrow. Over the next two to three weeks they will finalize their budget, and I believe that it will be voted on towards the end of May, first part of June.

Mr. Speaker, as I've said in this Assembly numerous times, the school boards will deliver to me their budgets by June 30 of this year.

The Speaker: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Gold Bar.

Youth Criminal Justice Act

Mrs. Jablonski: Thank you. Mr. Speaker, over the past few years I have often heard concerns from my constituents in Red Deer about young offenders and youth crime. Albertans have been calling for many years for better, stronger youth justice laws. Many of us believe that the Youth Criminal Justice Act, although not perfect, was a step in the right direction. Over the weekend I heard the Justice minister mention that the federal government is planning to soften the act's ability to deal with serious violent young offenders just one month after the bill has come into force. To the Minister of Justice: can the Minister of Justice clarify for the House what exactly the federal government is considering and what it might mean for youths charged with serious violent offences?

2:00

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

Mr. Hancock: Well, thank you, Mr. Speaker. Under the Youth Criminal Justice Act, which just came in, there had been, as members may know, about a five-year period when provinces and the federal government were working on trying to find an appropriate replacement for the Young Offenders Act, which had been seriously flawed and was in serious disrepute among the public. When the Youth Criminal Justice Act was passed, it included provisions which allowed youths convicted of serious and violent crimes to be subject to adult sentences, and we considered that to be a very important step forward in youth criminal law. It also allowed under certain circumstances the names of young offenders to be released to those who needed to have that information.

The Quebec government took a reference to their courts with respect to those sections. In a decision the Quebec Court of Appeal has found those provisions to be unconstitutional. We fully expected that the federal government would stand behind its act and appeal that decision, particularly in light of the fact, Mr. Speaker, that for many years jurisdictions across this country have been wanting to strengthen the Young Offenders Act and deal with issues of serious and violent crime with respect to youth. Late last week we learned that the federal government had decided not to appeal the decision even though, in our view, case law from other provinces and other courts suggests that there's a very good likelihood of success at the Supreme Court of Canada. We are outraged that the federal government was willing to abandon this provision without even consulting the provinces that were at the table when the whole Youth Criminal Justice Act was discussed and when it went forward. So there's a very serious change which could affect not only youth criminal justice in this province but how justice ministers across this country work together.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you. Mr. Speaker, to the same minister: what role did Alberta have in developing this provision?

Mr. Hancock: Mr. Speaker, this provision in particular, the provision with respect to adult sentences, was a very hard-fought question at justice ministers' meetings, as I say, over the last four years that I've been there. The need for a new Youth Criminal Justice Act was very apparent. We needed to move forward. None of us agreed with the total content of the new act that came in. It was very much a compromise position and very much a cobbling

together of various issues because different jurisdictions across the country had different views on youth justice law. In particular, Quebec was at one end of the spectrum and Ontario and Alberta were at the other end of the spectrum with respect to some of these issues. What we came together with was a solution which could be used on a variable basis. In other words, provinces could determine between the ages of 14 and 16 at what age an adult presumption would take place, and that was found to be an acceptable compromise, which then went forward into the act.

This is something that legislators have worked together on, have recommended, have agreed upon, and Alberta, I'm pleased to say, took a leading role in achieving that breakthrough because it was necessary to move away from the old Young Offenders Act, which, as I said, was under serious disrepute, and move into a new element of how we deal with youth criminal justice in this country.

The Speaker: The hon. member.

Mrs. Jablonski: Thank you. Can the minister advise us what steps he's taken to address this issue?

Mr. Hancock: Mr. Speaker, we had the communication late Thursday from the federal government that they were not appealing. We immediately sent a letter to the federal minister demanding that he reconsider, pointing out that he has another 30 days to consider appealing the decision. We've also contacted the federal ministers from Alberta, particularly the Member for Edmonton West, who was so much a part of the discussions when she was Minister of Justice, to ask that they contact their colleague to remind him of the work that went in and the collaborative federalism that went in to create this act. We've also sent letters to each of the provincial justice ministers across the country, and I'm in the process of having discussions with them so that we can get together again to put pressure on the federal minister to reverse his decision, to appeal that Quebec decision, and to defend the provisions of the act which were pursued with such vigour over the past four years.

The Speaker: The Member for Edmonton-Gold Bar, followed by the Member for Edmonton-Castle Downs.

Alberta Insurance Council

Mr. MacDonald: Thank you, Mr. Speaker. There have been serious changes recently in the structure of the Alberta Insurance Council. It has taken many years for the Alberta Insurance Council to evolve into the organization it is today. It is an independent, formal association representative of its membership with regulatory power over its members. My first question is to the Minister of Finance. Given that until now the Alberta Insurance Council elected amongst themselves the chairperson, why did the government decide to appoint the chair?

Mrs. Nelson: Well, Mr. Speaker, clearly this isn't something that is new. We've been working with the Insurance Council now for a number of months, and it is not unusual, when the government appoints public members to these councils, that we do in fact appoint one of those public members as the chair of council. This is not unusual. We have an excellent chair who is in place right now and are working with her. Her term is completed in June of this year.

Mr. MacDonald: Again to the same minister: given that the majority of other boards and committees that operate in a manner as the Alberta Insurance Council are structured with a majority industry

representation and they elect their own chair, why is it government policy to jeopardize the independence of the Alberta Insurance Council at this time?

Mrs. Nelson: Mr. Speaker, we work very closely with the councils, and it is our intention to continue to work with them, but it is also our intention when we do appoint public members to these councils that one of those appointments will clearly be the chair. This is not an unusual process. It's standard for what we do within our government.

Mr. MacDonald: Again to the same minister: when the order in council was passed in January of 2003 by the government to appoint the chair, why was this policy change not debated publicly through the standing policy committee process?

Mrs. Nelson: Well, Mr. Speaker, our norm has been to appoint public members to these councils. It's not an unusual situation. It's usually agreed upon. Again, the norm has been to have one of those appointments sit as the chair. That's not to say that one of the appointments from the government can't be someone who's had the experience level in that particular industry, and they could in fact be chosen as the chair. So there are options that are there, but clearly when the government appoints people to these councils, they usually take one of those appointments and appoint them as the chair. This is not unusual.

The Speaker: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Ellerslie.

Gang Violence

Mr. Lukaszuk: Thank you, Mr. Speaker. My constituents of Edmonton-Castle Downs witnessed a gang-style murder over the last weekend, the third such incident in the past few weeks. My constituents are particularly concerned because this most recent incident happened in broad daylight and was witnessed by a group of children playing in a park. They are worried that next time there is a gang shooting, an innocent bystander or perhaps even a child will be caught in the cross fire, and frankly my constituents deserve better than that. My questions are to the Solicitor General. Gang violence is a growing problem in Edmonton. Are the police properly funded by your ministry to handle this type of problem?

Mrs. Forsyth: Mr. Speaker, our government takes the threat of gang violence very seriously, and we've been working with our police partners to combat this threat. In fact, I have to say that today I met with police officials to discuss ongoing gang problems, organized crime, including potential funding needs that they will require. At the time we provide \$2.4 million annually to the Criminal Intelligence Service Alberta, which is commonly known as CISA, to target organized crime. There's no question, however, that police resources are being stretched to the limits in many areas and we need to be innovative. Alberta's population is growing. The nature of crime is changing. We need to address many of the issues that are the results of organized crime; for example, the increase in meth labs and grow operations. It's an ongoing problem.

Mr. Lukaszuk: Mr. Speaker, my second and last question is to the same minister. While the recent spree of shootings makes gang violence seem more prevalent in Edmonton, we all know that gangs do not operate within local jurisdictions. Therefore, isn't it time to strike a gang task force to address this issue not only within Edmonton but within the province?

2:10

The Speaker: The hon. minister.

Mrs. Forsyth: Thanks, Mr. Speaker. The province already has a co-ordinated approach to organized crime in place through the Criminal Intelligence Service Alberta. Since 1999 CISA has been co-ordinating provincewide policing efforts through the gathering, analyzing, and sharing of criminal intelligence among police services, but I'm also looking at other opportunities with other levels of governments to address the violence that we see with gangs. I spoke today with the chiefs in regard to a federal/provincial partnership, and I've spoken to the federal Solicitor General about this, and he seemed quite excited. At the meeting today with the police officials we discussed options for further co-operation, and that could go as far as international, national, provincial, and municipal needs. At this point it's a little too early for me to comment, but I can assure the member that we are working with our policing agencies, and we are working on an approach on how to address it.

Bow River Fish Ladder

Ms Carlson: Mr. Speaker, two weeks ago I told this House about a fish ladder at Carseland that was obstructing the ability of the trout to spawn in the upper reaches of the Bow Valley. The Minister of Sustainable Resource Development said that he'd deal with the issue immediately. Well, it looks like the minister has failed again, because I've learned that while water is now running through the fish ladder, the trout are blocked by a fine metal screen. They just can't get it right. Will the Minister of Sustainable Resource Development please tell us what went wrong this time?

Mr. Cardinal: Well, Mr. Speaker, that's a very good question, and the hon. member did bring this up in the House recently. I indicated at the time that I would look into it immediately, and I did. I had assurance from Transportation, who was doing the construction at the time, that by that weekend, which was, I believe, the 26th and 27th of April, the issue would be dealt with. Unfortunately, the weather turned bad, and they had to move machines actually in that area, but the concern, of course, was spawning of fish both above and below the fish ladder.

You can be assured that we know that normal spawning is taking place below the ladder and also that normal spawning is taking place above the ladder. It is very unfortunate. We have not too much control on the weather anymore, and when the weather changes, sometimes construction activities have to be adjusted accordingly. That's what happened here, the issue of weather and not getting machines in there on time to be able to finish the project, but you can be assured it'll be done.

Ms Carlson: Well, Mr. Speaker, can this minister tell us what planning his department goes through to ensure that fish ladders are not blocked off by metal screens making it impossible for the fish to get up the ladder?

Mr. Cardinal: Mr. Speaker, of course, like I say, we hadn't planned on the weather going bad. Maybe the hon. member does not understand. The spawning season does not go on year-round. It's a short period of time, and if it happens that you have to make some adjustment in any river, any waterway – if the weather gets bad for a day or two or three or four, it may impact the spawning season. That's the challenge we're faced with. There are only certain times we can deal with issues like that, and what we are doing is the right thing.

Ms Carlson: Well, Mr. Speaker, can the minister at least tell us this: what impact will this bungling by your department have on the fish population this year in that area?

Mr. Cardinal: Mr. Speaker, you can be assured, as far as we know, that the impact will be very little because the normal spawning continues to take place below the ladder like before. That doesn't change. The normal spawning continues to take place above the ladder. That doesn't change. The only impact is that little process where the ladder is. There is no change. There's no impact there.

The Speaker: It surely must be spring.

The Member for Edmonton-Highlands, followed by the Member for St. Albert.

West Edmonton Mall

Mr. Mason: Thank you very much, Mr. Speaker. Last December a few days before Christmas the government announced an out-of-court settlement of the lawsuit against the Ghermezian family and West Edmonton Mall. As part of the settlement the government dropped a civil suit which alleged that former ATB superintendent Elmer Leahy received hundreds of thousands of dollars in bribes from the Ghermezians as an inducement to sign a \$420 million sweetheart financing deal. The ATB uncovered powerful evidence including money orders drawn on foreign banks. My question is to the Minister of Finance. In the interests of openness and transparency will the minister table in this Assembly the settlement agreement with Elmer Leahy and the Ghermezians, and if not, can she tell us what the government is attempting to hide?

Mrs. Nelson: Well, Mr. Speaker, what I am able to say on the West Edmonton Mall situation is that the case has been settled, and all costs to the Crown have been recovered.

Mr. Mason: Mr. Speaker, if the government has nothing to hide, why is the Ministry of Finance stonewalling a New Democrat freedom of information request by refusing to disclose the financial terms of its settlement with the Ghermezians and Elmer Leahy?

Mrs. Nelson: Mr. Speaker, there is a process for freedom of information requests, that I'm sure the hon. member has followed through on. Insofar as the case goes, what I am able to say quite clearly is that the case that was there was settled out of court, and all costs to the Crown were recovered, and that's all there is to say about the case.

Mr. Mason: I don't think so, Mr. Speaker.

Why would the government spend four years and an estimated \$20 million in legal actions alleging wrongdoing and bribes in the West Edmonton Mall fiasco only to quietly settle it out of court when it became clear that evidence about political involvement at the highest levels was about to be revealed?

Mrs. Nelson: Well, once again, Mr. Speaker – and I'll say it a little slower for the hon. member opposite – the case was resolved, and the Crown was refunded all out-of-pocket costs, which include the legal.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Riverview.

Graduated Drivers' Licences

Mrs. O'Neill: Thank you very much, Mr. Speaker. Last Friday I

had the opportunity to visit a class at Sir George Simpson school in St. Albert. They were a grade 6 class, like the group from Keenooshayo school who are here at the Legislature this week attending this question period. The students in those grades are ages 11 to 12. They are about two years away from getting their learner's permit to drive. So my question is to the Minister of Transportation. Could you please explain to us what the changes are in the way in which they will apply for and finally get their permanent driver's licence in graduated licensing?

The Speaker: The hon. minister.

Mr. Stelmach: Well, thank you, Mr. Speaker. The GDL, or graduated driver's licence, program has been introduced in the province to ensure that all drivers, regardless of age, get the support and experience necessary to handle the complex task of driving. If young people 14 years of age obtain their learner's permit at 14, they'll have to wait the necessary two years before they can apply for their probationary driver's licence, and then it will be a further two years before they will complete and receive their full driving privileges through an exit exam. The exit exam is really an exam that will test the very skills of the individual handling a vehicle under difficult driving conditions.

Now, as a learner 14 to 16 or as a person older, whatever age they are – it could even be at 24 or 40 years old – if they haven't had a learner's before, they will have to obtain their learner's and hold that learner's for at least one year. During that period of time there is a curfew, no driving between 12 and 5; zero tolerance for alcohol – it doesn't matter what your age is – as well, must be accompanied by a licensed driver 18 years of age or more. Also, that particular individual cannot have more people in the car than there are seat belts provided.

Then, after 16, once they get their probationary driver's licence, still very strict demerit points, half of the allotted amount, which is eight, again zero tolerance for alcohol, and their licence will be suspended for a period of 30 days if they exceed the number of demerits, and that will be added onto their probationary period. So that just extends the amount of time for their driver's licence.

2:20

Mrs. O'Neill: Just a supplemental question to the minister, and that is: if a young person who is 14 applies for their learner's prior to May 20, will they fall under the rules of the new graduated licensing, or will they be grandfathered or grandmothered with respect to the previous rules?

Mr. Stelmach: Mr. Speaker, all learners 14 years of age, if they've received their learner's permit prior to May 20, will still have to fall under the program. There are no exemptions, no grandfathering. They will still have to go through the two years' probationary period and then do their exit exam upon the successful completion of two years of their probationary licence.

Persons with Developmental Disabilities Program

Dr. Taft: Mr. Speaker, last week the Minister of Community Development said that "any reference to cuts or program cancellations" in PDD services was "false." However, financial statements for PDD clearly indicate that a balanced budget was achieved last year through

- ongoing reductions in PDD board and agency administration,
- reducing of agency staff salaries . . .
- implementing across-the-board reductions to all programs,
- instituting other discretionary cuts.

To the Minister of Community Development: given the proof from PDD financial statements that balanced budgets were achieved through cuts and program cancellations, will the minister retract his comments from last week and admit that these cuts are occurring?

