

## Legislative Assembly of Alberta

Title: **Monday, November 24, 2003**

**1:30 p.m.**

Date: 2003/11/24

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

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

Hon. members, on Saturday last Mr. Paul Lorieau led over 58,000 people in the singing of Canada's national anthem before a national and international television audience from Alberta's capital city of Edmonton. He's with us here today, and we'll invite him to lead all of us in the singing of our national anthem. Please participate in the language of your choice.

**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:** I might add that Mr. Lorieau looked well attired the other day with a toque and a tuxedo.

Please be seated.

head: **Introduction of Visitors**

**The Speaker:** The hon. Minister of Community Development.

**Mr. Zwozdesky:** Thank you. In a few minutes I will deliver a special ministerial statement regarding the now much-revered and famous Molson Canadian Heritage Classic, but in lead-up to that statement it is my great pleasure to first introduce to you and through you to all members of the Assembly today five outstanding individuals who helped dream, organize, and implement the most memorable hockey event in the history of the game. They are seated in your gallery, Mr. Speaker, and I would ask each one of them to rise as I call their name and to please remain standing. Given that Mr. Paul Lorieau's now famous singing of *O Canada* has taken place, I know our guests feel right at home. The 25th anniversary of the national anthem as sung by Mr. Lorieau was of course enhanced by a special arrangement by another famous Edmontonian, Mr. George Blondheim. So I want to salute you as well, Mr. Lorieau.

Now, our special guests are the chairman of the Molson Canadian Heritage Classic, Mr. Doug Goss; the president of the Edmonton Oilers, Mr. Patrick LaForge; the vice-president of marketing for the Edmonton Oilers, Mr. Allan Watt; the project manager for the Molson Canadian Heritage Classic, Mr. Nick Wilson; and, finally, Mr. Speaker, the man who personally talked Wayne Gretzky into doing this Molson Canadian Heritage Classic, general manager and Oiler hockey great himself Mr. Kevin Lowe. Please welcome all of our special guests.

head: **Introduction of Guests**

**The Speaker:** The hon. Minister of Gaming.

**Mr. Stevens:** Thank you very much, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to other members of the Assembly 18 very special people who are located in the Speaker's gallery. They are all members of the board of ALSA, the Alberta Liquor Store Association. This past September we celebrated here in the province the 10th anniversary of privatization of liquor retailing.

It was in January 1994 that the predecessor of ALSA was established, and a gentleman and a lady that I will be introducing are very instrumental in the success that we have had in the province in increasing the number of stores from just over 200 to about 1,000. I would ask the folks to rise and remain standing as I call their names: John Szumlas, Jim Bell, Janice Chomik, Kirk Frandsen, Joanne Leipert, Debbie Boyko, Laura Wright, Bill Hull, Greg Krischke, Murray Einhorn, Randy Dawson, Bruce Webster, John Dong, Lynn Prefontaine, Marvin Tkach, Rick Crook, Doug Mulholland, and Michael Tarkowski. I would ask the Assembly to now give the appropriate recognition to our guests.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to all members of the Assembly 24 grade 6 students from Earl Buxton school in the Edmonton-Whitemud constituency. They're accompanied today by their teacher, Mrs. Donna Spooner, who, I understand, was a page in this Assembly in earlier years, and by parents Mrs. Winkelaar and Mr. Larry Nikiforuk. They're here today to observe and learn with keen interest about government. They're seated in the members' gallery, and before I ask them to stand, I'd also like to acknowledge their teacher, Andrea Berg, who was to be with them today but couldn't be with them. I would ask them to rise and receive the warm welcome of the Assembly.

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

**Mr. Rathgeber:** Thank you, Mr. Speaker. It's my pleasure to rise today and introduce to you and through you to all members of the Assembly 17 of the finest young men and women from the Edmonton-Calder constituency. They're the grades 5 and 6 students from Coralwood academy, accompanied by their teacher, Mr. Colin Forde, and a parent helper, Dr. Neville Case. They've toured the building. We had a brief meeting and will be meeting subsequent to their visit. I'd ask them to rise and accept the warm welcome of this Assembly. They are seated in the members' gallery.

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

**Mr. McClelland:** Thank you, Mr. Speaker. To you and through you to members of the Assembly it's my pleasure to introduce 25 students from Richard Secord elementary school, located in the constituency of Edmonton-Rutherford. The 25 students are accompanied by their teacher, Ms Donna Yoder, and parent helpers Jan Scammell and Mrs. Karen Smilski. We welcome the students to your Legislature and hope that their day is filled full of majesty and wonder. Thank you very much for being here.

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

**Dr. Massey:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and to all members of the Assembly teachers Mrs. Norma Nay and Mr. Scott Markine, parents Mrs. Bhavna Ashta and Mrs. Kim Bastide, and 32 students from Tipaskan elementary school in Mill

Woods. With your permission I'd ask them to stand and receive the warm welcome of the Assembly.

**1:40**

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

**Rev. Abbott:** Thank you, Mr. Speaker. A little bit later, around 2 o'clock, a school group will be joining us. There are 14 students as well as their teacher, Corey Collwell. They're coming from Breton high school. They're touring our building right now, so I hope that all the MLAs will give them a big wave when they come in in a few minutes.

Thank you.

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

**Ms Kryczka:** Thank you, Mr. Speaker. I am very pleased today to introduce to you and through you to members of this Assembly 17 students. I know that they're not in the members' gallery. They may be on their way up to the public gallery. We just had our pictures taken. Anyway, we have 17 students visiting from the Calgary Waldorf school, and with them is teacher Tonia Schmordok and also parents Mrs. Robin McLeod and Mr. Teodor Stafie. Students, if you are in the public gallery, please rise, and I would like the Assembly to give them the traditional warm welcome.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. It's a pleasure to introduce to you and through you to all hon. members of this Assembly Ms Bernadette Vermaas. She is a recent recipient of the Carnegie Hero Fund Commission bronze medal for bravery. She is a resident of Edmonton-Gold Bar and works downtown on Jasper Avenue in her own hair salon, and I would ask her now to please rise – she's in the public gallery – and receive the traditional warm welcome of this Assembly.

Thank you.

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

**Dr. Taft:** Thank you, Mr. Speaker. I have two sets of introductions today. The first is Mr. Gerald Zagrosh, who is the founder of the Pain Elimination and Tissue Regeneration Clinic, which uses electric stimulation to treat pain. He's in the public gallery, and I ask him to rise. He has brought with him some of his clients who have benefited from his treatment: Mr. Walter Romaniuk, Mr. William Fleming, Ms Joan Robinson, Mr. Craig Maslin, and Mrs. Shaylee Maslin. Please give them a warm welcome.

I am also pleased to introduce students from Parkview school. I'm not sure if they're in the gallery or on tour right now. They are 37 of the very, very finest young citizens of Alberta. They are accompanied by their teachers, Miss Laurie Ewald and Mrs. Aydan Kudrinko, and by parents Lori Chomyk, Reg Kozoway, and Kelly Woodward. Please give them all a warm welcome, and if they're here, would they please rise.

head: **Ministerial Statements**

**The Speaker:** The hon. Minister of Community Development.

#### **Molson Canadian Heritage Classic**

**Mr. Zwozdesky:** Thank you, Mr. Speaker. As minister responsible for sports and volunteerism and as a former hockey player and coach

and manager myself I am extremely excited to rise today to recognize a truly remarkable and historic event for our city, our province, our country, and, of course, for the entire National Hockey League which occurred so very successfully this past weekend.

Every winter on any day in any corner of our province enthusiasts young and old strap on their skates and take to their local pond, their local outdoor rink or arena to enjoy a game of hockey. Whether the ice is large or small, whether the players are just learning to skate or are already seasoned professionals, the game of hockey has become an important part of who we are and how we see ourselves as Albertans and Canadians.

Last Saturday our love of hockey was on display for the entire world to see. Mr. Speaker, nearly 60,000 cheering fans braved the cold to take part in the Molson Canadian Heritage Classic, a celebration of hockey's past and present and, if the fans were any indication, a sign of even greater things to come. The game brought together Edmonton Oilers alumni and Montreal Canadiens alumni teams as well as current Oilers and Canadiens in a spectacular display of skill and dedication and a return to the roots of the great game of hockey.

We were also treated to outstanding entertainment as presented and performed by Edmonton's own George Blonheim and Canada's great rocker Tom Cochrane as well as a very special performance by Paulina Gretzky and the already mentioned special rendition of *O Canada* by Paul Lorieau. All of Edmonton and area were caught up with the celebrations, the hosting events, and the incredible displays commemorating this classic event, which yielded an economic impact of about \$25 million and a spiritual impact of memories that cannot be measured that surpass everything.

Mr. Speaker, the amount of work that went into these events and in the preparation of Commonwealth Stadium for the game is immense, and I would again like to salute our special guests in the gallery – Doug Goss, chairman of the Molson Canadian Heritage Classic; Patrick LaForge, president of the Edmonton Oilers; Kevin Lowe, general manager of the Edmonton Oilers; Allan Watt, vice-president of marketing for the Edmonton Oilers; Nick Wilson, project manager for the Heritage Classic; Don Metz, director of broadcasting for the Oilers – all the other broadcasters, sponsors, players, coaches, trainers, ice makers, entertainers, spectators, and fans who tuned in from around the world, and of course the fabulous team of volunteers for bringing a vision of this magnitude into reality. Our city has much to be proud of, and the success of this game has truly elevated Edmonton's reputation as the City of Champions. Despite the cold, there was an unbelievable spirit in the air thanks to the enthusiasm of our city and those visitors from around the world who came to take part.

In closing, I want to also thank the ministers of Gaming and Economic Development for contributing to this incredible event, and I would now invite all members of this Assembly to join me in congratulating our special guests once again and everyone who was involved in putting on the most incredible hockey memory in our history.

We love hockey. We love Edmonton. We love Alberta. Thank you, all.

**The Speaker:** The hon. Member for Edmonton-Glenarry.

**Mr. Bonner:** Thank you, Mr. Speaker. Last week the hockey world focused on Edmonton. As temperatures plummeted in the days leading up to the Molson Canadian Heritage Classic, the buzz and excitement in the city continued to grow. Despite the cold, fans couldn't wait for another opportunity to watch Wayne Gretzky, Guy Lafleur, and a host of other stars from the past participate in the

megastars game. Many fans came to relive memories from the past, never thinking that they would leave the stadium with a host of new memories that they will cherish for a lifetime.

Over 57,000 fans crowded Commonwealth Stadium for hours in frigid temperatures to watch the games. In the megastars game they were treated to heroes from the past wearing toques and scraping the ice between periods. The smiles radiating from the benches were a clear indication of their enthusiasm and enjoyment. After this game fans were treated to another hard-fought and entertaining game between the current editions of the Oilers and the Canadiens.

As Canadians we have always prided ourselves on our durability when playing the game. Games of hockey continue to be played everywhere in Canada: on ponds, on the backyard rinks, on community rinks, and in arenas. Players of all ages have assembled to play and enjoy the game.

Mr. Speaker, there are many to be thanked for having a vision and for putting this great event together through their thousands of hours of hard work. The executive and staff of the Edmonton Oilers have put their heart and soul into the Molson Canadian Heritage Classic. The Oilers organization is never offside. They are Edmonton's pride. The city of Edmonton has proven that inclement weather did not deter their pride and support for this unique event. This event has raised Edmonton's reputation as a great hockey town, and the fans in a true Canadian spirit came through when the going got tough.

To the Oilers, the city of Edmonton, and all others involved in the organizing and planning of this great event, thank you for the memories.

#### head: Oral Question Period

##### Access to Crown Land

**Dr. Nicol:** Mr. Speaker, last spring the Alberta government allocated over \$6 million to find a solution to the conflict between First Nations communities and the non First Nations contractors in the Slave Lake area. This conflict had resulted in roadblocks on Crown land used by the oil industry. My first question is to the Minister of Sustainable Resource Development. What did your department do with its portion of the \$6 million in trying to solve this problem?

**Mr. Cardinal:** Mr. Speaker, you know, the \$6 million is, of course, a partial solution to the challenges we had in dealing with that particular issue. It's a very challenging issue. Each ministry that had the allocation, of course, had the opportunity to administer those dollars based on how the department operates and how they intend to administer the dollars to increase consultation between the First Nations, industry, and the oilfield contractors. To discuss the administrative process in this Assembly I don't believe is the answer.

The other part that the hon. leader should always remember also is that we are talking about First Nations, which is the jurisdiction of their cousins in Ottawa. What did they do?

1:50

**The Speaker:** The hon. leader.

**Dr. Nicol:** Thank you, Mr. Speaker. To the minister of aboriginal affairs: why didn't you work with the federal government to get a clarification of the meaning of access to and the use of Crown land that First Nations have under their treaty rights?

**Ms Calahasen:** Well, Mr. Speaker, first of all, how does he know that I'm not working with the federal government? How does he know that? I would like to put it here that we are working with the federal government on a number of initiatives.

The second issue is the access issue. The natural resources transfer agreement, which was signed in the 1930s, gives the government of Alberta the right to manage the land. It is very important to make sure that we continue to do that but take into consideration, Mr. Speaker, the aboriginal and treaty rights of First Nations, and that's exactly what we've been doing on this consultation initiative. It takes a long time to be able to get to that point. However, it is very important, no matter what we do, that we continue to work with all the groups that are involved in this whole process.

**Dr. Nicol:** My final question, again to the minister of aboriginal affairs: what did you do to remove the reason that these roadblocks came into place in the first place? In other words, how have you worked with the First Nations communities to get their understanding of their role?

**Ms Calahasen:** Well, Mr. Speaker, first of all, we have a number of people who have been employed through Aboriginal Affairs and Northern Development to work on the consultation initiative. That's one component that we've been working on with the various First Nations, asking them to come to the table to be able to deal with this issue.

Secondly, I as the Minister of Aboriginal Affairs and Northern Development have been working with the First Nations to ensure that they are aware of what we've been doing. I've been going around the province on a continual basis, talking about what needed to be done, how we could do that, and requesting the involvement of the First Nations so that we can take care of their concerns relative to the aboriginal and treaty rights. It's very important and very key, no matter what we do, that we continue to do that, because this province – this province – really has a beautiful relationship with First Nations.

##### Industrial Development in Protected Areas

**Dr. Nicol:** Last week Tempest Resources received approval to drill two gas wells near the Ministik bird sanctuary. This sanctuary is one of North America's largest migratory havens for waterfowl, and it also supports populations of moose, white-tailed deer, elk, and lynx. To the Minister of Community Development: what is the point of natural places legislation if it won't protect areas like the Ministik sanctuary from industrial development?

**Mr. Zwodzesky:** Well, Mr. Speaker, we have a number of specially protected areas in this province, as members here will know, and for many of them we have management plans. I think we have about 18 on the go right now. On the particular issue that he's raising right now, if there is some violation that has occurred that he's aware of and he wants to forward that to me, I'd be happy to look into it and see to it that that issue is resolved as quickly as possible. To my knowledge there haven't been any violations in that area to date.

**Dr. Nicol:** Again to the same minister: will the minister ensure that there will be no further industrial projects affecting the Ministik bird sanctuary?

**Mr. Zwodzesky:** Well, Mr. Speaker, I can assure you that there is a protected area. There are rules that govern that protected area within the boundaries of that protected area. If he's talking about something outside that boundary, then maybe he should make that a little clearer. I can assure you that to my knowledge there's nothing that's actually happened in the sanctuary, the protected area itself.

**Dr. Nicol:** Again to the same minister: will the minister ensure that there are no more industrial projects in any of Alberta's special places?

**Mr. Zwozdesky:** Mr. Speaker, we have a comprehensive list of existing lease dispositions in some areas, and when the protected areas program was brought in, it was made very clear that we would do everything we can to honour existing commitments, be they to leaseholders or trappers or guides or outfitters or whatever have you. We worked very hard through the public consultation process to ensure that those particular policies and guidelines were followed, and I can assure the hon. member that we will continue to protect those areas within the guidelines that have been set down, approved, and been through the public consultation process.

**The Speaker:** Third Official Opposition main question. The hon. Member for Edmonton-Mill Woods.

### Class Sizes

**Dr. Massey:** Thank you, Mr. Speaker. Chronic underfunding of our schools has resulted in the average kindergarten class in Calgary public being five students above the average recommended by the Learning Commission. In Edmonton public almost three-quarters of the K to 3 children sit in similar overcrowded classrooms. My questions are to the Minister of Learning. Given that the limited restoration money announced last week falls far short of the \$140 million boards needed just to keep even, when will there be relief for these overcrowded five year olds?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you very much, Mr. Speaker. There are a couple of issues to that question that I will address. First of all, the hon. member is talking about kindergarten to grade 3 at a level of 22 students, and I think that number really needs to be reinforced. The Learning Commission has indeed recommended 17, and we are looking at how we can bring those numbers down.

The other key component though – he mentioned \$140 million. Mr. Speaker, one of the tasks that the Learning Commission had was to take a look at the financing of education, and what they came back with was not a \$140 million shortfall. Indeed, what they actually said was that there was a \$19.8 million shortfall due to the inflationary pressures over two years. They also said that there was about a \$23 million shortfall in money that was not necessarily allocated but in money that was budgeted to be allocated, and they felt that it should be speeded up. There were also issues with the grade 10 CEU credits.

Mr. Speaker, each and every one of those was reallocated as of last week, as the hon. member knows. So I do take a little bit of exception when people are all of a sudden calling \$60 million a mere pittance.

