

Legislative Assembly of Alberta

Title: **Monday, May 12, 2003**

1:30 p.m.

Date: 2003/05/12

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon. Welcome back.

Let us pray. O God, grant that we the members of our province's Legislature may fulfill our office with honesty and integrity. May our first concern be for the good of all our citizens. Guide our deliberations this day. Amen.

Hon. members, would you please remain standing now for the singing of our national anthem. Please participate 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**

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

Ms Calahasen: Thank you, Mr. Speaker. I'm really pleased today to introduce members of a delegation from the Northwest Territories whom I met earlier this morning. They're here to attend the Meet the North Conference and Exposition as well as to extend a significant agreement. The governments of Alberta and the Northwest Territories signed a memorandum of understanding in 1998 as a way to advance co-operation between two important neighbours. We have now agreed to extend the memorandum of understanding for co-operation and development for another five years, to the year 2008. Alberta and the Northwest Territories have been able to work together on various initiatives related to such subjects as tourism, transportation, and skill development. I can tell you that we're looking forward to continuing our very positive relationship.

Our special guests are seated in the Speaker's gallery, and as I introduce them, I would ask them to rise and receive the traditional warm welcome of the Assembly. With us is the Hon. Vince Steen. Mr. Steen is the MLA for Nunakput, and he is the Minister of Public Works and Services and also the Minister of Municipal and Community Affairs. Also with him is the Hon. Jake Ootes, Minister of Education, Culture and Employment and the MLA for Yellowknife-Centre. With them are their deputy ministers Peter Vician, Department of Transportation, and Loretta Foley, Department of Education, Culture and Employment; Doug Doan, the assistant deputy minister of Resources, Wildlife and Economic Development; Gerry LePrieur, director of Tourism, Resources, Wildlife and Economic Development; Kat Nicholson, executive assistant to the Hon. Vince Steen; and Bernie Hughes, senior policy analyst, intergovernmental affairs and strategic planning, Department of Executive.

The Speaker: The hon. Deputy Speaker.

Mr. Tannas: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to members of the Assembly four visitors who are seated in your gallery this afternoon. Visiting our Assembly today are the Hon. Steven Bamwanga, Member of Parliament for the Republic of Uganda, and his daughter Hazel Mbabazi and niece Joelle Inashaka, and nephew Steven Kizito. The latter three are in secondary studies here in Alberta. Mr. Bamwanga represents the constituency of Ndorwa County West, Kabale, an area of Uganda that I had the pleasure of visiting some years ago. As you may recall, I visited the Parliament of Uganda last September and was graciously hosted by Speaker Ssekandi. Mr. Bamwanga and family are in Alberta. He will be touring the Legislature Building later this afternoon. I would ask all hon. members to extend them the warm traditional welcome of the Assembly.

head: **Introduction of Guests**

The Speaker: The hon. Minister of Community Development.

Mr. Zwodzsky: Thank you very much, Mr. Speaker. It's my great honour to introduce to you once again and in turn through you to all members of the Assembly a very special constituent of mine, Dr. Pal Singh Purewal, who is seated in your gallery. Following many long years of research and writing, Dr. Purewal created the first ever Nanakshahi calendar, which as of April 14, 2003, has been accepted by the highest authority managing Sikh Gurdwaras in India as the official calendar, standardizing significant religious dates for Sikhism, which was an enormous task, to say the least.

For this unique achievement Dr. Purewal has recently been recognized with special tributes in San José, Baltimore, New York, Washington D.C., India, and also in the United Kingdom in Southall, Hounslow, and Derby. While in the United Kingdom Dr. Purewal received a very special honorary doctorate for his significant accomplishment. This past weekend I personally had the great privilege of honouring him further with the presentation of a Queen's golden jubilee medal, symbolizing our recognition of his great work. Dr. Pal Singh Purewal is a very proud Canadian, an esteemed Albertan, and a truly invaluable Edmontonian, which he has been since 1974. [remarks in Punjabi]

May the complete blessings of the Gurus be upon you! A million congratulations! [as submitted]

He has now risen, and I would ask that his lovely wife, Gurjit, and their lovely daughter Virendra Delhon also rise and receive the traditional warm welcome of this Assembly.

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

Mr. Hutton: Thank you very much, Mr. Speaker. It is a thrill, an honour, and a privilege to introduce to you and through you to members of the Assembly Sandy Jacobson, the fastest woman marathoner in Canada, another reason to call Edmonton the city of champions. Sandy is seated in your gallery. Yesterday morning in Ottawa Sandy ran a 2:33:51, which is the fastest time in Canada in a number of years. Sandy will be competing in the Worlds in Paris, France, and then on to the Olympics in 2004. This champion and I ran thousands of miles together when she was just very good, and now she is an extraordinary world-class athlete. She has excelled in her sport while working full-time and raising her son Jessie.

With Sandy today is her boss, Dr. Robert Steadward, founder and director of the Steadward Centre for Personal & Physical Achievement. For those of you who don't know, the Steadward centre assists people with disabilities to lead more active and productive lives. I would ask Sandy and Dr. Steadward to please rise and receive the warm welcome of this Assembly.

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

Ms Haley: Thank you so much, Mr. Speaker. I have two introductions today, and I'm very proud to be able to introduce these two different groups. The first is the government members' research branch, which I'm very honoured to have under contract through my office. I'd like to begin with the senior researcher, Mr. Jason Ennis, who is actually originally from Airdrie and has been working in Edmonton for the past three years; Mike Simpson, one of our drama guys as well – not only is he a great researcher, but he also writes plays – Dan Hanson; Andrea Hennig, the only lady we could find strong enough to work with all these guys; Eric Taylor, who is just brand new in our branch; Emir Mehinagic from Bosnia; Bindoo Mangat; Frank Ostlinger, who is originally from Sweden, and we introduced him a little while back; Greg McFarlane; and Matt Steppan. I'm very honoured to have them here working for our 49 private members and government in general. I'd ask that they please rise and receive the warm welcome of this Chamber.

Mr. Speaker, I have a second introduction, and I'll just be very brief. It's the three guys that make it all possible in the whip's office for me to do my job and for this caucus to actually function. I'm very honoured to work with Jason Zwarg, Bartek Kienc, and David Michalchuk, our caucus director, who in fact is responsible for almost 40 contracts for staff for our 49 private members. They do a wonderful job for all of us. Please rise and receive the warm welcome of this House.

1:40

The Speaker: The hon. Solicitor General.

Mrs. Forsyth: Thank you, Mr. Speaker. Today I'm pleased to introduce to you and through you to all the members of the Assembly a friend who has joined us from our beautiful neighbouring province of British Columbia. Sheila O'Brien has come to see firsthand the workings of our Legislature. She has been kind enough to bring the sunshine with her and has assured me she will be leaving it here so we can enjoy it. I would ask that Sheila rise to accept the warm welcome of the Assembly.

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

Mr. Snelgrove: Thank you, Mr. Speaker. It's a real privilege for me today to introduce to you and through you to all members of the Assembly nine wonderful students and two accompanying adults. Mrs. Deana Ford and Mr. Harry Kulak are here with some students from the Minburn-Innisfree area. They attend Innisfree Delnorte school. Would they please rise and accept the warm welcome of this Assembly.

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

Mr. Lougheed: Thank you, Mr. Speaker. It's my pleasure to introduce to you today a student from the University of Alberta, science and engineering, Mark Ruhl, a resident of Sherwood Park working in the Clover Bar-Fort Saskatchewan constituency office this summer. Mark has risen. Would we please welcome him with the traditional welcome.

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

Mrs. O'Neill: Thank you very much, Mr. Speaker. It's a pleasure to introduce to you and through you to members of this Assembly Mr. Daniel Garsonnin, who is attending the Assembly today. He's

a resident of St. Albert. He's an aviation enthusiast, and he spends a great deal of his time attending classrooms and enthusing students about aviation and has been in the classroom of the wife of the hon. Member for Clover Bar-Fort Saskatchewan. I'd ask him to please rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Highwood.

Mr. Tannas: Thank you, Mr. Speaker. I'm pleased today to introduce to you and through you to members of the Assembly 12 enthusiastic summer support staff who will be working in various caucuses and branches of the Legislative Assembly Office. They are: Terris Schultz, Michelle Lo, Michael Buuman, Niyam Sandhu, Sandra Anderson, Jason Yaremchuk, Jessica Labbé, Nick Fowler, Vincent Tong, Chelsea Reid, Sonia Nadeau, and Robyn Westbrooke. I'd ask them to stand and receive the warm traditional welcome of the Assembly.

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

Mr. Knight: Thank you, Mr. Speaker. It is indeed a pleasure for me today to rise and introduce to you and to all members of the Assembly an individual, a Grande Prairie-Smoky constituent and longtime resident of the Grande Prairie area, certainly no stranger to many Albertans in the agriculture business. Mr. Gilbert Balderston has spent innumerable hours working on behalf of all Albertans on a number of agricultural committees, and I would ask Gilbert to please rise at this time and accept the warm welcome of this Assembly.

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

Mr. Lord: Thank you, Mr. Speaker. It's an honour for me to rise today – and it seems a very appropriate time coming one day after Mother's Day – to introduce to you and through you to all members of the Assembly a person very special to me. My mother is here today. She was born Constance Leora Mattie in New Norway, Alberta, and I won't say how many years ago, but she did marry my dad some 55 years ago. She was an incredibly dedicated school-teacher for most of her career. She started the Lakedell Public Library and raised seven kids on the homestead, all at the same time. Now six of them have university degrees, leaving me the bum in the family, so she's often wondering when I'm going to get a decent education and a stable job. She's in the public gallery, and I would ask her to rise and receive the warm traditional welcome of this Assembly.

The Speaker: The hon. member did not indicate whether or not Mommy was proud of him, though.

The hon. Member for Calgary-Shaw.

Mrs. Ady: Thank you, Mr. Speaker. It's my privilege today to be able to rise and introduce an extension of Mother's Day for me, my oldest of four sons. His name is Justin Ady. He's home for the summer, just returned from Brigham Young University, where he's studying neuroscience. That would make him the oldest grandson of a past hon. member, Jack Ady. If Justin would rise, I'd ask that you would extend the warm welcome of the House.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to introduce to you and through you to all hon. members of

this Assembly 27 polite, intelligent students from Forest Heights elementary school. They're visiting the Legislative Assembly for the entire week as part of their class, and they are led today by their capable and hardworking teacher, Ms Amanda Burnett. They're in the public gallery. I would now ask them to please rise and receive the warm and traditional welcome of this Assembly.

Thank you.

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

Ms Calahasen: Well, thank you, Mr. Speaker. Again I have the greatest pleasure of introducing to you and through you to members of the Assembly some very special guests that are in the members' gallery. There are about 50 of them from Roland Michener secondary school. They're led here by their teacher, Ms Tracey Crain, and parent helpers Mr. Rod Pryce, Mrs. Elana Campsall, Mrs. Penny Yachimec, Mrs. Cindy Gryschuk, Mrs. Anita Robinson, and Mrs. Marcia Walker. They are all seated there. I'd ask that they rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Minister of Children's Services.

Ms Evans: Thank you, Mr. Speaker. What an honour today to rise and introduce two very important family members particularly important to Sarah Monkman, one of our pages. Her mother, Cheryl Monkman, and her oma, Nellie Schenk, are in the members' gallery. I'd ask that they please rise and that we give them a warm welcome.

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. It's my pleasure to introduce to you another special constituent of mine, who's just arrived in the members' gallery. His name is Orest Porayko. He's a keen follower of things public and things political, and I'd ask him to rise and receive the warm welcome of all members.

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the Legislative Assembly two gentlemen who are seated in the members' gallery. Mr. Darshan Kailly is president of the Transportation Training and Development Association and is also president and CEO of Canadian Freightways Limited. He is here today with Dr. Cliff Soper, who is executive director of the Transportation Training and Development Association and a prominent constituent of Lacombe-Stettler. I will add that he is also my past organic chemistry professor. I had the opportunity of meeting with these gentlemen this morning and signed an MOU to implement a professional drivers' training program in Alberta that is strongly supported by both the transportation and busing industries in Alberta. I would ask them to rise and receive the warm welcome of the Legislative Assembly.

head: **Oral Question Period**

Electricity Deregulation

Dr. Nicol: Mr. Speaker, last week in a ballroom in Banff the Minister of Energy announced that the cost of transmission would be added to already high power bills. This decision, which was made behind closed doors, marks an abrupt change in the government policy and has created uncertainty for electricity consumers and power companies alike. To the Premier: how many more key

decisions about electricity deregulation will be made behind closed doors before the new Electric Utilities Act comes into effect on June 1?

Mr. Klein: None that I can think of, Mr. Speaker, but when the hon. leader of the Liberal opposition talks about behind closed doors, I would remind the hon. leader that his caucus meets behind closed doors. They strategize with their constituents behind closed doors. Our caucus meets behind closed doors. Our cabinet meets behind closed doors. In some cases standing policy committees meet behind closed doors. In some cases they don't meet behind closed doors. What's good for the goose is good for the gander. [interjections] Well, if they're going to stand up and say that their caucus is wide open for everyone to hear and everyone to judge and everyone to participate, then we'll have to reconsider our caucus as well.

1:50

Dr. Nicol: To the Premier: what programs have been put in place to encourage power companies to invest in Alberta given that the stable and predictable regulatory environment necessary for investors has been lost?

Mr. Klein: Mr. Speaker, the preamble is not true. Indeed, deregulation, when it's complete, when everything is final, will provide stability, will hopefully through competition provide lower prices, will ensure that we have an adequate supply of energy, and indeed we're already experiencing some of these things. We will have tremendous capacity to generate that electricity for the needs of Albertans and maybe sometime down the road to give the electrical companies the opportunity to export if there's a surplus of electricity or electricity that's surplus to Alberta's needs. So I don't agree at all with the preamble to the question.

Dr. Nicol: Again to the Premier: why is this government now picking favourites among power companies by changing regulations when the new Electric Utilities Act was supposed to level the playing field?

Mr. Klein: Mr. Speaker, I have no idea what the hon. leader of the Liberal opposition is talking about when he says, "Picking favourites." Perhaps the hon. Minister of Energy can supplement.

Mr. Smith: Well, Mr. Speaker, there are so many inaccuracies and so much misunderstanding over there, I'm surprised that the member has been around for the discussion on this. It's very clear that transmission has never been deregulated. The deregulated part was the generation side and the ability to compete for customers on the retail side. Transmission is a natural monopoly. It's been around forever, and all that we're doing is reinforcing the policy that was in place before a transmission administrator came up with the policy of congestion management, that in fact was rejected by government.

So, in fact, Mr. Speaker, if the member would go back to "behind closed doors" and the Bolger commission, the Premier's advisory council on electrical issues, which posted their report on the web site for the Department of Energy, of which the Member for Edmonton-Highlands is an active, seeking member, one of the kids from the Kremlin, what happens is that the policy is straightforward in the Bolger report: "Develop a comprehensive policy on transmission that will encourage transmission and generation to compete for the overall lowest cost." We've listened, we've reacted, and that's the policy today, and we're going through consultation.

Dr. Nicol: But he changes his mind all the time.

Last week the Premier admitted that deregulation has not gone well, but the Premier still won't unplug deregulation to bring lower power bills to Albertans. Instead, the Premier expects Albertans to be satisfied with another committee just studying the problem. Why is the Premier deliberately telling Albertans that deregulation can't be unplugged when both California and Ontario have unplugged theirs?

Mr. Klein: Mr. Speaker, I guess deregulation can be unplugged. I guess you can try to undo almost 10 years of hard, diligent work to bring about a deregulated environment. I guess you can say to Albertans that we no longer believe in entrepreneurship and free enterprise and that we want to go back to a socialist, state-owned system, but I don't think that Albertans want that, and we certainly don't want that.

Mr. Speaker, what I did say is that we are not going back on deregulation, but, yes, as you try something new, when you have the courage and the commitment to go out and try to make things better, there are going to be a few bumps along the road. The electrical advisory committee will have its mandate expanded to look at some of the billing issues, some of the issues that affect consumers, and hopefully we can get some of those problems smoothed out as we forge ahead with electrical deregulation.

Dr. Nicol: Again to the Premier: how can unplugging deregulation possibly create any more uncertainty than has already been created by you continually changing the rules?

Mr. Klein: Mr. Speaker, we don't continue to change the rules. The fundamental principles have always remained the same; that is, to deregulate generation, to get more generation onstream, which is happening, on the retail side to bring more retailers into the market, to provide competitive situations to bring the price down. That indeed is happening. There are some areas of the province where problems are being experienced, and that is what, among other things, the expanded membership and the expanded mandate of the electrical advisory committee is required to look at.

Dr. Nicol: To the Premier: do you not see problems for Albertans with the fact that you've shifted from an averaging of cost-based generation to the highest bid pricing system for electricity?

Mr. Klein: Mr. Speaker, relative to how the Power Pool deals with pricing, I'll have the hon. minister respond.

Mr. Smith: Mr. Speaker, again we'll try to throw some clarity the member opposite's way. One, it's important that he know that transmission has been regulated, that in fact 3,000 megawatts of new generation came under the existing policy of transmission, and that's why it's going to stay the same. It's worked, and it's working well. It brings on low-cost generation. It brings on coal-fired generation as they're building new, cleaner coal-burning technologies for generating electricity. It also brings on the ability to deliver new power from the oil sands, where those turbines can be installed where the steam is already being generated.

As a matter of fact, Mr. Speaker, if we were to listen at all to the member opposite's discussion about changing the rule, don't change the rule, bring on low-cost generation, put in high-cost generation, none of it would work. So when he comes up with a reasonable thought on transmission, we'd be more than pleased to listen to him, as we have in other cases.

Mr. MacDonald: Mr. Speaker, exporting electricity from Alberta

will drive up demand and further increase the price of electricity for Alberta's already besieged consumers. During the last election the Premier promised that any new power to come onstream would lower the price of electricity for Alberta consumers. This promise, like so many others made during the last election, has been broken by this government. To the Premier: why does this government continue to develop an electricity export policy behind closed doors, far from the scrutiny of the besieged consumers, who, we learned last week, are going to be forced to pay the entire costs of transmission tariffs and construction of new lines?

Mr. Klein: The construction of new lines relates to the construction of lines in Alberta, and actually this is a good thing, albeit the opposition would not consider it a good thing, because anything that is good, they consider to be bad, and anything that's bad, they consider to be good. That is simply the nature of the opposition. If we say that it's day, no, it's night to them, and if it's nighttime, of course they say that it's day.

But, Mr. Speaker, the simple fact is – and this is the good part of the situation – that the new transmission capacity is required because of new generation, and new generation is a good thing. New coal generation at Wabamun is a good thing. New cogeneration at the tar sands is a good thing. New wind power in southern Alberta is a good thing. These things wouldn't have happened without deregulation. There was no desire to invest in the generation of new electricity unless there were massive government subsidies. This is really quite true, and they know it. They just don't want to admit it, because when we're right, they're normally wrong. It's like day and night: we're right; they're wrong.