Mr. Zwozdesky: Well, Mr. Speaker, there's always some streamlining that occurs. I think the member was referencing something to do with administrative matters and referencing some increases that had occurred. What I'm talking about are the programs right where the individuals need them. Those kinds of programs have not been cut, but again let's remember that the individual programs are designed, hon. member, by and large by the community agencies providing them, and I did say that if some of those agencies have taken some of those kinds of measures, that's entirely up to them. From our point of view, we have not cut any of those kinds of programs to my knowledge.

Dr. Taft: Well, you've cut their budgets.

Given that last week the minister claimed that some people wait "a short period of time" for PDD services, does the minister consider a wait of over a year in Calgary a short period of time?

Mr. Zwozdesky: Well, obviously not, Mr. Speaker. If there is somebody who is on a waiting list or whatever they may be calling it in that area and it's taking up to a year, there must be some additional reasons or circumstances behind that, but what I can tell you is that we have increased the funding this year with the specific objective in mind of ensuring that any kind of catch-up that needs to be done to allow for faster intake and faster processing will be done.

It's important to remember that individuals who wish to come into the PDD program, have met the eligibility requirements, have gone through the assessment process and been determined to be at any kind of significant risk or safety factors that might impact them that would be of a negative nature are taken in as immediately as possible, and there is virtually no waiting list in that regard. But with some of the other cases which might be a little bit more complicated or where additional information might be required, yes, it's true; there might be a bit of a lengthier process in evaluating their applications, so to speak. However, I would certainly hope that no one is waiting an exorbitantly long period of time to get into the system. That's not what it's all about.

The Speaker: The hon. member.

Dr. Taft: Thanks. We'll see how the agencies and clients react.

Can the minister tell us whether community boards this year will be pursuing strategies for service reductions that include eliminating one-to-one arrangements and replacing 24-hour support with on-call support?

Mr. Zwozdesky: Well, Mr. Speaker, I don't believe that the six regional community PDD boards that we have are going to be looking at that type of a strategy especially since they're going to be receiving a share of the 9 percent increase. I want to remind this hon. member that when I started this portfolio looking after PDD four years ago, we were spending \$283 million on PDD. Today and with the passage of our budget estimates, I hope, tomorrow, we will see PDD funding going up over \$440 million, so that is a huge increase of over 50 percent, from \$283 million up to 440-odd million dollars.

I think it speaks volumes for what we as a government and for what this department are trying to do to provide the maximum services possible for those individuals so that they can feel as

inclusive in the community as possible, so that they can maximize their potential. I would hope that the hon. member isn't trying to do any kind of fear mongering to scare that very vulnerable community the way that we have seen some activities do in the past. We are doing everything possible to provide the necessary funds. We will address the specifics of any kind of waits that are there, we will be addressing some of the wage increases that are necessary for community agencies, and we'll be looking at better and more complementary and fuller programming needs for the specific individuals that we're trying so hard to help.

Agribusiness Incubation Facility

Mr. Klapstein: Mr. Speaker, my question is to the Deputy Premier and Minister of Agriculture, Food and Rural Development. There is located in the city of Leduc a food processing and development centre. For many years there's been discussion about building an incubator in conjunction with this facility. Now, many of us are familiar with the role of incubators in the production of chickens, but I'm told that this has nothing to do with chickens. So I want to ask the minister to tell us just what this incubator is and what purpose it might serve.

Mrs. McClellan: Mr. Speaker, I am pleased to expound a bit on the incubator that is going to be built beside the Leduc Food Processing Centre. There are some incubation activities occurring at the centre now. However, what we are finding is that many businesses require a bit longer. What a business incubator does is really provide some hands-on management, some technical advice, some help with accessing different methods of financing, marketing, help with acquiring consultants, and many services like that for the company. It is well documented that 80 percent of companies who use the incubator process are successful past five years whereas about 80 percent who don't experience difficulties. So I believe it's a great endeavour that will complement the Leduc processing centre, which incidentally produces with Alberta entrepreneurs about 100 new food products per year.

Mr. Klapstein: My first supplementary is: how would an entrepreneur access this incubator?

Mrs. McClellan: Mr. Speaker, typically an entrepreneur would have a good idea, a bright idea. They would approach the Leduc Food Processing Centre for support. That support would be given at the centre, and the scale-up work would be done at the centre, and the entrepreneur would establish their company. However, once the company has begun that process, they may need more market development, and that would move them on into the incubator facility. When they're there, they would achieve a market presence that would be satisfactory for their business, and then they'd move on and move out.

Mr. Klapstein: How are the costs of this incubator paid, or who funds it?

Mrs. McClellan: Mr. Speaker, the cost of the incubator building and the start-up will be shared by my department, Alberta Agriculture, Food and Rural Development, and I'm pleased to say that the Alberta Value-added Corporation has seen fit to invest in this. So the cost will be pretty much shared there.

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

School Construction

Ms Haley: Thank you very much, Mr. Speaker. My questions today are for the Minister of Infrastructure. On Friday we had a wonderful opening of a brand-new school in Chestermere, and I was very lucky to have the minister accompany me for that opening. However, the truth is that that school had to open with 12 portables attached to it. I have as much as 18 to 20 percent growth in Chestermere and Langdon and about 6 percent in Airdrie, yet in this capital plan that was just announced, there are no new schools for Airdrie or Chestermere or Langdon or anywhere in my riding, as a matter of fact. The school board out there is very concerned about what it is that we have to do to get the minister's attention on the capital project side. I'd like him to explain to the Assembly and to my constituents why 35 percent of the kids in my riding are going to school in portables yet we don't have any new schools in the next budget.

2:30

The Speaker: The hon. minister.

Mr. Lund: Thank you, Mr. Speaker. It is true that we did have the opportunity to be with the hon. member last Friday evening and open another new school and it is true that there are a number of portables connected to that school and it is true that there's tremendous growth in the area. Mind you, this isn't the only area in the province that has very large growth. I will admit that certainly the composition of the people moving in lends itself to families and therefore a lot more children coming into the system. What we often do in locations is build what we call a core school so that we can add portables, and then as the population matures and the number of children drops off, we can move the portables away.

It's true that the Rocky View school division does have about 35 percent of their students in portables. I must point out that the Calgary Catholic school board, though, does have about 39 percent of their students in portables. So while it looks like a situation that may be somewhat unique, there are other areas that do have a lot of portables.

We are taking a very serious look at these areas that are growing very rapidly and who do not have the luxury of shutting down some schools and/or amalgamating schools to see just how that fits into our measurement of where a new school should go. Currently one of the things that weighs very heavily when you look at a school and the audit score is what condition that school is in and then of course what the utilization of that school is. So we are looking at some of those criteria, and we hope that we are able to address some of these issues, particularly in the very rapidly growing areas.

Ms Haley: Mr. Speaker, I'm glad to hear that the minister is going to review that portion of it. However, the truth is that in Airdrie between last September and this September we have over 600 more children that need to go to school, and I'm wondering where he's going to put them.

Mr. Lund: I'll readily admit, Mr. Speaker, that this is a serious problem, and we will have to be looking at how we can accommodate those students, because certainly it will be necessary that we do find a way of accommodating them. We will be studying the issue. I don't know how much opportunity there is to put in more portables, but we will be looking at the overall situation.

The Speaker: The hon. member?

head: **Recognitions**

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

Frank Janett

Ms DeLong: Thank you very much, Mr. Speaker. I would like to recognize Frank Janett for his many colourful contributions to Canadian motorsport. Frank began bike racing in Calgary in 1934. He continued in this sport until 1940 when he became involved with the Model Ts, competing against such notables as Wetaskiwin's Stan Reynolds. In 1941 the Canadian government heard about Frank's success at racing and decided that he'd make a fine naval officer. Although Frank did rise to the rank of petty officer, he said that his only activity as a fighting man was when he fought to get in and when he fought to get out.

By 1946 he'd returned to racing his Model T. He vividly recalls the time at Lethbridge when he was banned from racing for life in that city because during one race he suddenly veered his car into the town's brand spanking new aluminum infield fence just as he came out of a turn. He admits that there was plenty of damage to his car and some to his bruised ego. By 1948 Frank had graduated to sprint cars, and this was when the trouble really started. He tells about when he, Jim Ward, and George Lemay were escorted out of the town of Olds for rerunning a race on main street after midnight.

Paul Jefferies

Mr. Lord: Mr. Speaker, it's always a pleasure for me to rise to brag a little about some of the outstanding people we have in Calgary-Currie. One such person is Paul Jefferies, proprietor of the Smilin' Buddha Tattoo shop located in the Marda Loop. Paul started in Vancouver, graduating as an honours student at Vancouver Technical high school, but he was denied entrance to the Vancouver School of Art, so he went into automotive refinishing instead but eventually got into tattooing.

He opened his store in Calgary in 1978. Since then, Paul has twice won the world championship, as voted by his peers in 60 countries. Customers wait for weeks, even months to get a tattoo with Paul, paying hundreds of dollars per hour, and the lineups – indeed, the people sleeping on the sidewalks to get in on the first-come, first-served Saturday mornings – are well known to Calgary-Curriens. Paul is famous worldwide, receives government invitations, and has tattooed on every continent except Antarctica. His art is sold in major galleries worldwide. His T-shirt sales are thriving worldwide.

Congratulations to a big small-business success story, Mr. Paul Jefferies of Smilin' Buddha Tattoo.

Bell Walk for Kids

Mrs. O'Neill: Mr. Speaker, yesterday, on May 4, many of us enjoyed participating in the second annual Bell Walk for Kids in support of the Kids Help Phone, which operates across the country. To my knowledge Edmonton, Calgary, Red Deer, Fort McMurray, and Lethbridge were among the more than 30 communities across Canada. Kids Help Phone is Canada's only 24-hour, toll-free, bilingual, and anonymous phone counseling, referral, and Internet service for youth and children, who can call for help any time.

Yesterday's walkers numbered in the thousands across Alberta, and I would like especially to note that Claudia, age 8, and Jack, age 7, Claudia and Jack Norris, were among those who completed the five-kilometre walk. These walkers and their sponsors joined the major sponsors of Bell Canada, CTV, the *Globe and Mail*, Sympatico.ca, and members of the Canadian business community to

support the provision of a sympathetic ear and professional advice to the nearly 1,000 Canadian children who call for help each day.

National Forest Week

Ms Carlson: Mr. Speaker, this week is National Forest Week, an opportunity for all Canadians to learn about and consider the tremendous value of our forests. Today I would like to acknowledge National Forest Week by reminding the members of this House of the value of forests to Albertans.

For many people, especially in Alberta, forests are a means of making a living. Whether it is by harvesting the trees or trapping, hunting or tourism and ecotourism opportunities, forests contribute enormously to Alberta's economy. They are also an integral part of sustaining our ecosystem. From majestic old growth to newly planted seedlings, all have a role in ensuring the long-term viability of Alberta's ecosystem.

We also all have a responsibility to ensure that we preserve this viability for the long-term future. Our forests are a finite resource if they are not properly managed. They require our care and a commitment to ensure not just their economic but also their ecological sustainability for now and into the future.

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

Danielle Schnurer

Mr. Marz: Thank you, Mr. Speaker. I'd like to recognize Danielle Schnurer, who just this morning was awarded the highest honour bestowed by Alberta's 4-H program. Danielle was chosen as the Premier's award recipient from 133 of the province's top 4-H members during the annual 4-H selections program at Olds College, May 2 to 5. It was my distinct pleasure to present Danielle with the award and trophy on behalf of our Premier.

Danielle is a 17-year-old high school student from Elk Point, and she has excelled in Alberta's 4-H program. Danielle demonstrates the leadership, communication, and personal development skills that the 4-H program holds in high regard. For the last eight years Danielle has been an active member of the Elk Point Saddle Slickers and the Elk Point Multiclubs and has held positions at the executive level. She's also an avid participant in various regional and 4-H provincial activities. Danielle is an example of strength and leadership that will continue to take Alberta's agriculture industry forward for generations to come.

Thank you, Mr. Speaker.

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

2:40

Gwen Klint

Ms Kryczka: Thank you, Mr. Speaker. I would like to share with this Assembly today a heartfelt letter from Gwen Klint, who is a very special constituent that I am proud to know.

Tears of happiness are flowing down my face right now as I write this letter. I have just read the exciting news that the Alberta Government will pay for the cost of two drugs, Enbrel and Remicade, for those affected with rheumatoid arthritis. I am one of those people, and I have been paying for this drug without insurance.

I am 41 years old and I have had RA for ten years, two months after my baby was born. Prior to taking Enbrel, I was slowly becoming crippled. I was struggling to maintain my hopes and dreams, the role of a wife, mother, daughter, and community volunteer. After taking Enbrel, my life came back and my handicap is now irrelevant.

Paying for the drug without insurance has been a burden. I can't tell you enough how much I appreciate your valuable input that [may have] assisted the Minister of Health's decision; not only for me but for all of those unfortunate people who have been affected by this terrible disease, a disease not by choice. You have given us the Alberta Advantage and the key to life. Thank you, Mr. Bougher, Honourable Minister, and [to] the taxpayers of Alberta. Thank you, Gwen, for taking the time to write this beautiful letter.

Foothills Medical Centre

Dr. Taft: I rise today, Mr. Speaker, to recognize the hard work and dedication of the nurses and other support staff at the Foothills hospital in Calgary. Over the past few months the opposition has helped bring to light a number of health issues such as asbestos and toxic mold at the Foothills hospital. Despite the health risks involved in working in this environment, many nurses and other staff have continued to come to work and care for their patients. They come to work despite the fact that many of these workers have reported negative health effects. On unit 27 of the Foothills, where toxic mold was found, 62 out of a hundred nurses have reported health problems consistent with exposure to toxic molds.

Not only are many workers at the Foothills working through difficult conditions; they have also taken it upon themselves to fight for a cleaner and safer work environment. They do this not only for themselves but for the sake of their patients. This shows a willingness to go above and beyond the call of duty. Some of these workers have put their jobs on the line fighting for what they believe is in the best interests of the patients.

I believe this dedication should be commended. It is an example to all Albertans of the importance of fighting for worker and public health.

Thank you.

Calendar of Special Events

The Speaker: Hon. members, we've now moved into May. Hon. members might like to be aware that May is Cystic Fibrosis Month, Multiple Sclerosis Awareness Month, Medic-Alert Month, Huntington Disease Awareness Month, Hearing Awareness Month, Speech and Hearing Awareness Month, Motorcycle and Bicycle Safety Awareness Month, Asian Pacific Heritage Month, Red Shield Appeal Month, Child Find's Green Ribbon of Hope Campaign, Light the Way Home Campaign, the second half of National Physiotherapy Month.

May 1 to May 7 is National Summer Safety Week. May 2 to May 11 is Information Technology Week. May 4 to May 10 is National Forest Week; May 4 to May 10 is also North American Occupational Safety and Health Week. May 5 to May 11 is Mental Health Week; May 5 to May 11 is also Emergency Preparedness Week, as it is also National Astronomy Week, as it is also National Hospice Palliative Care Week, as it is also Respect for Law Week. May 6 is World Asthma Day. May 8 is World Red Cross Day. May 8 to 10 is Multiple Sclerosis Carnation Campaign. May 10 is Raise the Flag Day.

May 11 is Mother's Day. May 11 to 17 is National Immunization Week, as it is also National Police Week. May 12 is Canada Health Day; May 12 is also International Nurses Day. May 12 to May 18 is National Nursing Week, and it is also National Mining Week. May 15 is the International Day of Families. May 17 is World Telecommunication Day. May 17 to May 23 is Safe Boating Week.

May 18 is International Museums Day. May 18 to May 24 is National Road Safety Week, as it is also Intergenerational Week. May 19 is Victoria Day. May 20 to 23 is Aboriginal Awareness

Week. May 22 is the International Day for Biological Diversity. May 24 to May 30 is National Access Awareness Week.