**Dr. Massey:** My question is again to the same minister. Given that even with their share of the restoration money announced last week Calgary public will be short at least \$80 million, how will they be able to even look at the class size targets in the commission's report?

**Dr. Oberg:** Well, Mr. Speaker, today there was a press release put out by the Calgary public school system. That press release said that they have balanced their budget for last year, which is indeed good news. They roughly had a surplus of about .25 percent, I believe. In the upcoming year as their amount of dollars is actually known,

is actually discovered and found out in the upcoming budget, Calgary public will work and, I'm sure, will do the best job they can for the students of Alberta. They're an excellent school system and will continue to be an excellent school system.

**The Speaker:** The hon. member.

**Dr. Massey:** Thank you. Again to the same minister: given that it's now nearly two months since the Learning Commission reported, when can parents expect to see a plan to implement class size reductions in this province?

**Dr. Oberg:** Well, Mr. Speaker, one of the prerequisites of the Learning Commission was that there be no interference from myself, no interference from my own department, that it be a completely objective report. It took the Learning Commission around 15 or 16 months to go through everything around the province. We have just received that, as the hon. member has stated. We have our processes that it will be going through, and we are on-line for the date that I initially suggested, which is the first part of December. We are on course; we are on-line for that. All things going in the right direction, we will be making an announcement the first part of December.

**The Speaker:** The hon. Member for Edmonton-Highlands, followed by the hon. Member for Little Bow.

### Mature Animal Market Transition Program

**Mr. Mason:** Thank you very much, Mr. Speaker. This morning at long last the minister of agriculture announced compensation for mature cows and bulls, whose worth has plummeted to cents on the dollar since the discovery of a single BSE case last May. While it's a bit more generous than the federal program announced last Friday, this mature cow and bull program seems to fall short of the very generous assistance package given earlier to feedlot operators. My question is to the minister of agriculture. Why did the government come up with a program costing hundreds of millions of dollars for a small number of feedlot owners within weeks of the discovery of BSE whereas tens of thousands of cow/calf producers have had to wait for more than six months to get only partial compensation for their losses?

**Mrs. McClellan:** Mr. Speaker, unfortunately, the question indicates the member's understanding of the industry or lack thereof.

Mr. Speaker, since May 20, when a single cow was found with BSE, the whole cattle industry has changed significantly in this province. It quickly became very apparent to us, working with the industry at our side, that we would have to manage this situation in a staged way. The first matter was to move some 700,000, 800,000, 900,000 or thereabouts fat cattle that were in terminal feedlots. These cattle were destined for mainly export markets and, as this is a perishable item, did not have a lot of time to move.

2:00

If the hon. member understood the cattle industry, he would know that the market program we put in for market mature cattle this morning is to deal with cattle that are no longer useful in the breeding herd. This is still a valuable product, Mr. Speaker, but it is a commercial beef product when it is not of value to the breeding herd. That generally is not established until sometime throughout the summer or fall months. In fact, culls happen, generally, heavier in the fall and the remaining cull in the spring for each year.

So to recognize this issue, Mr. Speaker, where 70 percent of that product primarily went outside of this country on an export basis, 100 percent of it now has to be in this country. We realized that we had to deal with a place for the product, whether there was a slaughter capacity for the product, and deal with it in a manner that set the stage for the future marketing of this product.

**The Speaker:** The hon. member.

**Mr. Mason:** Thank you, Mr. Speaker. While I appreciate the little lecture from the minister, I would like to ask her why she has designed a BSE program for cow/calf producers that, while welcome, appears to fall significantly short of the generosity shown to feedlot owners, who are guaranteed 90 percent of the U.S. slaughter price.

**Mrs. McClellan:** Well, again, Mr. Speaker, before one talks about something as complex as the cattle industry, one should do some research into how this industry really does work. I'm serious about that, because to suggest that the feedlot operators somehow came off with a huge profit out of this would be so very, very wrong. In fact, their losses are absolutely incredible, especially coming off last year where we had a drought and their cost for feed went up so significantly.

Mr. Speaker, we have some 38,000 farms in this province that have animals on them. This is a big industry in this province, and we have sat down with the industry, the total industry – the trucking, packing, cow/calf, and feeder industries, the feedlots, the sales agents, whether they be auction markets, order buyers, whatever – in a room together week after week after week, many times day after day after day, to try and address the many, many issues facing this industry and to move them forward into a new reality for this industry in an orderly way and in a way that interfered as little as possible in the marketplace.

**The Speaker:** The hon. member.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, can the minister, then, demonstrate to this House that none of the hundreds of millions of dollars in BSE compensation that has already gone out ended up benefiting cattle brokers, speculators, or meat packing plants rather than cattle producers themselves?

**Mrs. McClellan:** Mr. Speaker, again, cattle producers themselves received a huge benefit from the dollars that went into the fed cattle program. That was shown very clearly if you sat in the auction markets this fall and watched the calf prices, which were indeed as high as last year or higher, for one reason: because there is a place to place those calves today which there would not have been if those hundreds of thousands of fed cattle were still there or had had to be destroyed.

Mr. Speaker, the beef industry is an incredibly important industry to this province, contributing about 60 percent of the farm cash receipts, contributing over 60 percent of the processing industry, which is huge for us. I appreciate the hon. member's interest in this, but to try and pick sides and decide who may or may not have won or lost in this is not a very useful discussion.

**The Speaker:** The hon. Member for Little Bow, followed by the hon. Member for Edmonton-Centre.

#### Edmonton City Centre Airport

**Mr. McFarland:** Thank you, Mr. Speaker. I think it's most appropriate today that the Molson Heritage Classic game was

recognized earlier by the Minister of Community Development. Interestingly enough, a southern Alberta air carrier, Integra Air, carried an aircraft full of fans to watch that game on a typical 75-minute flight which landed directly at the Muni airport. My question is to the Minister of Economic Development. Considering the discussion this past week about the future of Edmonton's city airport and its effect on northern Alberta, I can tell you, Mr. Minister, and this Assembly that Lethbridge and Medicine Hat are also affected by proposed changes at the Muni, whether it's scheduled flight services by smaller air carriers, lab examinations, charter services, or medevac services, including fixed wing aircraft. Will the Minister of Economic Development advise this Assembly what's being done to address these additional concerns that affect northern and southern Alberta?

**The Speaker:** The hon. minister.

**Mr. Norris:** Well, thank you, Mr. Speaker. I'd like to thank the Member for Little Bow for asking a great question which underscores, really, what this issue is all about, and it's air service and transportation service to all of Alberta, not specifically northern Alberta, although that's clearly one of the most important pieces of this. We had some very encouraging news on Friday that the airports authority is going to take a step back, and they are going to talk to all stakeholders, not only in northern Alberta and Edmonton and the medical community but in southern Alberta, specifically Lethbridge and of course Calgary, which have direct flights into the City Centre Airport. I think that what we really need to talk about is taking a step back and saying that the service we are dealing with is adequate and that the people of this province rely on it, because the city of Edmonton is the capital city, and in order to do business here, it makes it very, very convenient for people in Lethbridge, Medicine Hat, and southern Alberta.

So we are going to work with the stakeholders, and certainly the people from southern Alberta will be included. I'm hoping, Mr. Speaker, that we can show how vital that air link is to not only northern Alberta but the whole province of Alberta.

**The Speaker:** The hon. member.

**Mr. McFarland:** Thank you, Mr. Speaker. I would like to applaud you for the work that you are doing. My second question to you and the last supplementary: will these people be able to expect some fairly quick results from this consultation?

**Mr. Norris:** I'd like to again thank the hon. member, and I'll take your applause anytime you want to offer it, Member for Little Bow, so thank you.

Mr. Speaker, I'd like to advise the House that as early as this morning we had a conference call with all the stakeholders. The committee agreed that we should move very, very quickly on the first set of talks. That's going to be going on in the next couple of weeks. We hope to have some kind of hard copy by the end of the year, certainly to deal with the closure of the airport, the scheduled flights. Then longer term consultation with the Minister of Aboriginal Affairs and Northern Development, the Minister of Municipal Affairs, the Minister of Transportation, myself, and others will be undertaken. We know for a fact that we will have something concrete within the next six weeks.

Again, I would like to offer my thanks to the Member for Peace River, who has been very, very forthright in bringing these issues to the table.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by the hon. Member for Lac La Biche-St. Paul.

### Corrections Review Committee Report

**Ms Blakeman:** Thank you, Mr. Speaker. The Solicitor General appointed an MLA review committee on corrections in May 2002, which reported to the government a year ago. During the spring sitting the Solicitor General responded to my request to table the report in the Assembly by saying that she was still studying it. My questions are all to the Solicitor General. What is the subject in the report that is requiring such intense study from the Solicitor General?

**The Speaker:** The hon. minister.

**Mrs. Forsyth:** Thank you, Mr. Speaker, and I appreciate the hon. member's question. Yes, what she has said is correct. The corrections review committee that went out over a year ago has done one very, very good job in looking at our corrections and how we're going to deal with it. The reason the Solicitor General is taking so long to deal with this report is that there are some difficult decisions that have to be made, and we want to make sure the decisions that we're making are right, not like our federal cousins who just ram legislation in without any consultation.

2:10

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you. Again to the Solicitor General: when do Alberta taxpayers get to see the report that they paid for?

**Mrs. Forsyth:** Again, Mr. Speaker, I answered that in my previous answer. I don't think taxpayers in this province mind waiting for a report that has taken a long time to do. We want to make sure we've made the right decisions. The committee that went out there with the members for Red Deer-North and Lac La Biche-St. Paul and Edmonton-Castle Downs did a really, really good job of reviewing our corrections. We have some difficult decisions that have to be made. People have to understand some of the things that we're facing in this province, with the conditional sentencing that the federal government passed in '96 and all the probation people that we're dealing with. So in due time it will be out, and it will be done correctly.

**The Speaker:** The hon. member.

**Ms Blakeman:** Thank you very much. Is the minister considering more legislative change for the spring 2004 session based on this report, and will Albertans be able to see the report before that legislative change comes?

**Mrs. Forsyth:** No, Mr. Speaker, the minister isn't considering any legislative changes at this time. If I do consider legislation changes, we will let Albertans know about it, and I'm sure they'll be supportive, as they were with the Corrections Amendment Act in regard to dealing with drugs in jails.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Riverview.

### Mature Animal Market Transition Program

*(continued)*

**Mr. Danyluk:** Thank you very much, Mr. Speaker. Last week the

federal government announced the national cull cow/bull program, and the Alberta government immediately announced that it was not taking part. Today, as previously mentioned, our government announced a different, made-in-Alberta program, the mature animal market transition program. My first question is for the Minister of Agriculture, Food and Rural Development. Why has the Alberta government decided to forgo the national program?

**Mrs. McClellan:** Mr. Speaker, it was with a great deal of regret that we had to announce that we would not be participating in a national program. We have worked for at least five weeks with the other provinces in Canada and the federal government to try to devise a program for these commercial market mature animals and, unfortunately, were unable to come to an agreement.

In Alberta we have some very clear principles that we stand on, and one is that you must have choice in the marketplace. That is not available when you limit your buyers to one or, in our case, perhaps two. So it was with a great deal of regret that we had to say, with our industry, that we would not participate, that we would indeed proceed with a program that we think does respect those principles that establish a marketplace.

It would have been much better had we had a national program. It certainly would have less effect on the marketplace across Canada, but, as I said, it does not meet our criteria, and we did not proceed with it.

**The Speaker:** The hon. member.

**Mr. Danyluk:** Thank you, Mr. Speaker. To the same minister. Could she tell me: how does the Alberta mature ruminant program work compared to the national program?

**Mrs. McClellan:** Mr. Speaker, the main difference is that it offers choice in what a producer does with the animal that is extra to its breeding herd needs. You may keep that animal and apply for a per head payment, which would amount to about a dollar a day for your winter feeding months, or you can offer that animal for sale, and that's the key. You offer the animal for sale through a sales methodology. It can be through an auction market, through an order buyer, through tape sales, TEAM sales, whatever there is available to you, but you do offer that animal for sale. That allows other buyers into the marketplace. Then you are paid on a differential between the traditional 10-year average of the top price for cattle, a floor price of 20 cents, which we think sets out about the division for the classes of cattle, and you get a differential of about 60 percent of that.

Mr. Speaker, it's offering choice, allows a marketplace to work, and it also recognizes, if you sell that animal, the difference in value between two animals. It's hard for me to conceive that a 1,600-pound bull that's 32 months old has exactly the same value as a 12-year-old cow that may have had 10 or 11 calves, and the federal government does not in any way recognize a difference in value of animals.

**The Speaker:** The hon. member.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. My final question is also to the same minister. How much money is available through this program?

**Mrs. McClellan:** Mr. Speaker, we announced some time ago that we would commit another \$100 million to deal with the issue of the mature market animal and to complete the fed cattle program. We're

not announcing the split on those dollars or how they are because we think that that, again, could interfere in the marketplace, and market neutrality is our goal.

### Anglo-Canadian Clinics

**Dr. Taft:** Mr. Speaker, in September the Alberta Liberal opposition uncovered plans by the Calgary health region to provide health services in Great Britain with private partners under the name Anglo-Canadian Clinics. This private consortium has been approved as preferred bidder to run three clinics in London, England. To the Minister of Health and Wellness: what reassurances can the minister give that doctors and nurses and other health professionals badly needed in Calgary won't be spending time supporting services in Britain?

**Mr. Mar:** Mr. Speaker, the approach being taken by Anglo-Canadian and the regional health authority and the University of Calgary in a partnership is a proactive approach to try and bring additional dollars from outside of Canada into Canada. This, of course, relates directly to our ability to continue to finance the health care system, which is one of the recommendations of the Mazankowski report. There are going to be no frontline services that will be affected. No frontline physicians are going to the United Kingdom. Only a limited number of physicians who are either on sabbatical or are in teaching positions will take part. There is some effort being put forward by the University of Calgary as a partner to this agreement. The health region is participating in only the planning process and in providing their management expertise, something that they already do but have never gotten money for doing.

As a result, Mr. Speaker, now if there is money that accrues to the regional health authority as a result of this partnership, 100 percent of that money would be used to improve frontline health services in the Calgary health region.

**The Speaker:** The hon. member.

**Dr. Taft:** Thank you, Mr. Speaker. Given his reassurances and given that you can't get something for nothing – they're selling services abroad – again will the minister commit here and now that Calgarians will not lose any health professionals as a result of the region's involvement in Great Britain?

**Mr. Mar:** I just did give such an assurance, Mr. Speaker.

**Dr. Taft:** Will the minister confirm that the Premier will be discussing Anglo-Canadian Clinics while he is in England this week?

**Mr. Mar:** Mr. Speaker, I can't speak on behalf of the Premier. I'm certain that somebody will be able to confirm that on behalf of the Premier's office, but I can neither confirm nor deny that that will be part of the Premier's discussions.

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Glengarry.

### Community Health Councils

**Mr. VanderBurg:** Thank you, Mr. Speaker. Earlier this year, after the RHAs were expanded, there were 11 community health councils within the Aspen health authority. They are now being reorganized into six councils. My constituents in Whitecourt-Ste. Anne are

worried that they will no longer be properly represented on these councils and, in turn, not adequately represented to the RHA. My first question is to the minister of health. How do you plan on selecting the members to serve on these community health councils, and what will be their role once they are appointed?

**Mr. Mar:** Mr. Speaker, community health councils represent the people that live in the communities from which they come, and their role is to provide another way for citizens to provide input into local health care planning. Council members are volunteers. They put their names forward to serve on such councils, and they are appointed not by the government but by the regional health authorities themselves.

2:20

**Mr. VanderBurg:** Well, to the same minister, Mr. Speaker: given that the Aspen region has now been expanded, how can residents expect to be well served by even fewer health councils?

**Mr. Mar:** Well, Mr. Speaker, when health regions were expanded earlier this year, they included the carryover from the existing community health councils from the previous regions as well as their own, and there were wide discrepancies in the number of people who served on these health councils. They ranged from nine members in one case to up to 15 in another. By establishing six equal councils, the Aspen health region is ensuring that there is a fair and equitable distribution and representation for all of its residents. Four of these councils will represent people from a geographic area within the health region, one will represent residents of Indian reserves, and the remaining one will represent residents of Métis settlements.

Mr. Speaker, my best advice is that the Aspen health region will soon be advertising for volunteers to serve on these six new health councils, and certainly those residents who have an interest in this, providing input to local health care planning, should put their names forward. The other eight health regions in the province of Alberta are also re-establishing their own local health councils.

**The Speaker:** The hon. member.

**Mr. VanderBurg:** Thank you.

### Driver Examinations

**Mr. Bonner:** Mr. Speaker, the 2002-2003 Auditor General report recommends that the Ministry of Transportation increase monitoring and auditing processes for driver examiners due to increased corruption and inconsistencies in services. This points to the inadequacies of the privatization of driver examinations, which has led to unqualified drivers obtaining their licences, thus risking the safety of the traveling public. To the Minister of Transportation: why has this ministry not adequately monitored and audited processes for driver examiners?

**Mr. Stelmach:** Mr. Speaker, we will take, of course, the recommendations of the Auditor General very seriously and will shortly be laying out a plan as to how we will accommodate all those recommendations.

