

Legislative Assembly of Alberta

Title: **Monday, November 27, 2000**

1:30 p.m.

Date: 00/11/27

[The Speaker in the chair]

head: Prayers

THE SPEAKER: Good afternoon.

Let us pray. Though we as legislators of this great province and its people are taken from the common people and selected by You to be architects of our history, give us wisdom and understanding to do Your will in all we do. Amen.

Hon. members, would you please remain standing so that we might participate in the singing of our national anthem.

HON. MEMBERS:

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

THE SPEAKER: Please be seated.

head: Introduction of Visitors

MR. DUCHARME: Mr. Speaker, I'm pleased to introduce to you and through you to Members of the Legislative Assembly Mr. Ernie Isley. Mr. Isley served as the MLA for the Bonnyville constituency from 1979 to 1993. He served as minister of manpower from 1982 to 1986, minister of public works from 1986 to 1989, and minister of agriculture from 1989 to 1993. Mr. Isley is seated in the Speaker's gallery, and I ask that he rise and receive the traditional warm welcome of the Assembly.

head: Presenting Petitions

THE SPEAKER: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I wish to present two petitions today. The first petition is signed by 18 residents from my constituency of Calgary-Cross, and the second is signed by 20 RNs from Calgary, for a total of 38 names. Both petitions ask the Legislative Assembly to allow health professionals to opt out of medical procedures for reasons of conscience.

Thank you, Mr. Speaker.

MR. MASON: Mr. Speaker, I'd like to present a petition signed by 19 Edmontonians opposed to the Liberal Bill 211, which would require any tax increase to be subject to a provincewide referendum.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to table four petitions containing 185 names from the constituencies of Calgary-Egmont, Calgary-Foothills, and Calgary-North West, as well as 1,451 names from Edmonton constituencies and also 25 names of doctors and dentists and 16 names of medical students from the University of Alberta. The petitions are urging the Legislative

Assembly of Alberta to introduce amendments to the Alberta human rights act to allow health professionals to opt out of those procedures that "offend a tenet of their religion, or their belief that human life is sacred."

head: Reading and Receiving Petitions

THE SPEAKER: The hon. Member for Calgary-Glenmore.

MR. STEVENS: Thank you, Mr. Speaker. I request that the petition I presented last week on November 21 be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to request that the petitions I presented on November 21 and 22 be now read and received.

THE CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

We, the undersigned residents of Alberta, petition the Legislative Assembly of Alberta to urge the Government of Alberta to introduce amendments to the Human Rights, Citizenship and Multiculturalism Act to allow Alberta health professionals to opt out of those medical procedures that offend a tenet of their religion, or their belief that human life is sacred.

head: Tabling Returns and Reports

DR. WEST: Mr. Speaker, pursuant to section 10 of the Government Accountability Act I'm tabling five copies of the annual report of the government of Alberta. It's for fiscal year 1999-2000, from April 1 '99, to March 31, 2000. This contains the consolidated financial statements highlighting a record \$2.7 billion debt payment, one which we will beat this year.

Secondly, pursuant to section 14 of the same act I will now table the annual report of the ministry of Treasury.

As well, on behalf of the Premier I wish to table the Executive Council annual report.

Finally, Mr. Speaker, I'm tabling the annual reports on behalf of the following ministers and ministries again as required in section 14 of the Government Accountability Act: Agriculture, Food and Rural Development, Children's Services, Community Development, Economic Development, Environment, Gaming, Government Services, Health and Wellness, Human Resources and Employment, Infrastructure, Innovation and Science, International and Intergovernmental Relations, Justice and Attorney General, Learning, Municipal Affairs, and Resource Development. The appropriate copies have been delivered to the Clerk's office; they're too voluminous to bring into the Assembly.

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'd like to table five copies of the '99-2000 annual report on freedom of information and protection of privacy.

I have one more, Mr. Speaker. I'd also like to table with the Assembly five copies of the annual reports of Municipal Affairs' delegated administrative organizations. The organizations include the Alberta Boilers Safety Association, the Alberta Elevating Devices and Amusement Rides Safety Association, the Petroleum Tank Management Association of Alberta, the Alberta Propane Vehicle Administration Organization, and the authorized accredited agencies.

THE SPEAKER: The hon. Minister of Gaming.

MR. SMITH: Thank you, Mr. Speaker. I'm pleased to table with the Assembly today five copies of the annual review of the Alberta Racing Corporation for the year ended December 31, 1999, and five copies of the 1999 annual report of the Alberta Gaming Industry Association.

MR. MASON: Mr. Speaker, I have four tablings today. My first tabling includes documents from the Alberta Federation of REAs Ltd. These documents summarize the REAs' concerns and recommendations regarding the staggering electricity price increases. Expected price increases range from 85 to 150 percent in the year 2001 when compared to the year 2000.

The second tabling is a copy of a letter from Lance Lamond, a member of the board of Poverty in Action, expressing serious concern with the escalating energy costs facing many hardworking Albertans, forcing them to become homeless.

The third tabling is a letter from J. Faminoff of Calgary to the Premier asking the Premier to answer the questions posed to him by the opposition on electricity deregulation and private MRIs and to stop ducking the issues.

My fourth tabling, Mr. Speaker, is a letter from a past member of the Liberal Party expressing her opposition to the Liberal private member's Bill 211.

1:40

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

MS BLAKEMAN: Thank you very much, Mr. Speaker. I have two tablings today. The first is five copies of the Edmonton public school board's newsletter, *The Compass*, featuring an article on micro-society, which is a program that first started in one of the schools in Edmonton-Centre, and that is Oliver school.