May 25 is National Missing Children's Day; May 25 is also Schizophrenia Walk for Hope Day. May 25 to June 1 is Week of Solidarity with the Peoples of Non-selfgoverning Territories. May 28 to June 1 is National Transportation Week. May 31 is World No-tobacco Day, and May 31 to June 8 is National Water Safety Week.

head: **Tabling Returns and Reports**

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

Dr. Pannu: Thank you, Mr. Speaker. I rise to table an Alberta Health and Wellness document dated January 10, 2003, showing a steady increase in the number of Albertans waiting for MRI scans, this number jumping very radically during the year 2002.

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you, Mr. Speaker. May 1, of course, is also International Workers' Day.

I'm tabling copies of a New Democrat FOIP request dated January 3, 2003, addressed to Alberta Finance and Alberta Treasury Branches.

The Speaker: Hon. member, no need to correct the chair. The chair is aware that May 1 was that, but today is May 5. That was four days ago.

Mr. Mason: I was just adding. Sorry. I apologize.

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

Mr. MacDonald: Thank you, Mr. Speaker. I have two tablings today, and both of them are related. The first is 192 signatures on the Alberta Liberal petition to reinstate natural gas rebates from citizens from Okotoks, Turner Valley, Calgary, and Lethbridge.

The additional tabling is also in regard to this matter, and this is 322 signatures from Redwater and Elk Point.

Thank you.

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

Dr. Massey: Thank you, Mr. Speaker. I have four letters to table today. The first is a copy of a letter to the Member for Edmonton-Meadowlark from Allison Jackson and Shannan Vig, Aldergrove parent advocates, urging the members to voice their concerns about education funding in the Legislature.

The second is from Darlene Boyer, who is concerned about the future of education given the proposed education budget.

The third is from Tammy Rachynski, who is concerned and wants to know why we can't have a needs-based budget allocation instead of splitting a defined fiscal amount.

The fourth is from Shandell Switzer, who is concerned about the budget announcements and the impact that it's going to have on education, and this is a letter to the Member for Edmonton-Whitemud.

Thank you.

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

Ms Carlson: Thank you, Mr. Speaker. I have the appropriate

number of copies of a letter to the Premier from Linda Wilson, who is very concerned about the province's school funding and is asking for the Minister of Learning's resignation because she feels he is "inadequately prepared to deal with such a critical and important portfolio."

head: **Tablings to the Clerk**

The Clerk: I wish to advise the House that the following document has been deposited with the office of the Clerk by the Hon. Mr. Mar, Minister of Health and Wellness: response to questions raised during Oral Question Period on April 22, 2003, by Dr. Pannu, hon. Member for Edmonton-Strathcona.

head: **Orders of the Day**

head: **Public Bills and Orders Other than**

Government Bills and Orders

head: Second Reading

Bill 206

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

[Debate adjourned April 28: Mr. Pham speaking]

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

Mr. Pham: Thank you, Mr. Speaker. Last week I was making the point as to why I oppose this bill before my time ran out. Bill 206 if passed may not respect due process and individual rights, things that are very important to all of us. When we talk about due process and protecting rights, we have to talk about it seriously, and this means giving rights to people we may not necessarily want to give rights to. It means raising reasons and rationality above our emotions. Bill 206 fails this test.

Bill 206 has no process through which a full airing of evidence will take place. It punishes without trial. It raises expediency above justice. Mr. Speaker, justice is not about expediency, and it is not a lower priority than expediency. Justice is the highest priority. It is the guiding principle which requires our legal system to do the right things for the right reasons. This means time for a fair hearing. It means impartiality, and it means due process. Bill 206 forsakes all of these, and accordingly this House should not support it.

Thank you, Mr. Speaker.

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

2:50

Mrs. Jablonski: Mr. Speaker, thank you for allowing me to enter debate on Bill 206. I support this bill, and it's my sincere hope that it passes second reading today. I would like to thank the MLA for Calgary-Buffalo for having the courage and the compassion to introduce this bill. This bill is a commonsense approach to getting rid of at least some prostitution-related activity in our communities, and I want to stress that prostitution isn't a problem that is located only within the districts of Edmonton and Calgary. It's a problem that directly or indirectly touches every community in Alberta.

While it's true that most of the prostitution in the province takes place in larger cities, we shouldn't believe that smaller cities like Red Deer are untouched by prostitution, and we should also realize that many of the prostitutes that walk the streets of our province have been ripped away from their families in smaller communities, either by the lure and addiction of drugs and alcohol or by kidnapping or by the empty promises made by gang leaders and pimps or by running away and getting caught on the streets with no money or,

finally, by a misguided sense of the things one must do to support themselves or their family.

A story in the March 15 edition of the Red Deer *Advocate* entitled *Girls at Risk* outlines the concerns that many have about prostitution, especially the well-being of young teenagers who are lured and forced into this world. As the article notes, it isn't uncommon for young girls from Red Deer who are lured into prostitution to end up on the streets of Calgary, Edmonton, and Vancouver. Many young girls also end up working as prostitutes right in Red Deer with escort services that, in reality, are only cover-ups for prostitution-related activities. As it stands, Bill 206 would have little effect on this sort of prostitution. However, Bill 206 would have the positive effect of reducing street prostitution and, thus, would have the effect of reducing the amount of young girls who are lured away from Red Deer or other smaller cities and towns in Alberta.

Mr. Speaker, many families across Alberta have experienced the pain and suffering of watching a loved one ruin his or her life by succumbing to the world of drugs, crime, and prostitution. We also know that none of this would continue were it not for johns who by hiring and exploiting prostitutes are complicit in their degradation. We know that we're never going to get rid of prostitution, and we know that whatever steps we take, pimps and johns are going to be enterprising enough to work around them to a certain extent. That being the case, however, we need to think about what sorts of steps we can take to both reduce street prostitution and make communities where prostitutes and johns traditionally interact safer for Albertans and their families. It is in this light that I think we ought to consider Bill 206.

It is hardly a sweeping piece of legislation, but it is something that our police services can use as a deterrent against engaging in those sorts of activities. As I understand it, it isn't as though we will have police officers patrolling the streets, trying to catch johns in the act on a nightly basis. Instead, as is done in other jurisdictions, this sort of legislation would be used more to facilitate sting operations. An undercover police officer would be wearing a wiretap and patrolling the streets in the guise of a prostitute. When a john propositions the officer, that's when the police would apprehend the john and remove him from his vehicle. We know that these sorts of sting operations wouldn't happen on a nightly basis. Instead, at times and places that the police choose, they would put officers out there to nab johns in the act. Johns would know that cops wouldn't be out every night, but they wouldn't know when the cops would be out. They could take their chances, but we know that many will decide to just stay away, perhaps even to stay home with their families.

The point is, Mr. Speaker, that these johns will think twice. The increased risk of going to jail, losing their vehicle, or having to endure the shame and humiliation of being a known john will be enough to keep some at home, and for those who continue, the best thing we can do is to get them into john school, where they can see firsthand the harmful effects of the whole prostitution industry. After all, I would imagine that johns would pick up prostitutes because of a need to satisfy sexual addiction and not consciously for vicious purposes and haven't done much thinking about the hidden side of prostitution. They're there for sex and for their own gratification. They will rarely think about the trauma and loss of self-esteem of that single sex act for the prostitute, let alone the fact that the prostitute is likely there because she is indebted to a drug dealer or is enslaved to a pimp.

A john wouldn't think about the fact that prostitutes who work for gangs not only help prop up moneymaking prostitution rings but drug and crime rings as well. A john likely does not think about the abortions that this prostitute has had to get from all the times she has

become pregnant on the streets or the numerous assaults inflicted on her from johns who not only have a penchant for sex but for abuse as well or the prostitutes that get driven out to secluded lands near Ardrossan or the outskirts of Sherwood Park or Gibbons and are sexually abused, beaten, and left for dead in the middle of winter at the mercy of the weather, wild animals, and whomever finds them or the fact that many of these women walk out the door at 6 o'clock every evening with their kids at home either wondering where their mom is going or, worse, knowing full well where their mom is going. The john, I'll bet, rarely has thoughts about the fact that a street prostitute will spend many of her days either crying alone or making sure she is in a drug-induced stupor so that she can forget about the nightly abuse her body and mind are put through.

Mr. Speaker, the john is there for sex, but he's complicit in everything else that goes along with it, and it is all of this information that they learn in john school. If they aren't aware of or haven't taken the time to reflect upon the harm they cause and the seediness of the world they are involved in, they sure will be when they leave. At that point, it will be up to them to resist the urge to get back in the car and pick up another prostitute, but at least we've done our best to show them the morally objectionable content of picking up a prostitute.

Mr. Speaker, Theodore Roosevelt once said, "In any moment of decision the best thing you can do is the right thing, the next best thing is the wrong thing, and the worst thing you can do is nothing." Bill 206 doesn't solve the problem, but it puts one more tool in the box of our police services and has the potential to reduce prostitution to a greater degree. To do nothing is the worst thing we could do. This is a decisive moment. Bill 206 is the right thing to do. I therefore support this bill and urge all members to do so as well.

Thank you, Mr. Speaker.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to Bill 206, which is a private member's bill dealing with the seizure of vehicles in prostitution-related events. There are a number of individuals who work in the community in my constituency and the constituency of the hon. Member for Edmonton-Norwood and the constituency of the hon. Member for Edmonton-Centre who have been struggling with the impact of this problem for many years, and they, in general, are quite supportive of this bill. Mr. Michael Walters from the Community Action Project has indicated that this would be "a . . . useful tool to deal with these people who choose to disrespect our communities and endanger us as residents." That's a quote of another individual that he's passed on to us.

There are concerns relative to this bill. The foremost among those is the potential for someone to suffer a sanction without having an opportunity to have their day in court, and that is to say that the vehicle can be seized without a finding by a court of law. This is a troubling aspect of the bill. However, the research that we have done indicates that this has not been a significant problem where this legislation has existed in other jurisdictions, and there are opportunities for the release of the vehicle, including if the seizure of the vehicle will cause financial hardship.

We believe that the Legislature must strike a fine balance between supporting communities who are affected by prostitution and crime and at the same time continuing to advocate for proper controls on the activities of police and to propose real solutions to the root causes of prostitution and other activities in low-income neighbourhoods.

3:00

The income issue, the poverty issue, is a significant factor that we need to go much further towards addressing. We need to use a variety of tools. I recollect that the Cromdale beat office – it's not in Edmonton-Highlands; I believe it's in Edmonton-Norwood, but it certainly was in ward 3 when I represented ward 3 at the municipal level – had what I thought was a very simple, elegant, moving, and effective approach. They asked people in the community to donate things like disposable diapers at Christmastime, things that young mothers would need in their homes so that they did not have to go out on the street. The police collected the necessities of life for women who were working the street in order to provide for their children, and they provided them to these women at Christmastime. I thought that that was a really striking, simple, but profoundly effective bit of community policing at work. There are many approaches that need to be taken. Certainly, I think it's fair to say that communities are fed up to their teeth with the activities of johns in their communities, and they want some action.

So, Mr. Speaker, I'm not going to speak particularly long on this bill other than to indicate that it may in fact be an effective tool for communities and for police in order to deal with this problem, and we must provide these communities with real solutions. I am prepared to support this bill with a reservation that there is a concern about people being convicted or suffering a sanction without being convicted by a court. I think we need to monitor the results of this bill carefully should it be passed by this Assembly and make sure that it is used with discretion by police and that people's rights are not violated and see if, in fact, it can be an effective tool to help these communities with the serious problems they have. I believe that it has the potential to be an effective tool. I know that communities that face this problem every day believe that it can be an effective tool. On that basis, I am pleased to support Bill 206 at this time.

Thank you, Mr. Speaker.

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

Mr. Masyk: Thank you, Mr. Speaker. First of all, I'd like to extend my appreciation to the two previous speakers this afternoon. I would like to thank the hon. Member for Calgary-Buffalo for bringing forward this important piece of legislation.

The issue of street prostitution hits very close to home for me and my constituents in Edmonton. Edmonton-Norwood, of course, we all know is inner city. I welcome any legislation that will deter or reduce prostitution, which continues to be a problem in my constituency of Edmonton-Norwood.

Even though I fully support Bill 206, I do believe Edmonton-Norwood has made tremendous strides in overcoming its problems associated with street prostitution, maybe as well as Edmonton-Highlands. For the community to progress even further, I believe that the citizens must make a conscious decision on what kind of community they want and to become even more active voicing their concerns.

Mr. Speaker, the members that spoke before me have described what Bill 206 will do and how it will help preserve and restore our communities. I would like to switch gears a little and talk today about what is currently going on to reduce street prostitution in my constituency and my community and how concerned individuals are making a difference in the lives of many women. Specifically, I want to discuss three organizations who support Bill 206 and the valuable work that they do. Before I talk on what community groups are doing to reduce prostitution, I would like to discuss what street prostitution does to a community and how individuals have taken responsibility for their society.

With prostitution often comes drug addiction. The two drugs most often related to prostitution are heroin and crack cocaine, which is both highly addictive and potentially deadly. The sex trade provides quick income for drug abusers. Most prostitutes are trapped in a cycle of violence, abuse that is detrimental not only to the individuals involved but to the entire community. Needles, crack pipes, used condoms are littered across neighbourhoods, and also they've been known to be found in schoolyards and playgrounds. Parents are constantly worrying about their children's well-being and that they might pick up some of these dangerous objects.

With all of the problems related to street prostitution and drug abuse, citizens of my constituency over the last couple of years have begun to organize and take back control of their neighbourhoods. Mr. Speaker, they do have to look a little further. One of the biggest things that citizens can do is not support pawnshops and not support triple X video outlets, and that comes from the heart of the community. It is this sense of community and responsibility at the grass-roots level which will make the most positive effects in Edmonton-Norwood and similar constituencies and communities. Mr. Speaker, as a Legislature we must give much support to individuals and groups attempting to make a difference. Bill 206 does exactly that. It helps a strong network of groups battle to restore and preserve their communities.

Mr. Speaker, there are a number of organizations that help prevent prostitution and help make a real difference in the lives of many dysfunctional and disenfranchised women. However, due to the time restrictions I'm only going to mention and describe some organizations that I personally know of who support Bill 206. The first organization I'd like to recognize is Prostitution Awareness and Action Foundation of Edmonton, or the PAAFE. The PAAFE works with existing agencies to provide support for those in need of outreach services, transitional housing, and a connection to community resources. Also, community awareness is promoted through a number of initiatives, education, fund disbursement.

Mr. Speaker, the PAAFE, along with the Edmonton Police Service and Crown prosecutors, runs a prostitution awareness offenders' program or john school. It is an alternative measures program for first-time offenders charged with soliciting for the purposes of prostitution. The offender pays a \$400 fee for a one-day course. Up until the day of the john school most johns think prostitution is a victimless crime. The perception usually changes once they're lectured for eight hours by former prostitutes and parents whose children have become ensnared in prostitution, along with inner-city residents who cope with the ugly reality of sex sold in their neighbourhoods. Out of the 1,524 men who have completed the course since 1996, only 20 have been charged again. These numbers are amazing, and I would like to commend the PAAFE for their great work. Alternative measures are a large component of Bill 206, and in Edmonton john school is the most popular form of alternative measure for the first-time offenders. Therefore, the PAAFE and their programs are a major part of the rehabilitation process of Bill 206.

The money from john school goes to fund a number of programs provided by the PAAFE. Some of these programs include counseling, recovery, educational supports, and the Individual Development Account project. All of these programs are aimed at women attempting to get out of the violent world of prostitution. Another important program provided by the PAAFE is COARSE, or Creating Options Aimed at Reducing Sexual Exploitation. This program is offered to women convicted of solicitation and who are ready to end their involvement in street prostitution. The PAAFE and a network of community and government partners work together with women to identify and overcome their barriers.