**Mr. Bonner:** To the same minister: why is it that since the privatization of driver examinations the ministry has failed to identify and investigate examiners who are not conducting examinations in accordance with legislation and policy?

**Mr. Stelmach:** Mr. Speaker, although I admire the hon. gentleman

across, what he has said is not absolutely true. We have had investigated a number of operations, and a number of individuals were suspended during that period of time.

**Mr. Bonner:** To the same minister: why is it that the ministry has moved to privatization of driver examinations when it is clear that this move has risked the quality of this essential public service while endangering the safety of traveling Albertans?

**Mr. Stelmach:** Mr. Speaker, without a doubt the level of service has improved immensely across this province, and there is something to be said about privatizing some of these services. There's a feeling, perhaps by some members across, that the minute something is privatized – it's like something can go wrong in the private sector and somebody can perhaps do something illegally, but when it's conducted by the public sector, nothing can go wrong and nothing can happen that will perhaps question the service.

So I think, generally speaking, that when you look at the huge privatization that occurred in this province in the early 1990s, the improvement in level of service, the number of issues that were handled by this government to ensure that the safety of the traveling public was first and paramount, I believe we've done an excellent job. We will continue to monitor, and in those cases where someone has done something inappropriate, they will be punished.

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

#### Postsecondary Education Funding

**Dr. Pannu:** Thank you, Mr. Speaker. Alberta students have seen postsecondary tuition fees triple over the last decade, and this government doesn't seem to have any intention to see that trend stop or any will to reverse it. This government has spent \$430 million on corporate giveaways, but it can't afford a fraction of that amount, all that would be needed, to freeze tuition. It's not surprising that the TD Bank found that only 43 percent of Alberta high school students continue on to postsecondary learning, the lowest in Canada. My questions are to the Minister of Learning. If the government can afford corporate tax cuts, why can't it afford a tuition freeze?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you very much, Mr. Speaker. First of all, there needs to be a little bit of light put into this argument; that is, *Maclean's*, which is probably a very unbiased group when it comes to tuition, shows that the University of Alberta is number 24, the University of Calgary is number 25, and the University of Lethbridge is number 40 out of roughly 50 to 55 universities in the country when it comes to tuition and fees. This is right in the ballpark of where we want the institutions to be. They're not the highest; they're not the lowest.

The other issue is that the tuition fees will be allowed to go up when you hit the 30 percent ceiling, will be allowed to go up 5 percent at most, Mr. Speaker, and that is what is going to occur. We absolutely want the tuition fees to be affordable.

The other key component which the hon. member brought up was the TD study about the Calgary/Edmonton corridor. One thing that they refused to do in that study – and the hon. member knows this and really should have said this – is they did not include apprenticeships as part of the postsecondary system. Here in Alberta we think apprenticeships and trades are extremely important and, indeed, are completed in those numbers, Mr. Speaker.

**The Speaker:** The hon. leader.

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: why is it that Quebec, Saskatchewan, Manitoba can freeze tuition fees, Newfoundland can reduce tuition fees by 10 percent, but in Alberta the minister seems determined to make sure that tuition fees keep going up?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you, Mr. Speaker. First of all, in Quebec tuition fees for out-of-province Canadians are an average of all the other tuition fees across the country, so that's what they have chosen to do. They have chosen to keep their fees artificially low for their own residents, and that's a policy decision that they have made.

Mr. Speaker, Manitoba recently froze their fees, and again that is their issue.

In Newfoundland, though, there's something else that is very interesting, and that is that because of the lack of students in Newfoundland there are actually now, today, more seats in the postsecondary system than there are students available to actually sit in those seats. So, Mr. Speaker, they have conducted an extensive recruiting drive across Canada and across the world in order to get students to actually physically come to their universities. So that's one of the reasons that they have done it.

Again, Mr. Speaker, I will say that our universities – the University of Alberta, number 24; the University of Calgary, number 25; the University of Lethbridge, number 40 – are right where we want them to be in comparison with the rest of the country.

**The Speaker:** The hon. member.

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: given that the TD Bank study concludes that Alberta tuition rates are too high, will the government at least listen to its corporate friends and give young Albertans a better deal on tuition; i.e., freeze tuition fees?

**Dr. Oberg:** Mr. Speaker, again, the Toronto-Dominion Bank basically stated that the tuition fees were a concern when it came to access. I do not believe that they specifically said that the tuition fees were too high. What they would have had to have said is that that would have translated across Canada, and they would have seen that they are very competitive across Canada.

To put it in perspective, Mr. Speaker, the tuition plus fees for University of Alberta are \$4,782. You know, it's only slightly smaller than the pension that the hon. member gets from the University of Alberta. So \$4,700: I have four kids that are presently going to university, and I would be more than happy to pay that.

**The Speaker:** The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Gold Bar.

2:30

#### Skills Development Program

**Mr. Cao:** Thank you, Mr. Speaker. My question today is for the Minister of Human Resources and Employment. Mr. Minister, while Alberta's economy is going strong and more Albertans are working than ever before, many employers in my constituency tell me it's difficult to find skilled workers and many hardworking employees also tell me they are stuck in low-paying jobs. So as the Minister of Human Resources and Employment what are you doing to address these important issues?

**Mr. Dunford:** Well, the hon. member is onto an issue here, and that, of course, is the fact that we have huge dollars that we're investing in the skills training of Albertans. At the same time, any Albertan driving around and certainly those of us that spent the weekend here in Edmonton in our normal activities see the hiring signs. There's a disconnect, almost, at times between the skills that are available and actually finding the placement for them. As recently as today, Mr. Speaker, we were talking about just that kind of situation, whether we shouldn't have more direct access for the employer right into our department to see if we can't somehow get the two folks together more rapidly.

In the meantime, we are spending our budget on the development of skilled employees in this province. I think that later this week, you know, we'll actually have to come in front of the folks of this Legislature and ask for some additional dollars in order to meet our commitments. We are oversubscribed in this area.

But it's the only thing that works. You have to provide the kind of transition to get people from assistance and dependence into the workforce, where they can be self-reliant Albertans.

**The Speaker:** The hon. member.

**Mr. Cao:** Thank you, Mr. Speaker. To the same minister: I heard you mention a skills investment strategy, so what specific initiative under this program will help employees and employers?

**Mr. Dunford:** Well, this is a bit of reform for us because at one time skills training tended to follow along traditional lines. We would look at a situation, and if the person had not completed grade 12, for an example, then we'd automatically put them into academic upgrading through one of our postsecondary institutions. We started to look at that, and we said: "Why would we just look at that one aspect? Why don't we look at the more complete person and determine, make some kind of assessment as to what it is they would logically be doing within this economy and in a specific period of time?" If that meant academic upgrading, well, of course, let's go through that. But if there was a quicker way through training on the job or some other program that we would have that could move them into the workforce and that's what they want, why would we not be prepared to do this? So that's part of what we're doing now.

**The Speaker:** The hon. member.

**Mr. Cao:** I don't have one.

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

### Workers' Compensation Board

**Mr. MacDonald:** Thank you, Mr. Speaker. This government always insists it's at arm's length from the WCB. Documents received recently through freedom of information show that successive government ministers are at arm's length from the WCB board of directors, but it's at arm's length across the dining room table at the Mayfair country club. To the minister of human resources and enjoyment: why did the WCB fork out over \$41,000 in golf course and social fees at the Mayfair Golf and Country Club between 1998 and 2001 for two top executives when injured workers had to camp out on the streets to have their cases heard?

**Mr. Dunford:** Well, that's an operating situation that would of course fall within the responsibility of the board of directors – you

know, it's now broadcast on the Internet live, so they might be watching today – and that would be something that would be taken up with them.

But you should know that the meal that I would've had at the Mayfair course with them was a very nice meal. There were a number of us from my department that met with them on one occasion down there. It was a very, very tough meeting for both the board of directors and for the minister. If we were to recall the exact date, Mr. Speaker, it was right in the midst of the determination by this minister and this government to reform some of the aspects of the appeal system inside the WCB. That was one occasion when they did offer to provide a site for us to have those discussions, and believe me, sir, we had them.

**Mr. MacDonald:** Mr. Speaker, that meeting occurred on June 19, 2001, and it cost \$671.

Now, to the same minister: how can injured workers with long-standing contentious claims be denied while the WCB spends so lavishly on country club fees?

**Mr. Dunford:** Well, Mr. Speaker, I think that the hon. member is aware of the activities of Human Resources and Employment. Since that structure was put into place in May of 1999, we have worked very hard and, I believe, successfully toward making a better WCB system in this province, particularly, then, as it would relate to injured workers. Now, the hon. member was here in the House, and I don't recall particularly, but I believe that he supported some of the changes that we made to the WCB system through legislation. We've also done this, of course, through regulation.

So I don't know that as the responsible minister for this government we need to apologize to anybody for the actions we have taken as a government and for the actions we have taken as the ministry responsible for the legislation as it leads to workers' compensation. As a matter of fact, we've had pretty good support from some sectors of injured workers in what we've tried to do. But, yes, there are a couple of associations that continue to be critical of not only this government but of this minister in particular. That's just the way it goes.

I would want to indicate to the hon. member that I believe that I have an understanding of my role as it relates to workers' comp, and I believe that this government will continue with that particular role and continue to move forward on behalf of all parties involved in the WCB, not just injured workers but the employers who pay the cost of this program as well.

**Mr. MacDonald:** Again, Mr. Speaker, to the same minister in regard to those employers: why does the WCB pay out over \$41,000 in country club fees for the top two executives when at the same time Alberta businesses, large and small, are faced with double-digit premium increases?

**Mr. Dunford:** If there's a member in this House that is not supportive of health care reform in this province, then they are not supportive of the kinds of issues that are being dealt with by the WCB. The increases in the WCB assessment, hon. member, aren't due to a \$41,000 cost item; they are the fact that health care costs in this province as it relates to WCB claims have more than doubled in the last four or five years.

Now, because of the hon. member's question I believe that we should look to him for support in the health care reforms in this province. If he is going to portray himself as a speaker on behalf of injured workers, on behalf of employers, then get with it and get outside and get on right now.

## 2:40head: Recognitions

**The Speaker:** Hon. members, in 30 seconds from now I'll call upon the first of seven to participate in Recognitions, but pending that, today we'll recognize that it's November 24 and is the anniversary of birth for the hon. members for Drayton Valley-Calmar and Calgary-West.

The hon. Member for Dunvegan.

### Mary Gervais

**Mr. Goudreau:** Thank you, Mr. Speaker. A Falher poet's literary creation was picked as the Editor's Choice award for poetry sponsored by the International Library of Poetry.

Longtime poet Mary Gervais was notified of her selection in September. Her poem entitled *River Bank Memories* was selected based on its unique perspective, original creativity, and expansive qualities and will be one of 33 poems to be recorded on a special CD poetry collection called *The Sound of Poetry*. Her poem is also featured in *Eternal Portraits*, a hardbound edition featuring the talents of poets from across Canada.

Mrs. Gervais has been a poet for many years and has written more than a hundred poems, many of which have received the attention of Canadian and U.S.-based poetry book publishers. According to Mrs. Gervais her inspiration for putting pen to paper and writing is life itself.

Congratulations to Mrs. Gervais on her recent prestigious award for her poem *River Bank Memories*.

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

### Red Motel Pictures

**Mr. Lord:** Thank you, Mr. Speaker. It's always a pleasure for me to help draw attention to the work of incredibly talented Albertans, especially since so many of them live in Calgary-Currie. Red Motel Pictures is the Calgary video production company with a social conscience being built by Jeth Weinrich and his partner, Braun Farnon. Their story isn't just of interest in Calgary-Currie or Alberta, for that matter. The facts are that this is a true international success story and proof that Canadians can compete with anybody anywhere.

Jeth and Braun started by producing over a hundred commercials for some of the world's largest companies and institutions, a list that includes the U.S. Navy, DuPont, First Bank of America, Pfizer, Royal Bank, and dozens of others. Along the way Jeth picked up a Clio, the world's top advertising excellence award, and made the list of North America's 10 most up-and-coming new directors.

They do feature films. *Moon of the Desperados* has become a rodeo circuit cult classic, working with names such as Tuff Hedeman, Budweiser, and Wrangler. *Heartland* is a film about cystic fibrosis with a soundtrack developed by Jann Arden, Los Lobos, and Ozzy Osbourne. Three Juno winners and 60 videos: Jann Arden's *Insensitive* is the most famous of them.

They are really putting Calgary-Currie on the map with redmotel.com, and I'd like to offer my congratulations to Jeth and Braun and all the rest of the talented people there.

**The Speaker:** The hon. Member for Highwood.

### Pam Irving

**Mr. Tannas:** Thank you, Mr. Speaker. This year on November 14 Her Excellency the Rt. Hon. Adrienne Clarkson presented Pam Irving of Millarville community school in Highwood with the

Governor General's award for excellence in teaching Canadian history to elementary school students.

In winning this national award, Pam gives full credit to her mentor, Barb Martin, from the Galileo Educational Network mentorship program. The Galileo program emphasizes students researching primary-source information including contact with First Nations people and families of original homesteaders as well as visiting local museums and historic sites and then utilizing student skills in writing, art, drama, and technology to reflect and strengthen their understandings.

Congratulations to a great teacher, Pam, and to her mentor, Barb, and to the Foothills school division.

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

### Bernadette Vermaas

**Mr. MacDonald:** Thank you, Mr. Speaker. I rise today to give recognition to Ms Bernadette Vermaas, a recipient of the Carnegie Hero Fund Commission bronze medal. The commission honours people from Canada and the United States who risk their lives to an extraordinary degree trying to save others.

Ms Vermaas rescued Ljiljana Samuels from an assault by a woman who attacked her with a knife and two syringes on January 23, 2001. She heard the assault from her shop next door and rushed over. The shop owner was shielding her bloody face with her hands, with the armed assailant looming over her. With a snow shovel in her hand Ms Vermaas cleared the counter and began to approach the assailant, who then fled. Ms Vermaas followed the assailant through back alleys and parking lots until police intervened. Ms Samuels required surgery for a broken nose and recovered fully.

For her bravery Ms Vermaas became one of only 17 women to receive this award and the first from Edmonton. In all, 686 Canadians, 53 from Alberta, have been awarded Carnegie medals since 1904. I would ask Ms Vermaas again to rise and receive the warm welcome of the Assembly for her bravery.

Thank you.

### Grant Fuhr

**Mr. Bonner:** Mr. Speaker, it is with great pride that I rise to recognize a great Canadian and, more than that, a great Canadian hockey player. I'm speaking of Grant Fuhr, who was inducted into the Hockey Hall of Fame this year. His jersey was also retired by the Edmonton Oilers in October of this year, and of course he participated in the Molson Canadian Heritage Classic, where he once again displayed his lightning-quick reflexes with another memorable glove save. Fuhr played 19 seasons in the NHL and helped the Oilers win five Stanley Cups.

The native of Spruce Grove, who finished his glorious career in the 1999-2000 season, won the NHL's Vezina trophy for outstanding goalkeeper in the 1987-88 season. His contributions to NHL hockey shall be remembered for all time and will be expanded as he tries his hand as a hockey commentator, but he is also passing his hockey knowledge to the next generation by helping kids improve their game here in Edmonton.

Mr. Speaker, I ask all members to join me in congratulating this great Albertan and recognizing his achievements.

Thank you.

**The Speaker:** The hon. Member for Calgary-North Hill.

### Edmonton Firefighters

**Mr. Magnus:** Thank you, Mr. Speaker. Last week Ivan Clancey's car left a slippery road in Edmonton during a blizzard and drove

through ice into a drainage ditch, landing upside down. Passersby tried to help. It was up to two firefighters, Mike Haessel and Mike Tessier, not wearing protective clothing, to wade into four feet of oil, water, and sludge in minus 15 degree temperatures to find the driver. The car was pulled out. The driver is miraculously alive after 30 minutes underwater, and our prayers go out to him for a full recovery.

In those prayers will be a word of gratitude for the firefighters at station 6: Randy Owen, Bob Taylor, Ray Baron, Brian Paziuk, Doug Ardis, Graham DeLong, Dave Drebert, Rob McNallie, Scott MacDonald, Wayne Grotski, Daryl Harper, Walter Gahler, Mike Dawood, Bruce Ouellette, Ross Horton, and Greg Holubowich.

Firefighters and other emergency workers are called on daily to put themselves in danger. They do so without a second thought. It's their duty, they say. But from time to time these folks demonstrate a kind of bravery that elevates them from emergency workers to heroes. On behalf of the Legislature, Mr. Speaker, let's recognize those heroes.

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

#### *Dream Keeper* Premiere

**Ms Kryczka:** Thank you, Mr. Speaker. On November 8 my husband and I attended a premiere of *Dream Keeper*, an amazing aboriginal film that through a grandfather and his grandson explores the tradition of storytelling and native culture. *Dream Keeper* will be broadcast on ABC television on December 28 and 29, 2003, for all Albertans to see. The hon. Minister of Aboriginal Affairs and Northern Development attended with her sister and her daughter along with the MLA for Olds-Didsbury-Three Hills and his wife. The Premier spoke at a grand reception following.

Not only does *Dream Keeper* depict the rich traditions of aboriginal people; it also is an excellent example of the talent in our province. *Dream Keeper* was shot over 78 days and in over 70 locations throughout Alberta. Over 1,500 aboriginal people were involved as actors, background actors, special skills extras, cultural experts, and crew.