2:00

Mr. MacDonald: Again to the Premier: given that the Premier allowed a bad ideology, which is electricity deregulation, to be followed by further bad public policy, when will this government hold a series of public hearings across the province to allow citizens a say in determining Alberta's electricity export policy given that exports of electricity will increase power prices for domestic consumers in this province?

Mr. Klein: Mr. Speaker, that is a faulty and very dangerous assumption, but, you know, the Liberals are known for making dangerous statements, inflammatory statements. The export policy is clear. Only when the needs of Albertans are met will utility companies be allowed to export, and they will be allowed to export surplus power only. Any lines that are to be built south of the border or outside the confines of Alberta will have to be paid for by the utility companies, and how they pay for those lines is entirely up to them. If they want to charge the consumers in those jurisdictions, that is entirely up to them.

Mr. MacDonald: Again to the Premier. Conservatives are known for breaking their election promises. Now, can you please tell us how the Power Pool is going to reduce prices for electricity in this province in the next year? How is the Power Pool going to lower prices?

Mr. Klein: Mr. Speaker, I don't know if it's going to happen in the next year, but I can tell you that the price of electricity has come down. The price of electricity has come down. They are only telling part of the truth. The total bills have gone up, and these billing practices, as we understand it, are due to a number of other factors, factors other than the actual price of electricity: various service charges, peak demand charges, franchise fees, and so on. We want

to get to the bottom of those extra charges. The price of electricity has gone down. We want to investigate some of their billing practices, and that's why we have added to the Advisory Council on Electricity the MLA for Leduc and the MLA for Whitecourt-St. Anne.

The Speaker: The hon. leader of the third party.

Education Funding

Dr. Pannu: Thank you very much, Mr. Speaker. Alberta's third largest school district, Calgary Catholic, has launched an advocacy campaign asking parents to urge the Tory government to cover a projected \$9.5 million shortfall in its next year's budget. I'll be tabling Calgary Catholic's advocacy action plan later this afternoon. Like other big school boards Calgary Catholic is facing a huge budget shortfall in September unless the province comes through with adequate funding support. My questions are to the Minister of Learning. How can the minister justify the deep program cuts, staffing reductions, and increases in class sizes that his budget is forcing on Calgary Catholic and many other school boards across the province come September?

The Speaker: The hon. minister.

Dr. Oberg: Well, thank you very much, Mr. Speaker. First of all, the Calgary Catholic school division received an increase of about 3.36 percent, or about \$8 million, this year. Eight million dollars is a significant number. Included in that is a drop in enrollment. They are anticipating a slight drop in enrollment. This year, as the hon. Members of this Legislative Assembly know, the amount of increase to the K to 12 portion of my budget went up around 4.9 percent, which is a significant amount of dollars. It's \$191 million that went into the K to 12 system. There's been a huge amount of money that has been put into the system over the past four years.

I had the opportunity last week of talking to the chair of Calgary Catholic, Mrs. Lois Burke-Gaffney, and we discussed some of their issues. One of the issues was operations and maintenance. We also discussed a few other things. Mr. Speaker, it is a preliminary budget. They're going to be working on it. They felt it was their obligation to send home to their parents exactly what was going on within the school district. She also told me that they encouraged the parents to contact their local MLA, and that is what the hon. member is now seeing the consequence of.

The Speaker: The hon. leader.

Dr. Pannu: Thank you, Mr. Speaker. My second question to the same minister: how can the minister defend restricting school instructional grant increases – I'm talking about the school instructional grant – to only 2 percent when the inflation rate in Alberta over the past year is 7.6 percent?

Dr. Oberg: Well, Mr. Speaker, the hon. member fully well knows that the instructional grant is just one part of an overall package of funds that goes to the school system. Included in this year, starting September 1 of this year, is the ultimate flexibility in how these people can use the dollars. The only things that are basically enveloped anymore are administration, AISI funds, student health, technology, and the SuperNet component of it. So they have the flexibility.

To say that there was only a 2 percent grant is absolutely wrong. Two percent was used to calculate exactly the amount of the per

student grant. Included in that, obviously, is the number of students. Included in that is the 3 percent transportation grant. Included in that is an 8 percent severe special-needs increase. All of these things combine to give the actual pot of money, so to speak, that the school districts will receive, and in Calgary Catholic's case, assuming a slight decline in enrollment, the actual amount of dollars that they have received is 3.36 percent, or very close to \$8 million.

Dr. Pannu: My final supplementary to the same minister, Mr. Speaker: given the alleged political cloud of the Calgary Tory caucus and the ineffectiveness of the Edmonton Tory caucus, will the minister guarantee that any future financial adjustments benefiting Calgary school boards will also be provided on exactly the same terms and conditions to Edmonton school boards?

Dr. Oberg: Mr. Speaker, the preamble was one hundred percent hypothetical.

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

WCB Policy on Fibromyalgia

Mr. Cao: Thank you, Mr. Speaker. Given that the Appeals Commission for injured workers' claims posts their decisions and rulings publicly on the Internet, I would like to congratulate the Minister of Human Resources and Employment on implementing this open system. I have received many positive comments from injured worker constituents regarding this open posting. According to a constituent, decision 2003-66 by the Appeals Commission, dated January 30, 2003, accepts fibromyalgia as a work-related injury. It states: "There is a causal relationship between the worker's diagnosed fibromyalgia condition and his December 11, 1995, compensable accident. Therefore, the WCB does have responsibility for fibromyalgia." My question today is to the Minister of Human Resources and Employment, responsible for WCB matters. Could the minister help to look into this and follow up the subject of fibromyalgia with the WCB?

Mr. Dunford: Mr. Speaker, yes, we will. There's a point that I feel particularly pleased about in the preamble of the question, and that is that with the appeal system in Alberta we now have a more open and accountable system in the sense that decisions are being posted on the web site. What I'm not entirely convinced of, though, is that there has been a decision exactly as might have been indicated, and of course we'll look into that on behalf of the hon. member.

2:10

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. Given that this decision or ruling by the court suggests recommending that the WCB as public policy should review other cases relating to fibromyalgia, I would like to ask the same minister if WCB policy on fibromyalgia has already been reviewed or if any changes have been made?

Mr. Dunford: Mr. Speaker, I've been briefed on this matter in the sense of the review, and I'm pleased to report that it was last updated back in June of 2001 and might note for the record that this was done as part of WCB's initiative to review the research on a periodic basis as it relates to different kinds of occupational disease and discomfort.

The Speaker: The hon. member.

Mr. Cao: Well, thank you, Mr. Speaker. My last supplemental question is dealing with these claims. How would an injured worker who is in a similar situation as in those cases deal with the WCB right now?

Mr. Dunford: Mr. Speaker, under the legislation the WCB would be responsible for reviewing any kind of evidence that was forthcoming regarding a particular situation. I might add that there's no time limitation on any of that evidence. So, again, the Workers' Compensation Act has provided the operating board and the administration with the responsibility of dealing with evidence as it comes to them. I think now in light of the more open and accountable system that we have with WCB and with our Appeals Commission that more information is likely, then, to be available to all workers here in the province, particularly workers that have experienced an injury, and hopefully this new information and this information that's available will attempt to shorten the time that's required on many of these cases.

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

Education Funding

(continued)

Dr. Massey: Thank you, Mr. Speaker. Estimates are that at least 800 teaching positions provincewide will be lost as a result of the latest instructional budget. The minister's response seems to be: don't worry; most of these will be covered by retirements or resignations. My questions are to the Minister of Learning. How are junior and senior high schools losing math and English teaching specialists supposed to cover this loss?

The Speaker: The hon. minister.

Dr. Oberg: Well, thank you very much, Mr. Speaker. I would certainly hope that if there are teachers lost, if there are teachers that are not rehired next year, they would have the ability to pick and choose which teachers are laid off, which teachers are not going to be back, and I would certainly hope that math and science and some of the English teachers are some of the ones that they keep.

The Speaker: The hon. member.

Dr. Massey: Thanks. Again to the same minister: with over 80 percent of kindergarten children and 90 percent of first graders already in classes of 17 or more students, what's going to be the effect of not replacing primary grade teachers?

Dr. Oberg: Mr. Speaker, the average kindergarten class size in Alberta is 19. The average 1 to 6 class size in Alberta is around 23. There are lots of different alternatives that school boards can do with their budgets, and that's currently what is happening with many of the school jurisdictions. They are going through their budgets and seeing what is the best way that they can keep within it.

I must reiterate, Mr. Speaker, that there was not a budget freeze. There were not cuts to the budget. What we were looking at was anywhere between a 3 and 4 percent increase, on average, to the school boards.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the minister: what does the

projected impact of losing 800 teachers mean to class size in this province? Has he done the projections?

Dr. Oberg: Again, there are a considerable number of wild cards in that scenario, and I will give you one right now. They are anticipating in Edmonton public, for example, the hours of instruction. A simple six minutes a day made a huge difference to the amount of instructional time, the amount of dollars that were saved within Edmonton. A lot of school boards are looking at instructional time. I don't need to explain to the hon. member that if the instructional time goes up, the class size does not go up. So these are some of the options that school boards are presently looking at.

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

Mr. Lukaszuk: Thank you, Mr. Speaker. When Edmonton public school board projected a 13 and a half million dollar shortfall for 2002 and 2003, the Minister of Learning announced that his department would conduct an audit of the board. Earlier this week the Calgary board of education spoke of a potential \$32 million deficit. My questions today are to the Minister of Learning. Since the circumstances between these two school boards appear to be similar, why is it that you are not conducting an audit of the Calgary school board?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. In all fairness, the circumstances are anything but similar. For the year 2002-2003 you had Edmonton public coming out and saying that they were going to have a 13 and a half million dollar deficit. Calgary public was balanced this year. Also, Calgary public in their preliminary budget came out and said that they were \$32 million short of what they felt that they needed. So we will not be conducting an audit. In Edmonton's case, it was done about six or seven months through the school year, at which time we were notified of the existing year.

Mr. Speaker, Calgary public has been very forthcoming in their books, and indeed we actually have been working quite closely with them since October of last year, so we will continue working with them. We have to find out exactly what is going on with their budget. I will tell the hon. member that I had a brief opportunity to talk to Gordon Dirks, the chair of Calgary public, on Friday, but we will be having a conversation this week where we will sit down and go over their budget in much greater detail, and hopefully that will happen this week.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My second and final question to the same minister. The Calgary board has highlighted that full implementation of the new funding framework would benefit them. Will Edmonton public and Catholic also see benefits from that framework?

Dr. Oberg: Well, Mr. Speaker, the new funding formula is an excellent funding formula, and I would say right off the bat that I feel that the metro boards probably would be helped. One of the riders in the new funding formula is the number of aboriginal students. Up until now the aboriginal students have not been funded separately. We also have in the new funding formula almost an economy of scale rider which basically states that there is a cost of doing business in some of the larger boards. Very important for

Calgary is the cost-of-living adjustment. This is the first time that a cost-of-living adjustment has been put into a funding formula.

So overall, Mr. Speaker, I would say that the new funding formula would benefit them. I think that for every school board the flexibility that is included in the new funding formula is something that is extremely good and should benefit all school boards, not just the four metro boards.

Air Quality at Holy Cross Hospital

Dr. Taft: Mr. Speaker, in recent years toxic mold has led to the closure of the Calgary Court of Appeal building, the closure of parts of the Rockyview hospital, and the closure of Children's Services offices in Calgary. Now the Liberal opposition has learned that tests were conducted in the summer of 2001 for mold at the former Holy Cross hospital and that the results of these tests should be of concern to the public. However, they were never released. To the Minister of Infrastructure: given that exposure to toxic molds can lead to headaches, nausea, respiratory illness, bleeding of the lungs, and cancer, why have tests for mold at the Holy Cross never been made available to the public?

Mr. Lund: Mr. Speaker, I think it's very important that we put this whole thing in context. Back in 2001 we were looking for a site to house the Court of Appeal in Calgary. There were a number of sites being looked at at the same time. One of those was the Holy Cross hospital. One of the things that we needed to do in all locations was have an indoor air quality examination. It's true that there was at least a start on that particular process relative to the Holy Cross. The Holy Cross did not measure up in some other areas, so in fact I'm not even sure if the study was ever completed on the air quality, because there were other issues that determined that in fact that wasn't a suitable location for the Court of Appeal.

2:20

Dr. Taft: That's an amazing confession.

Mr. Speaker, given that there are 42 long-term care residents as well as dozens of nurses, doctors, and other support staff at the Holy Cross, will the minister immediately release all test results for mold at that site? It seems the site failed the tests.

Mr. Lund: Well, Mr. Speaker, I just indicated that before the testing was completed, we had abandoned that site as a possible site to house the Court of Appeal. The fact is that we sold the building back in the late '90s, so the only reason that we were asking for an indoor air quality examination was to see if in fact it was suitable to house the Court of Appeal. But other issues came up, and it was determined that it was not a suitable place. I'm not even sure that the air quality report was ever completed, and if it was, I'm not sure where it's at.

So if the hon. member thinks that there is something there that he needs to know and that the public needs to know, there's a process for doing it, and he can put in a request under freedom of information. That's very simple. It's straightforward. If the commissioner determines that it's something that needs to be out there in the public, he will get it.

Dr. Taft: To the Minister of Health and Wellness: given that a variety of publicly funded health services, like long-term care and eye surgery, are provided at the Holy Cross, can the minister assure Calgarians that the Holy Cross is a safe environment?

Mr. Mar: Mr. Speaker, the Holy Cross facility does provide certain services that are used by the public, that are publicly paid for

services provided under contract to the regional health authority. As I've indicated in the past, the regional health authority takes the safety of its employees and its patients as being a number one priority, and in cases in other public facilities where the issue of mold has come up, they have not only done what they've needed to do. They've gone beyond that which is required to ensure that there is safety for both patients and staff. I'm assured by the regional health authority that that would be true also when the regional health authority accepts services from a private surgical facility under contract to provide services to the regional health authority, that they still maintain the importance of the safety of their patients, in that particular case, as a top priority and that the regional health authority will take whatever steps are necessary to ensure that safety of patients is not jeopardized.

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

Education Property Taxes

Mr. Vandermeer: Thank you, Mr. Speaker. Following Calgary's and Edmonton's implementation of the market value assessment in 1999, the province decided to address concerns about significant increases in education property taxes in municipalities experiencing high growth. Therefore, the province enacted the mitigation formula. Now the city of Edmonton will see a whopping 8.9 percent increase in the education tax this year. My questions are for the Minister of Finance. Why are school property taxes increasing by 8.9 percent in the city of Edmonton?

The Speaker: The hon. minister.

Mrs. Nelson: Thank you, Mr. Speaker. Actually, due to the mitigation program that has been put in place, no requisition for school property tax in this province will exceed 8 percent. In the case of the city of Edmonton, the suggestion that it is 8.9 percent includes a 1.3 percent adjustment from prior years, so the actual requisition this year is 7.6 percent for the city of Edmonton.

The Speaker: The hon. member.

Mr. Vandermeer: Thank you, Mr. Speaker. To the same minister: does the provincial mitigation formula favour some municipalities over others?

Mrs. Nelson: Mr. Speaker, the mitigation formula is put in place so that there is a balance across the province, to make sure that school requisitions include components like capping and averaging so that we have a more uniform basis across the province. This is very important so that you don't have huge jolts from year to year occurring within the requisition process.

The Speaker: The hon. member.

Mr. Vandermeer: Thank you, Mr. Speaker. To the same minister: is the province planning to continue to implement a mitigation formula in future years?

Mrs. Nelson: I believe, Mr. Speaker, that this formula process has been successful, and we would continue on with this process. Let me just say one thing. Since 1999 – and I know the hon. member is representing his riding, as all Edmonton MLAs are doing, and there is a concern that has been expressed here – there has been an

increased growth in assessment in the city of Edmonton of about 35 percent, but at the same time the requisition amount went down by 3 percent.

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

Jubilee Auditoria Renovations

Ms Blakeman: Thank you, Mr. Speaker. The anticipated renovation of the Jubilee auditoria will result in the destruction and elimination of the Kaasa Theatre in Edmonton and the Betty Mitchell Theatre in Calgary. There are no plans to replace these spaces, resulting in the loss of two theatres from the province. The Minister of Community Development recently defended this by noting that putting the air conditioning units in another place and sparing the Kaasa would result in the loss of spaces in the parking lot. My questions are to the Minister of Community Development. Why did the minister okay the permanent loss of two much-used, prime, medium-sized theatre venues in Alberta?

Mr. Zwozdesky: Well, Mr. Speaker, the fact is that both Jubilee auditoria are approaching about a 50-year age bracket, and there are a number of improvements that have been cited both by audience goers as well as by theatre users, renters, and by the major performing groups who utilize the theatres. Now, in both Edmonton and Calgary the circumstances are such that a new ventilation system is required, a new acoustic design is required, and in order to accommodate the elimination of severe drafting and other problems associated with discomfort of all users, we need to look at how to bring in a completely overhauled ventilation system. In order to house that system, it will have to take place underneath the raked part of the audience chamber and some of the staging.

I should say, Mr. Speaker, that this is not a new revelation. These have been under discussion for quite some time, and I know that the Department of Infrastructure, that is working on this, has done a lot of work in researching and providing other background information to see how best to bring about those changes with the minimum amount of displacement. Unfortunately, in order to do them the way they have to be done to create a state-of-the-art facility in the long term, this short-term pain is necessary, and I do regret that two theatres are being demised in the process. It's just simply how it has to be.

Ms Blakeman: It's not short term. It's permanent.

To the same minister: given that Alberta's share of the federal cultural spaces program is \$13 million, why did the minister not take advantage of this matching program to replace the two theatres?

Mr. Zwozdesky: Well, Mr. Speaker, some of those cultural spaces dollars were already allocated, and I'm not sure at this moment if there are any dollars left. The Jubilee auditoria, as I say, have been under discussion for at least three or four years. We sought the best advice from the major user groups, who use primarily the main stage areas, and we sought advice and received a lot of input and feedback from audience goers. There were a number of complaints about sight lines, so we're going to be reraking the audience chamber to accommodate those particular difficulties.

I would reiterate that in the end these are two of our provincial performing icons. They need some upgrading, and we're providing that now as part of a longer term plan for the betterment of the performers and the betterment of the audience goers, and that's where that's at.

Ms Blakeman: You didn't even apply.

My final question to the minister: what is the minister's policy if the arts companies which are now made homeless from the Jubilee auditoria suffer deficits because of the hiatus or jeopardized funding through the arts stabilization fund? What's the minister's policy? Will he consider interim assistance?

2:30

Mr. Zwozdesky: Well, Mr. Speaker, I think the hon. member is totally clued out on this issue. You know, I'll tell you. [interjection] No. You listen now. You listen. Okay? The fact is that we have in Calgary one performing arts company that rents that space exclusively. It's unfortunate that they have to be displaced, but they will be displaced. They've known about it for quite some time. We are simply making it official. We have also offered help to see where they can be relocated.