3:10

Mr. Speaker, the second organization I would like to recognize is the Edmonton City Centre Church Corporation and their program called Crossroads. The first aspect of the Crossroads program is street and community outreach. Working directly on streets and within the community, Crossroads staff become familiar with people engaged in street prostitution. Staff provide information on sex offenders, street safety and health, counseling, referrals, beverages, snacks, and warm clothing.

The second stage of this program is support and follow-up. Outreach workers maintain relationships with people they meet and provide ongoing support. This means such things as support at court hearings or hospitals, helping to find housing, providing access to community services, parental outreach, and encouragement.

The third aspect is transitional housing, which provides support, assistance, and shelter for youth, women, single mothers, and transgendered individuals involved in prostitution. The housing service provides residents with the stability and supports necessary to address the issues that lead to prostitution.

Mr. Speaker, the fourth and final aspect of the Crossroads program is prevention, information, and education. Through presentations and workshops Crossroads educates youth and professionals about myths and dangers surrounding prostitution.

Each year Crossroads provides supports, safety, and hope to over 500 youths and adults trapped in abuse, health risk, and sexual exploitation involved with prostitution. I would also like to add that over 10 percent of the people in the program are children. Crossroads fully supports Bill 206 because it is legislation that addresses the demand side of sexual exploitation. Bill 206 gives law enforcement another tool for battling street prostitution, something that Crossroads has been doing for years.

Another organization that is an excellent example of citizens taking responsibility for their neighbourhoods is Alberta Avenue. Through the neighbourhood patrol program my constituency has seen a number of positive effects, a reduction of crime being one of them. The Alberta Avenue patrol started in 1997 in response to community concerns about increased crime in the area. East of 97th Street 118th Avenue is characterized by pawnshops, bars, tattoo parlours, prostitution, and drug-related activities. These activities naturally spill over into the surrounding residential neighbourhoods. Neighbourhood patrol is a community-based initiative where citizens patrol their own neighbourhoods observing and reporting suspicious activity. The mission of the group is crime prevention leading to a safer community.

It is organizations like PAAFE, Edmonton City Centre Church Corporation, Alberta Avenue, the grassroots level that are making a real difference in the complicated battle against street prostitution. Bill 206 is a piece of legislation that will help these and similar organizations in their pursuit of stronger and safer communities by discouraging johns from cruising their streets. It should be noted that all three of these organizations are fully supporting Bill 206. Bill 206 is seen as a fundamental tool in restoring and preserving communities ruined by street prostitution, and for that reason I urge all of my colleagues to support Bill 206.

Mr. Speaker, I want to point out what I've noticed from some beat police that I never knew. Some of the transport trucks that come in, dolly off their trailer at a truck stop, and come up and down with their tractor trailer, and they pick up prostitutes.

Thank you.

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

Mrs. Fritz: Thank you, Mr. Speaker. I am pleased to rise and speak

to the bill which is before us today and join in the debate on Bill 206. I'd like to take this opportunity as well to express my gratitude to the Member for Calgary-Buffalo for all the hard work that he has done in order to put forward what I consider to be a very important piece of legislation.

Mr. Speaker, for as long as there have been people in this world of ours, there have always been those who prey on others. There are those who make others in our society weak and vulnerable targets for their own pleasure, and in many circumstances they are willing to put others in very dangerous, life-threatening situations. This happens when johns commit acts of violence against women and others that are involved in prostitution. These horrific acts, I believe, can be emotionally and physically damaging. So that's why, quite frankly, I regard Bill 206 to be very useful in that it will over time make basic needed changes to the structures and attitudes within our community so that we can assist in overcoming the societal dysfunctions that cause men to commit violent acts against others through prostitution.

This issue in itself is very saddening, Mr. Speaker. We just heard the previous speaker speak about a situation that he saw in his community in regard to this issue. I know that we don't often like to mention too much about the media in the Legislature, but I found it very sad to listen to the radio on my drive up here this morning bright and early about the children that went to play in a playground in a community in Calgary who experienced some items very threatening to their health, like condoms and used needles and whatnot, and of course parents have become very angry about that. That's very current; that's today. As I said, we heard another community issue here earlier, and I find that to be very sad.

Those working in the prostitution industry I think experience daily horror in their lives too. I think that through this bill the Member for Calgary-Buffalo has put forward his view as a former police officer about what we must do to end this type of violence but also to help make our communities safer, especially safer for our children. He examined, I believe, a situation that he saw firsthand on the streets, and he's endeavouring to change it in the most practical, cost-efficient manner possible. I also think that we must address the many gaps that exist within the current legal system that allow this type of violence to occur. The result of the act, of this legislation will substantially improve the issues that are involved in prostitution.

Mr. Speaker, when I was asked to speak to this bill by the hon. member, I was trying to think of an analogy that I thought may reflect in some way why I view the principles of this bill to be important. I thought of the proceeds of crime legislation, where money that is obtained through crime by drug dealers and is used by those same dealers to purchase cars, yachts, elaborate homes, or whatever – and I don't really want to oversimplify what the legislation is about, but my understanding is that those proceeds of crime may be seized through a long process. Eventually, at the end of the day, they become the property of the government, and then that property can be sold, and the money can be put back into the community for good use. I believe that this would be very much like this bill, where I understand from the member that on the second and repeat offences vehicles of johns would be seized and be auctioned, and the proceeds would be returned to the community, and they would be returned, I think the hon. member had said, for victims services initiatives in the community.

Mr. Speaker, quite frankly, I think that many police sources would tell you that an automobile that is used by johns to commit the offence of prostitution not only takes the johns to the prostitutes but is also the place where the sexual liaison occurs. So taking the ability for the john to go to the offence and commit the offence by virtually taking away his vehicle I believe makes good sense.

Also, Mr. Speaker, when I was thinking about this bill, I thought about 15 or 20 years ago. From what I recall, in Calgary in many cases massage parlours were considered to be houses of prostitution, and laws were put in place at that time to reduce prostitution through the removal of a legal massage parlor that was illegal, and to some extent I think that that forced the whole industry out on to the street, which is what we're experiencing today. From what I recall, I think there was a sidetrack to that as well, though I think that the escort industry had flourished as well. Now what we see is that the sex trade has evolved to the point where other measures through legislation are necessary if we're going to reduce the problem even further. I know that where we create one action, we create other reactions to that, and that may be what we're dealing with even these 15 or 20 years later.

In some smaller communities, as well, Mr. Speaker, I know that people know each other very, very well. They know which church a person happens to go to, they know whether or not that person drinks or doesn't drink, they even know which ball team that person may cheer for, and the list goes on because people know each other so well. I believe that this all has an effect on that person's behaviour because if you do something wrong in a small community and you do something that's very, very wrong in a small community, you're often shunned.

3:20

Nowadays as our cities become larger and larger, people tend to become isolated from one another, and I'm quite distressed about what I see, you know, even the anonymous way that people can procure others into acts that can be criminal acts or violent acts against others, even through the Internet. With our cities becoming larger and larger and more complex, people often don't even know their next-door neighbour. So I think we need to be more creative in our legislation to curb or limit activities and behaviours that are seriously detrimental to others, and that is what this legislation does. It creates some accountability for people. I believe that taking cars from johns, Mr. Speaker, will bring back an element of shunning to the community in larger, complex cities.

I know that there's been a lot of debate on this bill. You know, I've listened in the House as people said to proceed slowly with the way that this legislation would be enacted, and I think the hon. Member for Calgary-Buffalo has been very prudent and forthright in saying that that's exactly what his intent will be.

Having said that, Mr. Speaker, I would ask that people support this bill and would urge my colleagues to vote in favour of Bill 206. Thank you.

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

Mr. Rathgeber: Thank you, Mr. Speaker. I have a few concerns about Bill 206, and before I outline those for the members of this Assembly, I wish to start out by saying that I think the Member for Calgary-Buffalo certainly deserves some applause for the work that he's done in this area. I think Bill 206 is certainly well intentioned. However, I would caution members of this Assembly to look very seriously at the wording of Bill 206 before they decide how they're going to vote with respect to Bill 206.

Certainly, prostitution, street crime, drug trafficking are endemic in the inner cities in Alberta's two larger cities and to a lesser extent in the other major urban areas. However, notwithstanding the gravity of this problem, we must look very carefully at how we eradicate these problems. As a lawyer, Mr. Speaker, I am very concerned any time we tinker with the presumption of innocence. Presumption of innocence is a hallmark of our criminal justice

system, and one ought not tinker with this without very seriously contemplating what the manifestations and what the potential outcomes will be when one tinkers with the presumption of innocence.

This bill, as I understand it – and I've talked to the hon. member, and I've talked to the police representatives who are lobbying in favour of this bill – certainly does modify the presumption of innocence. Potentially one's mode of transportation will be seized before one is given the opportunity to go to court and explain to a trier of fact what one was doing when the alleged offence occurred. I think this is serious. This is serious when guilt is determined before a trial, when guilt is determined before one has been able to seek proper legal representation. These are serious matters, Mr. Speaker, and I think we need to look at these very seriously.

My other big concern with respect to Bill 206 is – and I think the Member for Airdrie-Rocky View talked about this last week – the potential inequality of penalties. Potentially two individuals who are alleged to have committed the same offence could face drastically different economic penalty with respect to what they would forfeit. Theoretically an individual who's cruising the streets looking for prostitutes in an old beat-up jalopy may forfeit a vehicle of minimal or nominal value. Conversely, a person with higher means could forfeit a very expensive luxury sedan automobile.

One of the principles of law is that the outcome and the penalty ought to be similar for a similar offence. We see with Bill 206 potentially huge disparity, Mr. Speaker, where a person alleged to have committed an offence could forfeit a very valuable automobile as opposed to another individual charged with the identical offence at the identical time could forfeit a vehicle of nominal or insignificant value.

I support what the Member for Calgary-Buffalo is trying to do. I have a problem because I still haven't decided how I'm going to vote on this particular bill. I think this bill is well intentioned, and I believe it addresses a very serious problem, a problem that needs to be addressed, but I'm not entirely convinced that this is the appropriate way to do it. As a person who believes in the presumption of innocence and a person who believes that individuals charged with offences ought to be convicted before punished and that the punishment ought to be similar, I have concerns about this bill. I encourage all hon. members to think very carefully about those matters before they decide how they're going to vote this afternoon.

Thank you.

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

Mrs. Ady: Thank you, Mr. Speaker. I'm pleased to have an opportunity also to rise today and offer some of my comments with regard to Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. Before I begin, I'd like to thank my colleague from Calgary-Buffalo for the hard work that he's put in in order to introduce this piece of legislation in our province.

Prostitution, Mr. Speaker, is a problem which has plagued almost all nations and communities around the world. It's an issue which does not discriminate between rich and poor countries, developed or nondeveloped. Some countries have chosen to tolerate it while others have chosen to combat it, and they've realized that problems associated with prostitution are just too great to be ignored. I am pleased that our country and our province are among those who have not shied away from dealing with prostitution, because it is truly one of the biggest issues which affects not only the people who partake in these activities but also the communities in which these activities take place. Problems associated with prostitution directly and

indirectly affect all of those involved: the prostitutes, the johns, and the local citizens.

In my comments today I would like to talk about some of the biggest victims of prostitution, the prostitutes themselves. Prostitutes, Mr. Speaker, are no different than any other individual found within our neighbourhoods. They are someone else's daughter, sister, cousin, and in some cases mother. The vast majority of them enter the prostitution trade not by choice but, rather, because they see it as a means which enables them to make ends meet. However, many young prostitutes are not mature enough to realize how dangerous the trade can really be when they get involved. By that time, most of them become so financially dependent on the lifestyle that they find it impossible to reform and pursue other safer avenues.

Most prostitutes in Alberta enter the trade at a very young age. The vast majority of these girls suffer from social and family-related problems including childhood sexual abuse, leaving home early, poor financial situations, and substance abuse. Most of them suffer from extremely low self-esteem, which only is worsened by the abuse that they incur as the result of the lifestyle that is associated with prostitution.

According to numerous studies conducted all across Canada, age is not a factor which determines whether young girls decide to enter the prostitution business. However, it has been proven that most prostitutes enter the business during their mid teens. One study conducted in Manitoba in 1998 entitled *Antecedents to Prostitution* determined that the average age at which girls entered the trade in that province was 14.1. A similar study conducted in British Columbia estimated that the average at which young girls entered the trade in the city of Vancouver was approximately 16.3. Alberta's Department of Children's Services estimates that 10 to 12 percent of those involved in street prostitution within our province are children. This figure is not much different than the average age of new prostitutes found all across Canada.

Even though there are some different regional issues associated with the age when young girls enter the trade, the average age in Canada is found to be between 14 and 16. This is a time, Mr. Speaker, when young teenage girls are beginning to discover themselves, as many members in this House who have teenage daughters already know. It is an age when young girls become somewhat rebellious towards their parents. At this stage in their life, they're undergoing an important phase during which they are in need of committed and caring parents who can provide them and guide them towards bright and successful futures. Mr. Speaker, not all families provide this kind of necessary support for their children.

3:30

As we know, there are parents within our communities who either don't know how to or in other instances simply don't provide the care their children need in order to become healthy and happy. As a result, many young girls who turn to prostitution come from broken homes or dysfunctional family environments in which they are physically or sexually molested by their parents or other relatives. Also as a result, many of them run away from their homes in order to escape their abusers and in search of a better living environment. Their new home usually becomes the street, and prostitution becomes their only avenue for survival.

The *Antecedents to Prostitution* study conducted in Manitoba revealed some very chilling figures which indicate that 68 percent of all prostitutes in that province are victims of childhood abuse. The same study also indicates that children who come from sexually abusive households are twice as likely to engage in prostitution as compared to children who have not experienced childhood sexual abuse. Once on the street these young girls usually find that their

employment opportunities are extremely limited due to the fact that many of them lack even the basic high school education. Without having any hope of attaining a proper job and acquiring even a basic form of shelter, these already vulnerable young girls turn to prostitution as an easy way to make money.

The heartbreaking factor, Mr. Speaker, about the unfortunate circumstances in which these young girls find themselves is that while many of them leave their homes in order to escape sexual or other forms of abuse, they find that in the streets it is no less of a forgiving environment. What is worse is that many of these girls find that they are no longer abused by their parents or relatives but, rather, by sexual predators, many of whom are commonly referred to as johns. It seems that the only difference in this case is that the abuser is now a stranger who has even less regard for their welfare than their parents or relative.

To make matters worse, while living in abusive family environments, many young girls become habitual abusers of alcohol, drugs, and other dangerous substances. One of the reasons why they turn to substance abuse while living at home is because they find that it helps them deal with the stresses related to physical and sexual violence. Many young girls leave their homes and turn to prostitution in order to support their habits. Once on the street many of them become even worse substance addicts who find that alcohol and drugs are the only ways that they can deal with the mental and physical degradation associated with prostitution. As a result, prostitutes find themselves caught up in a vicious circle highlighted by substance and sexual abuse. Substance abuse leads to prostitution, Mr. Speaker, and prostitution leads to further substance abuse.

Prostitutes in Alberta are no exception to this rule. According to a study administered by the Edmonton Social Planning Council in 1993, only 8 percent of those interviewed said that they do not use drugs or alcohol, while 29 percent use a substance in order to work, and 44 percent say that they are working in order to pay for their drug and alcohol addiction.