The Blood tribe, Treaty 7 Tribal Council, Telus, Dreamkeeper Productions, Alberta Aboriginal Affairs and Northern Development, Alberta Community Development, and all the cast and crew should be recognized for their contributions. Films such as *Dream Keeper* are bringing aboriginal talent into the mainstream and are an excellent way for aboriginal people to share their stories and traditions. Watch on December 28 and 29.

Thank you.

#### 2:50head: **Presenting Reports by Standing and Special Committees**

**Mrs. Tarchuk:** Mr. Speaker, as chair of the Select Special Ethics Commissioner and Ombudsman Search Committee I would like to table part 2 of the committee's report, containing its recommendation for the appointment of Mr. G.B. (Gord) Button as Ombudsman for the province of Alberta.

Thank you.

#### head: **Presenting Petitions**

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

**Mr. Masyk:** Thank you, Mr. Speaker. I rise today to present a petition that was signed by 828 residents of Alberta requesting "the Legislative Assembly to urge the government to regulate energy

corporations in order to lower the price of natural gas and electricity."

#### head: **Introduction of Bills**

**The Speaker:** The hon. Member for Medicine Hat.

#### **Bill 53**

#### **Insurance Amendment Act, 2003 (No. 2)**

**Mr. Renner:** Well, thank you, Mr. Speaker. I'm very pleased today to request leave to introduce a bill being the Insurance Amendment Act, 2003 (No. 2).

This bill will allow the government to introduce an insurance reform package that will allow automobile insurance to be made available to all Albertans in an affordable, accessible manner and will also allow for the provision of a rate freeze in the interim until the new reform package is available to all Albertans.

[Motion carried; Bill 53 read a first time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. I move that Bill 53 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

**The Speaker:** The hon. Member for Calgary-Fort.

#### **Bill 218**

#### **Financial Summit Act**

**Mr. Cao:** Thank you, Mr. Speaker. I request leave to introduce a bill being Bill 218, Financial Summit Act.

Given that the demands for public money are increasing, new approaches for allocation of public funding should be considered. This bill is about a public forum that addresses the demands for public money by stakeholder groups in front of one another.

[Motion carried; Bill 218 read a first time]

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

#### **Bill 224**

#### **Long-Term Care Ombudsperson Act**

**Ms Carlson:** Thank you, Mr. Speaker. I request leave to introduce a bill being the Long-Term Care Ombudsperson Act.

This is a bill that recognizes that persons receiving long-term or residential care deserve to be treated with dignity and maintain the greatest control possible over how they live their lives. Those persons are amongst the most vulnerable members of society wherein their interests and opinions and those of their families are too often disregarded.

[Motion carried; Bill 224 read a first time]

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

#### **Bill 229**

#### **Cost of Living Protection Statutes Amendment Act, 2003**

**Dr. Pannu:** Thank you, Mr. Speaker. I request leave to introduce

Bill 229, the Cost of Living Protection Statutes Amendment Act, 2003.

The bill addresses three issues. It ensures that seniors living on fixed incomes and low-income Albertans, whether employed, unable to work, or disabled, receive an annual cost-of-living adjustment on a formula similar to that used to annually adjust the remuneration of Members of the Legislative Assembly. Second, the bill makes amendments to appropriate legislation to annually adjust the seniors' benefits, minimum wage, social assistance rates, and monthly AISH benefits to at least keep pace with inflation and the cost of living in Alberta. Finally, in terms of long-term care accommodation charges Bill 229 would require any future adjustments to these rates to be either at or below the inflation rate.

Thank you, Mr. Speaker.

[Motion carried; Bill 229 read a first time]

head: **Tabling Returns and Reports**

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

**Mrs. Ady:** Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of 165 signatures that I received from constituents regarding the government's handling of the long-term care accommodation rate increase. These constituents do not agree with the proposed implementation of a 40 percent increase in the accommodation rate.

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

**Mrs. O'Neill:** Thank you, Mr. Speaker. I rise today to table five copies of a letter sent to me by constituent Sandra Lowe in which she commends several of the recommendations of the Learning Commission but, however, is opposed to some recommendations, including removing principals from the ATA.

Thank you.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I've got two tablings today. The first is a letter from the Coalition of Seniors Advocates, COSA, an organization from Calgary. The letter dated July 16, 2003, addressed to the Premier, is expressing concern with the failure of government to address the well-being of seniors, the homeless, and the disabled population of Alberta.

The second tabling, Mr. Speaker, is also a letter, with the appropriate number of copies, written by Melanee Thomas, executive director of CAUS, and Brett Bergie, provincial director of ACTISEC, addressed to the Minister of Learning, dated November 24, 2003. Both CAUS and ACTISEC do not support the removal of the tuition fee cap or the creation of a framework to increase tuition above 30 percent of an institution's net operating expense.

Thank you, Mr. Speaker.

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

**Ms Carlson:** Thank you, Mr. Speaker. I have two tablings today. The first is on behalf of the Leader of the Official Opposition. He has received a letter from Doreen Purcell of Thorsby, Alberta. She's a senior, and she is dismayed to see that over \$1 million was spent in attempting to change the opinion of the public regarding negotiations between the registered nurses and the Provincial Health Authorities.

The second tabling is from a constituent of mine, Sandra Brayer. She is also a registered nurse, with 15 years' experience, and is also very concerned about the negotiations that have been conducted between the PHAA and the UNA.

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

**Dr. Massey:** Thank you, Mr. Speaker. With permission I table letters from Denise Joel, Helen Johnson, Tracy Mitchell, Gerry Laing, and Linda Brown to the Member for Livingstone-Macleod, upset with the employers' strategy in the nurses' negotiations and in particular concerned that the practice that has local nurses practise locally might be changed.

Thank you, Mr. Speaker.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have two tablings this afternoon. The first is a letter that our office received from Mr. Barry Wiens on Varsity Drive N.W. in Calgary. Mr. Wiens is expressing concern over the proposed government of Alberta natural gas rebate program. He finds it confusing, and he feels totally left out.

The second tabling I have, Mr. Speaker, is copies of letters expressing concern over patient safety in the negotiations between the nurses and the Provincial Health Authorities association. These letters are from Don Cytko of 78th Street and 102nd Avenue, Karen Wolgemuth from 107th Avenue and 63rd Street, and from Sheila Coulson in the constituency of Edmonton-Norwood.

Thank you.

3:00

**The Speaker:** The hon. Member for Edmonton-Glenarry.

**Mr. Bonner:** Thank you, Mr. Speaker. With your permission I'd like to table the appropriate number of copies of two letters, one from Diana Choma and the other from Anita Ashmore. Both are nurses and are very concerned over what is being asked of them in the current contract negotiations and the tactics that are being used by the employer in those negotiations.

Thank you.

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

**Dr. Taft:** Thank you, Mr. Speaker. I have four tablings today. The first is a letter written to me, tabled with permission. It's from Gerald Zagrosh, the founder of the Pain Elimination and Tissue Regeneration Clinic. It's a letter offering a 100 percent guarantee of his clinic's services to the government of Alberta to eliminate pain from hip, knee, ulcerative colitis, and irritable bowel syndrome without using surgery.

The second letter tabled with permission is from Karen Ferrari expressing concern about the level of funding for education in Alberta, supporting some aspects of the Learning Commission but particularly concerned about class sizes.

The third tabling is from Adrienne Wiebe, who says, "I feel very strongly that the Alberta government has lacked a long range vision in its policies and programs" concerning education, health care, and social services.

The final tabling is a letter from Susan Hannon, tabled with permission, expressing concern about the level of funding to primary and secondary schools.

Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm tabling a letter from Kevin Sommer addressed to the Minister of Energy, dated November 22, 2003. He asks the minister to admit that his deregulation scheme was a mistake and to stop wasting public funds and to go back to regulating utilities.

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. Today I'm tabling five copies each of 146 letters from Albertans that support the repair and restoration of a beautiful old landmark, the historic old Michener administration building, that's considered to be an unparalleled heritage resource and among the last of the grand old public buildings in our community and province.

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

**Mr. Cenaiko:** Thank you very much, Mr. Speaker. I'd like to table the appropriate number of copies of 60 letters from Edmontonians and 86 letters from Calgarians supporting Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(reversion)

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

**Mr. Cenaiko:** Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly a number of individuals that are attending this afternoon's session who provided me with assistance over the last two years as an MLA and in bringing forward Bill 206, which will be presented shortly for third reading this afternoon.

I'd like to introduce to you and acknowledge those members from the Community Action Project, north-central Edmonton citizens' power organization. In particular, Michael Walters is here with Rena Debit, Elaine Mantreau, and Father Frank Steple. Also, from the Prostitution Awareness and Action Foundation of Edmonton Kate Quinn, Ed Campbell, Tracey Patience, and Chris Basualdo are here. As well, I'd like to acknowledge four police officers that also assisted me: Detective Randy Wikens and Detective Jim Morrissey from the Edmonton Police Service as well as Detective Len Dafoe and Staff Sergeant Joe Houben from the Calgary Police Service.

I'd like them all to rise and receive the warm welcome of this Assembly.

#### Privilege

#### Contempt of the Assembly

**The Speaker:** Hon. members, the chair is now prepared to rule on a purported question of privilege raised by the hon. Member for Edmonton-Riverview a few days ago. On November 14, 2003, the chair received written notice from the Member for Edmonton-Riverview of his intention to raise the purported question of

privilege. On November 17, 2003, at 11:15 a.m. the chair received a signed letter from the member indicating his intention to raise this matter. The letter indicated that it was copied to the Minister of Infrastructure in conformity with Standing Order 15(2), which provides that

a member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least two hours before the opening of the sitting.

Under Standing Order 15(5) a question of privilege may be raised as soon as "the words are uttered or the events occur." The chair assumes that the member chose to review the minister's answers and tablings and presumably did not have that opportunity to raise the matter before the end of the sitting on May 15, 2003, which ended at 4:37 p.m. that day. Neither the member bringing forward the application nor the minister addressed whether this matter was raised at the earliest possible opportunity, which is one of the grounds under Standing Order 15(6) for the chair to consider in ruling on a purported question of privilege. Given that there seems to be no dispute on the point, the chair finds that it was brought forward at the earliest opportunity and that the requirements of Standing Order 15(5) were met.

Before reviewing the particulars of this application, the chair wants to comment on the procedure for raising questions of privilege. As privilege is the most serious issue that can be raised in this Assembly, the chair was very lenient with the time taken by both these members. However, the chair would like to quote from Marleau and Montpetit's book, *House of Commons Procedure and Practice*, at page 125.

A Member recognized on a question of privilege is expected to be brief and concise in explaining the event which has given rise to the question of privilege and the reasons why consideration of the event complained of should be given precedence over other House business. Generally, the Member tries to provide the Chair with relevant references to the Standing Orders, precedents and citations from procedural authorities.

The Speaker's role is to determine whether there is a prima facie question of privilege. It is up to the Assembly to decide whether there is an actual question of privilege. If the chair finds that there is a prima facie question of privilege, then the usual practice is for someone to move that the matter be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing, that would hear evidence on the matter. When the members of that committee conclude their work, their report would be submitted to the Assembly and would contain recommendations on what action should be taken. In short, hon. members, all the evidence does not have to be presented when the question is first raised in the Assembly.

In this case there were very few references to precedents or authorities cited by the two main participants. The chair has ruled three times in approximately the last year and a half on the issue of deliberately misleading the Assembly. The chair refers to rulings on March 12 and March 20, 2002, found at pages 267, 465, and 466 of *Alberta Hansard* for those days, and February 19, 2003, at pages 18 and 19 of *Alberta Hansard*. None of these rulings were referred to by either the member raising the allegation or by the minister in his response.

The basis of the member's purported question of privilege is that the Minister of Infrastructure deliberately misled the Assembly on May 15, 2003, and possibly before, concerning questions about testing for mold at what was formerly the Holy Cross hospital in the city of Calgary. In the member's November 17 letter he indicates that in response to his questions surrounding the test results for toxic mold at the Holy Cross hospital, and I quote: the minister indicated

that he did not have the tests; the documents he tabled proved he did. End of quote.

The exchange is recorded at page 1674 of *Alberta Hansard* for May 15, which the chair closely reviewed. On that day the member asked in his main question what the minister had “learned about his department’s testing for toxic mold at the Holy Cross hospital.” In his response the minister made certain allegations against the member, which were the subject of a point of order that day and for which the minister apologized.

In his first supplementary question the member asked the minister if the department had “in its possession any lab results that speak of toxic mold at the former Holy Cross hospital.” In his response the minister quoted from a copy of an e-mail exchange between an official in his department and Mr. Tang Lee on May 14, 2003. At the request of the chair the minister tabled this e-mail in the House, which became sessional paper 597/2003. The minister quoted from part of the e-mail where Mr. Lee said that he “did not complete [the] report for the Holy Cross Hospital as the decision was made for the Court of Appeal not to move into [that] building.”

In the first part of the e-mail tabled by the minister, Mr. Lee indicates that he is enclosing “the report from the Microbiological laboratory that was completed on October 24, 2001.” The icons at the top of the e-mail indicate two attachments to the e-mail. These attached documents were not tabled on May 15 or in the minister’s tablings on November 19, 2003.

### 3:10

In his final supplementary the member asked: “Is the minister saying that his department has never had possession of positive tests for toxic mold at the Holy Cross hospital? Yes or no.” The minister’s response was:

Mr. Speaker, once again I will put on the record what has happened. The fact is that when we were looking at locations to house the Court of Appeal, the Court of Appeal asked Mr. Tang Lee to do an air quality test, and clearly, as this shows, the tests were never completed.

As the chair has indicated in previous rulings, accusing someone of deliberately misleading the Assembly is a very serious allegation that is hardly ever made out. The tests are presented well by David McGee in his book *Parliamentary Practice in New Zealand*, second edition, which was relied upon by the House of Commons committee that investigated the Eggleton affair and recommended that there was no breach of privilege. McGee says at page 491:

There are two ingredients to be established when it is alleged that a member is in contempt on this ground: the statement must, in fact, have been misleading; and it must be established that the member making the statement knew at the time the statement was made that it was incorrect and that, in making it, the member intended to mislead the House.

He goes on to state: “In order to show that a misleading of the House was deliberate, there must be something in the nature of the incorrect statement that indicates an intention to mislead.”

In this case, we heard at some length about different interpretations of test results. The minister believed that he never had final test results, while the member insists that the minister should have been advised that he had some test results, although on May 15 the member asked in his final supplementary if the minister had “positive” test results.

The minister had some documents, as demonstrated by the e-mail exchange between an official in his department and Mr. Lee, as the e-mail shows two attachments, which are referred to as “the report from the Microbiological laboratory.” The chair notes that it was the minister himself who tabled this document that seems to be the basis of the allegations by the Member for Edmonton-Riverview. From

the minister’s statement on November 19 he did not find the results conclusive.

As it appears that the chair is being asked to rule on the basis of what is a test, what is a final test, what is a positive test, or what is a final report, the chair would like to quote from the March 20, 2002, ruling on a similar allegation involving the Solicitor General found on page 465 of *Alberta Hansard* for that date.

It would be difficult for the chair to conclude that a contempt of the House arises every time a minister misspeaks or misstates department policy. Exactness in all answers to questions in question period would also require exactness in all questions. This would seem to amount to an impossible standard of perfection that would certainly go beyond the standard expected in a Westminster-style parliament.

After listening to the hon. member and the minister, it was clear to the chair that the minister offered responses that the hon. member thought did not answer his questions, but it seems that there was considerable room for subjective interpretation and ambiguity. Furthermore, as the Member for Edmonton-Rutherford alluded to, these matters are usually a dispute over facts. As *Marleau and Montpetit* state at page 433,

in most instances, when a point of order or a question of privilege has been raised in . . . response to an oral question, the Speaker has ruled that the matter is a disagreement among Members over the facts surrounding the issue. As such, these matters are more a question of debate and do not constitute a breach of the rules or of privilege.

Accordingly, the chair cannot find that the minister was trying to deliberately mislead the Assembly. As such, the chair finds there is no prima facie case of privilege.

Before moving to Orders of the Day, the chair wants to encourage any members who bring forward questions of privilege to be succinct in their presentations and to be able to advise the House of the authorities that they are relying upon.

head: **Orders of the Day**

head: **Written Questions**

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, November 20, I will now move that written questions appearing on today’s Order Paper do stand and retain their places with the exception of Written Question 15.

[Motion carried]

### **Pheasant Lease Agreement**

Q15. Dr. Taft moved on behalf of Dr. Nicol that the following question be accepted.

Why has the number of pheasants released under a lease agreement between the Brooks Pheasant Hatchery and the Pheasants Unlimited, administered by the Department of Infrastructure, not met the 15,000 pheasant release requirement, what are the terms of the lease agreement, and what happens when the lease expires?

**Mr. Zwozdesky:** Well, Mr. Speaker, we were prepared to respond, and I would like to indicate that we are prepared to accept Written Question 15.

**The Speaker:** The hon. Member for Edmonton-Riverview to close the debate.

**Dr. Taft:** If the minister cares to provide his response, I’m sure the

Member for Lethbridge-East would be happy to receive it.  
Thank you.

[Written Question 15 carried]

head: **Motions for Returns**

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, November 20, I will now move that motions for returns appearing on today's Order Paper stand and retain their places.