In the case of Edmonton we don't have one permanent renter. We have a number of theatre groups, and we have some seminar groups, workshop groups who use that space. They can be more easily accommodated elsewhere. In the end there is no shortage of space around that can be looked at.

I do not have any reinstatement dollars for replacement costs, and unfortunately that's how it is. What I do have is an increase in the arts area of \$2.6 million, which all those groups are very happy about, I can assure you.

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

Electricity Deregulation

(continued)

Mr. Mason: Thank you very much, Mr. Speaker. The advisory committee on electricity issues has been given the most narrow of mandates to look at the what the government calls consumer issues. Apparently, the government is willing to look at all possible sources of high power prices for consumers in Alberta except the real source, which most Albertans now clearly understand to be deregulation itself. My first question is to the Minister of Energy. How can the government insult Albertans' intelligence by calling the massive increases in power bills a bump in the road?

Mr. Smith: Well, because the member's statement is incorrect, Mr. Speaker.

Mr. Mason: That's the kind of answer Albertans are used to getting from this minister, Mr. Speaker.

Will the inquiry be allowed to investigate why as part of the so-called unbundling of services the government scheme has added rate riders, transmission charges, delivery charges, and service charges to consumers' power bills?

Mr. Smith: Mr. Speaker, this is all regulated. None of this has anything to do with deregulation. It was around before. When the member sat on the EPCOR board, he knew how they regulated.

The Speaker: The hon. member.

Mr. Mason: Thanks, Mr. Speaker. The minister knows that I was never on the EPCOR board.

Why is this so-called inquiry being permitted to investigate "current and future benefits of deregulation for consumers" but not anything which, God forbid, might actually have happened to be a negative impact on Albertans of deregulation?

Mr. Smith: Well, Mr. Speaker, this province has brought on 3,000 new megawatts of generation under this program, and that 3,000 megawatts have come on. People have been served reliably. They have been served with real-time pricing. In fact, none of the bogeymen that occur when you're in a regulated market, like all the things he mentioned in the second question along with massive, massive provincial debt, are going to accrue to Alberta consumers.

The Speaker: The hon. Member for Calgary-Montrose, followed by the hon. Member for Edmonton-Ellerslie.

Workers' Compensation Board

Mr. Pham: Thank you, Mr. Speaker. The Workers' Compensation Board is not accountable to anyone, not to the courts, not to the public, and certainly not to the government. WCB employees up to and including the CEO can violate their own policy with impunity. Many injured workers and their families find out that the unaccountable and yet monopolistic WCB can be very abusive. I would like to direct my question today to the hon. minister responsible for the WCB. When a WCB case manager does not follow WCB policy, who is the case manager accountable to?

Mr. Dunford: Mr. Speaker, the hon. member is discussing the operations of the WCB. I think it allows me the opportunity, then, to once again perhaps clear up a misconception that many Albertans have, and that is that the WCB is somehow a department of the government. Of course, it is not. It is funded entirely by assessments to employers throughout the province. There is a board that is appointed by order in council, so there is certainly a government involvement in that sense, but the Workers' Compensation Act itself contemplates, then, that the operation of the insurance system known as workers' compensation will be done by administration hired by the board of directors, and of course it would be their responsibility for such operation.

The Speaker: The hon. member.

Mr. Pham: Thank you, Mr. Speaker. My question is to the same minister again. When a case manager and the Claims Services Review Committee do not follow the WCB's own policy, who is the Claims Services Review Committee and the case manager accountable to?

Mr. Dunford: The claims services review has been mentioned by the hon. member, and of course this is one of the recent changes that we've made within the WCB. We've gone to what we believe to be a new and more open system of those appeal situations. Now, of course, what is being discussed here in terms of a general approach is in fact probably referring to a specific case. In that kind of sense, then, again it is something that is the responsibility of the operations of the WCB, so it would be the hierarchy of the governance model inside that organization and again not the purview of the Minister of Human Resources and Employment.

The Speaker: The hon. member.

Mr. Pham: Thank you, Mr. Speaker. Given the fact that the CEO of the WCB is responsible for enforcing his own policy, when the CEO himself does not follow WCB policy, who is he accountable to, Mr. Minister?

Mr. Dunford: The chief executive officer of the Workers' Compens-

sation Board is responsible to and accountable to the board of directors of the workers' compensation system, and if there are issues that are to be dealt with, then it would be those bodies that would do that.

Whaleback Area

Ms Carlson: Mr. Speaker, the Whaleback area near Pincher Creek in southern Alberta is one of the most exceptional pieces of undisturbed wilderness in Alberta if not in Canada. Even the Premier said in 1999 that this area is an exceptional undisturbed landscape. But the Whaleback's ecological integrity will be disturbed if proposed sour gas activity takes place there. My question is to the Minister of Community Development. Will this minister call for a complete environmental impact assessment of the proposed sour gas well development for this region?

Mr. Zwozdesky: Mr. Speaker, I'm not sure that the exact sour gas well the member is talking about is in what we refer to as the formal section of the Whaleback area. However, suffice it to say that we are looking at a lot of issues to do with the Whaleback. In fact, I was down not long ago with some colleague members to meet with some of the ranchers. We talked about their concerns with respect to grazing permits and grazing leases, and very shortly we'll have a larger answer for the member and for the ranchers and farmers in that area.

As far as the sour gas well goes, I think it's just outside that area. I could stand to be corrected.

Ms Carlson: Mr. Speaker, it is just outside of the area, but the impact falls right directly into the Whaleback area.

Why did this government even bother to protect the Whaleback if all along it was going to allow industrial development of this kind that really does threaten the area's ecological integrity?

Mr. Zwozdesky: Well, Mr. Speaker, there's no question that the Whaleback area is highly unique and it's a very special area, and that's one reason why it deserves protection. But I think that what the hon. member has to recognize is that when the special places program was undertaken, there were commitments given that any existing commitments that were already there would be honoured, regardless of what they might have been for.

Now, I'm not sure if the issue of the sour gas well itself that the hon. member is referencing isn't before the EUB at the moment for consideration. It may well be. So we'll wait to see what answers they can provide.

Ms Carlson: Mr. Speaker, my third question is to the Minister of Sustainable Resource Development. What has this minister done to protect the rich variety of plants and animals, in particular elk, who use this area as a critical feeding and calving area in the Whaleback from this kind of industrial destruction?

Mr. Cardinal: Mr. Speaker, that's an excellent question, a very important question, and we take it very seriously. Any development that takes place, any protection of public land that takes place is done in a very balanced way, and we'll continue doing that. In fact, I toured the area and met with ranchers also, along with the hon. member that spoke before me, along with the MLA, and we are working with a group from that area, and I am planning to go back. I met with the MLA today. I'm going to go back there to look at another project, and I have an opportunity also to tour that site while I'm down there, and that will happen within a month.

2:40

The Speaker: Hon. members, before calling upon the first of seven to participate today, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**
(reversion)

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Thank you very much, Mr. Speaker. It's, indeed, a pleasure for me to rise and introduce to you and to this House one of Edmonton's most significant business builders, a community builder. His brothers and their family have brought a strong entrepreneurial spirit to this city, and indeed their efforts can be seen and felt in a number of different projects, most notably and recently the children's hospital. All Edmontonians are proud of this gentleman. Of course, he happens to be the brother-in-law of our beloved Lieutenant Governor. I'd ask that Mr. Jim Hole please rise and receive the warm welcome of this House today.

Mr. Lougheed: Mr. Speaker, I'm pleased to introduce two folks from Dow Chemical in Fort Saskatchewan. They're here representing Dow Chemical and to be present for the recognition later. I'd ask Will Vandeborn and Barb Koral to rise and receive the traditional warm welcome of the Assembly.

head: **Recognitions**

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

Daniel Garsonnin

Mrs. O'Neill: Thank you, Mr. Speaker. I rise today to give recognition to a resident of St. Albert and an individual suggested by the Member for Clover Bar-Fort Saskatchewan. His name is Daniel Garsonnin. He is a volunteer who is exceedingly worthy of recognition.

He passionately loves all things aeronautical and spends his time sharing that passion with grade six students in up to 50 schools per year in the Edmonton area. Each year he visits many classrooms and spends three sessions with each class. Bringing his many models the first day, he flies them in the classroom and stimulates the students' interest and curiosity. The second day he spends about three hours with the students sharing his tools and his expertise and patiently guides them in building individual free-flight planes. On the third day, after the planes have been painstakingly constructed, he comes and sets up the ER in the gym, and students do practice flights with many repairs and adjustments before the big contest to see who can achieve the longest flight.

I do want to recognize the volunteerism of Mr. Garsonnin. He is, indeed, a person who is a mentor and a wonderful teacher to our young students in Alberta.

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

Naval Museum of Alberta

Mr. Lord: Thank you, Mr. Speaker. There are just so many things to be proud of in Calgary-Currie. Who else can say that they actually have a fully commissioned battleship in their riding? We have the *HMCS Tecumseh*, which serves as a naval recruitment and training centre, and located right beside the *Tecumseh* is the second

largest and finest naval museum in Canada, one of Calgary-Currie's and Alberta's best hidden diamonds.

Congratulations to the many volunteers who since 1984 have put together this incredible museum, including current chairman, Jim Cowie; president, Bob Orthlieb; his wife, Laraine; and Norm Holden, who took me on a great tour after the Battle of the Atlantic ceremonies last weekend. The museum is open to the public, and displays include naval guns up to 15 tons in weight, naval aircraft, including a Hawker Sea Fury, and thousands of other fascinating artifacts collected from all over the world, including the John Burgess library, which contains one of the most extensive records of naval historical documents in Canada.

I wish the museum people all the best in their expansion and fundraising plans, and I would invite all to come and see the Naval Museum in Calgary-Currie.

Dow Chemical Donation Fort Saskatchewan Recreation and Arts Centre

Mr. Lougheed: Mr. Speaker, it's with great pleasure that I rise to recognize a \$1 million donation made by Fort Saskatchewan's long-standing corporate friend Dow Chemical. On May 2 the CEO of Dow Canada, Vince Smith, announced at a groundbreaking ceremony that the Fort's centennial activities centre will bear Dow's name.

Now, for those members who don't know, the CAC is a premier recreation and arts centre. In addition to a 550-seat performing arts theatre, the centre will have an indoor ice surface, an indoor soccer pitch, gymnasium, fitness area, and jogging track. Funding for this \$19 million facility will come from individuals, industry, and government, including the province. This donation is among the largest ever made by Dow in Canada. In addition to the donation of cash, Dow is donating the Styrofoam insulation for the facility.

Fort Saskatchewan is very fortunate to have great corporate neighbours, and Dow certainly has been one of the best corporate contributors to the Fort Saskatchewan area. The city predicts that there'll be close to a million visitors to the CAC, and Dow's contribution represents a sizable investment in the quality of life in the community.

I'd ask all members to recognize Dow for their great contribution.

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

National Nursing Week

Dr. Pannu: Thank you, Mr. Speaker. I'm pleased to rise and recognize today the nursing profession, the heart of health care in our country. May 12 to 18 is National Nursing Week, and we recognize the tireless efforts of nurses, who devote themselves to public health and patient care. Nurses daily place themselves in harm's way in caring for patients with infectious diseases like SARS.

Like nurses everywhere Alberta's nurses are on the front lines of health care. We ask them to work evenings and weekends. The ongoing nursing shortage is placing increased stress on nurses to work overtime, thereby sacrificing personal and family time.

Instead of attacking nurses through a million dollar ad campaign, this government should be improving working conditions so that we can retain the nurses we do have and attract more young men and women to the profession. Nurses deserve recognition not only during National Nursing Week but every day.

Thank you, Mr. Speaker.

Jean Laniuk

Mr. Bonner: Mr. Speaker, I rise today to recognize one of Edmonton's finest teachers, Jean Laniuk. Jean has dedicated her career to

instilling a love of music in the hearts and minds of many young Edmontonians, and after 40 years of service, sadly, she is retiring.

Last Thursday I had the opportunity to celebrate Jean's career with many former colleagues and students and to witness firsthand the immense, lasting impact she has had on our community. Jean's energy, enthusiasm, and passion have driven her students all over Alberta and everywhere from Disneyland to the CFL western final. Her drive for excellence has propelled her choirs to a great deal of success at both provincial and national levels. By Jean's outstanding commitment to developing the potential within each of her students, she has not only given them the gift of lasting memories but also the lifelong gift of an appreciation and understanding of the joys of music.

Our community thanks Jean for the exceptional dedication and commitment to learning she has demonstrated over the past four decades.

Thank you.

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

Wetaskiwin-Camrose Athletes

Mr. Johnson: Thank you, Mr. Speaker. It is my pleasure to rise today to recognize some outstanding athletes from my constituency. First, Justine Bouchard, an 11th grader, led the Wetaskiwin wrestling team and won her third national championship in the juvenile 60 K weight division. Second, I want to recognize the Camrose Kodiaks, who brought home the silver medal from the Royal Bank national junior A championships, which concluded yesterday in Charlotte-town.

Justine Bouchard is considered to be a powerhouse in her division, and she has another year to try to make it four national titles in a row. Another wrestler, Natalie Jaburek, who was competing in her first nationals, brought home the silver medal for her weight class. As well, Caleb Greenwall collected silver in the heavyweight class.

Today Camrose is celebrating the return of the Camrose Kodiaks, who after a long and very competitive national tournament brought home the silver medal after the final game yesterday won by the Humboldt Broncos. The Kodiaks are a group of very deserving young hockey players having previously won the Alberta and B.C. championships. The city of Camrose and I'm sure all of Alberta is very proud of them.

I congratulate all of the athletes, coaches, managers, and sponsors on their outstanding success this year.

Thank you.

The Speaker: The hon. Member for Wainwright.

Drought Assistance

Mr. Griffiths: Thank you, Mr. Speaker, I rise today to recognize and bring attention to events that helped hundreds of farmers through one of the worst droughts Alberta has ever experienced. Organized by Navan, Ontario, farmer Wyatt McWilliams, Hay West saw donations from more than 1,800 eastern farmers which were loaded onto railcars and trucked by more than 1,500 volunteers. More than 800 farm operators each received about 15 tonnes of hay, and as an example of Albertans' generosity about one out of every four recipients of the Hay West donation shared their hay with his or her neighbours.

2:50

The Alberta government donated \$200,000, most of which was used to harvest standing hay. As well, Jackie Rae and Greg Thomas

of CFCW organized two fund-raising concerts and a provincewide radiothon that raised more than \$2 million, and it was used to fund the cost of 76 railcars and assistance to Alberta Farm Animal Care Association and feed for 4-H. Finally, Drought Aid, through donations made at any Alberta Treasury Branch, has raised \$270,000, which was used to help fund the Alberta Animal Farm Care Association and the Alberta Mental Health Board. In total, more than \$6.7 million was raised.

It's impossible to recognize every individual who helped out in this time of crisis, so I'd like to extend my thanks to everyone for their help while we faced such a severe drought.

Thank you, Mr. Speaker.

head: **Presenting Petitions**

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

Mr. Jacobs: Thank you, Mr. Speaker. I rise today to table a petition containing the names of 464 Albertans asking the Legislative Assembly of Alberta to urge the government of Alberta to deinsure abortion.

Thank you.

head: **Introduction of Bills**

The Speaker: The hon. Minister of Learning.

Bill 43 Post-secondary Learning Act

Dr. Oberg: Thank you very much, Mr. Speaker. It gives me great pleasure to request leave to introduce Bill 43 being the Post-secondary Learning Act.

Mr. Speaker, this bill combines four existing acts – namely, the Colleges Act, the Technical Institutes Act, the Universities Act, and the Banff Centre Act – into one piece of all-encompassing legislation for postsecondary learning. If this bill is not passed in the spring session of the 25th Legislature, it will be hopefully passed in the fall session and will allow time for input over the summer.

Thank you.

[Motion carried; Bill 43 read a first time]

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Municipal Affairs.

Mr. Boutilier: Thank you very much, Mr. Speaker. It's my pleasure today to table the requisite number of copies of the special areas trust account audited financial statements as of December 31, 2002.

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

Mr. Cernaiko: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of 13 petition letters; one letter from Tracy Patience, the president of the Alberta Avenue neighbourhood patrol; and one e-mail from a resident in Mill Woods, Mr. Edward Campbell, who is actually seated in the members' gallery this afternoon; all supporting Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

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

Mr. Lord: Thank you, Mr. Speaker. I have five brief tablings today. I have the requisite number of copies of four studies relating to

homelessness and the mentally ill, including the 2002 Calgary homeless study.

My fifth tabling is very interesting. It explains a medical discovery allowing stem cells to be turned into both egg embryo cells and sperm cells. This may lead to an exciting development for infertile couples, and it also opens the possibility of gay male couples having true genetic children. In fact, one man could theoretically become both mother and father genetically. This will no doubt lead to some lively discussion in this Legislature in coming years.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have three tablings this afternoon. The first one is a copy of a petition organized by the Faith in Action group. There are over 200 Albertans from all over the province who have signed this petition urging the hon. Premier to take action in regard to funding for those in need, particularly those on low-income programs in Alberta. The current benefits do not meet the needs.

The second tabling I have is a copy of a petition. "We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government to reinstate natural-gas rebates immediately." This is from citizens around the Leduc area. Not only do they have problems with electricity but also with their natural gas bills.

The third tabling I have this afternoon, Mr. Speaker, is a copy of correspondence I received dated May 9, 2003, and this is a tabling with permission from Linda Louise Meyer. It is her story of how difficult it is to get by on a fixed income when utility costs are so high.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to table the appropriate number of copies of an e-mail that I received as an open letter to the Premier noting that a decision made by the government to consistently underfund Alberta universities and the subsequent move by the U of A to cut sessional contracts in half has made future deliberations for this doctoral candidate unnecessary. She's going to have to leave Alberta to find work.

Thank you, Mr. Speaker.

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

Dr. Massey: Thank you, Mr. Speaker. On behalf of my colleague from Edmonton-Riverview I table five copies of a letter from Melanie Shapiro to the Premier. Melanie has enclosed a copy of the Small Class Size Project conducted in Edmonton showing how small class sizes benefit children. She makes a plea that no more teachers be lost from the system because that would make small classes even less likely.

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

Dr. Pannu: Thank you, Mr. Speaker. I've got two tablings today. The first is a document from Calgary Roman Catholic separate school district No. 1. This document is entitled Financial Implications of Provincial Budget for 2003-2004 and indicates that the provincial budget for the district falls very short of needs, the renewed funding framework must be implemented immediately, and Alberta Infrastructure funding needs to be increased.

Mr. Speaker, the second tabling is a letter from Dr. John Wodak, dated May 4, 2003, addressed to the minister of human resources.

In his letter Dr. Wodak points out the continuing inadequacy of the monthly AISH benefit rate, the lack of support for dependent children of disabled persons, and the lack of proper consideration for income earned by working AISH recipients.

Thank you, Mr. Speaker.

The Speaker: The Member for Edmonton-Highlands.