Some may say that even though this is a horrible lifestyle, we don't have a really big prostitution problem in Alberta. On the contrary, Mr. Speaker, we have a serious prostitution problem especially within our urban communities, and I believe that it is time that this government did something to seriously address it. According to last year's interprovincial crime statistics accumulated by the University of British Columbia's Faculty of Commerce and Business, when it comes to prostitution-related crimes, Alberta fares very badly when compared to our other Canadian counterparts. The statistics indicate that on a per capita basis there were 159 instances of prostitution-related crime in Alberta in the year 2000. This places Alberta a close second to Saskatchewan, which during the same year had 166.5 instances of prostitution-related crime. What is even scarier is that prostitution in Alberta has been on the upswing since the mid-90s. In 1994-95 Alberta ranked fourth with regard to prostitution-related crimes on a per capita scale. I'm not certain exactly why Alberta has become so attractive to street prostitutes over the past seven years. I'm sure that our economic prosperity has something to do with it, but I'm certain that we have to do everything in our power to curb the problem before it gets out of hand.

In order to accomplish this goal, Mr. Speaker, we have to focus our attention on the root of the problem: the johns. Just as any other business, prostitution itself is based on the basic principle of supply and demand. In this case, I believe that if we're going to try and minimize prostitution-related crimes in Alberta, we need to focus on discouraging the demand, which is again represented by the johns.

Bill 206 is an excellent avenue which this government can use to combat prostitution, because it allows peace officers to seize the vehicles of those who are found guilty of soliciting prostitutes. By

threatening to take away one of their essential tools and modes of transportation, I believe this piece of legislation will provide the necessary deterrent, which will make johns think twice about their dangerous activities. Just as any other sexual predators, Mr. Speaker, johns not only take advantage of young and vulnerable girls who suffer from previous physical and sexual abuse, but they also have a very destructive effect upon our communities. They prey upon other people's weaknesses and misfortunes, and they create a dangerous and unhealthy environment in which no child should have to grow up.

In the final analysis, I believe that Bill 206 will help us to ensure that we have some of the necessary tools in place to discourage sexual offenders and protect vulnerable young girls and curb the threat of prostitution and keep our communities safe. In light of this I urge all my colleagues to vote in favour of Bill 206.

The Speaker: The hon. Member for Lac La Biche-St. Paul.

Mr. Danyluk: Mr. Speaker, thank you for the opportunity to rise and speak to Bill 206. I will support this bill in second reading largely because it provides a new step that law enforcement officers can take in the reduction of prostitution. The bill will give law enforcement officers the ability to confiscate vehicles of johns caught in the act of propositioning a street prostitute from their vehicle. The bill will encourage these johns to agree to take part in an alternative measure program like john school, where they will realize the full social cost of prostitution, especially as it relates to the exploitation of women and young girls, the proliferation of gangs, and the spread of various sorts of crime. When the offender completes john school, his vehicle will be returned to him.

One of the red flags that has been raised about Bill 206 both within the Legislature and in the local media is that the bill holds the potential to trample the rights of citizens and take away due process for those citizens. I would like to suggest that while these concerns are valid, there are equally valid reasons and precedents for removing johns from their vehicle immediately if they are caught in the act of propositioning a prostitute.

First, the obvious precedent we have is drunk driving. If a police officer suspects that a driver has been drinking and is over the legal limit, he can remove the driver from the vehicle and impound the vehicle. The reason for this: the potential harm that the driver may cause far outweighs their right to drive or their right to take their car home, at least temporarily. It is true that a driver will get the car back, but if they are found guilty of drunk driving, they will be forced to hand over their driver's licence and will be unable to drive legally for a set amount of time.

Given this, we now have a standard by which we can judge Bill 206. If the police officer feels that the potential harm that may be caused by the driver should they be allowed to continue on far outweighs the right of the driver to continue on, then the police officer ought to be allowed to apprehend the vehicle of the driver.

Well, then let's talk about the potential harm that may be caused by the john: harm to the prostitute, harm to the members of the community that the john is cruising. First, harm to the prostitute. Oftentimes we are talking about young women, still girls in many aspects, who are abused nightly. We are talking about people who likely have physical, psychological, and emotional problems. These individuals are people who lose control of their lives and are put in compromising situations.

At this point, Mr. Speaker, it might be pertinent to consider some statistics, all taken from the report by the Federal/Provincial/Territorial Working Group on Prostitution. Forty percent of sex-trade workers interviewed carried a weapon while working on

the street. Between 1991 and 1995 18 prostitutes were implicated in the deaths of 10 johns, one pimp, and five other individuals in Canada. The final information from consultants appeared to support the assumption that roughly 10 to 15 percent of prostitutes on the street are youth. These stats clearly show that harm is done to prostitutes and by prostitutes.

3:40

Second, let's consider the harm to members of the community where street prostitution is pervasive. We all read the story of the young Calgarian girl who asked her dad to help her blow up a balloon, and when the father went to help, he realized the balloon was a used condom she had picked up in the backyard. I don't think I could begin to imagine the rage that this young girl's parents feel, but I know that it is something they should not have to put up with in the community. We also heard the numerous stories of mothers who, while walking down the street with their children, have to put up with the humiliation of johns pulling over and asking them how much they charge for a certain sexual service.

One of the roles of the government is to ensure that we provide a safe and healthy atmosphere in which parents can raise their children. Our job is not to make choices for those parents but to ensure that we take steps which (a) do not interfere with the parents' ability to make good choices and (b) set the legal ground rules for action within our communities. These laws must be laws which in the end allow our communities to flourish. Getting tougher on street prostitution is one way to do this.

A short look at the Edmonton Police Service web site shows that most johns who cruise known strips do not come from the area. They come from other areas of the city or from outside the city and denigrate the community around the strip. I guess someone forgot to tell the johns that these communities are not there just to provide sex. I guess someone forgot to tell the johns that these communities are filled with earnest . . .

The Speaker: Hon. member, I hesitate to interrupt, but under Standing Order 8(5)(a)(i) our rules now provide for up to five minutes for the hon. sponsor of the bill to conclude debate. So I now want to call on the hon. Member for Calgary-Buffalo.

Mr. Cernaiko: Thank you very much, Mr. Speaker. I'd like to briefly provide the Assembly with some highlights of Bill 206. Bill 206 will create safer and healthier communities for children and families. It'll assist young females and males in prostitution, removing them from the street through the Protection of Children Involved in Prostitution Act. It'll reduce sexual assaults and physical abuse of women and children trapped in a world of drug and alcohol abuse. It'll provide a deterrent that is strong enough to make the offender think of his actions and the criminal offence he's about to commit. It provides an alternative measures program to educate sex-trade offenders on the realities of the sex-trade industry. It provides the community with an opportunity for offenders to help clean up the very community they've committed the criminal offence in. It provides for the release of the vehicle if the seizure created a financial hardship to a family, including a mom or a child. As well, it provides a strong and harsh deterrent in the seizure of one's motor vehicle on second or subsequent offences. It provides the policing community with another tool for enforcement and provides community associations or community leagues with the ability to partner with the police and Crown prosecutors in removing the sex-trade drug industry from their communities. Again, it creates safer and healthier communities for our children and families to live and reside in.

Mr. Speaker, I'd like to provide you with some recent statistics from the Prostitution Awareness and Action Foundation of Edmonton, which held a prostitution offender program, which is the john school that they hold here in Edmonton. The last school was held on April 26, and I received some statistics from them when they advised the group of individuals that were attending, having been picked up for communication for the purpose of prostitution here in Edmonton. After they had been given a brief outline of Bill 206, 69 percent of these individuals were in favour of Bill 206. The question was asked of them: would knowing of Bill 206 deter you? Ninety-four percent of these offenders said that, yes, it would deter them. They were asked: what was most effective for first-time offenders? Ninety-four percent of them agreed that a prostitution offender program or alternative measures program would be very successful.

So, Mr. Speaker, in conclusion, I'd just like to state that prostitution teaches several wrong messages, among them the legitimization of females as victims. These women are stigmatized and disdained while their customers seem to be forgiven of any involvement in the current climate of public opinion. Prostitution also seems to create an attitude among men that women are inherently inferior. Any antiprostitution activity should include a re-educational component that counters this attitude. One of the main goals of this government is to provide safe communities to live and raise families in. I strongly believe that Bill 206 will contribute to this goal and urge all members to support this legislation.

Mr. Speaker, I'd like to thank all the hon. members who rose in debate on Bill 206 as well as the over 1,500 submissions from residents, community associations, and community leagues throughout the province who submitted letters to MLAs and to myself regarding Bill 206.

I would like to now call the question.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 3:47 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Griffiths	Mason
Amery	Hancock	Massey
Calahasen	Hlady	Masyk
Carlson	Jablonski	Nelson
Cenaiko	Jonson	Oberg
Coutts	Klapstein	Ouellette
Danyluk	Kryczka	Shariff
Doerksen	Lord	Snelgrove
Dunford	Lukaszuk	Stelmach
Evans	MacDonald	Stevens
Fritz	Magnus	Tarchuk
Gordon	Mar	Taylor
Goudreau	Marz	Vandermeer
Graydon	Maskell	Zwozdesky

Against the motion:

DeLong	Pham	Rathgeber
Haley		

Totals	For – 42	Against – 4
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[Motion carried; Bill 206 read a second time]

Bill 207

Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003

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

Mr. Lord: Thank you, Mr. Speaker. I am very pleased to begin the debate on Bill 207, the Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003. I believe that Bill 207 is a very important bill, and I hope all members will give it full consideration. I realize that this bill may be a little difficult to explain properly, at least for me anyway, and I admit right up front that I haven't perhaps done the best job of explaining it, and as a result there has been some confusion and objections to it accordingly. I mean, just look at the title. The title itself is confusing.

4:00

Let me just start by assuring everyone that this bill is empowering legislation only. It is not forcing anything on or requiring anything of anybody. Those municipalities that wish to take advantage of its benefits have to accept a few concomitant responsibilities along with those benefits as basically a package deal, but no one has to take any deal at all. They're free to ignore it and continue on as they always have if they choose to do so.

Secondly, Bill 207 does not propose sweeping changes but in fact only relatively minor changes. Basically, the two responsibilities I will talk about are already in the MGA, but since few municipalities have implemented these responsibilities themselves, it appears that there is insufficient incentive for them to do so. Bill 207 proposes to increase that incentive to encourage municipalities to voluntarily implement these two responsibilities, which in my view would be very beneficial to all Albertans. In return for that, they get an important benefit.

A third important point to remember in this debate is that Bill 207 merely asks for essentially one of the same rights, one of the same benefits, and two of the same responsibilities that we as MLAs already have.

[Mr. Shariff in the chair]

The purpose of Bill 207 is really just to encourage within municipalities some of the fundamental notions underlying modern democracy and good governance such as how to create and maintain public trust and confidence in public servants. Mr. Speaker, whether we are here in this House in the capacity of an MLA or in Ottawa as an MP or at city hall as a councillor or reeve or alderman, what we have in common is that we were elected by our peers to serve them and to safeguard their interests. We earned their trust and received their votes, and now it is our responsibility to act in such a way that we can retain the electorate's confidence that we can represent it well. This is true at all levels of government, whether federal, provincial, or municipal.

Mr. Speaker, I would like to point out that Bill 207 by and large does not in any way attempt to introduce new untried or untested legislation that would in any way fundamentally alter how the municipalities are governed or how municipalities govern themselves. No, to the contrary. Most of the provisions of Bill 207 are already incorporated in the Municipal Government Act. The one extension proposed that does not already exist would be to give municipal councillors the opportunity to have the same degree of protection from legal threat and therefore the same peace of mind that we currently give ourselves as provincial politicians and that MPs have as well, and that is the protection of qualified privilege.

Let me begin by taking a few moments to discuss those provisions

of the bill which are already in the books, the MG Act, the disclosure and to a degree the immunity prongs. First of all, Mr. Speaker, everyone here is familiar with the disclosure statements MLAs have to file once a year. While we may grumble a bit at the paperwork, I would like us to look at it as something that is to our benefit. In addition to submitting these forms, we also meet with the Ethics Commissioner, and all this is done to make sure that there cannot even be the perception of any conflict of interest. It builds up the public's confidence in us as their provincial government. This is an integral part of our government's business plan, goal 9 in fact, which reads in part that "Alberta will have a financially stable, open and accountable government." Put differently, the ethics and disclosure requirements which we as MLAs must comply with are part and parcel of the trust the public has invested in us.

Now, there's already a similar provision in the Municipal Government Act. Section 171 authorizes municipal councillors to pass bylaws requiring that each councillor file disclosure statements. What section 171 does not do is mandate that each municipality pass such a bylaw. Rather, it leaves that decision to the discretion of each individual municipality and its residents, and this does not change under Bill 207.

By the same token, Mr. Speaker, section 535 of the MGA also remains largely the same under Bill 207. This section frees councillors from liability for loss or damage caused by anything they say or do as long as they are acting in what they believe is the best interests of the public and the cause of action is not an accusation of defamation. This is where I would like us to bestow upon municipal councillors something that's akin to the kind of protection with strings attached that we have in the House.

Let me explain why I view this as a needed change. It is well documented and a much-lamented fact that ours is an increasingly litigious society. Whether it's due to oversensitivity, political correctness, or some other factor, I don't know. I don't think that going into great detail about this is necessary, and I'm sure that each and every one of us in the House this afternoon can think of several major lawsuits that we've heard of or read about in recent years accusing people of doing all sorts of things, some that had merit but many that did not. Having said that, it does seem to me that the chances of finding yourself in a whole lot of financial trouble because of something you might have let slip out without thinking first or because of what someone thought you said or just because someone is trying to bully you or threaten you into doing what they want are much greater today than, say, 10 or 20 years ago. This is a problem for individuals, for corporations, and for government. Even if you didn't say what you're being accused of having said, the mere fact that someone thinks so and decides to take legal action is going to cause you a great deal of trouble for quite some time as well as cost you a lot of money to defend yourself.

Those of us who are in politics are well aware of how in the heat of the moment, as they say, a tongue might slip, and all of a sudden you realize that you've said something that perhaps you really ought not to have said at all. It might have been something hurtful, something mean-spirited, or, in a worst-case scenario, something you thought was true but later turned out not to be so. In public life, where so much of what we say and do is subject to public scrutiny, careers in the public service can be severely damaged or even destroyed by such accusations, true or not.

As MLAs we have processes and procedures that allow for retractions, apologies, and so on and let us move on with government business. Not so for our municipal counterparts. They might be faced with people wanting a large sum of money, wishing to drag out an issue for political reasons, trying to force them from office. Also, they are not protected with a government fund for legal

expenses as we are, and they might not be able to defend themselves properly.

With this in mind, how might a councillor react given this threat? Well, quite frankly, I know that in today's litigious climate councillors sometimes opt not to speak up at all during council meetings for fear that what they say can or will be taken out of context, misinterpreted, or used against them in a frivolous and baseless lawsuit. If they do speak up and offer their honest questions or opinions, how could they ever be able to prove what they said or didn't say if someone ever accused them of anything? How would they be able to prove their innocence against an aggressive attack where no record exists of what was actually said. It would basically be the word of the accuser against that of the accused, which leaves the damage done to the accused in most cases if there is no record of what was said and no apology is forthcoming. This could easily become a lengthy court proceeding, not to mention costly in more ways than one with the poor councillor in a very difficult and personally expensive position all the way through.

So how do you avoid such situations to the greatest extent possible? Well, as I mentioned, one way is for councillors to decide to just not speak. This is, of course, not a very good or practical solution. It is most definitely anathema to even the most basic of notions of representative democracy. Another way which I believe would solve much of the dilemma at hand is to establish a publicly accessible record of what was actually said during council proceedings, which is what this bill proposes and encourages.

Mr. Speaker, it has been brought to my attention that there are some concerns that to create and maintain such a public record would be a costly affair. For the record I'd like to appease everyone's fears and assure you that actually establishing a public record is not necessarily all that expensive at all. We rely on technology in much of our daily routines and activities, and I think we all have some awareness of how prices always become more reasonable as time passes. So it is with a variety of modern voice-recognition software that could create printed transcripts almost as fast as a person speaks or video and similar equipment. A video tape of proceedings would suffice, and the cost of this would be very minimal. Again, it is up to the municipalities to decide what is needed, in what format, and to what extent if they want to do this at all. A public record doesn't have to be a verbatim written transcript. An audio or video recording would be just as useful and would accomplish the same thing as would a *Hansard*-like transcript.