[Motion carried]

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

head: **Third Reading**

### **Bill 206**

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

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

**Mr. Cernaiko:** Thank you very much, Mr. Speaker. I'm pleased to begin debate on third reading of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. Over the past two years I've met with hundreds of inner-city residents in Calgary and Edmonton who have all said the same thing: if people understood the problems related to prostitution, they would want to do anything possible to help get these women off the streets. Based on the support from inner-city residents, police agencies, city councils, and members of this House, I think the support for this bill is strong and growing.

I would like to remind this House that johns continue to drive around looking to satisfy their cravings. Even though the number of prostitutes has been reduced, the customers have not stopped shopping. A lot of work has been done to reduce the number of prostitutes walking the streets. This bill combined with other programs will make further progress to remove sex offenders and allow communities to rebuild into safe places for children and families.

Throughout debate on Bill 206 this Assembly has heard about the problems associated with street prostitution in Alberta's inner cities, but we've also heard about what some neighbourhoods and community groups are doing to battle prostitution. Whereas some community groups meet regularly to discuss the construction of a playground, a growing number of groups meet to decide how to clean up dirty condoms and used needles left on the sidewalk. I don't think people should be subjected to this sort of pressure, and any effort to reduce street prostitution would be a step in the right direction.

Mr. Speaker, at every stage of the legislative process I tried to make it clear that Bill 206 will help reduce street prostitution. I can't stress enough the fact that this bill is only an option for police services, not a magic bullet that will eliminate prostitution completely. If the resources are available, then vice units will have vehicle seizure as an option. I strongly believe that this bill, if passed, will complement the efforts and programs already under way to further reduce street prostitution.

Mr. Speaker, I'm proud of this bill because it comes in part from communities affected by street prostitution. I have enjoyed meeting with residents and community groups who share my concern for the

safety of innocent people. I found that talking and working with police services and community groups across Alberta has created legislation that effectively achieves its purpose.

3:20

There are many people who have helped me encourage this Assembly to help Alberta's communities. The number of letters and the diversity of the addresses made a very important statement. Now, I have tabled letters in this Assembly from residents of Edmonton and Calgary as well as outlying areas of the major centres including Sherwood Park, Strathmore, Viking, High River, and Canmore. This campaign was more proof that while street prostitution may occur primarily in the inner city, its effects have an impact throughout the surrounding area.

Mr. Speaker, individuals, as I mentioned earlier in Recognitions, such as Kate Quinn and Ed Campbell from the Prostitution Awareness and Action Foundation of Edmonton as well as Michael Walters from the Community Action Project here in Edmonton as well as individuals like Carol Potter from the Communities for Awareness and Action on Prostitution Issues in Calgary have all done great work with their respective cities related to street prostitution including urging their aldermen to support the seizure of vehicles in this proposed bill.

Officers from the Calgary and Edmonton police services also helped educate citizens who had no understanding of the issues surrounding street prostitution. These men shared their experiences with several members in this House about the horrible costs of street prostitution. Initially the support from the police community was lukewarm because they saw problems using the exact legislation for Manitoba and Alberta, but they never rejected the idea and offered thoughtful advice that made this bill more effective by ensuring that the sex trade offender is held accountable without punishing his family.

These people have shared their real-life experiences with my colleagues and myself. Their contribution cannot be overstated, and I'd once again like to thank them for all of their help. They took time out of their busy schedules to offer their support and insight into the street prostitution issue and how to deal with it.

As I've said before, Mr. Speaker, there is a great deal of hard work being done that has reduced street prostitution in Alberta, but I believe that more work needs to be done. Johns need to understand the consequences of their actions. Women need help to get off the streets. Inner-city neighbourhoods need more assistance to prevent dirty needles and condoms from proliferating in their playgrounds, sidewalks, and backyards. Police services need the tools to effectively deter johns from destroying inner-city communities. Bill 206 is an attempt to achieve these goals.

Mr. Speaker, one final thought. In Vancouver there are over 60 missing street prostitutes. Some of you may know that Richard Pickton is accused of killing more than a dozen women, all of them street prostitutes in Vancouver's Hastings area. In Washington state the Green River killer, Gary Ridgeway, killed 48 women. All of his victims were prostitutes. In his own words, Ridgeway chose prostitutes because he thought he could kill as many as he wanted to without being caught. He also knew that they would not be reported missing right away and might never be reported missing at all.

I read an interesting article in the *Ottawa Citizen* last week, Mr. Speaker, that talked about Pickton and Ridgeway and the problem society has in recognizing victims of violence. All of Ridgeway's victims were women and all were prostitutes, and in Vancouver 60 female street prostitutes are missing and Pickton faces 50 murder charges. Some may say that this could never happen in Alberta, but the numbers tell a different story. Presently there are 83 missing

street prostitutes in Alberta. In the past 15 years nine prostitutes have been murdered in the Edmonton area. Five of these murders have occurred in the past year.

Finally, Mr. Speaker, excluding the recent murders in Edmonton and excluding the 60 missing women in Vancouver and 73 prostitutes that have been killed in Canada over the past 10 years, there's one section of this article that made an important point. The author explained that it doesn't take a statistician to spot the common denominator in these numbers. Yes, serial killers are often involved but not always, and if we were to add the horrific number of assaults, robberies, rapes suffered by women on the street, then the blank-eyed monsters are reduced to bit players. The real story here is not about serial killers; it's one of street prostitutes being attacked by men ranging from psychopaths to mechanics to accountants to any walk of life.

Mr. Speaker, I'm not saying that the vehicle seizure alone would save the lives of these women or stop these killers, but I am convinced that Bill 206 will move many johns out of the inner-city areas where they shop for sex. By doing this, more time and resources can be concentrated on the serious offenders. I believe that the end result will save lives, and if this bill saves one life, it's worth it.

I've talked with the Minister of Transportation about this bill, and he supports it fully and knows that something has to be done. I look forward to working with him to ensure that this bill is proclaimed into law as soon as possible.

I believe that the legislation proposed in Bill 206 will help inner-city residents live in safer neighbourhoods by deterring sex offenders from cruising their neighbourhood streets, and I urge all members to vote in favour of Bill 206. Thank you, Mr. Speaker.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I rise this afternoon to participate in debate on Bill 206. The hon. Member for Calgary-*Buffalo* is to be recognized for the work that the member has done along with others in getting this bill before this Assembly.

Now, Mr. Speaker, the hon. member spoke earlier about many of the prostitutes in Vancouver who unfortunately have disappeared and, it's been recognized, have lost their lives. Unfortunately, an eerily similar crime spree has affected this city and this region. Certainly, whenever one talks to or knows a parent of one of those prostitutes who has disappeared and disappeared for some time, is later found in a farmer's field or on an acreage, it is sad indeed. If anything can be done to prevent similar circumstances from occurring, then I would urge all members of this Assembly to support this legislation.

It's certainly not perfect. When we consider that Bill 206 perhaps will undermine one of the main principles of the Canadian justice system – that is that you're innocent until you are proven guilty. This is a strong measure that undermines that principle, but when we look at one of those mothers who has lost a child – and in some cases these prostitutes are not 18 – if this measure would go in any way to reduce prostitution, then I, again, urge everyone to support this.

Certainly, the communities that were consulted are solidly behind this legislation, and we have to respect the wishes of those individuals in the community that the hon. member has consulted with, and we have to hope that the wishes of the community and the civil rights of the public are going to be in balance here. Those are difficult issues to balance sometimes in a democracy, but hopefully we will be able to do that with this bill.

Bill 206 is also going to give quite a bit of discretionary power to police officers. If you are caught soliciting for prostitution, a vehicle

can be seized. Now, there is a list of conditions that hopefully we will get a chance to discuss in this Assembly, but certainly I would encourage all members of this Assembly to have a look at the issue of prostitution and the solicitation of prostitutes and consider this.

This is a deterrent, but there is also another deterrent out there, and that is the publishing of the names of the individuals who are cruising on any night of the week and soliciting prostitutes. If they're caught and if they're found guilty, let's have those names publicly displayed somewhere. It may be that whenever the john comes home to Jill, shall I say, Mr. Speaker, then a little bit of humiliation can go a long, long way to stopping this practice.

[Mr. Shariff in the chair]

Now, that worked in the past as I understand it, as people in the community have told me. Perhaps we should look at going back to that way, and that is simply: the names of those that are found guilty are displayed in a public place for all to see.

With those remarks, I will cede the floor to another hon. member that wants to participate in the debate, but I would certainly urge members to please consider supporting this legislation initiative from the Member for Calgary-*Buffalo*. Thank you.

3:30

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. It's with a strong, positive feeling that I stand today to encourage my colleagues to vote in favour of Bill 206 in third reading. I've watched this bill proceed through the various stages of debate, and in listening to the pros and cons between members, I've concluded that the bill will be an effective tool for fighting prostitution and cleaning up neighbourhoods. As such, it will receive my support because it fights for the ability of families in areas overrun by prostitution to take control of those areas and clean them up for the better.

A common misconception about Bill 206 is that those fighting for the bill are doing so out of emotion whereas those fighting against the bill are doing so out of logic and reason. It's true that there are many valid emotional arguments that can be used in support of Bill 206, but there are also a lot of good, logical arguments that support the bill as well. The two types of arguments work together to ensure that the bill we pass is satisfactory both on an emotional level as well as on a logical level.

Today I want to talk about these two types of arguments and how they're working together in support of Bill 206. When we talk about any sort of legislation, we always start by asking two questions. First, is this law something that Albertans want or desire? Second, will this law be good for Alberta in the long run? These two questions form part of an age-old debate about legislation. As a government is it our job to decide what is good for Albertans, or is it our job to give Albertans what they want? That's an interesting debate, but in reality those of us in the Assembly know that in most cases the answer lies somewhere in the gray area in between.

Bill 206 is a piece of legislation that lies in that gray area. The Member for Calgary-*Buffalo* along with the Community Action Project went into communities riddled with prostitution and asked: what do you want done about this? The response far and away was: get pimps, johns, and prostitutes along with their used condoms and dirty syringes out of our neighbourhood; give us and policemen the power to make our neighbourhoods safe again. They gave a lot of good reasons for this response too. These vary from a personal concern for the well-being of street prostitutes, often children, to a concern for the safety of their own families, to a desire for a clean

neighbourhood, to a desire for property values to increase.

On the emotional side of the coin some women have expressed unease and humiliation over being hollered at and mistaken for prostitutes by passing johns. Others are simply disgusted by the sight and knowledge of prostitution-related activities taking place in their back alleys or around the corner in the parks and playgrounds where kids are supposed to be riding the teeter-totter or playing soccer, not watching out for dirty needles. Yes, these are emotional arguments, but I see no reason why they should not be considered valid arguments for measures which would curtail street prostitution.

On a very real level these are concerns that people living in these neighbourhoods have to face. They are concerns about actions which are in and of themselves demeaning and can lead to other actions which may cross the line from demeaning and humiliating behaviour right into violent or illegal acts. This is where concern over humiliation takes on an even greater significance and where we come to see that while some arguments may be deemed emotional, they are in fact logical and reasonable in their own right.

For example, any concerned parent must wonder just what neighbourhood their kids will be growing up in if behaviour such as this is not tackled as strongly as possible by our legislation. When we take away a vehicle from somebody, we ensure that the driver will not find their way back into these neighbourhoods to pick up street prostitutes, get their fix, or holler catcalls at mothers or their young daughters. In short, this bill banks upon a common economic logic: if there are no customers, there will be no incentive to try to sell a product. This bill takes away the customer, so it should be met with a corresponding drop in street prostitutes attempting to sell their bodies in those neighbourhoods.

Families and community organizations will have at least a fighting chance to clean up neighbourhoods and make them the places they can be, places they are proud to raise their children in. When the neighbourhoods are clean, when they are normal by any reasonable person's standards, then the fruits of Bill 206 will be seen. Kids will be able to play in the front yard or in the park across the street without parents' fears about their safety being compromised by criminal or perverted elements.

When these neighbourhoods are clean, homeowners and landowners can feel good about taking care of their yards without having a dirty condom or needle from a passing truck thrown onto their property. They won't have to worry about drunken johns driving dangerously through their neighbourhoods looking for a prostitute. On another, very real level homeowners would finally be confident that the value of their property would increase for a change. They would be confident that they may get their investment back on their property.

I'm not suggesting that Bill 206 would cure all of these problems and do all of these wonderful things. Obviously, it won't, but it's a step. It needs to be supported by the political will of all levels of government, a committed police force, and, finally, committed community action groups and individuals. Well, we do have committed police officers, and the people on the ground in these communities have said that they want this to happen. They have been working on their own to rid their streets of prostitution for some time now. All that's missing is the political will. With the passage of Bill 206 we will show that the political will is not missing at all. We'll show these communities that this Legislature is behind them full force in getting rid of prostitution. Mr. Speaker, it's time to take effective action concerning prostitution.

York University sociologist John O'Neill has suggested decriminalization of prostitution and collecting the tax. Bill 206 is a good first step.

I applaud my colleague from Calgary-Buffalo for having the

courage and the faith to bring this bill forward. I support it, and I urge all my colleagues to support it as well. Thank you.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I have a bit of a cough, so I will try and get through this speech without frying the microphone.

I welcome the opportunity to briefly speak during third reading debate on Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. I spoke on it as well, Mr. Speaker, at second reading. I want to begin by acknowledging those in attendance in the gallery today. Some of those who have joined us today live and/or work in inner-city neighbourhoods that have been hard hit by the negative consequences of street prostitution-related activities.

These negative consequences include noise and congestion on residential streets and avenues, particularly late at night, when people are trying to sleep and hope to enjoy some peace and quiet. It also involves the harassment of people, and it involves the health risks of needles and condoms that are left in back alleys, playgrounds, and schoolyards. Women, for example, cannot do simple things like walking to the corner store or to the neighbour's without being stopped and harassed. Excessive traffic on residential streets and avenues increases the chances of accidents both to residents and to property. Needles and other litter left behind also create dangers and other health hazards.

Unfortunately, a growing number of neighbourhoods in both Edmonton and Calgary as well as some smaller cities are experiencing the negative impacts of street prostitution and related drug activity. Until 15 years ago street prostitution was largely confined to the downtown core. In the late '80s and early '90s business and police action shifted the activity from the downtown core to the residential neighbourhoods adjacent to downtown.

In the late '90s growth in the drug trade, cuts to welfare and other social supports, and a severe shortage of affordable housing contributed to more vulnerable women on the streets and an increase in the number of neighbourhoods impacted. Today more than a dozen neighbourhoods from Westmount to Beverly are being negatively impacted by this dangerous and undesirable activity in Edmonton.

3:40

We have vulnerable youth and adults being recruited and getting hooked on crystal meth and cocaine and then being forced to prostitute themselves to get the money to pay the dealers. From 1992 to 2002 effective police, new agency resources such as Safe House, Crossroads, Street Outreach, the protection of children involved in prostitution initiative, and community action reduced the numbers from 975 to 250, but in 2003 we have seen a spike to around 350 individuals on the street. Mr. Speaker, I believe that this is directly attributable to the drug trade.

The greatest danger of prostitution-related activity is to the women themselves. In the last year alone five women have disappeared off city streets only to be found dead sometime later, usually in a remote location outside the city. In the past 20 years the number of women that have disappeared off city streets has rivaled the number of women that have disappeared in Vancouver's downtown east side albeit the Vancouver disappearances took place over a shorter period of time.

Clearly, a range of measures needs to be taken to address the danger and nuisance that results from johns cruising residential streets to pick up women who are prostituting. Most importantly we

need to reduce the number of young women and some men who are living lives of such desperation that they feel that they have no alternative but to sell their bodies on the street. We need to address issues of poverty by making sure that people have safe, affordable housing. We need to make sure these women have adequate incomes so that they can feed themselves and their children and are able to put a roof over their heads so that they don't need to expose themselves to the danger of the streets. We need to address the underlying problem of drug addiction and ensure that appropriate supports are in place so that vulnerable women don't have to turn to street prostitution.

Mr. Speaker, we also need to address the demand side of the equation. We have to acknowledge that the residents in these neighbourhoods have every right to be angry about their neighbourhood being shown such a lack of respect and that they and their children are exposed not only to unnecessary noise and pollution and the dangers imposed by distracted drivers of these vehicles but also to dangers such as needles and other litter.

Some positive steps have already been taken to address this unacceptable nuisance. One is the setting up of john school for those charged with solicitation offences. There has been a prostitution offender program running in Edmonton for the past seven years. This is an alternative measures program which men who have been charged for the first time can attend to learn about the brutal realities of the street sex trade. Its success is demonstrated by the low number of repeat offenders.

I note that Bill 206 contains a provision for first-time offenders: if they choose an alternative measures program like the prostitution offender program, they will have their vehicles returned. A survey done of men attending the program indicated that 78 percent believed that they would be deterred if there was a risk that their vehicles would be seized. I am aware of some concerns that have been expressed about whether seizing the vehicles of those charged with solicitation violates the presumption of innocence. I have to admit, Mr. Speaker, that this argument is a concern of mine as well because it's an important legal principle, but at the same time it's important to note that in other offences that involve summary convictions legal consequences result prior to having someone having their day in court to fight the charges.

In this respect, the rights of the accused need to be balanced against the rights of neighbourhood residents. I believe that safeguarding the rights of residents in neighbourhoods afflicted by street prostitution activity has to take precedence. We need to send a clear message to johns that engaging in this kind of dangerous behaviour is not acceptable and will result in severe consequences. We need to deter this type of unacceptable behaviour, and the provisions of Bill 206 provide the police with another tool for doing this.