Mr. Mason: Thank you, Mr. Speaker. I have four tablings today. The first tabling is a letter from the regional municipality of Wood Buffalo, dated March 10, indicating that their power bill had just about doubled in the past two years.

The second tabling is a letter dated April 8, 2003, from Mountain View county, whose power bill had increased from \$56,000 in the year 2000 to \$79,000 in the year 2002.

The third tabling, Mr. Speaker, is a letter from Beaver county, dated April 10, 2003, indicating that their power bill had also doubled in the last two years.

The fourth tabling, Mr. Speaker, is a government of Alberta news release dealing with the consumer electricity review, which indicates that current and future benefits of deregulation are to be studied by the group but not negative benefits of deregulation.

The Speaker: Hon. members, I'm tabling in the House today a memorandum to all members concerning a process for possible amendments to Bill 42, the Electoral Divisions Act. Members will be receiving their copy shortly.

head: **Orders of the Day**

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

head: **Committee of the Whole**

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

Bill 206

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

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-Buffalo.

Mr. Cenaiko: Thank you very much, Mr. Chairman. It's a honour to begin debate in Committee of the Whole for Bill 206 this afternoon. I understand that this sort of legislation isn't normally debated in the Assembly and it usually isn't debated as a private member's bill, but I would like to remind members that vehicle seizure is not new and has been in practice in this province for years.

First of all, Mr. Chairman, I would like to talk about section 173.1. This section obviously generates the most concern and anxiety from members who currently may not be fully supportive of this bill. I would like to take a moment and talk about the support for this section of the bill.

3:00

Often this Assembly hears how private members' bills may not be as sound as government bills. I understand that many members may be a little wary about supporting private members' bills, that may not have a great deal of official support or even community support. I agree that input from stakeholders, the public, and other government

departments is extremely important before any legislation is brought forward. I also agree that passing laws is serious business, and it is extremely dangerous to be lax with the legislative process. Mr. Chairman, I'm confident that a great deal of work has been done that justifies vehicle seizure, as proposed in section 173.1, and I'm convinced that this section is a move in the right direction to help improve the well-being of many vulnerable Albertans.

This part of the bill is not a knee-jerk reaction to street prostitution and has been studied and applied in other provinces. The original idea for seizing vehicles from johns or sex trade offenders, proposed in section 173.1, came from a constituent in Calgary-Buffalo, a senior by the name of Ray Franklin. We had discussed this on numerous occasions even prior to the last election, discussed the growing street prostitution problem in our area and what the government of Manitoba had done in the late 1990s to address the issues in Winnipeg. I felt that it was a great idea and brought it forward as Bill 212 last session, Mr. Chairman.

Having a bill far down on the Order Paper turned out to be a blessing in disguise because the idea of the bill received a cooler reception from government departments, police services, and several MLAs. Some were concerned that vehicle seizures would punish entire families who depended on transportation rather than just the sex offender. Another concern was that police officers would be overburdened with seizing vehicles, which would then take precious time and resources away from other initiatives. Others believed that street prostitution wasn't a serious problem and should be left to municipalities. These were important and valid concerns that I was able to address because Bill 212 was unlikely to reach debate in the House. By not rushing this proposed legislation through the Legislature as Bill 212, I was able to spend more time ironing out these concerns and addressing problems with my colleagues, members, and members of the public who had some concerns with the bill, including the seizing of vehicles from sexual predators, as proposed in section 173.1.

I met with the Calgary and Edmonton prostitution vice units from the respective police agencies, who believed that vehicle seizure could be effective as long as they could use it during their undercover sting operations. I also introduced several members in this Assembly to vice unit detectives working here in Edmonton and Calgary. This meeting was an excellent opportunity for both sides to express their concerns with the effectiveness of vehicle seizure and why it was so important to support it.

Mr. Chairman, I did receive many calls from constituents. I've received hundreds and hundreds of letters from people around the province, not just from the inner cities of Calgary and Edmonton. People in places like Three Hills, Strathmore, Viking, and Sherwood Park care about the safety of people living in the inner city. I've received letters from the mayor of Calgary, the mayor of Edmonton, Edmonton city council, and the Calgary and Edmonton police services fully supporting this bill. Community groups have organized letter campaigns to generate support for vehicle seizure. Other community groups have passed resolutions supporting vehicle seizure. School principals from inner-city schools have sent letters urging me to carry on with this legislation.

Before members brush off the broad support for vehicle seizures proposed in section 173.1, I'd like to offer them a challenge: drive through an inner-city community. Take two short trips. The first time go during the day. Drive around, and you'll see small houses, apartment buildings, schools, and community halls. Basically, it will look like any other neighbourhood. You'll notice a number of young families and quite a few children. Playgrounds may not be full of children, but everywhere you go you'll see young people. Then take a trip in the evening. Go to the exact same areas, and

you'll see the same apartment buildings and schools, but I know you'll see something else. There will be a lot more women on the streets and vehicles moving very slowly. You may see fighting; you'll probably hear yelling. You'll definitely see drug deals taking place and cars turning off major roads and disappearing down residential streets. The differences between night and day in this area will be just that.

Then I'd like to challenge you to consider the fact that young families living in these areas do not have the option of driving home where life is much safer. As we heard in second reading, residents have to make sure that their children don't pick up and play with dirty needles and used condoms. Overall, Mr. Chairman, these people would tell you that their neighbourhood is not a bad place to live. The residents just want something done about street prostitution.

The problem with johns or sex trade offenders is becoming worse. I've heard inner-city residents describe instances where johns try to pick up in broad daylight innocent women who are residents of the community. The vehicle seizure proposed in section 173.1 will help inner-city residents feel safer in their own homes and force johns to reconsider their deviant behaviour through an alternative measures program.

Mr. Chairman, I must concede that there are other issues with section 173.1 that have been addressed but have not been fully resolved. The major issue with this bill is that it may be vulnerable to constitutional challenges. As we heard in second reading, both Saskatchewan and Manitoba have similar legislation and no one has challenged this law since 1998, but this does not mean that a legal case can't exist. The presumption of innocence seems to be overlooked at first glance, but vehicle seizure is not new in Alberta and is in fact entrenched in the Traffic Safety Act. Furthermore, the seizure of the vehicle isn't a given and is conditional on the offender agreeing to an alternative measures program as described in section 3(c). Also, this bill is no more or less vulnerable to constitutional challenges than seizing vehicles from impaired drivers because there are several avenues that people can use to have their vehicle returned.

Based on what I've heard from other jurisdictions, it is highly unlikely that a sex offender would take this to court. Doing so would reveal to the world that he has taken part in an illegal activity and actively seeks the services of young girls for his own pleasures. Not only would he be subjecting himself to a great deal of shame but also his family, including his wife, sister, mother, brother, et cetera. It would be far easier, cheaper, and faster to take part in an alternative measures program as described in section 3(c) rather than subject their loved ones to embarrassment. Education versus total embarrassment and enforcement. The emotional, financial, and social expenses simply are not worth the cost. Sex trade offenders in Saskatchewan and Manitoba have realized this, and I believe these offenders will do the same.

Vehicle seizure, proposed in section 173.1, could help inner-city residents live in safer neighbourhoods by deterring sex offenders from cruising their streets. I urge all members to vote in favour of Bill 206.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Well, thanks very much, Mr. Chairman. I'm pleased to finally get a chance to speak to this bill. I wasn't able to do it in second reading, so Committee of the Whole is my first opportunity. I'm encouraged to see the amount of debate that has gone on around this bill. I find it encouraging that people are willing to rise and

actually put forward the issues that are brought forward under this bill because there are issues that are raised by it.

It is an imperfect bill. It is trying to do something really good and noble and helpful for a community, but the way it chooses to do it raises concerns for people who feel that it's important that people have their day in court, feel that there needs to be a process that is followed that is consistent from individual to individual and in how it's applied from day to day to day. All those issues have been brought up and put on the table by what's being proposed under Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

I am the MLA for one of the communities in Edmonton that feels strongly about this bill. My communities that are considered inner city and that have prostitution and prostitution-related activities in them feel under siege. They feel that outsiders, tourists come into their community and threaten their safety and the integrity of the community, and they want some control back. They want to be able to have their children feel safe. The women want to be able to just walk to the store or walk to the community league or walk to the bus stop without being harassed and literally treated like a prostitute. There are other people that have spoken very eloquently prior to me about what prostitution does to communities. I don't have to go into this at great length. The communities feel strongly that they need some additional tool to be able to control what these interlopers, these johns, these tourists into their community are doing to their community.

3:10

The flip side of this is a balance because what is suggested in the legislation – and I think the part that distresses me the most and causes me the most concern about whether or not I support the bill is the discretionary power that is delegated to the on-the-street officer to be able to accept an argument from a john that the vehicle is needed for their family or needed for their ability to earn money and provide for their family. Now, let's stop right here. Let's remember, please, that the legislation is only talking about seizure of vehicles in second and subsequent apprehensions. It's really important that people remember that this is not going to happen the first time somebody gets caught – really important. Okay. This is not slapdash. This is approached with some caution. So this only kicks into play when someone is (a) caught soliciting prostitutes, (b) it's the second or subsequent time – third, fourth, fifth, tenth, twentieth, whatever – that they have been caught doing this. There's no possibility here for someone to have the argument: "Oops. Took the wrong turn, thought I was going to the Capilano freeway." We're talking about people that have already been apprehended on this sort of a charge before. So that's a good thing, that the sponsoring Member for Calgary-Buffalo has set the legislation up in this way. It's not about the first time. We are dealing with people who are quite committed to coming into communities and procuring sexual services, usually from women. They are committed to doing this.

I have an issue with an individual, professional though they are, as a police officer having the on-the-spot discretion to say: "Right. Okay. I can see the baby carrier in the back seat of your car, and I hear your argument that, you know, you're a primary breadwinner for this family and losing the car would affect your ability to transport your kids and to do your job. Therefore, okay. Fine. We won't impound your car." I have the utmost respect for the training and the integrity of police officers, but I am always going to be nervous when there's that kind of discretion given to an officer, whether it's a customs officer, whether it's a police officer, whether it's a tax officer. I am uneasy about having one individual, who

could have had a bad day or a really good day – they could be in a big hurry to do something or have all day, whatever. Those circumstances change an individual's life, and I really struggle when we delegate that kind of discretionary power to an individual to either make something like this stick or make it go away.

That's one of my big hesitations in supporting this bill. On the one hand, I have my community saying: "Help us get some power back. Help us get some control over our communities to stop these tourists coming in, these men coming into our communities and threatening our integrity and our safety. Give us a tool in the toolbox to help us look after ourselves, to empower ourselves." I've heard that example raised a number of times. That's a good deal of why I sought election, Mr. Chairman: to help communities empower themselves, to come up with creative solutions on how they could be better functioning communities and contribute more to the fabric of Alberta. So of course I'm going to put a lot of weight on my communities asking for that and on the neighbouring communities. Just because it happens on the other side of the street and that's no longer my constituency, of course that affects my constituency. Perhaps the individuals live in my constituency or they work there or their brothers or sisters work there or their children go to school in my constituency.

So to say: oh, it's in another constituency; it's not going to bother me. Of course it is. We have an inner city in Edmonton that we have all been working hard to rebuild, to fill in that doughnut, to make an attractive place to live. We've got affordable housing stock there. It makes it possible for people to buy a house and start a family or move their family there and be part of a community and not live in an apartment building but actually have a house and a yard and join the community league and then get involved in all those kinds of activities. So that's really important to me, and I put a lot of weight on that.

In the middle is the issue around the day-in-court argument, that, you know, people want to either be able to get their day in court or not be able to get their day in court and that whole issue of justice that's been raised by members, like the Member for Calgary-Montrose or the Member for Edmonton-Calder, and how important that justice is and whether it's in fact just or reasonable before somebody's actually been convicted of something to say: we're going to punish you in advance just in case, as a precaution, as a prophylactic if you will. We're going to punish you first, and then you go to court and we'll find out if it's true or not or if it's reasonable or not or if the charge is going to stick or not. A lot of people have trouble with that.

What I see is this government, or private members who are members of the government – this is the third time I think I've seen an implementation like this. We've got the impounding of cars around drunk driving. We've got the impounding of vehicles around poaching and things, vehicles and rigs and ATVs and everything else that goes with it if you're caught poaching, and now we're talking about impounding vehicles around the issue of solicitation for the purposes of prostitution. So I am concerned that this becomes commonplace, and every time we do this, there's more of a precedent.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Wetaskiwin-Camrose.

Mr. Johnson: Thank you, Mr. Chairman. It's my pleasure to join debate and speak to Bill 206 at the committee stage today. I believe that this bill is a good step for us to take in the fight against prostitution. This bill goes after the main problem with prostitution, and that is the johns. I don't think that the prostitute is fully to blame for

the problems we are having with street prostitution. Yes, they are part of the problem, but the severity of the problem can be dramatically reduced if we can get rid of the buyer. Without a buyer, we will have no seller. That is why this bill is particularly good and positive.

Johns are highly problematic in the prostitution business. As a government we do not have enough programs or laws that target the john. We have plenty of programs aimed at prostitutes, but rarely do we have sufficient strategies in dealing with the other half of the street prostitution problem. I feel that Bill 206 is a good strategy for us to use.

Mr. Chairman, section 173.1 of Bill 206 outlines the strategy that will be taken. If a person is caught in the act of soliciting prostitution, they will have their car taken away. It is as simple as that, and I believe that it will be an effective tool against the illegal sex trade.

Of course, we all know that this bill will not eliminate the problem completely. There will always be sick individuals who wish to pay for sex. We cannot pretend that this will take care of all the problems, but it will at least curb the amount of prostitution that is outside on our streets and in our communities, and it is that kind of prostitution that creates the most problems for communities around Alberta. There are many communities that have to clean up their parks and streets after streetwalkers and johns have made their way through. Many people find used condoms, needles, and other paraphernalia that are related to the sex trade near their home. If we can keep the trade away from our communities, we will keep the disgusting trash of the trade away from our children.

[Mr. Tannas in the chair]

3:20

Some of you may be wondering how this bill could possibly affect my rural constituents and how they would be in favour of this bill. Well, the answer is quite simple. As was discussed in second reading, many johns travel into cities from rural areas to look for prostitutes. If this bill is passed, we may put a stop to that activity because if the rural john is caught trying to buy sex, he will get his car taken away, creating a problem in getting back to his hometown, of course.

With this proposed new legislation word will be spread about what happens if one gets caught, and johns will be reluctant to find a prostitute from the street. Again, we know that this will not stop the problem, but it will drive the trade more indoors and off our community streets. That is the main goal: to get prostitutes off the street, where there are too many dangers. We could think of this as actually an attempt to protect the prostitute. Again, if the buyer of sex is eliminated, then the seller has to change how business is done, and hopefully the seller will give up the trade altogether. Of course, that's the ultimate goal.

Mr. Chairman, prostitution is a dirty, despicable, and immoral activity that should be eliminated, and we should be doing everything we can to get it off of our streets. Bill 206 is the step we need to take to help eliminate the problem. We've done a lot in the past few years by creating programs and legislation like the Protection of Children Involved in Prostitution Act to eliminate the trade. As I mentioned already, these are mainly aimed at the seller of sex, not the buyer. If I am not mistaken, this might be our first step towards trying to effectively eliminate the buyer.

I believe that this legislation will work, and I believe it will be successful. It is that next step for this government to take in eliminating streetwalking prostitution, and I urge all members to vote in favour of Bill 206.

Thank you, Mr. Chairman.

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

Ms Blakeman: Thanks, Mr. Chairman. I always forget that private bills are only 10 minutes.

The other thing I want to discuss around this bill is that I feel obliged to point out that we're not dealing with one of the most obvious problems, and that's the issue of poverty and particularly poverty of women. This bill is taking another approach to it, and that may well turn out to be a very successful approach to dealing with this issue, but let's face it: I think the reason that we end up with women in the sex trades is because they are trying to get money. Whether they are trying to get money to support a drug or an alcohol problem or whether they're trying to get money to somehow support their families, either way it's about an economic incentive, and this bill does nothing to deal with that.

Maybe that's perfectly fine. Maybe it will have the same effect or a better effect by taking this particular route to it, but I can't let this discussion go by without dealing with the obvious, which is that these are women who are prostituting themselves for money. Besides that is the whole issue of who's really getting that money in the end and the control of women through pimps.

We came into this because we were trying to address the ways for communities to take control and take back some safety and integrity for their neighbourhoods. Upon review and looking at the issues which I've outlined previously around the balance between putting in place a tool like impounding of vehicles versus an individual having their day in court and being convicted and found guilty before you administer a punishment and, secondly, looking at the issue of individual discretion with an ability to hear an argument literally on the street and decide not to proceed with the impounding of a vehicle because there's a hard-times argument that is put to the individual officer, both of those I think are very troublesome. We need to be vigilant in the implementation of this bill, if passed – and I think it will be – that it doesn't become commonplace that we would punish someone before they're found guilty, that it only exists in extraordinary circumstances like communities struggling with prostitution, and that we are very, very careful and impress deeply upon the individuals who are making those decisions of individual discretion how delicate that is, how necessary it is to maintain a careful balance.

For me, balancing those two against the needs of a community coming forward with suggestions on how to empower themselves and with groups like Immigrant Neighbourhoods and the Community Action coalition and the group that Mr. Walters is working for that has brought forward so much of this, the Community Action Project, I think that it's important that I do support this bill. I'm willing to do that on behalf of my communities, but I felt that it was important that I also put those cautions, those arguments, those concerns on the record, and I will continue to be vigilant in my turn to make sure that this legislation when passed is implemented as is anticipated and as we have heard from the arguments that have been brought forward in this Assembly.

Thank you very much for the second opportunity to speak and complete my remarks. I appreciate it.

The Chair: The hon. Solicitor General.

Mrs. Forsyth: Thank you, Mr. Chairman. Thank you for giving me the opportunity to speak in committee on Bill 206, Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. I would like to commend the Member for Calgary-Buffalo for introducing this private member's bill.

Mr. Chairman, I see a friend of mine in the gallery, Detective Len

Dafoe, whom I've known for many years and who has worked very, very hard in the past in regard to prostitution issues. It's officers like Detective Dafoe who believe this would be a valuable tool in their belt to deal with prostitution.

Prostitution is degrading, and prostitution is dangerous. The fact that young women and men trade their bodies for money in our communities and in our provinces diminishes all of us. We as a Legislature have the duty to send out a very, very clear message: the use of prostitution is not acceptable. We cannot turn our backs on this problem. If we did, we wouldn't be doing our jobs. Hollywood and musical videos glamourize prostitution. Even our language softens its reality. Prostitutes are called hookers, they're called ladies of the evening, they're called painted ladies, but believe me: there is nothing delicate or glamorous about prostitution. Prostitution is sometimes referred to as the sex trade. Mr. Chairman, prostitution is not a trade. It's not like being a welder, and it's not like being a carpenter.