Well, at this point I'm out of time, so I'm going to listen to the rest of the debate, Mr. Speaker, and I'll make some closing comments after. Thank you.

4:10

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

Mr. Maskell: Thank you, Mr. Speaker. It is an honour to rise today and join the debate on Bill 207. I would like to commend the hon. Member for Calgary-Currie for bringing forward this innovative piece of legislation. Bill 207 proposes three main objectives: first, that municipal councillors file disclosure statements similar to disclosure requirements for Members of the Legislative Assembly; second, that municipal councillors maintain a public record of proceedings either in a *Hansard*-like format or through audio or video recordings similar to what we do as well; finally, if they voluntarily meet these two requirements, municipal councillors would then be given limited protection from civil prosecution for remarks made during debates similar to the limited qualified immunity enjoyed by Members of this Legislative Assembly.

Mr. Speaker, over the past 15 or 20 years we have seen a decline

in voter participation. In the last federal election only 60 percent of eligible Alberta voters participated. The numbers in civic elections are even more discouraging. In the last Edmonton civic election voter participation sat at a lowly 35 percent. In some Calgary ridings it was only about 23 percent. These dwindling numbers have puzzled public policymakers since they started to decline. One explanation of the decline is that the public has become cynical of politicians and the political process. An American study exemplifies today's public opinion. Prior to the Vietnam war and Watergate eight out of 10 people said that they trusted people in government to do what was right most of the time. In 1994 less than one-third of the people felt that way.

This is precisely why I am supporting Bill 207. I believe that by filing disclosure statements and maintaining a public record of proceedings, a level of trust will be built between the public and elected officials. This trust is one of the cornerstones of democracy as we know it. Trust holds society together. It has been described as an integrative mechanism that creates and sustains solidarity in the social system. Nothing happens without trust. It provides the foundation that makes it possible for society to work. Basic trust cannot be established with the public unless elected officials are open and honest with voters. Disclosing relevant private interests is a first and essential step in obtaining the public's trust. It is the right of the public to know if the officials they elect have conflicting interests in public policy matters.

Mr. Speaker, the problem of public cynicism is not a problem that will be solved overnight. Indeed, it may take an entire generation to rebuild public trust to its old form. Small steps are therefore needed in the reconstruction of public trust, and Bill 207 is one such small step. There is no reason why civic politicians should not be held to the same standards as provincial and federal officials. In many respects policies that civic politicians influence are more directly related to the everyday lives of the public. Issues such as community planning and zoning have a more direct impact on people and businesses than do, say, federal issues such as foreign policy and military spending. For this reason, some knowledge of individual municipal politicians' private business interests seems all the more appropriate, more so than MLAs or MPs, yet few have any disclosure requirements at all. Bill 207 does not require this but at least offers an incentive to encourage municipalities to enact disclosure bylaws.

Mr. Speaker, municipal councillors are elected officials and public servants, which means that they must be prepared to be subject to public scrutiny. Public servants at the provincial and federal levels must meet these demands, and it is time that municipal officials should consider facing this same responsibility. By bringing on these increased responsibilities, municipalities may see an increase in credibility and accountability. Increases in these matters will undoubtedly lead to a greater standing in regard to their counterparts at the provincial and federal levels.

With more and more people moving to Alberta cities, especially Edmonton and Calgary, aligning municipal governance policies with those of federal and provincial governments has become even more important. Major cities are making more demands for funds from the provincial and federal governments, and many public policy thinkers are calling the 21st century the city-state century. Yet with all these changes, cities are so far failing to change with the times in this area yet still demand the same responsibilities as their counterparts provincially and federally.

Having strong and economically lucrative cities is a definite asset to the well-being of our province. Ensuring that these cities are politically responsible is another asset that should be a priority of this government.

To this point, Mr. Speaker, I've mainly discussed the importance of disclosure statements. At this point I would like to shift gears a little and discuss the importance of keeping public records of proceedings. I cannot overstate the need to maintain a public record of the proceedings or debate either in a *Hansard*-like format or through audio or video recordings. Knowing and understanding how an elected official represents you is a basic and fundamental principle of democracy. The public should not have to rely on the potentially biased media to find out how a city councillor represented them on a certain issue. This information should be readily available to the public free of charge or for a nominal fee. Having proceedings recorded will create a more open and transparent local government. The public will be able to hold politicians to their word by having documentation of any promises made or not made.

Another aspect of having proceedings recorded is that it may increase the level of civility in city council proceedings. This is important because city councillors are looked upon and respected as leaders of our community. It is imperative that they are held accountable and treat each other in a civil manner. If there was a record of what was said, people could not make untoward remarks and later deny that they said any such thing.

In an age of declining public trust and growing cynicism toward politicians, democracies all over the world are trying to find ways to battle this problem. Here in Alberta we have a unique opportunity to make a small dent in this phenomenon. It is small dents that will lead to major change a generation from now. I believe that by mandating that disclosure statements be filed and maintaining public records of proceedings, trust will be restored between the public and elected officials, accountability will be increased, and municipal governance will increase its standing in comparison to its provincial and federal counterparts.

I strongly urge all of my colleagues here today to stand in support of Bill 207, which offers the opportunity to strengthen our cities and towns and prepare them for the 21st century. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Wainwright.

Mr. Griffiths: Thank you very much, Mr. Speaker. It's a pleasure to rise today and join the debate on Bill 207, the Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003.

While I appreciate all the hard work that my colleague from Calgary-Currie has dedicated towards bringing forward this piece of legislation, I have serious reservations regarding some of the provisions outlined in this bill and their potential effects on our municipalities. More specifically, I believe that the provisions outlined in Bill 207 would not only create problems at the municipal level, but they could potentially damage the long-established and effective partnership between the province and municipalities. I have always been in favour of strong, accountable, and independent municipal governments.

I'm pleased to note that the current Municipal Government Act has continued to ensure that all Albertans enjoy effective and responsible municipal level representation and that their interests and aspirations are addressed by their local administration in a sound and responsive manner. Our municipal government system has produced some of our communities' most committed and selfless individuals whose tireless work has helped Alberta to have some of the strongest and most prosperous municipalities in the entire country. Unlike their counterparts in Ottawa and here in Edmonton our municipal councillors spend virtually all of their time among their fellow constituents, and it is their direct responsibility to help manage their local community and provide programs and services to its residents.

They are an integral part of a well-established and highly effective system of government that requires them to remain in close proximity to their constituents and which helps councillors to remain responsive to their needs and concerns.

This is especially true within our rural communities, Mr. Speaker. In many ways their livelihood depends on the livelihood of their constituents, their neighbours, and their friends. As a result, when an issue or a problem arises, they're not only affected in the same manner as the rest of the community, but they're also in the position to respond and find a solution to the problem by working together with other local representatives. The seemingly limitless energy and resourcefulness of our municipalities and the ability of their citizens and local representatives to come together and solve common issues is one of the cornerstones of our municipal government system. It is a system which is extremely well suited to Alberta's political landscape. Just as we in this House don't look to Ottawa every time a crisis within our border arises, Albertans, especially those in rural communities, don't automatically look towards Edmonton whenever they are faced with a problem.

4:20

Mr. Speaker, Alberta is a province of practical and resourceful individuals who are capable of addressing and solving problems on their own. Our current municipal government system and the act that governs it are reflective of those values. They have in turn been sculpted in order to mirror the autonomous nature and spirit of our communities. As a result, this government has always recognized the importance of working with the local authorities to make certain that social and economic needs of all citizens of our province are met as well as possible.

Our commitment to working with the various municipal councils has produced some extremely sound policies and initiatives which have benefited our province on both the social and economic levels. However, Mr. Speaker, while this government has worked closely with the local governments on issues facing the communities, it has always maintained and respected the separate and autonomous nature of local governments. In this spirit our government has always opted to create certain guidelines and principles by which the municipal governments should operate rather than always impose our will upon the municipalities and their elected representatives. To sum up, the relationship between the province and municipalities has always been one of partnership and co-operation rather than imposition and inequality.

Unfortunately, Bill 207 may change the very nature of this long-established and highly effective partnership. As my colleague from Calgary-Currie has already mentioned, the intention of Bill 207 is to enhance and strengthen the credibility of municipal governments and to protect municipal councillors from lawsuits resulting from remarks made during municipal council debates. Bill 207 hopes to accomplish this by giving municipalities the opportunity to pass bylaws which would introduce a *Hansard* type of audio or video system by which council proceedings would be recorded and introduce a provision which would require councillors to give full disclosure statements similar to those given by Members of this Legislative Assembly.

My first concern with Bill 207, Mr. Speaker, is that it will have a detrimental effect upon the partnership established between the province and municipal governments, and as I have mentioned before, this relationship is based upon the mutual respect for the autonomy of municipalities. By requiring municipal councillors to file disclosure statements in which they have to outline their assets, liabilities, and financial interests and by requiring that the municipal council sessions be recorded and made public, this government

would undoubtedly compromise the autonomous status of our province's municipal governments. No longer would the provincial government be viewed as a partner but as a big brother who does not trust its younger sibling to adequately run its own affairs. As we all know, Alberta has often made it clear to Ottawa that it will not tolerate the federal government's meddling in provincial affairs. It is my belief that by passing Bill 207, this government would be committing a similar mistake. Just as Ottawa needs to respect our jurisdictional rights, we should also respect the autonomy and the ability of our municipalities to govern themselves in a responsible and effective manner.

Bill 207 is redundant anyway because there are already provisions within the Municipal Government Act that allow municipalities to introduce bylaws which require municipal councillors to file disclosure statements. More specifically, section 171 of the act allows municipalities the right to pass bylaws which would require their municipal councillors to file disclosure statements before they take office. Furthermore, section 535 gives municipal councillors liability protection. As a result, Mr. Speaker, I find that Bill 207 is redundant because the Municipal Government Act has already addressed these issues.

Mr. Speaker, I also find Bill 207 redundant with regard to the matter of recording municipal council sessions. Some municipalities within the province have already passed bylaws which mandate that certain aspects of council meetings be recorded and made public. Furthermore, the Municipal Government Act stipulates that all motions and votes must be made public. However, it is important to note that these recordings do not protect councillors from potential civil prosecution for remarks given during the council sessions. It is also important to note that to date there have been a handful of such lawsuits in urban areas and virtually none in rural areas. Therefore, I don't think that there is a need to introduce a law which would protect municipal councillors from civil prosecution by having their remarks recorded and made public if the problem itself does not even exist.

I believe, Mr. Speaker, that a law which would recommend that municipal councillors, especially those within rural communities, file disclosure statements and which would require that municipal council proceedings be recorded would only serve to discourage potential candidates from running for municipal office. Not only that, but by having municipal council sessions recorded verbatim, many councillors who, unlike most MLAs, are part-time politicians may choose to hold their discussions and debates away from the municipal hall. This is because many may feel uncomfortable with their remarks being recorded and made public. As a result, the council sessions could become a mere formality while taverns, coffee shops, or other gathering establishments could become the places where the real decisions are made. As a result, Bill 207 could potentially render council proceedings useless and a waste of the public's time and money.

As I've said before, Mr. Speaker, I do appreciate all the work that my colleague from Calgary-Currie has dedicated in bringing forward this piece of legislation. However, while I understand the purpose of this bill, I'm compelled to vote against it as I believe that it will only serve to create rather than solve problems.

Thank you very much.

The Acting Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Yankowsky: Thank you, Mr. Speaker. It is an honour to join debate on Bill 207, sponsored by the hon. Member for Calgary-Currie. I support the overall purpose of this bill. I agree that

transparency and accountability are two very important pillars of any effective government, and this bill would strengthen both.

First of all, I would like to talk about the importance of creating a public record for municipal proceedings proposed in Bill 207. Although one or two municipalities provide audio or video of municipal proceedings as requested and for the costs of reproduction, most municipalities do not. Some only record the actual vote while others provide almost nothing for public display. This part of the bill would add consistency to public accessibility of the verbal debate by municipal councillors across Alberta in addition to protecting councillors from frivolous and vexatious legal actions or threats of action.

I understand that some may be concerned with the added cost of publishing debates for easier public access, but I believe that the benefits are well worth the minor expenses. A town council or city hall meeting shouldn't be a place where people fear that their words will be twisted or misinterpreted. An accurate recording of the debate would be a way councillors would clarify what was said if an instance of misunderstanding ever arose. Elected members must have the freedom and capacity to fully express their own opinions and the views of their constituents.

It is unlikely that large numbers of people would flock to download such debate on a regular basis, but the content would be available for public review, which in turn would protect the elected officials from lawsuits and have a verbal debate available if someone did want to know more about an issue.

The second part of this bill is a bit more complicated but also very important. Voter turnout is in a declining trend, especially in municipal elections, and there is always a need to find ways to improve and revitalize the public perception of government. The fact is that elected officials are not looked upon as trustworthy. Recent polls indicate that politicians are slightly more popular than used car salesmen, and I have nothing against used car salesmen of course, but the stereotype of both professions is that they are corrupt, devious, and dishonest.

For the vast majority of elected officials the judgment is both unfair and untrue, but perception is reality, and all elected officials face an uphill battle to build and maintain the trust of voters. This bill could reduce concerns and improve perceptions regarding conflict of interest and could therefore play a role in restoring faith in elected members of municipal councils.

Currently the federal and provincial governments each have systems to monitor disclosure and settle conflicts of interest questions. The federal government has an Ethics Counselor, and the Alberta government appoints an Ethics Commissioner. When we look at the federal government, the Ethics Counselor is more or less a sounding board who offers advice to settle sticky conflict matters for Members of Parliament, cabinet ministers, and the Prime Minister.

4:30

On the other hand, Alberta's Ethics Commissioner is an independent body that has final say on conflict of interest matters. The important difference is that Alberta's commissioner has real authority while the federal counselor merely offers suggestions. Other levels of government have established ethics officers to monitor or rule on instances of conflicts of interest.

This bill is a small, very low-cost approach to take the first steps in addressing conflicts of interest questions by helping reduce any questions from arising in the first place. It doesn't call for a civic ethics commissioner, merely a disclosure to the city clerk's office in a form which municipalities themselves are already empowered to do under the current MGA, although few have done so. While it isn't

common at all, clearly there have been some instances where such concerns as conflicts of interest have in fact been raised in the past, which continues to reflect on us all in the public's mind.

For example, we all know about the case of one of Edmonton's most popular mayors in the '50s and '60s. While this mayor was in office, Edmonton saw the construction of a new city hall, a new police headquarters, the Centennial Library, Storyland Valley Zoo, the Alexandra hospital complex, the Riverside Golf Course, and the Borden, Coronation, and Queen Elizabeth parks. A great deal was accomplished in Edmonton on his watch. He was well known across Canada as the biggest booster for the city of Edmonton, the first Ukrainian mayor of a major Canadian city, and the second youngest mayor in the history of Edmonton. His popularity was also amazing as he was elected five times, which included two acclamations.

Mr. Speaker, I won't turn this into a member's statement, but needless to say, this man was an incredible person and a very colourful and effective politician. However, he was also removed twice from the mayor's office for conflicts of interest related to land deals in which he played a role. I realize that times have changed and the political climate today is much different than the '50s or '60s. I am also aware that the media plays a much larger role in politics today. But I also know that many people are too busy to follow every single issue and every single elected official and watch them closely, so they leap to generalizations and sweeping conclusions about us all, after even one such incident from many years ago. We do have to admit that the reality is that municipal leaders are in a pretty good position to influence local decisions that can have a positive impact on themselves or their families. Bill Hawrelak was an extreme example of this.