On that basis, I will on behalf of the New Democrat opposition be supporting Bill 206 at third and final reading. Thank you, Mr. Speaker.

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

**Mrs. Gordon:** Thank you very much, Mr. Speaker. It is a pleasure for me to rise and join the debate on Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003, sponsored by my colleague the hon. Member for Calgary-Buffalo.

Before I begin, having worked with the hon. member on the Alberta police review, I've long respected his work and his commitment to policing. I'm very pleased that he has brought forward this bill, which represents a great deal of work and takes into account his

past many long years as a well-respected police officer. So he is not only looking at it from a policing standpoint but also taking into consideration the community as a whole.

Throughout debate several hon. members have expressed concerns with Bill 206, and I feel that these concerns need to be addressed as we continue on the process of, hopefully, passing this legislation. Mr. Speaker, the first and most prominent concern is the assumption that under Bill 206 the suspects would be sentenced before their right to a trial. The second concern with Bill 206 is the progression of street-level prostitution to more of an underground, less visible environment. Although this concern is not directly related to Bill 206, it is a consequence of legislation whose purpose is to rid the streets of prostitutes, pimps, and johns. I find these two concerns to be the major arguments against this legislation. Thus, they need to be addressed so that there is no disputing that Bill 206 is a necessary part of Alberta's Traffic Safety Act.

Before I submit my arguments concerning these two issues, I would like to remind the Assembly that Bill 206 is designed to clean up urban neighbourhoods torn apart by crime and debris related to street prostitution. It's just that simple. We are very, very lucky actually, Mr. Speaker, as I represent a rural area. There's not a great deal of prostitution in smaller communities. However, I'm sure many MLAs in this Assembly that do represent towns and villages can tell of stories where young girls have been lured away from the smaller community, quit school, and gone off to Calgary to seek fame and fortune and often – often – end up on the streets as prostitutes. So we, too, from rural Alberta have to take this very seriously.

Mr. Speaker, I believe that Bill 206 is closely connected with another piece of important legislation that passed during the spring session this year. Part of Bill 1, Alberta's promise act, is a pledge to all Albertans that we will work together to provide safe and healthy communities for our children's growth, education, and development. I firmly believe that Bill 206 is a major step in fulfilling Alberta's promise to make our communities and streets a safe environment for our children to live, learn, and play. I trust that every member in the Assembly strongly supports getting those involved in prostitution-related offences off our streets and out of our communities.

As part of my argument against those who feel that it is important that people convicted of a crime have their day in court, I want to compare similar legislation that allows police officers to take immediate action against a suspect before they appear in court. In fact, this argument has been used during previous stages of debate on this bill, but since there are still some concerns with the proposed legislation, I would like to use this opportunity to help clarify those concerns by breaking the argument down into its simplest form.

Mr. Speaker, it is a criminal offence to operate or be in care or control of a motor vehicle while alcohol or drugs impair one's ability, as is clearly stated in the Criminal Code of Canada with further restrictions in the Alberta Traffic Safety Act. For an individual suspected by a police officer to be in violation of the impaired driving laws, a number of different consequences can result, depending on the number of occasions an individual has been involved in an impaired driving offence. The consequences for operating a motor vehicle under the influence of alcohol or drugs include the immediate seizure of the suspect's licence for one year as well as the seizure and impoundment of the vehicle. The suspect as well can be limited to operating it for a term of 30 days.

The decision to seize the suspect's licence and vehicle is made by the peace officer that is performing the traffic stop. This, of course, doesn't mean that the suspect will not have their day in court. Every individual accused of committing an illegal act, whether speeding or jaywalking or any other offence, has the right to a trial. There has

never been any reason to doubt that this will not be. Mr. Speaker, to say that an individual who would be accused of prostitution-related charges under the Traffic Safety Act amendment proposed by Bill 206 will not have their day in court carries as much truth as saying that a drunk driver, a speeder, or a jaywalker won't have their day in court.

3:50

Bill 206 reminds me a lot of the legislation that is now in place for impaired driving offences. I use this example for one reason: there is an immediate consequence for the illegal actions taken by an individual. That immediate action includes the seizure of the accused's licence and car for impaired driving and the seizure of the accused's car for soliciting a prostitute. Both actions are illegal, and both actions contribute to unsafe streets and dangerous communities. Mr. Speaker, the bare bones of both these crimes are very similar. The hon. Member for Calgary-Buffalo has recognized that, and I applaud him for doing so. Hopefully, Bill 206 will clean up our urban streets and neighbourhoods just as impaired driving legislation has made our communities and roads safer.

I would like to make another point to clear up any confusion about the issue of the opportunity of suspected individuals involved in a prostitution-related offence to defend themselves. Mr. Speaker, as I have mentioned earlier, this bill is designed as a simple bill to address an uncomplicated but complicated issue. When a vice unit is on the street waiting for a john to pull up in his or her vehicle, they know exactly what they are looking for. The undercover officer isn't waiting for a lost tourist to stop and ask for directions nor is the undercover officer waiting for a stressed-out smoker to pull over looking for a light, and if he was under 18 he probably could be charged under our new legislation.

No, Mr. Speaker. The vice unit will be focused on an individual who approaches in their vehicle with the purpose to solicit the undercover officer for sexual acts. This means that the individual and the undercover officer will have to be involved in a business deal which includes the exchange of money for the promise of sexual favours. This issue doesn't get more basic and uncomplicated than that.

There is no way to misconstrue the events that need to take place for an officer to seize the vehicle. The act of soliciting a prostitute on the streets of our great province is illegal. If an individual commits this act, then their vehicle will be seized until other arrangements are made or the charges are dropped once the culprit has had their day in court.

Mr. Speaker, to ensure that this legislation does not bring any undue hardship to the innocent family of the accused, this bill prevents vehicle seizure from punishing the suspect's family. Should this turn out to be the case, the vehicle will not be seized or it will be returned as soon as possible. So johns be warned: if your vehicle is a vital part of your family's well-being, do not solicit prostitutes while operating it.

Again, I can see similarities between impaired driving legislation and Bill 206. This may be a broad scale and hard to comprehend; however, with today's laws and regulations it is safer to not drive even if you have had only one drink. Just as one is drinking and driving or one is not, just as one is soliciting a prostitute or one is not, this is extremely black and white, and I have full confidence in the vice unit's training and expertise to make the appropriate decision.

Mr. Speaker, on to my second concern. There are some who feel that Bill 206 will take prostitution off the streets and force it underground where we cannot find it, where it isn't seen. I completely disagree with this. There is prostitution in parts of Alberta,

Canada, and North America that is very underground today. Bill 206 is about streets, communities, prostitutes, johns, vehicles, drugs, and all those things that deter from a community, that make it unsafe for the residents that live there, that make it hard for parents to point out to children what these people are doing and why the neighbourhood is seemingly always having these types of people around it and in it.

We must very, very seriously look at what the hon. member is trying to achieve with this legislation. He's obviously talked to his inner-city communities as he represents downtown Calgary, and we know the inner city in Edmonton. Both of these inner cities have this problem, and I hope that Bill 206 goes a long way to alleviate it.

Thank you.

**The Acting Speaker:** The hon. Member for Calgary-East.

**Mr. Amery:** Thank you, Mr. Speaker. It's a pleasure to rise today and speak in support of Bill 206, but before I do that, I'd like to express my sincere thanks and gratitude to the hon. Member for Calgary-Buffalo for bringing forward this important piece of legislation. I know that this piece of legislation is very important to my own constituency of Calgary-East and to the constituents of Calgary-East and from talking to my hon. colleague from Edmonton-Norwood, who is vigorously supporting this bill.

Prostitution, according to a comment made at the United Nations Fourth World Conference on Women, is one of the greatest human tragedies. It is also one of the oldest forms of oppression on Earth. Prostitution not only harms its participants but is also detrimental to societies in general. Prostitution, Mr. Speaker, is no small problem. This is why I fully support Bill 206, not because it's going to be a miracle cure for street prostitution in Alberta but because it will be one extra tool in battling a real and serious problem in our society.

Mr. Speaker, there are three fundamental functions of Bill 206 that will help strengthen and secure Alberta's families and communities. First, Bill 206 is proactive. It goes after the demand side of this social problem. If johns can be deterred from buying sex, the problems of street prostitution could be vastly reduced. By reducing the number of potential sex buyers, Bill 206 will help decrease the number of women involved in street prostitution.

I think we should seize this opportunity to reduce the number of children who are brought into this world already disadvantaged by devastating cycles of poverty. Mr. Speaker, statistics show that of the female juvenile prostitutes surveyed, 11 percent had given birth to children. The family unit will be strengthened by Bill 206 by allowing more street prostitutes to break out of the cycle of poverty before they start a family or return to their own family.

Mr. Speaker, stronger families lead to my third point in support of Bill 206, which is stronger and more productive communities. This goal is the end result sought by most legislation put forward in this House. As legislators we have a real chance to put a serious dent in street prostitution and help many urban communities grow and prosper.

The first element of Bill 206, of being proactive, is an important aspect of this legislation. Many times governments are too reactionary to social problems and seek the simplest solutions to complex issues. This has been our approach to street prostitution, and it is clear that overall it is not working. By going after johns, Mr. Speaker, we are directly attacking the demand side of this social problem. We are going after the perpetrators of this crime and not the victims, which in many cases are underage women. A 1996 study revealed that 96 percent of prostitutes enter the profession under the age of 18. Many of these women are fleeing homes where physical violence and emotional and sexual abuse are occurring. Prostitutes in these situations are not the real criminals in the perpetuating cycle of violence and poverty.

The real criminals are the pimps and johns who exploit these women. However, these two groups are the elements in the act of street prostitution that are least likely to be charged and convicted. Mr. Speaker, Bill 206 changes all of this. One group of exploiters, the johns, will be brought to justice, and the number of victims, the women involved in prostitution, will be reduced by the reduction in those who buy their services. Bill 206 works on the basic economic philosophy of supply and demand: a reduced demand and the supply will naturally be reduced.

Mr. Speaker, skeptics may ask how Bill 206 will reduce the number of johns prowling the streets. One has to look no further than the success of john school throughout North America and the positive effects it has had on street prostitution. Bill 206 will put more men in john school and reduce the reoccurrence of the offence.

Mr. Speaker, a local Edmonton organization, PAAFE, along with the Edmonton Police Service and Crown prosecutors run the prostitution offender program, or john school, here in Edmonton. The alternative program for first-time offenders charged with soliciting for the purpose of prostitution costs \$400 for the one-day course. Many johns have the mind-set that prostitution is a victimless crime. However, after the eight-hour emotional day of lectures from former prostitutes and parents whose children have become entangled in prostitution, many johns begin to see the truth about prostitution, that it is far from a victimless crime and erodes the spirit of many females and neighbourhoods.

4:00

Out of the 1,524 men who have completed the course since 1996, Mr. Speaker, only 20 have been charged again. These numbers speak for themselves. Bill 206 will put more men into john school and similar alternative measures programs and will eventually help dwindle the demand for street prostitutes.

Mr. Speaker, the second element of Bill 206 that I feel is important is the one of strengthening and securing the family unit. As daughters and mothers prostitutes are part of a family unit that is obviously traumatized by the profession. Equally destructive are the actions of johns to their own families, not just physically by spreading disease but also emotionally and mentally.

As mentioned earlier, of the female juvenile prostitutes surveyed by one study, 11 percent had given birth to children. These young girls are in no position to be raising children and are only condemned to a life of prostitution to provide for their children. These children are very likely to be victims of the same abuse that led their mothers to flee their homes, just compounding the cycle of abuse, poverty, and violence. With daughters on the streets the families of these prostitutes are continually distraught and continually wondering if their child or sibling is still alive. Imagine what such a feeling would do to the family unit. Anxiety and depression must be rampant in these cases.

On the other side of the sex trade, Mr. Speaker, are the families of johns. The same 1996 study I mentioned earlier found that 80 percent of johns are married men. Sexually transmitted diseases are the first problem that come to my mind when I hear statistics like these brought forward. However, the emotional destruction of having your partner buying sex can be even more catastrophic. Families are dismantled and children are left to bear these scars for the remainder of their years. Bill 206, by deterring johns from partaking in the sex trade, has the potential to save families on both sides of the equation.

Mr. Speaker, the third and final reason I support Bill 206 is that it achieves the goal that all legislators strive for. It strengthens and helps communities grow. This simple explanation should be the reason that all of us should be supporting Bill 206. Productive

families are directly linked to making stronger communities because the family unit is the cornerstone of any community. Naturally, if families are in turmoil, the communities will be as well.

On more of the social side street prostitution erodes communities by perpetuating the drug trade, littering the streets with needles and condoms and causing fear in innocent members of society who have nothing to do with the sex trade at all. Mr. Speaker, we have all heard stories of johns approaching young girls that are waiting for the bus or of small children playing with used condoms or needles. There is no reason not to give police a strong tool in battling street prostitution to help rid our communities of these disturbing problems.

Mr. Speaker, I strongly urge all my colleagues to vote in support of Bill 206. Thank you.

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

**Mr. Maskell:** Thank you, Mr. Speaker. I'm thankful for the opportunity to join in debate in third reading of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003, sponsored by my friend and colleague from Calgary-Buffalo. I think this is a good bill, an important bill, a long-overdue bill that will help a lot of people, likely save lives, and especially help a lot of communities deal with street prostitution, making inner-city streets and parks safe for family use, no more fear, no more harassment.

The goal of Bill 206 is to reduce the number of men driving around looking for prostitutes. Reducing the number of johns will likely reduce the amount of this sort of garbage in inner-city areas. Mr. Speaker, for nearly 20 years I was the administrator of a wonderful school, Victoria school of performing and visual arts, located in the inner city. If you haven't lived or worked in the inner city, you can't appreciate the enormity of this problem.

I wonder how many people know that this isn't just an evening or a weekend activity. You'd be shocked to know how many men are leaving their wives and children in the morning, giving them a kiss good-bye on their way to work, and stopping in the inner city to satisfy their lust, looking for prostitutes as early as 6:30 or 7. I mean, there's a lot of activity, a lot of trade happening at that time. I can tell you that my school opened at 6:30 in the morning for students who came for athletics, for their arts activities, and so on, and these young people, young females, were constantly being harassed by these johns cruising the streets looking for whatever action that they wanted to satisfy.

Let me make it clear. You know, johns are not committing a minor offence. Let's remember that they rape and exploit young women. At the very least johns would owe an explanation to their families and employers for losing their vehicle. I think that public embarrassment is an appropriate first step, just the first step, in dealing with these monsters. If johns truly understood the consequences of their so-called harmless actions, then young women wouldn't be found frozen and strangled in farmers' fields. As other members have stated, women are being killed, yet little seems to be done because they're sex-trade workers.

Before we wrap up debate on this bill, I would like to raise an important point that can't be stressed enough. We've heard about the problems normal people face living around prostitution. Picking up the garbage left behind by prostitutes and their customers has been talked about a great deal, but I must remind this House again that I have personal experience with these cleanup efforts and the harassment of females by cruising johns. It was always sad and frustrating to walk around the school property in the morning before students arrived to look for used needles.

You know, I had to put a 10-foot chain-link fence around the elementary playground so that it would not be used by these predators in the evenings and weekends. Children in the community could not use these facilities. What a crime that was to the people in the community that I had to fence the playground because these people thought that would be a great place for their activities. You know, if for no other reason, I would urge members in this House to support this bill in the hope that parents, day care workers, and teachers won't have to walk through playgrounds looking for potentially lethal drug material.

Some may say this bill goes too far, that the punishment exceeds the crime. I think it's important to recognize all the people that risk their health and even their lives to keep these areas safe for children. I think the rights of these people take precedence over the rights of sexual predators.

Mr. Speaker, I would like to repeat that this bill isn't a quick fix, but I have no doubt that it will help everyone fight street prostitution. Let's recognize the prostitution problem in inner-city communities and help fix it. I think that's the most important aspect of this bill.

On that note, Mr. Speaker, I'll end my comments on Bill 206. I urge all members in this Assembly to vote in favour of this legislation. Thank you.

**The Acting Speaker:** The hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you, Mr. Speaker. I would say that this is a great opportunity for me to rise to speak in support of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. This may be one of the most important private member's bills to come before this Legislature for quite some time. I would like to commend the hon. Member for Calgary-Buffalo for having the sensibility and the conviction to introduce this initiative.

Mr. Speaker, Bill 206 is all about improving peoples lives, about deterrence to committing vices and crimes. From the prostitutes to the johns who use them and from the families whose lives are affected by street prostitution to the neighbourhoods which are made unsafe by prostitution, everyone stands to gain something from this bill.

According to research data on prostitution, it seems to me that there is always some form of necessity or coercion or both present. What right does anyone – I mean anyone – have to coerce teenagers into a downward spiral of drugs, violence, disease, and abuse?

4:10

Mr. Speaker, prostitution is not only a local but a global issue. I have the privilege of assisting an Alberta-grown group, The Future Group, consisting of young and caring Calgary students. This group now is expanding. It has chapters in many locations around the world to combat the traffic of human beings in the sex trade and prosecute johns who avoid local laws by practising offensive sex in other countries where laws are lacking or not enforced. As a footnote I want to commend The Future Group members and their executive on their outstanding work.