I will always remember a mother I met several years ago. She called me to say that she had a problem and wanted to know if I could help. Her young daughter was working as a prostitute. I went with that mom to a street corner to try and get that little girl off of the street and away from the sexual predators prowling the night. Tragically, we weren't successful. So I've seen the tragedy of prostitution firsthand. Out of that experience came the Protection of Children Involved in Prostitution Act, that has done so much to protect our children from any form of child abuse.

As Solicitor General I have met with community groups to hear their concerns about crimes in their neighbourhoods, and one of the most common problems they face, especially inner-city communities, is prostitution. It isn't just the woman or even the men hanging out on the street corners. It is the traffic problems associated with the johns as they cruise around and around the neighbourhood. People become trapped in their own homes. They're afraid to go out or even take their children for a walk. They're afraid of being approached by the johns driving by on the street.

Imagine being a mother out for a walk with your child and having to explain what is going on. Imagine being a young girl heading off to school and having to run a gauntlet of perverts approaching you offering to buy sex. Imagine taking your children to the playground and having to deal with or try to explain to your inquisitive five year old about dirty needles or dirty condoms. There are also the spin-off effects of prostitution. Prostitution spawns all kinds of crime as people lose pride in their communities and their neighbourhoods begin to deteriorate.

Mr. Chairman, I'm sure there will be those who say that by seizing the cars of johns, we will only force them to go elsewhere for sex or that it will create an increased demand for massage parlours or escort services and that it will embarrass and create hardship for the families. I'm not so naive as to suggest that Bill 206 is the ultimate solution. Bill 206 is one step towards dealing more effectively with a problem that has been with us for a very long time. It does give police one more tool they can use in their battle against prostitution and the other crimes associated with it. If this bill forces customers to look elsewhere, we will then be able to focus future efforts on those areas.

3:30

Others may suggest that this bill somehow will violate the rights of the people by taking away their cars. I'm not aware of anything that says that owning a car is a right in our society. If you use your car to infringe on the right of people to enjoy their community and to take advantage of people who are in such dire straits that they have to sell their bodies, you deserve to lose your car. Mr. Chair-

man, we have laws that allow the cars of poachers to be seized. Why would we not want a law that allows the cars of johns to be seized? If we can take away someone's car because they are carrying illegally caught fish in it, we should be able to take away someone's car for cruising a neighbourhood looking to purchase sex. I strongly support Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

Mr. Chairman, let me leave you with a powerful memory I have of graduation for a 15-year-old child who could have been in one of those cars until I helped rescue her from the street. At her graduation she read a poem that she had written, which she dedicated to all of those that had helped her. It goes like this.

I have met angels that have saved my life.
I have met angels that once black are now white.
I have met angels from the pit of hell.
Who now stand beside me sober and well.
These angels are beautiful and bright.
They have given me the wings
that have helped me in my flight.

To me that says it all.

Thank you, Mr. Chairman, and I urge everyone in the Assembly.

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

Ms Kryczka: Thank you very much, Mr. Chairman. It is with great pleasure that I rise this afternoon in the Assembly to join the debate in Committee of the Whole on Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

The purpose of Bill 206 is to grant police officers the ability to seize vehicles that are involved in prostitution-related offences. The vehicles are seized when prostitution-related charges are laid. The seized vehicles would then be sold but only following a conviction or a guilty plea, although police officers would also have the discretion to return a vehicle to the owner if an officer discovers that it negatively impacts other family members or if the individual agrees to take part in an alternative measures program.

Mr. Chairman, prostitution and its effects are not pleasant subjects. It is easy to discount street prostitutes as delinquents, but we must keep in mind that it's disadvantage that drives women and children into street prostitution initially. These women and girls – and I must stress that the majority are girls – are victims of serious abuse and violence. They confront problems in relation to drug dependency, homelessness, and mental and sexual health. These females are economically and socially disadvantaged individuals in our communities, and I could give evidence of that. This is from a number of years ago when I was a guidance counselor in the Calgary public board of education system and particularly when I was at Bowness high school. It was more than once over the period of time that I was there that one of the young girls, usually in grade 10 or 11, was not at school, and the word was that she had disappeared downtown. As this was basically out of our jurisdiction in our work, we were not able to really follow up directly with that, but I can tell you that in experiencing the sudden disappearance of these to us rather normal, everyday girls, I can only tell you of the feeling of helplessness in knowing of that reality and what you are unable to do in some circumstances.

Mr. Chairman, as I've said, in my mind I think of most street prostitutes as young, vulnerable girls. The average age, we know now, of children involved in prostitution in Alberta is 15 to 16 years old, and that's only the average. However, I know that police and social workers have dealt with children as young as 12 years of age. These girls are taken advantage of by johns, who exploit their desperation and mostly, I think, their vulnerability. Street prostitutes need treatment and assistance, and johns are most definitely not part

of the solution. They only create further problems, obviously, and a dependency.

Having said that, Mr. Chairman, I would now like to highlight section 173.1 of the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003, as I feel that this is a valuable component of the bill. The amendment allows for the charged individual to be eligible for and consent to be dealt with by way of a program of alternative measures. These programs are often referred to as john schools. They work to raise awareness and possibly change attitudes. The program is used as an alternative, a tool that can be used when dealing with street prostitution. It is a way of helping communities that have pockets of sex trade workers. This program is only one part of the solution, but it is an initiative that addresses another angle of the problem, the johns.

I would say specifically to members who live in Calgary that they may remember when the street trade was very alive and well in downtown Calgary. It was where the area of Eau Claire is right now. In the '80s it was located in the bus barns. At that time, I was working out of Shell Centre, so when I had to go get my car, I certainly had to walk my way through all kinds of interesting things. Again, though, I do remember, with the construction and development of Eau Claire, the relocation eventually first to Inglewood and then to the Victoria Park area. So, again, I certainly refer to my experience in this area or my knowledge of it, not direct experience.

The Alberta government provides shelters and programs to help children that are involved in the sex trade, but Bill 206 concentrates on another aspect of the problem. This bill deals with deterring and educating johns. The alternative measures programs are developed as an option rather than prosecution. They could be used as a deterrent to prevent the event from occurring initially or as a rehabilitation instrument to prevent the event from happening again. These programs as rehabilitation tools may also raise the awareness of the problem to johns. I must highlight that the option to attend the programs and have their vehicles returned are only offered to first-time offenders.

The schools are intended to educate johns about the problems inherent in street prostitution. These seminars are information sessions regarding, for example, how the participation of johns can compound earlier abuse endured as well as the victimization suffered by street prostitutes. They also receive information and firsthand knowledge from an array of different perspectives as well as from those who have been involved with the problem. For instance, prosecutors and police officers speak about the law and consequences of their actions, while medical professionals talk about health risks associated with prostitution and sexually transmitted diseases. Survivors of prostitution tell their personal stories of what life was like on the street and discuss some of the dangers that sex trade workers often face. Residents and business owners in the community also have an opportunity to express how prostitution affects their neighbourhood. Through alternative measures programs johns not only learn about street workers but how they contribute to the larger scope of the problem, such as sex trafficking, associated criminality, inherent fear, and health diseases and disorders. Psychologists are also present at these programs to provide information on sexual disorders, which could raise a john's awareness that he may have a problem and needs to seek treatment.

This gives johns easy access to programs that can assist those with potentially dangerous behaviour. Some john schools provide voluntary testing for sexually transmitted diseases. The tests are available to johns to find out if they have contracted a disease and if they are putting their family at risk. This is where I think it's a very sad area with this whole issue. In some cases wives of johns speak at the session about how their husbands' actions of engaging in relations with prostitutes have affected their lives. Women that have

contracted diseases from their husbands explain how johns' activities can affect their entire family.

Mr. Chairman, these programs prove to be an effective instrument. Only a very small number of those who participate in john schools actually reoffend. It has become apparent that many johns do not realize the impact of their behaviour on the community and on the lives of many others. Those that participate in the program come to acknowledge the problems and the disruption it causes to everyone involved, from the sex trade workers to the surrounding community and mostly to the family members of johns. John schools are definitely an alternative to prosecution. Therefore, they could possibly decrease the number of charges, reducing the pressure on the court system.

3:40

Mr. Chairman, street prostitution and the sale of sex acts are not pleasant topics, but these are issues that are afflicting Alberta urban communities. Section 173.1 of Bill 206 will reduce the harm to inner-city neighbourhoods and prevent violence towards prostitutes. The activity we are trying to prevent is happening in public places: on our streets, in our parks, and in schoolyards in urban centres. It is bad enough that these actions are occurring on our streets or in our communities, but now they seem to be obtruding into families' backyards, driveways, and front steps. These are not the types of things that individuals and families want to come home to. Granted, this type of activity is occurring most frequently in specific communities, as I said earlier, historically and even now in Edmonton and Calgary, but this is an abhorrent problem, not an issue we should turn our heads from just because it doesn't directly harm our own community. Regardless, these are areas where families live and children are being raised. Do we really want to let this type of activity continue?

Some communities deal with the upsetting effects of prostitution on a day-to-day basis. Residents and their children are exposed to litter from the sex trade and intrusion onto their private property. I feel that this bill is about much more than seizing vehicles. It is about protecting our communities. Street prostitution co-opts the street. It turns the community into a place where women and young women are for sale rather than a place where individuals live and work. It visibly labels communities as harmful or destructive places. Street prostitution infringes on other citizens' rights to have neighbourhoods without condoms in the streets, women safe from being solicited, and children free from viewing half-naked women in front of their homes.

As I have said, street prostitution comes with dangerous and disgusting garbage.

The Chair: Hon. member, your 10 minutes are up.

Ms Kryczka: Thank you, Mr. Chairman.

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

Mrs. Jablonski: Thank you, Mr. Chairman. I'm pleased 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. I believe that this legislation will help Albertans accomplish three very important goals: reduce and curb the spread of street prostitution within the province, help and assist those involved within the trade, and protect our communities and our children from the dangers associated with street prostitution.

I would like to begin, Mr. Chairman, by reiterating that the purpose of Bill 206 is to amend section 173 of the Traffic Safety Act,

which will allow peace officers to seize or immobilize vehicles belonging to individuals involved in prostitution-related offences. I believe that this measure will help with the amount of such offences within our province. Some of the latest data seems to indicate that Albertans have a serious prostitution problem on their hands. According to a study administered by the University of British Columbia, Alberta ranks second only to Saskatchewan with regard to prostitution-related crimes on a per capita basis. What is worse is that similar studies seem to have indicated that this problem is not decreasing but increasing. As a result, many of our urban communities will continue to face further economic and social degradation, our children will continue to grow in unsafe and dangerous environments, and the young street prostitutes will keep getting abused by dangerous sexual predators.

Mr. Chairman, the throne speech spoke of Alberta's Promise. The second of the five promises spoke of "safe and healthy communities for our children's growth, education, and development." This bill will help us to keep the promise of safe and healthy communities.

Now, Mr. Chairman, Alberta's prostitution problem seems to have increased as our economic conditions have improved. During the mid-90s Alberta ranked fourth in the country with regard to prostitution-related offences on a per capita scale while currently we sit in second place. Our economic expansion, which started during the early and mid-90s, has had some unfortunate side effects, which in this case have found form in the proliferation of prostitution on our streets and within our communities. The key factor in the proliferation of prostitution in Alberta has been the increasing number of sexual predators who prey upon young, desperate, and vulnerable street girls, many of whom become too caught up the trade's vicious cycle before they can get out.

Bill 206, Mr. Chairman, aims to remedy at least a part of this problem by focusing on one of the main problems associated with street prostitution, the johns. More specifically, the bill proposes to amend section 173 of the current Traffic Safety Act by adding clause 173.1(1), which will allow officers to "seize or immobilize" vehicles which are used by johns to pick up street prostitutes. Furthermore, Bill 206 would further amend section 173 of the act by adding clause 173.1(3), which would allow the provincial government to hold onto and dispose of such vehicles once their owners were convicted of committing a prostitution-related offence.

While some Albertans may find that this punishment is a bit too harsh, I would like to point out that there are numerous other offences within the Traffic Safety Act that warrant temporary and even permanent vehicle seizures. As an example, Mr. Chairman, the act currently allows peace officers to seize vehicles of individuals involved in various criminal acts such as drinking and driving, dangerous driving, driving without a licence, driving without insurance, smuggling, and many others.

Prostitution, Mr. Chairman, is also a serious criminal offence under the Criminal Code of Canada.

Just as drinking and driving is an act by which an individual puts the lives of others at risk, individuals who purchase sexual services from young and vulnerable street girls are also posing an enormous risk to our society. By partaking in the prostitution trade, johns not only put themselves and their families at risk, but they also jeopardize the lives of the prostitutes and their families, the welfare of people living in the neighbourhoods and the communities in which the trade takes place. They also act as an agent in the proliferation of the deadly cycle of prostitution. Broken families, sexual abuse, alcohol and drug addiction, sexually transmitted diseases, and shattered lives are the components of this lethal cycle. Johns help sustain the motion of the cycle by providing the necessary fuel and money. Therefore, not only do johns put the lives of young street

girls at great risk, but they also fund the very cycle which eventually destroys them.

By amending section 173 and permitting our peace officers to seize the vehicles of those involved in prostitution-related crimes, I believe that Bill 206 will send a strong message that this government cares about those who are the most affected by the prostitution trade and that it will continue to punish the individuals who thrive upon the misfortunes of others. Also, Mr. Chairman, by adding clause 173.1(3), which would allow the province to sell or dispose of vehicles belonging to johns, this bill will help provide further incentive to such individuals to cease their criminal and dangerous activities. It is my hope that if the seizure of their vehicles does not provide enough incentive, then their disposal would. I truly believe that this bill makes johns think twice before they sexually exploit another human being. This would be a good start in our battle against street prostitution.

As I have previously said, Mr. Chairman, some Albertans may say that seizing and selling vehicles belonging to individuals involved in the prostitution trade may be too harsh a measure, especially against those who commit the crime for the first time. Bill 206 deals with this very issue by promoting an alternative measures program which is designed to educate and inform johns about the dangers of prostitution and the detrimental effects they as participants have upon the lives of young street girls and our provinces' communities.

One such program is the prostitution offender program, which was launched in '96 as a joint venture between Alberta Justice and Edmonton city council. The program, which is popularly known as john school, is based on an initiative which is used with great success in San Francisco, where johns were given presentations and classes regarding the dangers associated with the sex trade. Alberta's prostitution offender program is available only to first-time offenders, who must pay a fee to attend the presentation and consultation sessions. The participants spend one full day listening to various presenters, who range from ex-prostitutes, parents whose children are involved in prostitution, police officers, sexual health educators, neighbourhood residents, and many others.

The purpose of these sessions, Mr. Chairman, is to show first-time sexual offenders the other side of the picture, that many of them hardly ever get the chance to see. It gives them the opportunity to recognize the consequences of their actions. It gives them the opportunity to see and realize that these are real people, real families, and real communities that they are hurting. It helps them recognize that they are a major part of the problem and that they have to change in order to help our society reduce the threat of prostitution in Alberta.

3:50

Mr. Chairman, two years ago a constituent came to me to tell me of her granddaughter, who was first introduced to drugs, hooked on drugs, and then, after being totally addicted and unable to afford the drugs, was told by her kindly friend how she could afford to pay for these drugs. This granddaughter was 14 years old. When this child tried to escape the world of drugs and prostitution, her pimp told her that he would kill members of her family one by one. That child has no future. She's dead.

These are the realities that johns need to hear about. Since its inception in '96, Mr. Chairman, the john school program has proven to be extremely successful. A testament to its achievement can be seen in the fact that since '96 1,026 men have gone through the program and only nine have gone on to reoffend. Similar programs have been used in Manitoba and Saskatchewan and have proven to be extremely helpful in reducing the number of prostitution-related offences. One of the most important aspects of Bill 206 is that it not

only would allow first-time offenders to attend the sessions provided by a program such as the prostitution offender program, but it would also permit the province to return the seized vehicles to those individuals who have chosen to attend these sessions. In a way it can be said that Bill 206 gives first-time offenders the benefit of the doubt and gives them a second chance.

Therefore, Mr. Chairman, Bill 206 puts the onus of responsibility on the johns, and it gives them the opportunity to reform their ways, keep their vehicles, help us curb the threat of prostitution, and keep our streets safe for our families and children. In the spirit of this, I urge all of my colleagues today to vote in favour of Bill 206.

Ms DeLong: Mr. Chairman, I rise to speak against Bill 206. The purpose of Bill 206 is to amend the Traffic Safety Act to allow peace officers to seize vehicles involved in prostitution-related offences. The vehicles would be seized when prostitution-related charges are laid and would be sold after a guilty plea or a conviction.

Mr. Chairman, I believe that one of the central parts, one of the most important parts of our society is believing in the assumption of innocence. What this bill does is go a little bit over into this area of assuming guilt.

We've had lots of people here who have talked about how serious this problem is, and it really is a very serious problem. You know, we've heard this afternoon descriptions about the effects on neighbourhoods, the effects on people's lives, the effects on children that have been brought into prostitution. These are real problems that we do need to address, that we do need to work on. Okay? But I question whether this is the way to do it.

I think that there are other possible ways that we could deal with the problem. For instance, in terms of the process that we're setting up here where we're looking at the possibility – what we would have to have is a police officer that is pretending to be a prostitute, and we would have to have staff there to help with the arrest when that undercover agent was in place. So we've got to put that investment in anyway to be able to deal with this problem, and that is the investment that we actually need to make to make sure that those people are out there enforcing the law. But to take this next step, where we take a vehicle away and we assume guilt at that point, I think is a very dangerous step to take, and I don't especially believe that it's even necessary. At that point, the suspect has not spent one second with his lawyer. He has not spent one second learning about how this should proceed through the legal system. We have courts to determine guilt, not police officers.

When the Manitoba amendment was first passed, public awareness was such that it was very effective in reducing the traffic in certain areas. However, over time and because of cost and time constraints the police are not consistently enforcing the provision. So what we're doing is wandering over into this area of assuming guilt without actually solving the problem. I think it's a very dangerous direction to go in.

Some of the other things that we've done in the past such as the work that we've done with the Protection of Children Involved with Prostitution Act – I mean, that was fantastic work that Alberta did in that area and really highly commendable, and I think it's been very effective. The work that we've done with the john schools, where we've given people the option of going to a john school, has also been very effective. What we've found is that there's hardly any recidivism with the people that go off to the john schools. Now, what if instead of seizing vehicles, we give them the option after they've talked to their lawyer of going to john school or proceeding with prosecution at that point, and then we also take the next step: if they get convicted, we put their name in the paper. Okay? We have that ability. There is no reason why we can't do it. It would be

just as effective, but it would assume innocence, which I think is so important in our society.

So I ask everyone to please consider defeating this bill. Thank you.

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

Mr. Hutton: Thank you very much, Mr. Chairman, for giving me the opportunity to take a few moments to make remarks on Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. In particular I want to compliment and thank the hon. Member for Calgary-Buffalo for bringing this forward as he did experience the devastation of street prostitution through his career as a Calgary police officer, and I respect him very much for bringing this forward.