Providing the opportunity to strengthen conflict of interest checks and balances for municipal governments should not be seen as a statement about the honesty or integrity of municipal leaders. It is merely prudent housekeeping designed to strengthen integrity and perceptions. So, Mr. Speaker, I agree with the goals of Bill 207 as a prudent and professional measure to ensure the continuing avoidance of any problems and to ensure the continuing excellent record of almost all municipal councils across the province.

Now, it is true that municipalities are already under the MGA, capable of imposing conflict of interest and disclosure regulations through their own bylaws, but few have done so, relying on the honour system mostly. So this bill does not call for sweeping changes, only strengthening what is already there, and again it is voluntary, not mandatory. If it were mandatory, there might be perceptions that this is interfering with the autonomy of municipal government, but since it is voluntary, Bill 207 is empowering legislation only. It does not impose on municipalities. Municipalities that want it can enact it, while others can ignore it completely if they so choose. It is only there for those who want it.

Second, I know that a reasonable amount of consultation has been done with municipalities and their elected representatives to ensure that this bill has good support across the province, which it seems to have, although such support isn't unanimous. But what is? I believe we should definitely move forward with this bill, but we should also be sensitive in proceeding with this bill to ensure that it isn't perceived as negative but just as a prudent measure. It really isn't very different from what MLAs already have and no different from what we as MLAs are required to do. In fact, this should be seen as helping municipal councillors.

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

Ms DeLong: Thank you, Mr. Speaker. It's my pleasure to rise today and speak in favour of Bill 207, the Municipal Government (Coun-

cillor Disclosure and Protection) Amendment Act, 2003, sponsored by the Member for Calgary-Currie. Bill 207 is positive legislation which municipal governments will be free to take advantage of. There can be attitudes in our communities of mistrust. These attitudes stem from highly publicized scandals and unethical dealings by top officials in governments from around the world. The mistrust can be combated by allowing all elected officials disclosure of information that would or could potentially be considered a conflict of interest in order that the public can be assured that their officials can be trusted.

Mr. Speaker, Bill 207 is a good step forward for municipalities around Alberta. It will elevate their status to being one of more like the big boys in politics. Currently municipal councils do not require their members to disclose information which may involve pecuniary interests. This sort of practice does not elevate the trust of citizens in their government and keeps the feelings of secrecy high. We at the provincial level are required to disclose information to ensure that we're not in a conflict of interest when we make decisions. This brings our government credibility, accountability, and responsibility. I'm sure that the action of disclosure gives Albertans a sense of assurance that their officials truly are working for the public interest. Bill 207 attempts to bring that same credibility to the municipal systems. If the citizens trust the government they're most closely involved with, they're also more likely to trust the next level of government, in other words us. That's a goal that we should strive towards. People need to be able to trust those they put into decision-making positions. Bill 207 is a step in that direction.

The Research Institute of the Finnish Economy found that disclosure benefits corporations on a large scale. They found that firms with better quality disclosures found it easier to grow faster and more successfully. The study showed that disclosure of the employees of private corporations, especially the leaders of the business, made it possible for companies to grow faster. This is a report that can be given to the municipalities. Many corporations experience high growth because of high-level disclosure. There's no reason to think that this would not also happen at the government level.

Mr. Speaker, the main benefit of Bill 207 is that it will create far more openness and transparency that municipal councils throughout our province are perceived as lacking at the present. It would eliminate the secrecy that's perceived to be prevalent in the system now, and it's a huge step forward for municipalities to take. Disclosure is a natural progression for municipal governments to take. When an elected official discloses information, he or she is rewarded for that action. The reward in this case is that the trust of that politician is increased, and it benefits all stakeholders involved. As I mentioned earlier, many other businesses and governments already mandate disclosure. Specifically, we as MLAs do so, and quite successfully I might add. Yes, it is a bit of a hassle. It's sort of like having to do your income tax two more times a year.

4:40

The disclosure process is not something that causes problems; to the contrary, it helps people avoid them. Facts that are disclosed are usually friendly anyhow, especially if pecuniary interests are in question. It's far better to deal with them in an open fashion than in private. It takes the secrecy away from people's minds. It's all about perception, Mr. Speaker. Our municipal governments consist of extremely talented, dedicated, and gifted people. Our Premier was at one time among those involved in the municipal system, as were so many of our other members. It's not the goal of this bill for the province to have their fingers in the affairs of municipalities. That's the beauty of this bill. Bill 207 gives municipalities the opportunity

if they wish to follow what can be of great benefit to them.

A municipality has to pass a bylaw which would be tailored to their own council and conducive to their own needs for this legislation to take effect. They continue to keep their autonomy. Therefore, if there are bits that municipalities do not want to be a part of, they don't have to be. The decision is completely up to them if they accept both prongs of the legislation. Doing so will be a benefit to them in many ways. Again, Bill 207 is all about bringing municipal governments even more credibility than they already have. It gives local governments an opportunity to step up in the political world to a position that they might find gives them more power, more leadership, and more responsible government.

I urge all hon. members to vote in favour of Bill 207.

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

Mrs. Ady: Thank you, Mr. Speaker. It is a pleasure to rise and join the debate on Bill 207, the Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003. I would agree with the hon. Member for Calgary-Curry. That title is something else. It's been sponsored by him, and I just wanted to say today that passage of Bill 207 would be a step to reinforce councillors' position in council as well as increase the accountability and credibility of municipal governments. Bill 207 would also provide safeguards for councillors against lawsuits pertaining to remarks they make during debates in council.

The amendments that would be made to the Municipal Government Act by Bill 207 would give municipal councillors the authority to pass bylaws requiring municipal councils to retain records of their proceedings. The records would be available to the public in an audio, video, or written format. The amendment would also allow municipal councillors to pass bylaws requiring councillors to file disclosure statements much like the ones MLAs have to submit to the Ethics Commissioner.

Mr. Speaker, I view Bill 207 as somewhat of a controversial bill, and I'm sure that many of our constituents would agree. I see certain similarities between the issues raised by Bill 207 and a long-standing issue that concerns a number of Albertans: federal influence in provincial politics. I find Bill 207 controversial because to some people it might appear that provincially we are attempting to influence municipal politics. Some worry that it is *Father Knows Best* or Big Brother looking out for his best interests approach, and it begs the question: to what degree does a provincial jurisdiction extend to municipal government politics? However, it's important to remember that Bill 207 is voluntary. It's not mandatory. It is only empowering those that want it.

In August of 1989 a review panel was established by order in council to review Alberta's legislation and guidelines that relate to the conflict of interest guidelines applicable to members of Executive Council, Members of the Legislative Assembly, and senior public servants in Alberta. This was done because the government of Alberta at that time felt that it was in Alberta's best interest to establish a conflict of interest act. Bill 40, the Conflicts of Interest Act, received royal assent June 25, 1991. Members must thus file complete disclosure information with the Ethics Commissioner. To ensure that the information is up to date, the members and the Ethics Commissioner must review these forms on a yearly basis. A public disclosure statement is produced based on the information in these forms and made available for public viewing through the office of the Clerk of the Legislative Assembly. I would like to state that my husband hates filling out these forms, but it does give accountability.

Mr. Speaker, in 1989 the government of Alberta took it upon itself, as it felt it was in the best interests of Albertans to do so, to

introduce conflict of interest legislation based on that of other jurisdictions. In doing so, members have provided public disclosure statements to ensure that there are no conflicts of interest and that the opinions they express within this House are, in fact, the opinions of their constituents and not personal opinions. However, this does not mean that we cannot play a role in the process. The experience we have gained through our own conflict of interest legislation should be passed on to ensure that municipalities understand the important conflict of interest legislation in the political process.

The fundamental premise of holding public office in a representative democracy is that the power of that office is derived from the people; in other words, there is a trusteeship created between the people and those who serve in public office. This trusteeship requires that power and authority be exercised for the welfare of the people; that is, in the public interest. For legislators, ministers, councillors, and other public officials to decide a matter even partly on the basis that it will benefit his or her private interest is to betray the trust of the people. The decision must be made solely on the basis that it is in the best interests of society. Allowing any other consideration may result in a decision that is not the most appropriate in the public interest.

When it comes time for a public official to make a decision or take a stand on an issue, it can be viewed as a personal test. The primary test is subjective; that is, it is a test that the politician or official must apply personally according to his or her own conscience. But even if this test is satisfied, there is also an objective assessment to be made: might the decision be viewed by the people as one made other than solely on the basis of their welfare? Legislators, ministers, councillors, and other public officials must also consider this, but unlike the subjective test the ultimate judgment on this issue rests with the people.

Mr. Speaker, it is essential that any discussion of safeguarding the integrity of legislators, ministers, councillors, and other public officials occurs in a positive atmosphere which recognizes the privilege and honour which is attached to those vested with the public trust, the desire to assist those in public office vested with that awesome responsibility to act in the public interest at all times. It is crucial to the relationship between representative and represented that integrity, accountability, credibility, and trust remain at a high level. While disclosure does not necessarily avoid or resolve a conflict between the private interest and the public interest, it should at the very least reveal the existence of a conflict. Indeed, it ought to be the natural response of any legislator, minister, councillor, or other public official to disclose to the appropriate authority the existence of a conflict of interest. I know that personally I faced this issue recently when it came to a private member's bill presented by the hon. Member for Calgary-North Hill regarding firefighters. I very much wanted to participate in the debate as my husband is a firefighter and I felt quite strongly but was advised by the Ethics Commissioner that I should not participate.

Bill 207 also requests that municipal councillors keep a record of their debates and proceedings for reference and public access. Some people worry that this might be an expensive procedure that requires resources that are not necessarily on hand. However, the debates and proceedings contain information that affects the public, and thus it should be available to the public. With today's technology, whether it be through the Internet or the sale of taped proceedings, I believe that such documentation could be made available cheaply and effectively. The record would not only give the public access to the proceedings, but it would also provide safeguards for councillors against civil prosecution for remarks made during the proceedings. This is something that is very important as a heated debate can result in comments that might be regretted or taken in the wrong way. A

record of those comments would allow for a simple solution to what otherwise could become a complicated issue.

Mr. Speaker, to conclude my remarks, I would like to remind all members that although the province has authority over the Municipal Government Act, that does not necessarily give us the right to push legislation upon municipalities. As I'm sure we all agree, having policy pushed on the province is not something that we take lightly. That is why Bill 207 is empowering voluntary legislation only. They don't have to enact it if they don't agree with it. I do not feel that we morally have the right to push legislation such as Bill 207 upon a body that has the capability of proceeding with this issue with their own agenda. If the Assembly wishes to play a role in the process, that role should be one of influencing municipalities that such legislation is in their best interests, not by forcing that legislation upon them. However, at this time municipalities do not have the power to grant themselves qualified privilege, which can only be done by the province, which is what Bill 207 proposes.

I feel that the ideas behind this legislation such as outlined in Bill 207 should be mandatory for all elected positions, whether it be federal, provincial, or municipal. However, this is their jurisdiction, and thus it is up to municipalities to take this step if we pass this bill. I would urge all members to support Bill 207.

Thank you.

4:50

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

Mr. Masyk: Thank you. It's with great pleasure that I rise today in the Assembly to join debate and discussion of Bill 207, the Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003. I would like to commend the Member for Calgary-Currie for his hard work and dedication to this amendment. This is an important issue that needs to be brought forward to address the accountability, openness, and standing of municipal governments' policies and procedures.

The purpose of Bill 207 is to bring the policies of municipal councillors in line with federal and provincial levels of government. This bill would amend the Municipal Government Act to enhance the credibility and accountability of municipal governments while protecting municipal councillors against outrageous lawsuits. With the passage of Bill 207 municipal councillors would have the ability to pass bylaws that mandate that a public record of proceedings be made and bylaws mandating that disclosure statements be filed by councillors. However, Mr. Speaker, both of these provisions must be adopted together in order that municipal councillors receive qualified immunity from prosecution. Municipalities cannot choose to adopt one provision and not the other.

According to Bill 207 councillors would have to file disclosure statements. These would be similar to statements that all members of this Assembly file. These disclosure statements, as we all know, list income, assets, liabilities, and financial interests of the member and the member's spouse, minor children, and private corporations. Councillors are elected representatives; therefore, they should be required to file disclosure statements similar to other elected officials. Individuals who are elected must be accountable to the citizens who elect them. Representatives have to be open and transparent in both their actions and intentions. Mr. Speaker, it should also be mentioned that this bill would not interrupt current council procedures as these new policies would take effect after the next municipal election. I may add there that you do know the rules, so when you do get elected or if you do run, there's really no excuse.

Mr. Speaker, I'd like to shift my focus and address the remainder of my remarks on the importance of maintaining open and transpar-

ent government procurement practices. This government is committed to ensuring accountability, openness, honesty, and fairness in government actions while protecting the privacy of individuals who contact and interact with government. Under our concept of open government we must protect the public from anyone who might use government for his own interest and protect those interests that may be unfairly prejudiced by the actions of elected officials.

Mr. Speaker, we live in a democracy where the rule is by the people. People empower the government to run the country or in this case the province or municipality. Citizens have the opportunity to choose through their right to vote the people who will represent them in government. This occurs through regular, free, and fair elections. However, democracy also means that officials who have been elected are accountable in various ways to the citizens who elected them. They have to be open and transparent in their actions.

Transparency is fundamental to public confidence. Transparency in public-sector policies and procedures results in public-sector accountability by demonstrating that elected officials are open in their decision-making and the debate surrounding the issues. It proves that they have nothing to hide and nothing to cover up. The concept of transparency incorporates the same values underlying democratic accountability and those associated with open government. Open government provisions require public government proceedings and access to government documents and information.

Mr. Speaker, elected representatives, whether they are Members of Parliament, Members of the Legislative Assembly, or municipal councillors, must be accountable to the public for their actions. This should include the discourse revolving around the laws that are passed, including bylaws and how they are implemented. Elected representatives must be open to the public about proceedings and actions. Closed-door and limited access translates into less accountable government and a less informed public. Municipal councillors need to render certain that their work is open to public scrutiny. Providing transcripts of government meetings and debates for public review and analysis is consistent with the policy of open government. Minutes of meetings generally record only the wording of the motions voted on and the results of the votes by councillors. These minutes do not include a summary or transcript of the discussions held on each motion. The public not only has a right to know the outcome of the decision but why the decisions were formed and how the decisions came about. Access to information permits citizens to challenge government actions with which they disagree and seek redress of official misconduct. Access to proceedings also deters official misconduct by constantly reminding public officials of their accountability to those they serve.

Mr. Speaker, I acknowledge that costs would be associated with the implementation and maintenance of a public record. However, the cost is significantly dependent upon the type of public record implemented. I recognize that producing a *Hansard* document would be costly and that smaller centres may be unable to assume the cost of developing public transcripts, but there are other methods of providing a public record that would reduce costs. An electronic or audio record of proceedings would be more cost-effective. Furthermore, a fee structure could also be implemented. The important issue is that the public have an ability to access these proceedings whether they are on-line, in print, or through audio or audio recording.

Other municipalities have implemented methods to provide the public with a record of council proceedings without using a *Hansard* document. For example, council meetings in St. John's, Newfoundland, and Labrador are televised live on the local cable station and are also recorded on audiotapes. Copies of these tapes are available to the public on request. In Charlottetown city council meetings are

transmitted live via web cast. These web casts get archived and can be accessed by the public. Municipal council meetings are recorded on videotape and broadcast on a local cable channel in Toronto. These tapes are kept in record archives and are available to the public for a fee. The city of Winnipeg produces a verbatim transcript of council proceedings along with audio and video recording. Other municipalities have employed similar methods to provide the public with access to council proceedings.