If there is one thing the prostitutes and the johns in Alberta have in common, it is that they come from all over the province and they come from all kinds of backgrounds and they come from both urban and rural environments and from both poverty and affluence and anywhere in between. There is not one trait or characteristic that can be said to typify a prostitute any more than there is one that signals johns. Both, however, are part of the breakdown of community. The difference is that whereas the prostitute seldom if ever has a choice in the matter, a john does.

**The Acting Speaker:** I hesitate to interrupt the hon. Member for Calgary-Fort, but under Standing Order 8(5)(a)(iii), which provides for up to five minutes for the sponsor of a private member's public bill to close debate, I would like to invite the hon. Member for Calgary-Buffalo to close debate on Bill 206.

**Mr. Cenaiko:** Thank you very much, Mr. Speaker. At this time I'd like to move third reading of Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

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

[Several members rose calling for a division. The division bell was rung at 4:12 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the Chair]

For the motion:

Amery	Herard	Melchin
Bonner	Horner	O'Neill
Broda	Jablonski	Ouellette
Cao	Jonson	Pham
Cenaiko	Klapstein	Renner
Coutts	Kryczka	Shariff
Danyluk	Lord	Smith
Dunford	Lukaszuk	Stevens
Forsyth	MacDonald	Strang
Friedel	Mar	Taft
Fritz	Marz	Tannas
Goudreau	Maskell	Tarchuk
Graham	Mason	VanderBurg
Graydon	Masyk	Vandermeer
Haley	McFarland	Zwozdesky
Hancock		

Totals: For – 46 Against – 0

[Motion carried; Bill 206 read a third time]

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

head: **Second Reading**

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

[Adjourned debate May 12: Mr. Stevens]

**The Speaker:** The hon. Member for Peace River.

**Mr. Friedel:** Thank you, Mr. Speaker. It's been a while since this bill was first debated, but it's my pleasure to rise today and continue that debate on Bill 208, the Occupiers Liability (Recreational Users) Amendment Act, 2003. As a member for a rural riding, I have a little awareness of the concerns of rural Albertans. This bill is quite important to the farmers and landowners of my area and, I'd suggest, important to most residents of Alberta as well. It's the third time a bill of this nature has surfaced since I've been a member of this Assembly, and I certainly hope that this time we can bring it through to completion and enactment as a law. Even though it is predominantly a rural bill, I think it will have benefit for urban folks as

well. Rural people have been asking for it for quite some time, and I think it's overdue that we proceed with it.

Although urban residents are becoming more and more aware of rural issues, I still often feel that city folks have a minimal awareness of the problems faced by someone who owns a large parcel of land, particularly in regard to liability. Most of this property on farms is not something where you could look out of your upstairs window and see the land that's involved, so a lot of times you don't even have much of an idea of what's going on in the far reaches. Few people likely are aware of how little protection the existing occupiers' liability law gives farmers.

In the short run, as I said, this will be most beneficial to farmers, but in the long run it's also going to be a benefit to hikers and cyclists, anglers, snowmobilers, and all types of recreational users. Although I represent a rural riding, I think I can assure other members in this House that it is not a rural versus urban issue and that the benefit will eventually come to everyone.

As the hon. Member for Lac La Biche-St. Paul pointed out earlier in the debate, our current legislation creates an unequal responsibility between landowner and the land user. The landowner must in essence protect recreational users from themselves. Alberta's present Occupiers' Liability Act was written almost 25 years ago, and I think everyone would agree that times and situations have changed significantly since then. People have become much more aware of rural attractions and are using rural areas more often to get back to nature, so to speak.

They are using our park systems on a greater scale than ever before, Mr. Speaker, but the natural areas of Alberta are not limited to parks alone. Many of the areas that people would like to use for recreation are on private land, but with the current liability risks the owners are reluctant to allow others on their land. I have to say that under these circumstances I would do the same.

Mr. Speaker, I'm sure that the members from other rural areas would also agree with me that Bill 208 is not an intrusive one in that we're not forcing people to open their land to the general public, but we certainly would be giving them more of an incentive to do so if they wished.

4:30

There are many landowners right now who do allow others on their land, but usually this is limited to friends or neighbours or people you know. These friends are considered visitors under the current legislation, and they should use their permission in the spirit in which it was given them. They don't generally go onto the land thinking that they might have an opportunity to sue the owner if they hurt themselves. They generally assume the consequences of their own actions. However, even if they do go on and assume the risks at the time, the fact is that they can sue. I'm sure that we've all heard of instances where an accident has ended up turning one friend against another in litigation, especially so if an insurance claim is involved. Mr. Speaker, we would remove the need for landowners to assume full risk for visitors who use their land for recreation if we pass this bill.

We should help open up rural attractions to the ever growing number of recreational users. We're very fortunate in this province. We have the landscape to support most every type of outdoor sport, and we should help to ensure that people can participate if they wish.

Ecotourism is an expanding industry, and we should encourage such initiatives. These businesses could use private land as well as wilderness areas to bring people closer to nature. Ecotourism is a positive step toward increasing environmental awareness. We would be doing not only the wilderness but wildlife a service if these people returned from vacations with a greater awareness of the

things that we can do in an open Alberta. Bill 208 may also create new opportunities for these businesses to grow. I don't believe that there's a region in this province that couldn't use a boost to local tourism.

If people go on private land knowing that they're responsible for their own well-being, it's also more likely that they will take greater care. Visitors should always be limited to using the land for permitted activities only. If they do something that the owner has not allowed, then they would no longer be a visitor but they would now be a trespasser, and trespassers are not entitled to common duty of care even under the current legislation, and I refer to section 12(1) of the current legislation.

Mr. Speaker, with the provisions of Bill 208 and the current legislation regarding trespassers, it would seem to me that the likelihood of landowners allowing people onto the land would increase dramatically. They would not be held liable for injury or accident to a visitor if the landowner were not willfully reckless. People in urban areas already have this protection. You can't go into someone else's yard in town and do as you please. Rural property owners should have this same protection, and that is what is being proposed by the bill.

Most people in rural Alberta would be willing to work with recreational clubs such as cross-country skiing, horseback riding, or any of the outside activities if they had some sort of protection. Under Bill 208 we would be providing the help that they've been asking for for quite some time.

Mr. Speaker, I urge all members of this Assembly to review this bill thoroughly, and if they do that, I'm sure they will support it. I plan on doing just that. Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Highwood.

**Mr. Tannas:** Thank you, Mr. Speaker. It's an honour to join debate on Bill 209, sponsored by the hon. Member for Lac La Biche-St. Paul. First of all, I think landowners and occupiers need a certain degree of legal protection. I'm confident that this bill will be effective in instances where injuries occur on a landowner's or an occupier's property subsequent, of course, to permission being granted for that individual who was so injured to enter the land, but we should be very clear that Bill 208 will not solve all or even most of the liability claims. It is a step in the right direction. I agree with Bill 208 because of the current vulnerability that landowners and occupiers face from litigation by people who don't always want to take responsibility for their own actions.

Mr. Speaker, the member and I may be from opposite corners of the province, but we still have a great deal in common. There are a number of ranchers and farmers living in the Highwood constituency as there are in Lac La Biche-St. Paul. One of the issues that transcends all rural ridings in Alberta is the gray area surrounding the liability of property owners and occupiers. Like the hon. member I, too, have received complaints from landowners who may face legal action from recreation users who could injure themselves on their property. So there are two sides to that. One is just the continuous worry that anytime somebody is on your property they may become injured by not seeing a fence and going through it with their snowmobile or not seeing that there's a dugout or a washed-out interior road on the ranch and rolling their quad over or whatever.

I'm sure that urban members in this Assembly may have difficulty relating to this issue, but I can assure this House that it is having an adverse effect on the sense of community in rural Alberta. I would also concede that landowner and occupier liability may not be attracting a great deal of attention from the media, but that doesn't mean that it isn't having a major impact on certain Albertans. The

urbanite, I'm sure, would identify with the potential liability of a lawsuit when someone slips and falls on an icy residential sidewalk leading to their house or the steps up to their house. Urban dwellers with a swimming pool, for instance, have fences and locked gates to limit their liability exposure.

Well, imagine the potential liability of a ranch that may be several miles in length as well as in width, that may cover a few thousand acres – it may be a few hundred – and in that land there would be forests, there may be streams, ponds, wetlands, steep hills, all of those kinds of things that could cause someone who doesn't know about it or who isn't paying attention to injure themselves. That's not to mention things like old barbed wire that's tied up in a corner.

I think there's a reason why landowner and occupier liability hasn't attracted much attention. The types of property included in this bill, such as rural premises used for agricultural purposes, may be vacant or undeveloped land. Forested and wilderness areas are examples of property that are located away from major highway arteries and secondary roads. Some of this land isn't cultivated and provides food and shelter for grazing animals. These areas are harder to see and, therefore, monitor. The owner may not be able to see a great deal of his or her land.

An owner cannot simply post warning signs and assume that he is absolved from all liability if someone were to be injured. Warnings of possible risks do not effectively protect people from dangerous situations. Liability is generally defined as responsibility under the law. So if a person or a company is responsible or partially responsible for someone else's injury, they can be held liable in a court of law. I believe that we must be careful when we introduce laws that try to pin down liability, but this bill deals with situations where someone gets injured as a result of their own actions.

The different types of property defined in Bill 208 are excellent terrain for recreation users. Sometimes recreation users have the courtesy to ask permission before traveling on someone's property, but these users mustn't assume that permission absolves them of personal responsibility. I think it's important to clear up the difference between granting permission to enter onto someone's land and ensuring that the land is safe for the user under any or all possible uses. As a result of this growing concern landowners and land occupiers are becoming more reluctant to let recreational users on their land because of the growing threat of liability. Mr. Speaker, who can really blame them?

I think it's unfortunate that this bill has to be debated in this Assembly. It's unfortunate when some recreation users try to blame their accident and their injuries on the landowners and land occupiers, but we live in a society that increasingly allows people to point the finger at someone else rather than take responsibility for their own actions. It's unfortunate that laws must be made to attempt to define common sense and preserve the tradition of a community like that which exists in rural Alberta. This moves Alberta away from the philosophy of looking after your neighbour.

**4:40**

It is also unfortunate that farmers, ranchers, and landowners and occupiers are growing more and more reluctant to let these recreational users use their property. I know that landowners themselves enjoy the outdoors but at the same time cannot justify the risk to themselves of someone blaming them for injuries caused on their property. This bill helps to define who's responsible and when liability falls on the landowner or land occupier. This Assembly is in a good position to help towards resolving these issues by clearly defining who is at fault. Bill 208 attempts to reduce liability on landowners and occupiers regarding injuries that may occur on their property.

I think it's obvious that landowners, occupiers, and recreational users must each accept a reasonable level of responsibility. Visitors must understand that they may not be familiar with the land and should exercise caution. It should also be obvious that landowners ensure that their property is reasonably safe for users or, for that matter, members of their own family before they grant permission and give appropriate caution to those who are granted permission. Mr. Speaker, there's a long list of obstacles that could easily cause injury if a person were not too careful. Gravel pits, old barbed wire fences, dugouts, and snow-covered bails are only a few examples of potential hazards, all of which, of course, are manmade. They are commonly found on the land as defined in Bill 208.

Mr. Speaker, Alberta's history is filled with instances of selfless acts and wonderful generosity. Twelve-Foot Davis used to leave his outposts unmanned and unlocked. People traveling by his property could come and go as they wished and could take any supplies they needed. Most of the time people would repay their debt the next time they saw him. Both Davis and the customer accepted the honour system and understood the meaning of goodwill.

I realize that Twelve-Foot Davis may be Alberta folklore and his legacy may be embellished a little bit over time, but I still feel that it does speak to the spirit of the community of the day, and it's sad that that spirit of community that used to be so common in rural Alberta is becoming a thing of the past and is threatened. One only has to visit the remains of the monument of Twelve-Foot Davis near Peace River to understand how far we have fallen. His vandalized monument is a fitting symbol to the level of importance that some people place on other people's property.

Mr. Speaker, some may say that I'm being melodramatic, that things aren't really that bad, but constituents in my riding have shown me pictures of land that has been damaged by frequent use of quads, four-wheel drives, and dirt bike recreation users, and I have those pictures in my office for anyone who'd care to see them. The damaged land is an investment and very important to the family farm, ranch, or acreage, but the reality is that too many people fail to respect the property of others, and when accidents occur, the common reaction is to seek legal advice. Take a look at the Edmonton yellow telephone list to see how many injury lawyers and firms are listed. I counted 69 pages of them. Then look and see how many pages there are for doctors or accountants.

Is it a landowners' fault if someone is riding an ATV and fails to negotiate a dugout or veers off a recreation trail and drives into a barbed wire fence? But some victims now take advantage of a potentially lucrative legal opportunity. Bill 208 attempts to draw a more distinguishable line between recklessness and liability. This bill, if passed, would make liability less onerous to the landowner or occupier. Landowners and occupiers are responsible for their property, but they cannot reasonably control or monitor their property at all times.

This bill, then, Mr. Speaker, is a step in the right direction to strengthen the proud spirit of community life in rural Alberta. I encourage all members of this Assembly to support Bill 208. Congratulations to the hon. Member for Lac La Biche-St. Paul for bringing this forward.

Thank you.

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

**Dr. Taft:** Thank you, Mr. Speaker. I find that these debates when everybody gets involved are some of the most interesting in the Legislature. This bill, although in some ways a simple bill, addresses some genuine dilemmas.

As I read the bill and considered it, it brought back various

thoughts and memories for me. For example, when it addresses under section 2(6.1)(2)(a)(ii) "vacant or undeveloped premises" and access to those, it made me think back to a time when I was a child spending time on a very popular holiday beach in Alberta. Near that beach, just up the hill behind the beach, was an abandoned house sitting on several acres of land. As kids will be kids, it wasn't uncommon for us to leave the beach and go up the trail to the top of the hill and explore this haunted house. There were no signs, no warnings about trespassing. There were no fences or gates or anything. But we'd go in, and of course it was a great adventure. The floors were rotten, and we'd try not to break through the floors and try to chase the mice and see if we could climb the stairs without falling through.

None of us ever got injured, but it's interesting to wonder: who was really responsible there? Was it the landowner who left this ruined old home wide open for kids to explore without any signage at all? Was it the kids? Was it us? Were we as probably 10 or 11 or 12 year olds entirely responsible for getting enticed into this situation? Was it our parents? Who was responsible? In some ways the question of responsibility is really what is at the core of this bill. In fact, I would say not in some ways; I'd say that that's exactly what's at the core of this bill.

I also reflect back on a more recent experience I had in Great Britain and which I've alluded to a couple of times previously in the Assembly on the amazing system of walking trails there are across Great Britain. There's a completely different culture to walking trails here than there is in Britain. In Britain the public rights-of-way to historic walking trails are guaranteed even if those trails go right through farmers' fields, through barnyards, through people's front yards and out their backyards. Whatever the ownership may be, as long as those trails are recognized as historic trails and are walked at least once every five years, then there is complete public access.

I don't know what the liability is. I'm sure the British have had to address it because these trails are heavily, heavily used by walkers and hikers in Great Britain, and undoubtedly there are injuries, and undoubtedly questions of liability come up there.

Here we have such a different culture. Our waterways are often freely accessible. We can canoe down a river through somebody's farm or ranch or whatever, and we have free access to the river. But once we get off the water and start hiking through a farmer's field, suddenly we are trespassing unless, of course, we have permission.

The issues here are ones of weighing who is responsible for what, and I'm inclined to agree with the thrust of this bill, which is to lighten the burden of liability and responsibility carried by the landowner and to shift it to the land user. If the land user, the recreational user has permission to visit the land, that should not free them of responsibility for good sense and self-preservation as it were. So the intent of this bill is to open up access to our lands, to make landowners feel less nervous, less intimidated about allowing recreational use of their land and to reduce the penalty they may pay through quite possibly no fault of their own.

So I am inclined at this point to support Bill 208. I'll be listening carefully to debate, and I hope that somebody in here is going to argue against the bill so that I can get a good feel for why I might want to consider changing my view. But as it is right now, I'm convinced that this bill makes good, reasonable sense, and I expect to support it.

Thanks, Mr. Speaker.

4:50

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

**Ms Haley:** Thank you very much, Mr. Speaker. It's a pleasure today

to be able to rise and speak, actually, in favour of the Occupiers' Liability Amendment Act, 2003. Sorry to the opposition; I'm going to be in favour of this one.

I would like to thank my colleague the hon. Member for Lac La Biche-St. Paul for bringing this idea forward. He worked very hard on the recreation trails to try and come up with what some of the issues were. Part of what's in this bill addresses some of the concerns of landowners particularly in my area, where the causeway landowners group is that opposes the trails that our colleague across the way so eloquently spoke about in Britain. I'm sure that in Britain, where there are 60 million people, maybe they are well used and perhaps even well respected. Out here there are areas where the respect level may not be quite so high, and the risk to farms and agriculture can be fairly high.

What I like about this bill is that it does something that the Agricultural Dispositions Statutes Amendment Act doesn't do, and that is that it comes into force upon being passed as opposed to proclamation or royal assent. So that's a good thing. It saves us from having it sit on the books for another two or three years while we think about it some more.

What I wanted to talk about was the reductions to landowners' and occupiers' liability while ensuring at the same time that they must not be negligent with regard to allowing people onto their land. Owners and occupiers will still be liable if they display reckless or willful conduct in areas where it could hurt people. I think that that's a wise move, Mr. Speaker. On the other hand, in normal farm situations or dangers, things like barbed wire fences or dugouts and even gopher holes would not be a cause for concern for owners and occupiers to be held liable for as they have been at risk of in the past.