The issues that Bill 206 confronts are issues that affect us all whether we like to admit it or not. Quite frankly, Mr. Chairman, this may be one of the most important bills to come before this House in quite some time. Why do I say this? Well, the impact of this bill once implemented will be felt on so many fronts. Individuals will benefit from the bill, families will benefit from this bill, and society as a whole will benefit from this bill.

So it was with some concern that I heard some of the objections raised with regard to Bill 206. For instance, one of the issues that was raised several times had to do with whether a law based on Bill 206 would pass constitutional muster in the event that such a law was ever challenged or if similar, already-existing legislation in Manitoba and Saskatchewan were ever challenged. Specifically, these concerns have focused on section 6 of the bill, whereby the arresting officer would be given the authority to order a john's vehicle to be seized.

I must say, Mr. Chairman, that I am a little concerned that some of the strongest objections to Bill 206 have their origins in this particular provision. After all, the seizure of vehicles isn't a new measure by any standards. To the contrary, we already do this in a number of areas. For instance, those who are caught poaching routinely have their vehicle seized. Moreover, if you are caught driving under the influence, there's a distinct possibility your vehicle will be seized too. So from my vantage point this ought not to be a major concern. It is already being done, albeit under different circumstances.

Mr. Chairman, in the bill before us at this time we have the opportunity not only to improve lives but also to save lives. Here I am talking not only about saving lives in the sense of preventing death from occurring. What's of no less importance is that this bill has the ability to save lives from becoming experiences of misery, abuse, disease, and being ostracized from society.

I'm not sure that it is possible for someone who has not found herself or, as in this case, maybe himself as a prostitute to understand just what an ordeal this is. For some being a prostitute means to support themselves and any dependents they may have. For others it is a way to finance their drug habit. I am sure that there are other reasons why someone would wind up working the streets, but I am just as certain that none of them involve choice, enthusiasm, or job satisfaction, things that the rest of us take for granted.

Either way, Mr. Chairman, the people who would most stand to benefit from Bill 206 are prostitutes themselves. To be quite literally stripped of dignity, self-preservation, and security several times a day just to survive would make anyone an easy target for the elements of our society who prey on the weak and the vulnerable. This is not a way for anyone to live and certainly not children. Yes, I said children. Some of the women who sell themselves on our streets are not women but girls, young girls. Some as young as 12

years old ply their trade on our streets. These are girls who are engaged in what we may call adult behaviour but who nonetheless do so with a child's mentality and perspective. Is that what we want? No, I submit it is not. So what are we doing to fight this scourge? What should we do but to fight tooth and nail to put an end to the children and adolescents working in situations that are adult in every sense of the word.

4:00

On other occasions the age of consent in Alberta has been a heated topic of debate. At the present time it is 14. Some have argued that this age limit is too low. This is neither the time nor the place to reopen that Pandora's box, but if, as we have heard here, the average starting age for prostitutes is about 14 years of age, then by dint of logic some must begin when they are younger than 14. This would amount to nothing less than child molestation of the worst kind. Having a child of no more than 14 sell herself on the streets to men who are two, three, or four times her age has to be among the most heinous and vile offences that can be committed against a child in our society today. It is child abuse pure and simple, and if this were a case of child abuse on a videotape or in the hands of a violent parent, we would do our utmost to put an end to it.

That's why laws against such reprehensible acts are already on the books. Yes, solicitation of prostitution is already illegal in our province, and so is child abuse, be it sexual or otherwise. However, if prostitution persists in spite of the already existing legislation, if there are children involved at any level or phase – and please note that I have not spoken of children that are sometimes the result of these liaisons and who sometimes grow up in the midst of prostitution – then obviously the legal means we have at our disposal are inadequate. We must do more.

This is where Bill 206 becomes such a valuable addition to the continuing battle against prostitution and the havoc it wreaks on individuals, families, and our society. Our society is one that is highly dependent on the automobile. Our cities are designed for automobiles, and in rural areas having a car is, quite frankly, something of a necessity. Take away a person's car, and you take away his or her mobility. Take away their mobility, and you hit them where it hurts. That is the point; is it not? If you want to have an impact, you must sometimes resort to what some may call drastic measures, and I would argue that whenever a child's well-being and long-term health are at stake, there is no measure that's drastic enough that we shouldn't attempt.

Another concern that has been raised is that if johns' and suspected johns' vehicles start being seized as a matter of routine, it could amount to a vastly different punishment for a john driving around in an old, beat-up Chevy Nova than for a john who is caught soliciting prostitutes in a brand-new, still-under-warranty luxury car. This to me is another nonissue. It shouldn't matter if the value of the car is the value of scrap metal or a luxury vehicle. Using that kind of logic, should different fines be handed out for traffic violations based on the kind of vehicle the predator drives? I can see it now: you are speeding in your family car, that's \$500, but speeding in a sports car, because the car is meant to go fast, is only a hundred. In the eyes of the law, a car is a car whether it's got but a few miles on the odometer or it's rolled over completely.

Mr. Chairman, going back to the previous examples of situations where vehicle seizure is already a distinct possibility, neither poachers' nor drunk drivers' vehicles are seized on different terms when they are caught for their respective offences. Whether you've shot and killed an endangered species or some other animal out of season or run a red light at 60 miles an hour in a residential neighbourhood while driving under the influence, it's all but a foregone

conclusion that you will be walking for a while. Surely we do not assign a lesser standing to some of our society's weakest and most vulnerable members than we do to those who turn their cars into deadly weapons or those who willfully and without regard for others think nothing of poaching.

What has also been mentioned as a source of concern is that Bill 206 would put in jeopardy the very cornerstone of our justice system; that is, the presumption of innocence until proven guilty. Mr. Chairman, while this is always a concern to me when new legislation is being considered, I am satisfied that Bill 206 will not encroach on such presumption of innocence. As far as I can tell, section 2 of the bill provides several release mechanisms for situations where it can be shown that a vehicle should not have been seized. Having said that, this still begs the question: what business other than solicitation would someone have for using a car to pick up a prostitute? Why would someone drive around an area known to be frequented by prostitutes if not for the purpose of buying sex? I think there's little risk of confusing a john with a delivery guy from a pizza joint, and if against all odds a guy delivering pizza should be mistaken for a john, I'm sure it wouldn't be long before the situation would be rectified.

Mr. Chairman, this is an issue that affects us all, whether we like to think so or not. It is not an issue of concern only to residents of Alberta's major urban areas; all Albertans are at risk directly or indirectly. Recent statistics show that as many as 25 percent of all johns live in rural Alberta and solicit prostitutes when they visit the cities.

Thank you, Mr. Chairman. I hope everyone supports this bill.

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

Mr. Cao: Thank you, Mr. Chairman. It is my pleasure to speak on Bill 206 in Committee of the Whole. I believe that this bill has the potential to act as a deterrent for people who may be interested in picking up a sex peddler. As well, I believe that Bill 206 both gives an anti-prostitution tool to law enforcement officers and also sends a message that street prostitution is something that this province will vigorously fight against. I want to say that I strongly support Bill 206 in its attempt to prevent, contain, or eliminate the social ills from spreading into our healthy Alberta communities.

I'll admit that my remarks today will seem highly two-sided in the sense that I see many strengths to Bill 206 but I also have some issues similar to the ones raised in second reading regarding due process and civil liberties. Today I'd like to discuss some of the more detailed points of Bill 206 and run through some scenarios in which the bill works and possibly needs to work better. I want to present these implementation issues for the hon. Member for Calgary-Buffalo to consider, making the law workable and respected.

Many of the questions I raise take in the reality that many families and many johns have more than one car, and many johns may not be using a car that they own. These concerns centre around section 2 of Bill 206. As well, I will raise a few issues regarding the bill's reliance on the Criminal Code of Canada, which is set by federal legislation. Members will notice that sections 2 and 6 of Bill 206 both refer to the Criminal Code. Finally, Mr. Chairman, I would like to discuss some of the concerns expressed in second reading, most notably the concern that in taking away a john's vehicle, we are violating his rights in some regard.

On my first point the members for Airdrie-Rocky View and Edmonton-Calder both expressed concern that the penalty for two different johns would be different, either in terms of real cost of a vehicle being taken away or in terms of different relative costs that the vehicle may hold for two different johns. However, I want to

take a different tack here. I ask the member how he would respond to the concerns raised by the members for Airdrie-Rocky View and Edmonton-Calder and, two, the concerns that this bill would mean a different penalty for johns with only one car versus johns with more than one car. Obviously, we are looking at a special case here. It is true that this different situation exists with other punishments as well: taking driver's licences away from drunk drivers or assigning similar fines to people of varying income levels. However, like the two members, I believe that this case is unique and that we could have a situation of different fines for the same action or similar fines for the same action that affects two people in different ways. It would be beneficial for the sponsor of Bill 206 to address these concerns.

4:10

As well, on a related point a larger concern has been raised in regard to taking a vehicle that is not one's own. I know that there are provisions against seizures of a stolen car, but I also wanted to note the provisions that would protect the owner of a car should a person with access to the car take it out cruising for sex peddlers. For example, let's just say that a 19-year-old son borrows his mother's car for the weekend and gets caught in a sting while attempting to pick up a prostitute. Obviously, it is unfair to keep that car from the young man's mother. This is why under section 2 we have subsection (3)(a) and (b), which state that the car would be returned to the owner, the mother. Or take a different scenario: a husband takes a car registered in his wife's name and gets caught in a sting. It would also be unfair in this case to keep the car from the perpetrator's wife.

Others may choose to look at this second scenario in a different light. They may suggest that a loophole has been found: a man cognizant of the fact that if he doesn't use his own car, then no vehicle will be apprehended may use the cars of other friends, of family members, or even taxi cabs. I suggest that this is one of the loopholes to get around the law that the hon. member sponsoring the bill should pay attention to.

However, I've asked the sponsor whether or not he has considered this loophole, whether he thinks there is a way of seizing a john's own vehicle in the event that he has used someone else's to pick up a hooker. Is this at all possible? My point is that if a john has two cars or if a family has two cars, it doesn't seem as though life is going to be altered at all if all he has to do is use a different car. Shame, of course, may go a long way in terms of forcing someone to respect the law, but it may not go far enough. I would also note that the point of the bill is twofold. On the preventive side we want the prospect of either shame or inconvenience to work as a deterrent. On the punishment side we want to inconvenience johns so that they are unable to easily pick up a sex peddler. If we are only marginally inconveniencing a john, then I tend to wonder how effective the punishment side is.

None of this is to make light of the seizure of an automobile as a significant penalty; it's only to suggest that if a person can drive a car, whether it be his or another person's, he can pick up a sex peddler. Maybe the question should be: why not suspend the john's driver's licence as well? It would seem that by taking a john's car away and making it illegal for the john to continue driving until he has agreed to go through an alternative measures program, we would strengthen the deterrent to picking up a sex peddler. Further, we would reinforce the idea that driving is a privilege, not a right, and that by taking part in an illegal activity while driving, you are in essence forfeiting your right to drive. This is something that undoubtedly can be applied to johns and is something that I believe most Albertans would support.

With my second set of concerns it is clear that Bill 206 references the Criminal Code of Canada and, as such, renders itself dependent upon federal legislation. I understand the need for this. It is the federal government which sets the Criminal Code. However, I would ask: what other source of alternatives has the member considered that would have the same effect yet would not render us dependent upon the federal legislation? My concern is that any changes in the referenced section of the Criminal Code would undoubtedly affect the way that Bill 206 would be administered in Alberta and possibly not for the better. So a question to the sponsor: is there any risk of a change in the federal legislation requiring a change in the Alberta legislation should Bill 206 become law?

Finally, I want to address the concerns related to due process and civil liberties. They are important concerns, especially when you are dealing with criminal acts. We have to make sure that due process is part of the equation. However, we should be careful to note that with Bill 206 we are taking street prostitution out of the Criminal Code for those johns who choose to go to an alternative measures program instead of fighting the charges in court. In short, a deal is cut. If a john agrees to john school or another alternative measures program, then he gets his car back. If not, he does not get his car back. Something seems strange about this arrangement. For instance, what about circumstances when the deal isn't agreed to and if the suspected john argues that he is in fact innocent and he would like his day in court? So I would like to ask the members to consider these points.

I urge all hon. members to support this bill. Thank you.

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

Mr. Maskell: Thank you, Mr. Chairman. I appreciate the opportunity to rise today and speak in favour of Bill 206. This is an extremely important piece of legislation. During second reading a number of members raised concerns about Bill 206. I would like to briefly address these concerns and state why the fundamentals of Bill 206 supersede these concerns.

The main objections to Bill 206 from members from both sides of the House had to do with issues surrounding constitutional vulnerability, due process, and unequal punishment under section 2(b), or the seizure of possible johns' vehicles. Some hon. members have addressed some very important issues during second reading. They questioned whether Bill 206 would stand up to a constitutional challenge because it encroaches into jurisdiction of the Criminal Code of Canada. Members also raised concerns of unequal punishment, explaining that vehicles range in value and also that vehicles even of the same price range range in real-life value from one person to another.

Dealing with the first issue of a constitutional challenge, we must look to Manitoba and Saskatchewan. In both of these provinces, where similar legislation has been adopted, we have yet to see this sort of law struck down by the courts. Frankly speaking, Mr. Chairman, even if Bill 206 is struck down in court, I believe it is a worthy risk we have to take as a government that is committed to being tough on street prostitution. A constitutional challenge should not stop us from pursuing the right objective.

My response to the member's second concern of unequal punishment is a simple one. Alberta is a province that prides itself on individual responsibility. Individual responsibility is at the core of Bill 206. Johns will be well aware of the new legislation before they make the conscious decision of obtaining the services of a street prostitute. Mr. Chairman, it is time that johns take responsibility for their actions. This is the Alberta way. We do not expect people to put blame on others or claim ignorance when they are guilty of a

crime. Because of section 2(b) johns, no matter the value of the vehicle, will have to face and accept the consequences of the actions.

The third concern of Bill 206 raised by some hon. members is that it does not allow for full legal due process to take place. The members disagreed with the argument that police vehicle seizures of drunk drivers could be related to vehicle seizures of johns, because johns do not pose a direct threat to society. What nonsense. I'd disagree with this assertion strongly, and I believe johns, through the spread of disease, namely HIV, directly endanger not only their and the prostitutes' lives but society in general, not to mention the high rate of violence that street prostitutes face at the hands of johns. The indirect consequences of street prostitution of poverty, drug addiction, and family destruction cannot be forgotten when thinking of how this bill will deter johns.

4:20

Another precedent of vehicle seizure, or section 2(b), in this province is when people are caught for poaching. In these cases, vehicles are taken on the spot when someone is suspected of poaching. Even though there is no perceived direct threat to society, this action is taken.

At first glance Bill 206 may seem a bit excessive, but after talking to the hon. Member for Calgary-Buffalo, I believe that Bill 206 is an effective way to help protect inner-city residents, and if we consider the consequences of not doing anything to help these people, then Bill 206 becomes even more important. I understand that the number of street prostitutes in Edmonton and Calgary has declined, yet the problems caused by johns and street prostitutes remain.

We have heard and will continue to hear reasons why the threat of vehicle seizure is a justifiable way of ridding Alberta streets of prostitution. Well, one of the major arguments against this sort of legislation is that it may be seen as excessively strong punishment. After all, prostitution is often referred to as the oldest profession and affects a relatively small number of Albertans, but I think that this bill has the potential to be very detrimental to people who rape and exploit young women.

Some may say that vehicle seizure hasn't eliminated other crimes such as drinking and driving and will not work for prostitution. I would agree that both street prostitution and drunk driving are complicated issues with no easy solutions. I also do not believe that seizing vehicles will be enough on its own to eliminate street prostitution.

No one believes that this bill is a simple solution to a complex problem. However, I do have a simple, inexpensive solution for sexual predators who feel that their constitutional rights have been violated by the presumption of guilt because their vehicles were taken away from them. If you don't want to lose your vehicle, don't pay young girls to satisfy your deviant needs. I'm sure these men don't want to explain to their families what happened to the family car, but they also shouldn't risk the chance of getting or transmitting a sexually transmitted disease.

Mr. Chairman, I would suggest that johns either stay home or find another hobby. I'd also urge johns to stay away from these women. Leave them alone, and let them try to get themselves off the streets, away from a life of sexual abuse and drug addiction. I think this is very simple advice, but it is also advice that hundreds if not thousands of Albertans strongly encourage johns to consider. If I believed for a second that johns would listen to my advice, then we wouldn't be debating the importance of Bill 206 in the first place. If johns listened to reason, then teachers wouldn't have to pick up dirty condoms from inner-city playgrounds. You know, the monkey bars are meant for the kids, and at my last assignment in a school I had to put a 10-foot fence around the playground because it was in

the inner city, and wasn't that unfortunate when the kids in the neighbourhood couldn't play in the playground after hours because we had to protect the kids at the school?

If johns truly understood the consequences of their so-called harmless actions, then young women wouldn't be found frozen and strangled in a farmer's field.

Finally, Mr. Chairman, I would like to talk about the use of this bill by street prostitution vice units. We should keep in mind that police officers may use this tool frequently, sparingly, or not at all. Nowhere in this bill does it say that police must use vehicle seizure. The goal is to help them reduce street prostitution and improve the safety and well-being of inner-city neighbourhoods. This bill is only another tool that singles out the john or the customer of this illegal act.

Yes, Mr. Chairman, there are concerns with Bill 206; however, we are a government known for making hard decisions and being tough on crime for the best interests of all Albertans. Voting in favour of Bill 206 will be another example of our strong resolve to make Alberta safe and secure for her citizens. On that note, I urge all members to support Bill 206.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Wainwright.

Mr. Griffiths: Thank you, Mr. Chairman. It's my pleasure to rise today to speak to Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. It's my understanding from reading the bill and speaking to the hon. Member for Calgary-Buffalo that the purpose of Bill 206 is to amend the Traffic Safety Act to allow peace officers to seize vehicles involved in prostitution-related offences. The vehicle would be seized when prostitution-related charges are laid and would be sold after a guilty plea or a conviction is reached. Fees for the seizure and storage of the vehicle would become the responsibility of the offender. If the suspect is acquitted, however, the fees become the responsibility of the Alberta government. Vehicles would be returned after an acquittal or if a first-time offender pleads guilty and participates in an alternative measures program, which includes education or community service. The seized vehicle would also be returned if someone other than the registered owner, such as the spouse, shows that the seizure is causing undue financial hardship to the family. Other exceptions include if the vehicle was stolen from the actual owner or if the offender borrowed the vehicle without the owner's knowledge of the intended offence. Some of the concern that I've heard expressed in this debate revolves around how and when the vehicle would be seized. A peace officer who on reasonable grounds believes that a motor vehicle is being operated in the course of committing a prostitution-related offence may seize the operator's vehicle.