Mr. Speaker, if this legislation is adopted, a policy to improve transparency on information would emerge. Bill 207 is consistent with the government's policy of open government and accountability. The measures outlined in Bill 207 would bring the procedures and policies of municipal governments closer in line with provincial and federal governments. This legislation would create a sense of greater equality between municipal councillors and their federal and provincial counterparts. By granting the ability to establish similar requirements and policies, municipalities would have an enhanced stature. Elected public servants represent those who voted them into office. The public, the people they serve and represent, have a right to know where their representatives' interests lie.

Mr. Speaker, I encourage all my colleagues to vote in favour of Bill 207. Thank you so very much.

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

Mrs. Jablonski: Mr. Speaker, I'm delighted to have the opportunity today to join the debate on Bill 207, sponsored by the hon. Member for Calgary-Currie. It has been mentioned, but it's worth reiterating that there is a dual purpose to bringing forward Bill 207. The first is to bring municipal governance policies to a level that is equivalent to those of the federal and provincial governments. The second purpose of this bill is to augment the protection that municipal politicians deserve to have from lawsuits filed during their time in public service.

What exactly does this mean, Mr. Speaker? How does Bill 207 aim to achieve this? First, Bill 207 would make public a record of proceedings either in a *Hansard*-like format, that we use here at the Legislature, or through an audio or video recording, something we also do. Second, Bill 207 would require that municipal councillors file disclosure statements similar to those filed by MLAs provincially or MPs and their federal seats. It must be possible to hold elected public servants in the highest regard as we the electing public hold them to the highest of standards. Elected and appointed officials wield the power of government and serve as stewards of the public's resources. For this reason, the public must hold its elected and appointed officials to high standards of ethical conduct.

5:00

In North America, Europe, and Japan during the past several decades we have grown accustomed to seeing politicians and other public officials being accused of abusing their office in order to further their financial, political, or social goals or those of others, not to mention their own personal goals. Far too many people say that there is just no room for ethics in politics. This notion is completely false, but it's nevertheless frighteningly common. Fundamental to these ethical standards is the notion that the public expects elected or appointed officials to make responsible decisions with the public's best interest in mind. Such decisions must always take precedence over those of a private, narrow perspective, not to mention public officials' own self-interests for that matter. The legal requirements relevant to the ethical standards of public officials generally fall into two categories: first, those intended to prevent conflicts of interest and, secondly, those regarding corruption and/or criminal activity.

Mr. Speaker, for the balance of my time this afternoon I would like to concentrate on the first point, discerning whether or not an elected or appointed official does indeed have a conflict of interest. Generally speaking, conflict of interest laws and restrictions protect against both actual impropriety and the appearance of impropriety. For this reason, these restrictions may seem to go further than necessary to prevent improper considerations from being drawn into public decision-making.

In reality, the goal of all conflict of interest laws is to promote public confidence in public officials and public agencies by assuring the general public that official conduct is beyond reprimand. The law currently requires candidates in our provincially and federally elected systems to disclose to the public the sources of financial and an in-kind support for their campaigns. Once an individual becomes an elected official, he or she must disclose his or her economic interests to the electorate. The purpose of these requirements is to alert and make the public aware of any personal, economic, or political interests that may be affected during the public official's performance of their official duties.

Mr. Speaker, there are various kinds of scrutiny that public officials undergo, and all of my colleagues here in this Assembly can testify to that. There are five main areas of economic interest that must be disclosed: first, interests in real property; second, investments; third, business positions; fourth, sources of income; and fifth, gifts.

In our short time of discussion here it has become quite evident where a conflict of interest might exist for an individual who is in charge of running a large corporation or business. Unfortunately, it appears that there may be more of a challenge to see the advantage in holding municipal councillors to the same standards. Mr. Speaker, this indeed is unfortunate. It is unfortunate because a person in the public eye should be held to the highest levels of disclosure regardless of position, without consideration for whether the person is full-time politician such as MLAs are or if he or she is a part-time legislator as some city councillors are. So this begs the question: why should we deem it so important to establish or determine whether an elected official does not have a conflict of interest?

One suggestion to alleviate this concern over disclosure, conflicts of interest, and part-time legislators is to make them fully salaried employees of the government they serve. This would in effect cut the cord, so to speak, potentially reducing or limiting any conflicts of interest that might otherwise become an issue of concern. If a public figure were to establish a type of blind trust where he or she would transfer all investments so as to potentially minimize the possibility of a problem, that would further reduce the potential for conflict of interest charges being laid. It does not take a genius to figure out that unless there is a complete cutting of the cord, Mr. Speaker, there will be lingering doubts of conflicting interests. We need only look at the current leadership race with the federal Liberal Party to see this. The front-runner in this race, Mr. Paul Martin, in his association with Canada Steamship Lines, has been questioned recently about his involvement in the company.

Whether it be a federal political candidate divulging his or her interests outside of the political arena or a municipal councillor serving on a town council, the premise holds: there needs to be a code of conduct that is consistent across all lines of financial, ethical, and philosophical disclosure for the proper restoration of the public's trust for those elected officials. This proposed legislation hits at the heart of all that is perceived as being wrong with politics today: that all or most politicians and public officials are individuals who are in a position to better their own standings rather than doing the work of the constituents and thus representing the interests of the electorate.

Mr. Speaker, we have a long way to go to repair the damage that has been done over the years and thereby restore the public's confidence. One way to do this is to establish consistent demands of each level of government in Canada, from the federal government all the way down to the municipal government. By creating a level playing field, a trust level amongst the public can be restored. Ethics are not static truths; they are constantly evolving social perception. It is for this reason that we all must push for new and tough legislation. In short, the best and surest way to restore Canadian's faith in the honesty of our politicians is tough and far-reaching legislation such as Bill 207.

For these reasons outlined, I support Bill 207, and I urge my colleagues to support it as well. Thank you.

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

Mr. Snelgrove: Thank you, Mr. Speaker. Bill 207 has a certain flavour to it that you can see the merit from one point that of course, we should have transparency in politics. Unfortunately, most of our politicians these days are transparent enough that we can see right through them.

It's unfortunate that we have a level of government here who feels they somehow have the exclusive domain of providing integrity for elected people. I was on the elected council in Vermilion for two terms, and I was in business in Vermilion, probably one of the biggest businesses in Vermilion that did business with the town, and it certainly presents problems to ensure that there is transparency and fairness and that the tendering process is isolated to the point that there cannot be influence or tampering with it. I very dearly took to heart the fact that that transparency and that openness and the accountability is absolutely paramount. What you should do with people who don't live by those rules is just put them in jail. They're not politicians then; they're crooks. That's where they should go. We don't need any more laws to do that. The municipal act now looks pretty clearly at that.

The problem with politicians wanting protection for what they might say or do – if that means that you want to provide protection for municipal councillors that could stand up in their meetings and make slanderous or scurrilous statements about other members of council or the public and then simply offer a halfhearted apology and be completely absolved of blame, then I certainly don't want any part of that kind of legislation. Not only would it be wrong for them; it's wrong for us. So dragging them down to our level isn't a step in the right direction. Trust me. There is much more honour in town councils that I have associated with and been on then many days in here.

Where we seem to lose the focus on councils or in government is when we start to dabble in micromanaging or meddling in other departments. When we come into a council chamber or a Chamber like this, we should be here as policymakers, as priority-setters. If you keep in that context of government, it is very difficult to have a personal vested interest in that. If a policy surrounding school construction, road construction, health facility operations is proper and fair for all Albertans, then the ability for it to be manipulated by someone isn't there. If we were to sit in this Chamber and start to decide individually which hospital should get built or which school should get built, then you start to run the prospect of influence, of maybe losing objectivity, of what we're here for.

So the best protection we can give our municipal governments is maybe giving them an example. You know, as long as we live under honest and honourable rules and we deal with issues on a policy basis, on a priority basis and municipal councils do the same, we've

put ourselves ahead of the problem. So by simply not getting there, not putting yourselves in a position of having to make choices that may affect you financially, you've eliminated a lot of the problem.

5:10

I know that coming to this Assembly, for my family business to do any work for the government, I was required to sell all shares in that business. Now, we've been in business since the '50s, and there's never been a hint of any impropriety in anything we've done, yet that stands for nothing. Under the rules of the House you must sell, and in my case there was over 25 years in the business. But for them to continue to tender, work for the government, you must sell.

Now, I never really thought about that when I ran. I wasn't aware of the guidelines, and that's no one's fault but my own. We all have to live under those rules, and so be it. But when you start to get into smaller towns, if you're going to start the same kind of disclosure and the same kind of ethical commitments you must make, you will find that there are very few people left – in the town I come from, it's been many, many years since we had more than one person on council of the seven, including the mayor, that are from a business background. In many elections we find ourselves completely with retired people or people that have never been in a business setting because they don't want the hassle of trying to justify what gets done on their street or in front of their business, whether it's normal course or not. So you kind of imply through legislation like this that municipal councillors somehow need to be protected from themselves in what they might say or do. The only person who should really be doing that is you and the laws of the government that we all live under.

Mr. Speaker, you could imagine what we in this Chamber would think if the federal government dictated or decided that somehow we needed to be more ethical or more protected. I mean, that most definitely would be the pot calling the kettle every colour except white; that's for darn sure. Now, we would not only resent that; I think we would take that as a very clear indication that they thought there was something wrong with what we did. I think most of Alberta would say: "Well, there must be fire, because there's smoke. The federal government is coming in to give them a whole new set of rules, so there must be something wrong." Now, I understand the hon. member has said that this bill is voluntary. That doesn't do anything to allay the thoughts of people: "Well, you know what? If they're making this law and if that council doesn't put it in, there must be something crooked going on in that kitchen." We have to be very cognizant of the fact that in my lifetime I've never been approached by someone at a council level who said: "We need tougher rules surrounding the membership on this council. We need protection from the things we say or things we might say. We need to keep a *Hansard*." You know, that's a two-edged sword.

I would like to think that when we're in a committee or on council or in this Chamber, we can be as open and honest about the issue as we can be. I think that if we're going to have people write or record all the statements that are made in many of the very sensitive areas that we deal with, people simply won't participate. It puts them in a position of: well, I don't know who could take it this way. The written word is exactly that; it says verbatim what you said. It doesn't say how you said it. It doesn't say what context it's done in. We've all seen newspaper reports or reports from a conference or a press release that simply aren't what was the text or what was the context of what was there, yet someone could take those words, take parts of them or delete them or add, however they want to do. That happens now in the press from probably every level of government. So whereas you may be protected by what you've said, there is nothing saying that you won't be harmed equally by what you said in the context that you said it.

An Hon. Member: Question.

Mr. Snelgrove: We're just about there.

Well, you know, they wrote this speech here, but it wasn't with us when we sat on council and it wasn't with us when we dealt with all these issues. So I would ask the hon. members of this Legislative Assembly to really consider: do we want to start to get involved in a level of government where we're working very hard to make bridges to and with each other in the communities they're in? I would urge hon. members to just – let's shelve this.

With that, I'll take my seat. Thank you.

The Acting Speaker: The hon. Member for Lacombe-Stettler.

Mrs. Gordon: Very, very quickly, Mr. Speaker, and thank you very much. I think the one thing that I see in this bill is that it is voluntary, and I appreciate the hon. member that just spoke ahead of me, and he did bring it up. [interjection] Pardon? From Vermilion-Lloydminster.

There's a very big difference between municipal councils, and I think that more and more as the province changes and more people come to the province and decide exactly where they want to live and what they want in their communities, you will see these differences. So I think it's up to a council to decide what level they want to put into their proceedings as to how they are fully accountable or transparent to their ratepayers and their taxpayers.

So I would like to see us continue with this bill because I do have several questions for the sponsor as to the AUMA and municipalities in that organization and the AAMD and C, which ones supported this, and hear of some of the problem areas in the province that predicated this piece of legislation coming forward.

With that, Mr. Speaker, I will say thank you.

The Acting Speaker: The hon. Member for Calgary-Currie to close debate.

Mr. Lord: Thank you, Mr. Speaker. I'd like to make a few closing comments here, and I'll try not to take too long to do it. Clearly, from the debate I guess we've certainly heard some of the confusions and the complexities of this very important issue.

I guess to start with just some of the objections and issues that were brought forward, we heard why there should not be a recording, there shouldn't be disclosure, there shouldn't be qualified privilege. I guess I would ask which members of this Assembly – I'm sure that some of us may have various opinions on this – would actually consider getting rid of the *Hansard* here? Would we get rid of disclosure here, and would we also vote to get rid of qualified privilege here so that we can all get into lawsuits? I mean, if it's so bad, then why do we do it? Why don't we just go in the other direction and get rid of it?

I should remind people that the AUMA in fact did support this, and they did support it on the basis that it was voluntary, which it is.

Voluntary. For those members of municipal councils that simply don't want to do this, they don't have to. No one is forcing anyone to do anything here. Most municipalities may think that this is not applicable, and they simply can continue on and completely ignore this. For those councils that do feel that it would be good to get qualified privilege, well, this is how they can get it. Qualified privilege is a very important privilege not to be taken lightly. Consequently, I have suggested that there should be checks and balances and responsibilities put in place concurrently if we were to consider granting qualified privilege.

Qualified privilege is not in the Municipal Government Act now.

This is the one issue of this bill which is not allowed in the Municipal Government Act and which municipalities cannot provide to themselves. The other provisions are already there. Municipalities can enact bylaws to have disclosure, and they can enact bylaws to have a *Hansard* or any other type of permanent recording. Having those provisions already there has not, you know, created all of these issues and problems which some people have spoken about. They've been there all along, and they haven't created any issues.

But the reality is that very few municipalities have actually put those bylaws into place. There isn't sufficient incentive to do so. This bill provides incentive to do so and encourages municipalities to continue along the same lines that provincial and federal governments have. That's why I suggest that, in fact, this would enhance the stature of municipal governments as being the equals of all other elected officials, which is why many municipal councillors are in support of this.

5:20

Now, we have heard that there aren't any issues or problems that people are familiar with, but I can tell you – and many of us have been on municipal council; I was on municipal council – that I personally was threatened with a lawsuit for trying to fulfill my responsibilities as an alderman. I was told that if I asked tough questions, I could be potentially sued and there would be no protection. My colleagues there have complained about this as well, as recently as only a few months ago, in regard to the East Village redevelopment proposal. So there are at least some problems in this regard across the province. Are there a lot of problems? No, I don't think so.

I think the hon. Member for Vermilion-Lloydminster was absolutely correct. We have an exemplary track record in this province of almost all municipal councils and councillors. I don't see that there's a huge problem at all. In fact, I think Albertans

should be very pleased with the calibre and quality of their municipal elected officials. However, there clearly have been and continue to be a few problems, and consequently there are some areas and some issues that this Bill 207 could be of assistance in resolving, going forward for those who want it. It's empowering legislation only. It does not require anything.

I'd like to make just two more points, Mr. Speaker, before I finish. You know, it was George Santayana, I believe, that said: those who do not remember their past mistakes are forever condemned to repeat them. Well, having a permanent record of what was said, what was done, how decisions were reached in years past on successful decisions as well as unsuccessful decisions would form an important reference for municipal councillors to find out how to improve their decisions in the future. Without this permanent record, there is no reference of the verbal debate of most municipal councillors, so they don't have that record.

Finally, one last point is that I would have to say that during my experience on council I heard some great speeches by my colleagues. Absolutely great speeches. They're lost to history forever because they were never recorded.

So with that, Mr. Speaker, I would ask for the support of all members of this Assembly. Thank you.

[Motion lost]

The Acting Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. In view of the hour I would move that we now call it 5:30 and reconvene at 8 this evening.

[Motion carried; the Assembly adjourned at 5:24 p.m.]