As well, Bill 208 ensures that it will be proclaimed by an agreed date rather than on proclamation, as I mentioned earlier, and 208 will open up private land for recreational use if the landowner or occupier so chooses. Currently landowners are very reluctant to allow recreational users access to their private land because of frivolous lawsuits, something that has become much more prevalent in our society today.

Bill 208 sets out to accomplish something more than the Agricultural Dispositions Statutes Amendment Act. The ag statutes amendment act added a section to the Occupiers' Liability Act which clarified the responsibility for recreational users on agricultural land; however, that legislation has yet to be proclaimed. By bringing this bill forward, we can deal with that now. Bill 208 not only does what the ADSAA attempted to do but goes a step further by including other forms of private land, Mr. Speaker, such as golf courses when they're not being used as golf courses or recreational trails and not just specifically with regard to agricultural land.

We in Alberta are behind in liability legislation. British Columbia, Saskatchewan, Manitoba, Ontario, and Prince Edward Island all have some sort of legislation that specifically outlines who is responsible for something when accidents occur specific to recreational users being on agricultural land. In British Columbia the legislation allows for entrants to a premise to willingly accept risks on their own behalf. It also outlines the responsibility of individuals who enter the property for recreational use. There are two conditions that would apply to this. The first is that the owner or occupier of the premises must receive no compensation for the entry or activity of the recreational user, and second, the owner or occupier of the premises must not provide the person with accommodation while they're on those premises.

Saskatchewan has adopted a completely unique approach to this situation. They have two different acts which govern hunters and snowmobilers. The Snowmobile Act, for example, contains a section that limits the liability of landowners for any injury, loss, or

damage suffered as a result of or stemming from a person using a snowmobile while on their land. Manitoba has legislation that is similar to Alberta's legislation, but it sets out specific rules for recreational users who use the land for off-road vehicles. This then outlines the responsibilities for both the user and the owner. Ontario legislation contains a separate section that rules that trespassers and recreational users are assumed to have willingly assumed all risks upon entering the premises.

I believe that my colleague has tried to come up with a moderate proposal, Mr. Speaker, that will certainly help landowners deal with frivolous lawsuits and hopefully, on the other side, help recreational users know what is actually appropriate.

An example I wanted to give you is that in Beiseker I have a family that lives on a farm who constantly feel that they are being harassed by people coming onto their private land. They have no-trespassing signs up because they have a lot of large equipment in this one specific area of their farm. The sign gets knocked down, and the comments that are always being made to them are: if somebody gets hurt on your land, they're going to be liable. Our Occupiers' Liability Act has been woefully negligent in not being able to help these people. Even though I might have liked it to be a bit tougher than this, I think that there are some really good things in this bill, and I hope that it will go forward and actually pass and come into force for all Albertans.

When we were farming up in Athabasca years ago, people wanted to use our land for snowmobile use. We had no objection to their coming in and using it except for the fact that they were cutting our fences all the time. If you end up with 20 or 30 head of cattle on a 20,000 acre grazing lease that you can't find, it's not a really good day. On the flip side of owners of land being responsible, I think that recreational users of land also have to be responsible. There needs to be quid pro quo. If they're going to break the rules, they need to pay the price. If a farmer is good enough to let somebody use their land, they should not have to be afraid of lawsuits coming after them.

Anyway, once again to my colleague, congratulations on bringing this forward, and I hope that we're able to get it through this session. Thank you.

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. It's an honour to stand today and speak in favour of Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003. The intent of this bill sponsored by the hon. Member for Lac La Biche-St. Paul is to amend the Occupiers' Liability Act. The amendment would reduce the burden of legal liability on landowners and occupiers with regard to recreational users on their land.

With the passage of this bill liability concerns for farmers, ranchers, and land occupiers would be reduced to the same level that is owed trespassers, and therefore they may be more disposed to allow recreational users on their land. This bill offers the opportunity and option of owners and occupiers to make accessible their land to recreational users.

Mr. Speaker, land can often serve multiple purposes. In addition to agricultural functions much of Alberta's land may also be used during the summer months for a wide range of activities including horseback riding, hunting, fishing, and hiking. Many Albertans enjoy other outdoor pursuits such as using all-terrain vehicles or dirt bikes. The winter months often breathe a new life into Alberta's landscape. Instead of lying dormant during the months when crops can't grow and livestock are unable to graze, Alberta's vast fields are used for winter activities including skiing and snowmobiling.

Unfortunately, liability concerns often curb such activity and prevent many Albertans from participating in recreational pursuits. Many Alberta landowners are becoming less and less likely to allow others onto their property as the threat of litigation increases. While Alberta was the first province in Canada to implement an Occupiers' Liability Act, our current act is in need of an update. The act is often confusing, especially pertaining to the issue of liability, and because it does not place an adequate amount of responsibility on recreational users, it promotes litigation.

Mr. Speaker, the reading of the Occupiers' Liability Act often causes confusion for both landowners and recreational users regarding the issue of liability. Currently the act makes a distinction between visitors and trespassers and the duties that are owed them, stating that visitors are entitled to a common duty of care on the part of the occupier. Trespassers are not owed a duty of care by the occupier, but the occupier is liable for damages for death or injury to a trespasser that results from an occupier's willful or reckless conduct.

When the act elaborates on this common duty of care owed to visitors, it states that the occupier must "take such care as in all the circumstances of the case is reasonable to see that the visitor will be reasonably safe in using the premises." The problem is that the act does not explicitly offer any guidelines as to what constitutes the reasonable care to which visitors are entitled. Nor does it shed any further light on the term "reasonably safe." This leaves this portion of the act open to interpretation, and in the courtroom common sense does not always prevail.

Bill 208 offers a solution to the confusion. It seeks to shift the balance of responsibility somewhat and make recreational users more accountable for their own actions.

The proposed amendment to the act does not mean that landowners and occupiers will have no responsibility to those they grant permission to use their lands. Landowners will still be liable for reckless or willful conduct that results in injury or death. Farmers, ranchers, and landowners should still ensure that their land is safe for recreational purposes if they allow people to use their premises, but recreational users will be required to take more responsibility for their own actions.

**5:00**

The ramifications of Bill 208 will largely be seen in our rural communities as there is simply more open land in these areas. Rural residents have a special sense of community, Mr. Speaker. Nobody wants to be thought of as a bad neighbour, but the current legislation often makes some landowners wary of allowing recreational users on their property. This is largely due to the current risk of liability. The fear of possible litigation has limited the access of Alberta's beautiful lands to recreational users and visitors.

Often the areas that will be most affected by the bill can appear to be dangerous to those unfamiliar with agricultural practices. Farms and fields have many inherent hazards. Farm equipment is often left out in the field. Barbed wire fences are used to fence in cattle. Livestock may pose a threat to recreational users. These are all common occurrences on agricultural lands such as farms and ranches. Should Alberta's farmers and ranchers remain liable for accidents that could happen under conditions such as these, which, while appearing dangerous, are commonplace on most farms? Should landowners and occupiers be held liable for pre-existing natural conditions such as swamps, gullies, trees, or cliffs? Even something as seemingly harmless as a gopher hole or a fallen tree could cause an injury. Should they be held liable for changes in the weather such as heavy snowfalls or intense rainstorms, which may lead to an accident on their property?

The proposed bill would remove much of this unnecessary burden

on landowners and make it easier for Albertans to let others access their lands if they so choose. By shifting more responsibility to recreational users, there will be less hesitation to allow their property to be used for recreational purposes.

This means that Alberta's lands could be better enjoyed all year round. These lands could be used by individuals, friends, and families for activities ranging from hiking or bird-watching to using all-terrain vehicles. A land occupier will be more likely to allow families to partake in walks across his or her land if there is no danger of a potential lawsuit if one of the children is injured by tripping over an exposed tree root. Similarly, farmers may be more likely to allow users of snowmobiles to enjoy their land if they won't be held liable for injuries. Such injury could be caused if a snowmobile operator drives his or her sled into farm equipment or dips in the ground camouflaged by a recent snowfall, to name just one example.

While these are merely hypothetical examples, Mr. Speaker, they are not out of line with reality. In today's increasingly litigious society these concerns and hundreds like them are very real to occupiers of Alberta's rural lands. It is regrettable that lawmakers are being called upon to promote common sense, but it is becoming more and more necessary.

Under the current legislation when land occupiers do not grant recreational users permission to use their land, they often use the land anyway, becoming trespassers. This is where the ramifications of Bill 208 would extend beyond liability issues. This bill will enhance safety as the landowner will be more likely to know who is on his property and what activities are transpiring if he or she grants permissions to users. If landowners know who is on their property and what they are doing, it will be easier for them to maintain safety on their property. They will be better able to co-ordinate activities on their land to prevent incompatible activities such as hunting and bird-watching or skiing and skidooing from taking place at the same time. Land occupiers will also have an easier time keeping their land safe and hazard free if they are aware of recreational users on their property.

Mr. Speaker, I would like to highlight another piece of legislation that addresses the issue of liability: Bill 31, the Agricultural Dispositions Statutes Amendment Act, 1999. Bill 31 was passed in '99 but has yet to be proclaimed. This act included an amendment to the Occupiers' Liability Act which would allow recreational users permitted onto agricultural dispositions by disposition holders for recreational purposes the same duty as is owed a trespasser and not the duty of care previously owed in the act.

Bill 208 would essentially take the same approach that the Agricultural Dispositions Statutes Amendment Act took to public lands by reducing the liability owed to recreational users by private landowners. Bill 208 is currently written to apply to agricultural land, deeded land, community pastures, leased land, recreational trails, and golf courses when not open for playing. In addition, Bill 208 would ensure that this amendment would be proclaimed by an agreed date rather than by proclamation by Royal Assent, where it has stayed for over three years.

Mr. Speaker, it seems like almost every rural Albertan has a story or has a neighbour with a story involving recreational users and the accidents on their land. There is an increasing fear of litigation among these people. It would be a real shame if lawsuits stopped people from enjoying Alberta's lands. Bill 208 offers one solution to this problem, a fair solution that would strike a better balance of responsibility between landowners, farmers, ranchers, and recreational users, and for this reason I support this initiative and encourage all of my colleagues to vote in favour of Bill 208.

Thank you.

**The Speaker:** The hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you, Mr. Speaker. It gives me great pleasure to join the debate speaking in favour of Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act, 2003.

To begin with, I'd like to offer my congratulations to my colleague, the hon. Member for Lac La Biche-St. Paul. This is a bill that makes a lot of sense. It offers concrete results for all Albertans. Mr. Speaker, as an outdoor person myself, I enjoy the splendor of Alberta's natural setting. Just like many other Albertans, myself and my family members do skiing in the winter, hiking and fishing in the summer, and relate well to the subject of this bill.

Mr. Speaker, as I was preparing to make these remarks, it occurred to me that we live in an age where we seem a little bit too prone to abdicate responsibility for our own actions. There appears to be a lot of blame to go around, and it is never very difficult to find someone who's an unwilling victim of almost any kind of unpleasantry or nuisance. The problem as I see it is that in the not too distant past there were not issues where there was a need to involve others. Nowadays, however, we see or hear about them almost every day.

We've all heard about people suing fast-food restaurants for spilling coffee on themselves or suing airlines for multimillion dollar amounts for turbulence in the air and lost pets or other similar things, more or less outrageous cases. I'm sure that in some of these cases very real pain was experienced by the plaintiffs. However, what makes these cases stand out, at least to my way of thinking, is the lack of personal responsibility, the urge to blame others and take legal action against what are essentially matters of personal conduct rather than instances of negligence. Even where there is evidence of negligence on the part of the defendants, how can astronomical sums of money be seen as proper compensation for what most often is a temporary imposition or inconvenience?

Mr. Speaker, I mention this because I see Bill 208 as having the potential to spare Albertans similarly frivolous lawsuits and needless burden on the legal system. Bill 208, as far as I can see, would place personal responsibility squarely where it belongs and allow the courts to handle the concerns of people whose lives have been truly affected by misdeeds and negligence.

With this in mind I will freely admit that I was surprised to learn that here in Alberta landowners can be held liable for events where recreational land users who have sought and been granted permission to access the property sustained injury to themselves or damage to their vehicle. Quite frankly, this makes little sense to me. So I started thinking. Imagine, for instance, that a person happened to enjoy cross-country skiing in the wintertime. This is a popular spare-time activity for quite a number of Albertans and for many people in other parts of the world where the winter is especially enjoyable.

**5:10**

In any event, here in Alberta most public trails are groomed to accommodate cross-country skiers in the winter, but as it happens, not all trails lead to where the skiers may want to go. So they may seek permission from landowners to drive across their fields. With the snow cover being several feet deep, there is no risk of damage to the crops, so there's no discernible harm expected from traversing an otherwise frozen field. It is a matter of common courtesy, I may say, to inquire with the landowner if he or she will give his or her permission for a skier to cross the property. This is to be expected. Barring some particular pressing circumstances or conditions, one might also expect that the request will be granted.

Now, as the law currently reads and is applied, granting permis-

sion can prove to have some rather unwelcome consequences if the skier has an accident and if any skiing equipment is damaged. If that happens and the skiers are so inclined, the landowner can be held liable for injuries and damages and associated costs. This, Mr. Speaker, is not right. Here we have a landowner who upon request grants permission to enter his or her land for recreational use, and this visitor can turn around and sue him or her. Did they ever think about the old saying: don't bite the hand that feeds you? While this example is not based on an actual event, it is a realistic example of something that can actually happen in our province today.

Mr. Speaker, I'm a firm believer in personal responsibility. There is, however, a trend in our society today to blame others for what happens to us. This is something that I find very disturbing. One of the reasons I'm so proud to be an Albertan is that this province and this government have emphasized and continue to emphasize the importance of personal responsibility. Yes, the government will provide assistance where necessary and where it is warranted to help Albertans to improve their lives, but I do not believe that this is such a situation.

As it is written now, Mr. Speaker, the Occupiers' Liability Act holds that the landowners have the responsibility "to take such 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 . . . to be there." Wow. As I see it, the section I just quoted can be applied so broadly and arbitrarily that landowners could be held liable for just about anything that happens to the users. Even if the charges filed lack merit, to be taken to court is no picnic. It's not an experience anyone voluntarily seeks.

In the long run, therefore, I see landowners becoming increasingly reluctant to let recreational users access their land, whether it is a matter of agricultural land, deeded land, leased land, or community pastures. The risk will be too great, and because of that I think the willingness to give others permission to use the land will decrease. This is, of course, an unfortunate development, but I don't think you can blame anyone for choosing to play it safe when the alternative is a very real possibility of going to court for being generous.

Mr. Speaker, as I alluded to a moment ago, I see this bill as being consistent with so much that Alberta stands for and has stood for historically. I was pleased to learn that our colleagues in British Columbia, Saskatchewan, Manitoba, Ontario, and Prince Edward Island have all passed laws that reduce rural landowners' and occupiers' liability where the land is being used for recreational purposes.

The great poet Robert Frost in his famous poem, *Mending Wall*, made immortal the following phrase: "Good fences make good neighbors." I think the sentiment that the phrase expresses applies to the purpose of Bill 208. No, Mr. Speaker, the fences do not isolate us from one another. Rather, what they do is decrease the confusion, letting us know what belongs to whom and what boundaries we must respect. By respecting the boundaries, the fences will be markers only, and we will be able to pass through them rather than be kept out. This is what Bill 208 does. It will decrease confusion surrounding liability, and perhaps even more importantly, it will make clear where personal responsibility begins and where it ends. This will not only make us good neighbours but better Albertans.

For this very reason, Mr. Speaker, I support Bill 208 and encourage all my colleagues to do so. Thank you.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul to close the debate.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. I believe the merits of the bill have been raised, and I want to thank all hon. members for their comments and support this afternoon. I would also like to thank the other individuals that helped mold this philosophical idea into a bill that you see before you today.

Mr. Speaker, the intent of this bill is to reduce liability for landowners and occupiers, making lands more accessible for Albertans to enjoy outdoor recreational activities. This bill would provide landowners and occupiers the ease of allowing recreational visitors on the land without the worry of potential lawsuits. I would like to comment to the hon. Member for Edmonton-Riverview. He did have some questions, but to compliment him, I would suggest that you answered him in the final part of your presentation. I think he does understand the point that the bill does potentially say that there needs to be a transfer of liability from the landowner to the recreational user.

Mr. Speaker, I believe very strongly in the purpose of this bill and in the advantages and benefits that will stem from making specific areas of Alberta more accessible and easily approachable to visitors for recreational activities without the fear of excess liability for landowners or occupiers.

Thank you once again to everyone for their participation in the debate and the discussion of Bill 208, the Occupiers' Liability (Recreational Users) Amendment Act.

Mr. Speaker, I now move that the question be put. Thank you.

[Motion carried; Bill 208 read a second time]

**The Speaker:** Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

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

**Mr. Snelgrove:** Thank you, Mr. Speaker. It's not that often I identify a relative in public, but I have to because I'm sure you're all wondering who came and watched us this afternoon. Dave moved to Alberta 28 years ago and never went back, just another example that when you do things right, they will come. My cousin David Marsh.

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I would move that we now call it 5:30 and adjourn to reassemble at 8 this evening.

[Motion carried; the Assembly adjourned at 5:19 p.m.]