Now, I've heard quite a few people express concerns thus far that suggest: what if they're just driving around the neighbourhood for awhile looking for somebody's house or driving around looking for things? What if they then get their vehicle seized because they're in a neighbourhood near a stroll? Well, Mr. Chairman, from my understanding I don't believe that a vehicle can be seized in that circumstance. It strictly and expressly says that reasonable grounds have to be achieved, and I find it very difficult to believe that a police officer is going to seize a vehicle just for driving around the neighbourhood for 15 minutes looking for a convenience store or looking for a neighbour's house. You have to have reasonable grounds.

I also have heard people say: what if I'm driving around and I get lost and I pull over to ask somebody for directions and it happens to

be a prostitute? Mr. Chairman, if it's a prostitute who is an undercover police officer trying to trap individuals, I'm sure that if you ask for directions, the police officer will give you wonderful directions. They will not seize your vehicle for something so subtle and unrelated to prostitution. The police have much better things to do than to try and catch people who are looking for a place when they're lost.

Mr. Chairman, I'm never in favour of doing something that creates a black market, that pushes something underground, any sort of activities, because that never solves the problem. It only deals with the symptoms of a situation rather than trying to create a solution, but it's a commonly known fact that prostitution is already underground. It's already illegal, and this won't be driving it underground. The purpose of this bill, as sponsored by the Member for Calgary-Buffalo, is not to drive it underground but to drive it off the playgrounds, off the street corners, and out of the backyards of communities where families are trying to live and raise children.

Whatever goes on behind closed doors, Mr. Chairman, and in the bedrooms of citizens is not the business of this government. It's not the business of any government, and it never has been. This bill is going to attempt to take whatever is out on the streets where we're raising children – in people's backyards, on street corners, and on playgrounds – and it's going to put it back behind closed doors, off the street, back in people's bedrooms where it can be dealt with appropriately between consenting adults, and then we can deal with the crime and activities of prostitution in general. This bill is not designed to stop prostitution. It was never intended to stop prostitution. It is strictly designed to clean up our streets.

I have one other concern that I've heard expressed that I wanted to address, and that's that when a vehicle is seized, the punishments could be very difficult. Somebody who owns an extremely valuable \$40,000, \$50,000 vehicle as opposed to someone who owns a \$3,000 vehicle – seizing those two vehicles does not seem like equitable punishment for the same crime.

4:30

Mr. Chairman, I'd like to point out that if you get pulled over for drunk driving and your licence is seized, the justice system doesn't consider or evaluate the value of that licence to you. If you're a truck driver and you make \$4,000 a month from driving a truck and you lose your licence, that licence could be much more valuable than somebody who drives a vehicle once in a blue moon and usually takes light-rail transit or a bus or something and doesn't really have need for a vehicle. We don't measure whether or not the value of the punishment is equal in those two circumstances, so I don't consider it a necessary argument that could defeat this entire bill.

As I said before, Mr. Chairman, its entire purpose is to clean up our streets, and I'll support anything that helps to clean up our streets, and I ask all members to support this bill.

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

Ms Haley: Thank you, Mr. Chairman. I'm glad to be able to have a chance, just for a couple of minutes, to try and clarify, I think, some of the things that I was saying the other day when I spoke against this bill. I appreciated my colleague for Wainwright's comments. I still do have a concern, however, when we pass a law or agree to pass a law that could very easily be challenged on a constitutional basis. I think that we need to be very responsible as lawmakers when we're working on things like this to make sure that we know exactly what the upside and the downside of things like this are.

I also think that there is an issue when a punishment can be

unequal in a system that is supposed to be about justice. When you talk about somebody going to prison for two years less a day for theft over so many thousands of dollars, if somebody steals \$2,000 more, do they go to jail for two years more? I don't think the answer is yes; I think the answer is no. So there is supposed to be something in justice that actually means justice and not just, you know: let's go get him and take him down.

I don't approve of prostitution, but I am not naive enough to believe that bringing this law through will in fact change prostitution. It's been I believe known to be one of world's oldest professions. I don't think that anybody has been able to figure out a way in the last couple of thousand years to make it go away, and I'm equally confident that this won't make it go away. However, if it helps to save lives and to clean up neighbourhoods, then I see merit in that idea. I'm not opposed to any of the upside benefits that we may glean from this bill, although I think that I would have had an easier time supporting the bill in its original form before, I believe, it got watered down. I think that now when you say to people, "Well, we're going to take your car, but we'll give it back to you when, you know, you go to John School," well, we can already make them go to John School, so why do we need to involve the vehicle?

I just think we need to think about what we're doing. I have great respect for my colleagues, and if they believe that this is a good bill, then I'm willing to go along with that. I just think that some of the things that we have done on the child welfare side on the side of the child prostitution act were profound bills. They truly gave us the tools to make a difference in these children's lives. I fully and totally support what my colleague the Solicitor General did as a private member bringing it forward.

I support the 118 ranch, that's being constructed and is just now being opened in my riding, where we can take some of these young children, 11 to 15 years old, off those streets. Once they go through a drug program, we can put them onto this ranch where they can learn how to be students again so that they can go back into the school system, and we can help them deal with some of the shock and horror that they've gone through.

I had a really profound moment in my life a few years ago, and believe it or not, I was door-knocking in a constituency inside Calgary. We were asked to go out with some children from AARC; that was the rehab for kids that were involved in drugs and street prostitution as well. I met this marvelous young 14-year-old girl who had been on the streets for two years and had now been 11 months in this program. She had been in the program long enough to be a mentor for another young person that was coming off of drugs and off of the street.

I don't think I've ever met anybody that had a bigger impact on me in such a short period of time as this very young girl. Nothing would make me happier than to think that we could prevent more young girls like this from ever being exposed and subjected to the horrific things that she was involved with. What a wonderful child that could come through that and be such a totally cool person to talk to. We were soaking wet door-knocking in the snow for two and a half hours, and it was just the best two hours of my life from a learning point of view. I'm constantly amazed at what children get exposed to but how there are other great people in society that can help them deal with those issues later and come away a stronger, better human being and somebody that's willing to not only help themselves but indeed try to help other people, which she was doing at such an incredibly young age.

I have great empathy for what you're trying to do. I'm not prepared to vote against your bill, again, because of the harassment that I got after the last time, Member for Calgary-Buffalo, but I want you to know that I don't think it's the appropriate thing to do. I

think that you need to deal with prostitution on a whole other level. I really believe that we've got to stop pretending that we can beat this out of society, and maybe we need to start dealing with it on the basis that it needs to be cleaned up. It needs to be controlled. At least anybody that's involved in it needs to be health tested, and they should bloody well be paying taxes. I just think it is time to grow up and deal with it on a whole other level, but we're not there today.

I want to thank you for the opportunity to speak on this. I hope that anybody that does hear this leaves the little kids alone. I think that it's an adult issue, and we need to be able to deal with it as adults, for adults, by adults but not when it comes to messing with kids.

Thank you very much, Mr. Chairman.

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

Mr. Cenaiko: Thank you, Mr. Chairman. I would like to thank all the members that spoke this afternoon and as well the last two speakers, the hon. Member for Wainwright and, lastly, the hon. Member for Airdrie-Rocky View, for their comments.

Mr. Chairman, I'd like to just address a couple of things that were brought up in this afternoon's debate. One was regarding the issue of seizing vehicles and the time allotted to seize vehicles, when that might happen. One issue that I want to raise just as a reminder is that, again, these actions or the ability to seize a vehicle would only rest with the police when in fact an undercover operator posing as a prostitute was in communication with a sex trade offender. I want to just explain that this wouldn't occur while somebody was driving down the street asking for directions. There would in fact have to be communication for the purpose of having sex for money with an undercover operator.

The policy regarding seizing of vehicles, what they're going to be doing. Those are issues that have to be dealt with by the policing community. The policing agencies in the province will have to make their policy regarding how they'll be seizing the vehicles, where they'll be towed, where they'll remain in a lockup facility but as well ensuring that the ability to release that vehicle to the registered owner or person authorized by the registered owner, which is included in our bill, would be there for them.

One of the other issues that was brought up, Mr. Chairman, was: why doesn't the media provide the names of convicted johns? The media is provided with the names. I know for a fact that the Calgary Police Service provides the names of convicted johns, of their offence and their penalty. That is provided by fax to all the media outlets in Calgary. It's the media that has made the decision to not publish that in the paper. So I wanted to advise the hon. Member for Calgary-Bow that that has been done and is being done. It's the media that isn't publishing it.

Lastly, Mr. Chairman, I just want to review the highlights again of Bill 206. This bill will create safer and healthier communities for children and families. It assists young females and males in prostitution, removing them from the street through the Protection of Children Involved in Prostitution Act. As well, it reduces sexual assaults and physical abuse of women and children trapped in a world of drug and alcohol abuse. It provides 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 of 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 a vehicle if the seizure created a financial hardship to a family including the mom or a child. 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 of enforcement. It provides community associations or leagues with the ability to partner with the police and the Crown prosecutor's office 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. Chairman, I ask that the question now be called.

4:40

[The clauses of Bill 206 agreed to]

[Title and preamble agreed to]

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

Some Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Chairman. I move that we rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

Mr. Klapstein: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 206.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

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

Bill 208 Occupiers' Liability (Recreational Users) Amendment Act, 2003

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

Mr. Danyluk: Thank you very much, Mr. Speaker. I would like to move second reading of Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003.

It gives me great pleasure to rise in the Assembly today and sponsor and begin the discussions and debate on Bill 208. The intent of Bill 208 is to reduce the current level of liability that landowners and occupiers owe to visitors on their property. This bill reduces the burden, as recreational users would be treated the same as trespassers pertaining to liability. The variety of rural lands which would be affected by this bill include agricultural land, deeded land, leased land, community pastures, and designated recreational trails. Mr. Speaker, Bill 208 removes the present common duty of care given to recreational users on the previously stated types of land. However, I must stress that occupiers and landowners are still and should be held liable if they display willful or reckless conduct in their course of action towards visitors.

The Occupiers' Liability Act currently in place in Alberta leaves an occupier liable for injuries or damages that are sustained by visitors while on that property. It is the liability factor which cautions many private landowners to refuse access to visitors onto their lands for recreation purposes. Liability is a risk that landowners take when permitting visitors onto their land.

Mr. Speaker, I have personal experience regarding the issue related to this bill which I feel will highlight circumstances which could occur. I had a hired man that worked for me on the farm for approximately four years, and one fall he was cultivating the field as per my request and pulled up some rocks in the process. He then was assigned to go back to the field with a rock picker and remove all the stones that had surfaced. However, inadvertently he left one of the large rocks behind and never went back to remove it. During the winter the same individual asked if he could snowmobile on my property. He had just bought a new snowmobile and was very anxious to try it out in the open field. Well, most naturally, I said that it was okay. I knew him well, I knew he was familiar with the field, and I believed he would respect the property. While this man was cruising across the field, he encountered the rock he left behind a few months previous. The individual not only destroyed his machine but, worse, got hurt.

Following the accident, this employee contemplated holding me liable. However, he was the one operating the snowmobile at excessive speeds and without total awareness of his environment. He hit the rock, which he was aware of in the first place, one that he neglected to remove. I was left solely liable because it is my land and I had given him permission.

Mr. Speaker, with regard to recreational users on their property, landowners are concerned about liability. A lawsuit could mean that rural Albertans could lose everything they have worked so hard to achieve and acquire. I don't think anyone in this House could blame them for not wanting to take that risk. The Occupiers' Liability Act, which was established in 1973, outlines the liability relations between landowners, trespassers, and visitors as well as the provisions for lawful entrants and trespassers. An occupier or owner of land under the legislation must provide a duty of care to visitors. It is defined in section 5 of the act as taking care

as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises for the purposes for which [he] is invited or permitted by the occupier to be there or is permitted by law to be there.

To put it more simply, the common duty of care can be described as safety precautions that a reasonable person would provide to a visitor. Under this duty each and every visitor would be granted the assurance that precautions have been taken to ensure that recreational users are safe from harm and completely knowledgeable about the property he is about to enter.

Mr. Speaker, I must stress that it is extremely difficult to isolate all potential dangers, because what may appear to be completely normal farming practice may be construed as negligence to others. Some farmers store their cultivators in the field over the winter. Many acreage owners have barbed-wire fences on their properties. Some farmers have dugouts in the pastures as a water source for their cattle herd. A normal procedure or even a natural alteration within a farming or acreage operation may seem to be an obstacle for somebody else.

The common duty of care is definitely favourable to the recreational user because it places no burden of responsibility on them if they get injured. However, let me be clear. This bill does not disregard landowner and occupier liability. If passed, liability will be reduced to the same level granted to trespassers. If an owner or an occupier exhibits willful or reckless conduct towards a recre-

ational user, they are still liable. Bill 208 will amend the current legislation by removing the common duty of care provision and will provide property owners and occupiers the ease of opening their lands to recreational visitors without worry of potential lawsuits.

Individuals using lands for recreational pursuits and the liability that is owed to them have created a challenge for communities' cohesiveness. This has resulted in the retreat in granting land entry. However, Bill 208 will protect landowners and give them the option without current potential risk.

4:50

Mr. Speaker, I would like to spend a few moments noting what has happened in other jurisdictions in Canada with regard to the occupier and landowner liability. Some provinces have similar legislation to Alberta, but they differ in that they include stipulation for recreational users. Ontario contains a section in their Occupiers' Liability Act which provides occupiers with reduced liability towards recreational users and their activities. The user assumes all risks when entering the property if provisions are met.

Manitoba includes a provision in their Occupiers' Liability Act specific to off-road vehicles and their relation to duty of care. In British Columbia occupiers and owners that allow individuals on their property for recreational purposes are not liable. The user assumes the risk while on the premises if specific conditions are met.

In Saskatchewan liability is governed by two acts outlining provisions for hunters and snowmobilers. The Wildlife Act outlines that landowners do not owe duty of care to hunters. However, they can display willful and reckless actions. The Snowmobile Act limits the liability of landowners and the occupier from injuries, loss, or damage suffered by an owner or occupier. They cannot be negligent in their conduct.

Other provinces have recognized the need to incorporate legislation to govern the liability of recreational users. A much-needed initiative in Alberta, Bill 208 will amend the Occupiers' Liability Act, shifting responsibility and liability to the recreational user for their own actions.

Mr. Speaker, most landowners and occupiers want to allow recreational users on their land, but they have reservations, usually due to liability. With the passage of Bill 208, there is an opportunity to make prescribed rural Alberta lands more readily available to welcome visitors. Bill 208 is a much-needed initiative in this province that would provide some protection to the landowner or occupier. This bill does not force anyone to admit recreational users onto their property, but it does give them the choice without assuming all of the risks. It allows the option of opening up the land without worrying about being sued.

I look forward to the discussion and debate as well as all the points raised by my hon. colleagues on this matter. I encourage all of the members of this House, whether you are from a rural riding or an urban constituency, to weigh the merits of this bill when you vote on it.

Thank you very much, Mr. Speaker, for your time and indulgence.

The Deputy Speaker: The hon. Member for Redwater.

Mr. Broda: Thank you, Mr. Speaker. It is with great pleasure that I rise today to offer some of my comments with regard to Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003. Before I begin, I would like to commend my colleague from Lac La Biche-St. Paul for bringing forward such an important piece of legislation, which I believe will be of great benefit to our rural communities.

Mr. Speaker, Bill 208 addresses an issue that has been on the

minds of many Albertans, especially those living in rural Alberta. This concerns the fact that the Occupiers' Liability Act in its current form does not reflect some of the realities for landowners and occupiers in rural Alberta. As my colleague has already mentioned, the act places the burden of responsibility on the landowners, leaseholders, and occupiers for the actions undertaken by recreational users. More specifically, under the present provisions of the act the landowners, leaseholders, and occupiers are liable for any injuries sustained by those individuals who have been granted permission to use their property.

The trouble with this aspect of the Occupiers' Liability Act is that it is counterproductive and unfair to assume that the farmers, ranchers, and acreage owners should assume all the responsibilities for injuries incurred by recreational users. The reason why I say this is because many farmers are quite content to allow other Albertans to use their land for recreational and enjoyment purposes.

Furthermore, Mr. Speaker, I would like to point out that Alberta is a large and beautiful province, and her landscape and environment are ideally suited to those who lead active lifestyles and who appreciate the outdoors. The natural wonders of our province are some of the main reasons why so many people from other parts of Canada and the world choose Alberta as their tourism destination. Our farmers and landowners recognize this outstanding quality and therefore are quite willing to permit recreational visitors to enjoy their property as long as they're careful and not reckless in their conduct. However, what makes many farmers and ranchers very nervous is that under the Occupiers' Liability Act, if one of those individuals is injured while on their property, the farmer is left liable for the injury suffered by that individual.

The trouble with this aspect of the act is that it is out of touch with the present-day reality. I say this because many of our landowners have large properties which they cannot monitor at all times of the day and night. It is simply impossible for them to know exactly what is happening on their land at all times, and it is unreasonable to expect them to be aware of all the potential hazards which could lead to an injury of another individual.

To illustrate my point, Mr. Speaker, I would like to use an example of a farmer who has dug a small, narrow ditch on his property for irrigation purposes. For whatever reason he or she was unable to cover the ditch, and in the meantime winter arrives and the ditch is covered in snow. If a recreational user who the farmer allowed onto the property falls into the ditch and breaks his leg, the farmer is automatically liable for the injury suffered by this individual. The issue at stake here is: should the farmer be liable for this injury? If the farmer dug the ditch for the intent to injure another person, then it is reasonable to assume that he or she would be liable, but in this case the farmer was simply undertaking a utility project which did not get completed before winter. Should the farmer be liable in this case or in other similar instances? I think not.

The end result of the current provisions of the Occupiers' Liability Act is that the farmers and ranchers are becoming extremely hesitant to allow recreational visitors onto their property for fear of a potential lawsuit if an injury or possibly death were to occur. This state of affairs, Mr. Speaker, hurts not only our province's community spirit in the sense that everyone is free to enjoy Alberta's natural landscape, but it also creates an atmosphere which discourages tourists and other visitors from coming to Alberta.

I believe that all of my colleagues can clearly see that the Occupiers' Liability Act has to be amended to reflect the present-day realities. I believe that Bill 208 will remedy the shortcomings of the Occupiers' Liability Act by shifting the burden of responsibility from the farmers, landowners, operators, and leaseholders toward recreational users and visitors.

Bill 208 will accomplish this task, Mr. Speaker, by making owners and occupiers liable only if they knowingly undertake reckless actions and measures that could lead to injury and death of another individual. In this case, the amount of liability owed to recreational users will be dropped to the same level as that of trespassers. I believe that amending the Occupiers' Liability Act is in the interests of both farmers and recreational users, because by reducing the burden of responsibility, the farmer would be more inclined to allow the recreational user access to his land.

Clearly, Mr. Speaker, it is in no one's interest to see the situation where the farmers and ranchers are not allowing recreational users on their property for fear of being sued for possible injuries. Furthermore, Bill 208 will not only reduce the likelihood of frivolous lawsuits by individuals who take advantage of the current provisions of the Occupiers' Liability Act, but it will also make recreational visitors more reasonable in their actions while present on somebody else's land. Quite simply, Bill 208 promotes responsibility and safety awareness among the recreational users because it takes away their right to sue if they are negligent in their conduct.

It is very important, Mr. Speaker, that Bill 208 address the issue of liability not only with regard to agricultural lands but also regarding deeded lands, leased lands, recreational lands such as golf courses when not open to playing, vacant or undeveloped premises, and forested and wilderness premises. In my constituency there are many individuals who own or lease what is referred to as recreational land. Some of these plots of land have trails which are used by people operating snowmobiles and ATVs. The problem with some of these vehicles is that they are relatively fast, and depending on the driver, they can be very dangerous and even lethal. Every year we hear of countless accidents involving snowmobilers, many of whom operate these vehicles with undue care. If one of those individuals were to hit something like a protruding rock while snowmobiling on a trail located on private or public lands, the owner or the occupier of this property would be liable for the damages and injuries incurred by this individual.

5:00

As I said earlier, Mr. Speaker, it is impossible for landowners to be aware and keep track of all potential hazards on their property. Therefore, I believe that it is unreasonable and unfair to hold landowners and occupiers responsible for injuries suffered by recreational users unless these hazards were put out purposely by the landowners with the intent to injure another person. In this case, Bill 208 will remedy the liability problem by placing the onus on recreational users such as snowmobilers and ATV operators to be more responsible for their actions and more careful when they are traveling on somebody else's property. If it is established that the landowners are being reckless or negligent in their conduct towards a recreational visitor, then they will be prosecuted accordingly.

Apart from addressing the issues of liability, Bill 208 will also resolve a legislative matter which until the introduction of Bill 16 has been in limbo for almost four years. In May of 1999, Mr. Speaker, this government passed Bill 31, the Agricultural Disposition Statutes Amendment Act. As many of my colleagues know, this act was never proclaimed, and some of the requirements of this act never benefited the people of Alberta. The reason I mention Bill 31 is because at that time I was involved in the regulatory process of the bill, and I was keenly aware of some of the great benefits that this piece of legislation would have for our province. One of those benefits is directly echoed by Bill 208, more specifically the aspect dealing with the issues of liability. Section 11.1 of Bill 31 stipulated that leaseholders would be liable for injuries suffered by recreational users only if the injuries resulted from the occupiers' willful or reckless conduct.

As you can see, Mr. Speaker, Bill 208 closely resembles section 11.1 of Bill 31 with the exception that while section 11.1 of the bill deals specifically with matters concerning leased lands, Bill 208 addresses the liability issues concerning private and leased lands. The main problem with Bill 31 is that it was never proclaimed into law, and as a result the outdated aspects of the occupiers' liability continues to be unresolved. Bill 208 serves to accomplish at least one of those goals outlined in Bill 31 by focusing primarily on issues of liability. I urge all members to support Bill 208.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Mr. Horner: Thank you, Mr. Speaker. It's an honour to rise today and speak in favour of Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003. Before I explain why I support this bill, I would like to commend the hon. Member for Lac La Biche-St. Paul for bringing forward this important piece of legislation. As a member that represents rural Albertans as well as urban Albertans the issue of recreational land use is very dear to me and my constituents. Therefore, I'm not only supporting this bill because I believe it's the right thing to do but also because many of my constituents have expressed support for Bill 208.

Alberta is a province that is founded on the fundamentals of strong community roots and neighbourly cohesion. Bill 208, by relieving landowners of the burden of liability to recreational users, would greatly increase these fundamentals of Alberta society. When a landowner refuses permission to a recreational user to enter the land because of the fear of liability of any possible accidents, the basic fibres of our open and gracious culture are eroded. Fears should not overcome a landowner every time he or she is contacted by a recreational user. Albertans should want to share the beautiful landscape with their fellow citizens.

However, Mr. Speaker, in this day and age when people are filing a countless number of frivolous lawsuits and passing responsibility of their actions on – and I say this very loosely – to those legally responsible, it is time as elected officials to protect those individuals who play an integral part in maintaining our core values. Individual responsibility is a quality that is declining in today's society. It's disheartening to watch individuals pass responsibility from themselves to other citizens or the government. Alberta is a province that prides herself on strong individuals who take responsibility for their actions. I strongly feel that Bill 208 will help restore this core belief that founded this great province.

Alberta is a province that endorses and supports actions of entrepreneurship, free spiritedness, and risk taking. However, when these actions are taken, our culture in Alberta reciprocally feels that the onus is on the individual to take full responsibility for his or her actions. Many of our government social programs are designed to help Albertans be less dependent and make individuals take responsibility for their lives. The policies and philosophy of this government for a number of years have been that individuals are given the utmost freedom to develop their lives, and with that freedom a duty of responsibility must be taken. Albertans over the years have accepted this philosophy, and our outgoing, independent-minded spirit is revered across the country. Bill 208 matches our already existing policies and cultural mind-set. Mr. Speaker, Bill 208 will not only help restore Alberta's community spirit; it will help increase and build neighbourly relationships and leave landowners without the sense of fear and reservation that comes every time requests by recreational users are made.

Mr. Speaker, I would now like to take this opportunity to switch

gears a little bit and discuss what other provinces are currently doing in the area of occupiers' liability. I believe it's important to look at other jurisdictions to see what works and how we can adjust our own legislation. It's interesting to note and, frankly, a little disheartening to know that British Columbia, Ontario, Manitoba, Nova Scotia, Prince Edward Island, and Saskatchewan all relieve landowners of liability of damages incurred by recreational users who are granted permission to use land. All of these provinces still make landowners responsible for not creating dangerous environments with the intent to do harm to the recreational user or damage to their property. This is an important part of our own legislation, and I'm pleased that it is remaining constant in Bill 208.

In Saskatchewan there is legislation governing the liability of occupiers to hunters and to snowmobilers. The Wildlife Act states that an occupier of land owes no duty of care to a person who is hunting on the land. The Snowmobile Act has a substantial section limiting the liability of landowners, the Crown, any minister of the Crown or any employee, officer, or agent of any of them for any injury, loss, or damage suffered as a result of, arising out of, or stemming from a person using or being towed by a snowmobile. I'm not suggesting that Albertans need different legislation for each type of recreation occurring on private land. However, I do believe it's important to point out that some provinces have taken direct action to protect landowners, and it's time that we do the same.

Mr. Speaker, Alberta is a province that prides herself on openness, community spirit, and individual responsibility. Bill 208 addresses and builds on all three of these core fundamentals. This legislation is logical and rational and is in the best interests of all Albertans. Therefore, I strongly support and urge all of my colleagues here to support Bill 208.

Thank you, Mr. Speaker.

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

Rev. Abbott: Well, thank you, Mr. Speaker. I'm very pleased to see this bill presented to the Legislature, especially considering the message of personal responsibility that it sends to Albertans who use the lands of others for their recreational pursuits.

The bill makes a key change to the way that we look at occupiers' liability for recreational land users in the province. The bill requires that for rural lands, such as agriculture lands, vacant or undeveloped lands, forested or wildmess lands, golf courses after hours, utility rights-of-way, and recreational trails, recreational users be treated the same as trespassers as far as liability is concerned.

Now, as the law currently stands, if a recreational user who is on lands either with expressed or implicit permission injures himself, such as in the story from the hon. Member for Lac La Biche-St. Paul, then the liability more often than not falls to the landowner. The landowner is thus responsible for the safe activity of recreational visitors on his or her land, which – let's face it, Mr. Speaker – is near impossible. So to me this seems unfair. The current law fits into a whole host of namby-pamby sorts of legislation where we assume that people cannot take care of themselves and we assume that if someone hurts himself or gets himself in trouble, then it must be somebody else's fault.

Now, I don't think this makes any sense, Mr. Speaker, especially not in Alberta. Alberta is a province where we say to our youth: if you want to be successful, you have every opportunity to take the bull by the horns and run with it; you have every opportunity to make good choices which will help you to earn your keep. But we also say: if you screw up or if you make a bad choice, well, then, you have to live with it and, in fact, you better fix it and you better get

yourself back on the right track. As parents we tell our children – and we live by the same motto – that if they are going to use their freedom wisely, then they better have a sense of responsibility. They better learn how to take care of themselves.

Now, these messages make sense, Mr. Speaker. They provide the foundation for the life of an individual who takes his actions and responsibilities seriously. However, juxtaposed against this message are laws like the one Bill 208 proposes to change, wherein we tell individuals that they are not responsible for the decisions they make or for the harm they bring on themselves. Someone has to be liable though; right? And if it isn't the recreational user, then who else could it be? Well, of course, it's that poor landowner or occupier. Again, I fail to see the logic of this. Did the landowner implore the recreational visitor to use his land? No. In most cases the visitor requests permission to access the land. As this is the case regardless of whether or not someone has received permission to be on another person's land, that person ought to be held responsible for any of their actions, be they good or bad or whether they affect himself or the land.

5:10

This is why Bill 208 makes so much sense to me. It asserts that unless someone has paid for the use of land, the person assumes a certain amount of risk when they enter onto the property. Now, it would be one thing if we were talking about commercial recreational areas in which business owners make a profit from people who enter their land. Those owners do have the responsibility to keep their land free of debris and big rocks and hazards for paid recreational users. However, we're not talking about commercial recreational lands. What we are talking about is ordinary Albertans who graciously allow others to hunt or fish or go ATVing or hiking on their lands.

Now, if someone wants to engage in recreational activities on someone else's property, then he should do so at his own risk, but the landowner shouldn't be penalized for letting someone else on their land if that person happens to get injured or if their ATV is damaged or whatever. In a sense, then, the principle of buyer beware holds. Although we're not talking about commercial transactions, we are talking about user beware. So if you are going to enter someone else's property, you've got to assume that they will be using it for their own purposes and therefore might be altering the landscape or might have their own machinery on the land. You've also got to assume that naturally occurring contours of the land may be hidden by snow or water or foliage or whatever, and if you're using this land, you've got to be aware of all of these things. If you injure yourself or damage your ATV or your snowmobile, well, then, it's your own fault, not the fault of the man or the woman who was nice enough to let you access the land in the first place.

Mr. Speaker, this goes to a larger point. It isn't as though landowners are out there pleading with people to come on to their land. I don't know of too many individuals who would want a whole bunch of people walking or riding over their land. However, many Albertans do let others use their property because it's the nice thing to do and because they want to be good neighbours and fellow Alberta citizens. Really, I mean, many Albertans are fine with others using their land. They only ask that the people who do use it treat the land with care and respect.

What this current law does is makes Albertans think twice about letting people on to their land. There are a countless number of horror stories about landowners who are held liable because another injured himself while using the owner's or occupier's land. We almost heard one today. What the status quo is doing is causing Albertan landowners or occupiers to just say no when someone

requests to use their land, and who can blame them? As a legislator I don't want to see more fences up around a person's land. I want to see Albertans living together in a manner that is respectful and responsible, and I want to see goodwill between neighbours, owners, and recreational land users. On this point I want people to take care of their land. It's incumbent upon landowners or occupiers to ensure that they practise due diligence on their land, and if they're going to allow others to use their land, then, yes, they ought to ensure that they take care to either warn the users of any trouble spots or take care of these spots to a certain extent before allowing others to access the land. However, I also want recreational land users to recognize that every Albertan has the right to do what they please with their rural lands, and it is the recreational user's responsibility to take that into consideration when accessing another's land.

Mr. Speaker, I think most Albertans do take both sides of this equation into consideration. When they step on to another's property, they understand the risk, but more importantly they understand the privilege that they are granted in being able to use someone else's land, and they are truly thankful for the opportunity. However, there are some who aren't. There are some who are careless with the land and with themselves, and these people are likely to injure themselves. When this happens and they turn around and sue a landowner, they undermine the goodwill that generally exists between landowners and recreational users. It's unfortunate that this happens. However, to ensure that it does not continue to occur, we must make the changes that are set out in Bill 208. If we don't make these changes, problems with the current legislation will continue.

A lot of key questions are raised with the law as it is beyond the ones I've already noted. For example, is the landowner responsible to keep his land in top-notch condition all of the time just in case someone wants to use it? If we keep things status quo, then he is responsible, unless he wants to act like scrooge and keep everyone off his property. Does the landowner have the responsibility to go out and mark every gopher hole or ditch on his land, or can he assume that users will be mindful? These may seem like somewhat silly questions, but they are questions which are legitimately asked by landowners under the current legislation.

The current legislation needs to be changed, Mr. Speaker, and it needs to be changed in the manner proposed in Bill 208. So I ask all members to support this legislation so that we can bring some more common sense to the Occupiers' Liability Act.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Dunvegan.

Mr. Goudreau: Thank you, Mr. Speaker. It's a pleasure to rise and join debate on Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003, sponsored by the hon. Member for Lac La Biche-St. Paul. I would like to begin by thanking the hon. member for introducing this amendment that would allow the Occupiers' Liability Act to better reflect the issues we are and will be dealing with in the 21st century. The passing of this legislation would lead to landowners and occupiers opening up their land and making it more accessible for recreational users. By reducing landowner liability, you reduce the fear that landowners have when it comes to allowing public use of the land for recreational purposes.

There is a growing interest in outdoor recreational activities. Our provincial and national parks are packed, but not everyone is able to or interested in traveling to a park just to enjoy Alberta's great outdoors. Some users also prefer to conduct their recreational activities in a more private or secluded environment. Alberta Health and Wellness is currently promoting an active, healthy lifestyle for

all Albertans through its Healthy U campaign. The campaign encourages all Albertans to participate in activities of stress endurance, strength, and flexibility, while deterring activities that encourage sitting for extended periods of time. It is my opinion that Bill 208 complements the Healthy U campaign quite well in that it provides security for landowners who allow individuals to use their land for the purpose of enjoying an active, healthy lifestyle. Those activities can include horseback riding, snowmobiling, hiking, cross-country skiing, camping, biking. I could list numerous activities that can be enjoyed in the great outdoors of our wonderful province.

My point is that many Albertans don't always want to be restricted to urban dwellings when participating in their favourite healthy-living activities. I'm fairly certain that most Albertans would prefer to conduct their recreational pursuits while enjoying the beauty and fresh, crisp air of Alberta's rural environment, somewhat of an escape from the urban drylands they dwell in. Also, Mr. Speaker, as a fast-food nation much like our friends to the south it would seem that we are basing our lives on drive-through family values and couch-potato games.

The trend, in my opinion, seems to be heading toward somewhat of a not-me attitude when it comes to taking responsibility for our own actions. It would seem that society is basing its reasoning on lawsuits such as too-hot coffee being served at restaurants and pleading ignorance to the effects of an overwhelming number of hamburgers per day. My point is that there seems to be a very contagious attitude brewing that promotes blaming others for one's own indiscretion. Mr. Speaker, the actions that a person takes are their own. Should that person feel that someone else or something else somehow forced their hand to commit a reprehensible action or forced their mind to think a reprehensible thought, that is when one has to seriously sit back, take a deep breath, and rethink a few things.

I'm not going to stand here and rant for 15 minutes about taking responsibility for one's actions, but I'm going to stress a very critical position. Bill 208 promotes the view that it is not the landowner's concern to post signs throughout his or her land that warn public users about gopher holes, rocks, dirt mounds, or fence lines. All appropriate land issues including possible hazards are hopefully discussed and taken note of by the user before use of the land commences. When was the last time anyone went running wild, arms flailing, in a dark room when they were uncertain of what obstacles or obstructions awaited them? That is exactly what is happening now.

It is important to remember, however, that this is a two-way street. The users as well as the landowners and occupiers need to take responsibility when it comes to land use. The user needs to be certain, when asking permission to use the land, that all hazards and possible danger zones are pointed out to ensure safety, and the landowner needs to be sure to pass on all critical safety information about the premises to the user. Individuals may be uncertain of the land but still ride their snowmobiles, bikes, or participate in any other healthy lifestyle activity on the land. However, when there is an accident, it should not automatically be assumed that the landowner or occupier is at fault because it is his or her property. Mr. Speaker, dollars for doughnuts, had the individual been careful and courteous to the land he or she was using, the occurrences of accidents would decrease dramatically.

5:20

To tie these two points together, it is absolutely necessary to promote a healthy, active lifestyle, but, at the same time, if we are going to promote an increase in the number of individuals using the land, whether that land is public or private, with the landowners' or lessees' permission, the individuals using that land need to take responsibility for their actions on the premises.

Mr. Speaker, there have been a number of changes in our world since 1973. Those changes include the way society treats liability issues. After all, no one wants to be at fault for anything with a negative outcome. I'm sure that in 1973 when this act was first proclaimed, it was up to the landowner or occupier and user to decide who was at fault for the accident, and more often than not the guilty party stepped forward and took responsibility for the action. Now, in 2003, I see more lawyers stepping forward to say that the individuals they represent had nothing to do with the accident, stating that it was the other party's responsibility.

Picture this. Joe is driving his pickup truck down the back roads of Alberta. In the distance peacefully grazing in the tall grass is the buck of Joe's dreams. He has been waiting for this moment his entire life. The land that the buck is grazing on is Bob's. Therefore, Joe proceeds to Bob's residence to ask permission to hunt on his property. Bob grants Joe permission to use the land and lets him know that there are no unusual hazards or obstacles on the premises. Joe thanks Bob and proceeds across the grazing ground in the hope of finding the buck of his dreams still grazing along the tree line. All of a sudden, Joe, not paying attention where he was walking, steps in an unmarked gopher hole, subsequently twisting his ankle, tripping, and falling onto his gun. As a consequence of the fall Joe shoots himself in the leg. I ask the Assembly: who is at fault? With the legislation as it is, Bob would be at fault, even though he never tripped Joe or pulled the trigger.

I could stand here for hours and provide examples of the most obscene incidents in which a landowner or occupier would be held responsible for the reckless endangerment of an irresponsible land user. Some may argue that the answer is to simply not allow anyone onto your land. I'm sure that most landowners would agree that accidents can happen to anyone, whether it be a friend, neighbour, or stranger. You can't predict these incidents, only do our best to protect the innocent. We all know that accidents can happen. All we are trying to do is promote a system in which the landowner is not held responsible for the negligence and carelessness of others. However, the landowner or occupier should still be held responsible for his negligence or reckless conduct.

Mr. Speaker, I feel that this is the strongest argument for an amendment to the Occupiers' Liability Act. However, previous attempts at similar legislation have been made in the past, and there is an unproclaimed amendment from 1999 waiting in the wings. This act needs to be brought up to date to better reflect the views of Albertans. I'm certain that the majority of Albertans believe in taking responsibility for their actions. Therefore, I find Bill 208 necessary legislation and fully support it. I would also like to commend the hon. Member for Lac La Biche-St. Paul on his resilience on the issue and his push to have a 30-year-old act brought up to date to reflect this century.

Thank you.

The Deputy Speaker: The hon. Minister of Gaming.

Mr. Stevens: Thank you, Mr. Speaker. I move that we adjourn debate on Bill 208 at this time.

[Motion to adjourn debate carried]

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

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

[Motion carried; the Assembly adjourned at 5:26 p.m.]