The second tabling is a letter from a constituent, Christopher Rivet, who is very concerned with what's expected to happen under the government's electrical deregulation, pointing out that he is currently living on AISH and cannot afford new increases in electricity on the income that he has.

Thank you very much.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. With permission I would table five copies of a press release of the Graduate Students' Association of the University of Alberta released at noontime entitled Alberta Students Ask Province for a Mere 1/280th of the \$5.6 Billion Surplus, part of their program to have tuition capped at a 2 percent increase.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. I have one tabling this afternoon. It is a document that I have received through freedom of information from the Department of Municipal Affairs. It is an e-mail between top-level officials of the Department of Labour in February of 1999 where there is a discussion to keep test results on treated pine shakes confidential from the Building Technical Council.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased today to table two letters from seniors in my constituency. In the first one the writer has asked that I withhold her name because she is a recipient of AISH benefits, and she has provided for the government's information an accounting of how those benefits are spent and how the increase in electricity, utility, heat, and shelter costs are going to leave her in a deficit position every month.

The second letter is also from a senior who is 83 years old. She has written to me expressing her concern about the lack of support for health care for seniors and particularly the lack of coverage for major dental expenses for seniors living on fixed incomes.

THE SPEAKER: Hon. members, the chair would like to table five copies of a memorandum from the hon. Member for Calgary-Fish Creek requesting that Bill 210, the Traffic Safety Amendment Act, 2000, be brought to the Committee of the Whole on Wednesday, November 29, 2000.

head: Introduction of Guests

THE SPEAKER: The hon. Minister for Children's Services.

MS EVANS: Thank you very much, Mr. Speaker. It is a pleasure to introduce to you and through you to members of this Assembly an awesome group of students from Archbishop Jordan high school. Accompanying them as part of the group is somebody who normally is a page in this Assembly, and his name is Brent Shewchuk, but today he is one of the members of the ABJ school along with their teacher, Jim Ryan, and 27 other students. I would ask that they rise now so that we may give them the warm traditional welcome.

MR. DUCHARME: Mr. Speaker, I'm pleased to introduce to you and through to members of this Assembly a friend from the Bonnyville-Cold Lake constituency, Lise Langridge. Lise is accompanied today by her aunt Jean McNally from Edmonton. I'd ask both ladies to please rise and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Speaker. On November 16 and 17 St. Thomas More Catholic junior high school in Edmonton hosted a very successful youth justice conference. More than 400 students from the 18 Catholic and public junior high and senior high schools in Edmonton attended Caring for Our Communities: Student Youth Justice. They took part in workshops dealing with everything from bullying to alcohol and drug abuse to the youth justice system. The conference was organized as a joint effort between Alberta Justice and St. Thomas More. I'd like to introduce to you and through you to members of the Assembly the people who organized this very

successful event: Dr. Doug Nelson, the principal of St. Thomas More; teachers Mrs. Terry Volk and Ms Michelle Marlen from St. Thomas More; and from Alberta Justice, young offenders branch, the executive director, Kevin O'Brien, and assistant director, Paulette Rodziewicz. I'd like to invite these hardworking people who organized such a successful conference to stand and receive the traditional warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Riverview.

MRS. SLOAN: Thank you, Mr. Speaker. I'm pleased today to rise and introduce through you to members of the Assembly 43 students from Malmo elementary school. They're accompanied by teachers Joan MacDonald and Eileen George. I would ask them to rise and receive the warm welcome of this Assembly.

THE SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. BONNER: Thank you very much, Mr. Speaker. It gives me a great deal of pleasure this afternoon to rise and introduce to you and through you to all members of the Assembly 26 students from Queen Elizabeth high school. They are visiting the Assembly today. They're all taking part in a social studies class. They are accompanied by their teacher, Ms Scaddan, and also by grandparent helper Mrs. Thorsen. With your permission I'd ask that they now rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Banff-Cochrane.

MRS. TARCHUK: Thank you, Mr. Speaker. I'm really pleased to introduce to you and through you to the members of the Legislature two Banff-Cochrane constituents from the wonderful community of Bragg Creek. They are Shauna Hay and her daughter Keira Hay. Keira is a grade 6 student who is home schooled by her mother, and they're both visiting the Legislature today for the very first time. If I could please ask them to stand in the members' gallery and receive the warm traditional welcome of the Assembly.

head: Oral Question Period

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

Electric Utilities Deregulation

MRS. MacBETH: Thank you, Mr. Speaker. The Premier's electricity deregulation program, becoming known as the KEP, is causing skyrocketing electricity bills for consumers across the province. Last week we brought forward the samples of ATCO's increases in the coming year. On Friday EPCOR filed information with the Energy and Utilities Board on the regulated rate option showing electricity rates will go up for consumers in southern Alberta under the KEP even with the rebate applied, and I'm happy to table those copies. My first question is to the Premier. How does the Premier explain the fact that a southern Alberta residential consumer served by EPCOR will experience a \$24.69 per month, or 37 percent, increase in their power bill under the KEP even when the \$20 rebate has been applied?

MR. KLEIN: Mr. Speaker, again, the leader of the Liberal opposition is making some assumptions. The application is now before the Alberta Energy and Utilities Board, and there will be an adjudication of that. To make that assumption at this particular time is wrong,

and it's awfully presumptuous on the part of the leader of the Liberal opposition.

MRS. MacBETH: Mr. Speaker, I'm not sure where the Premier is at if he's not even knowing what EPCOR is saying in terms of their billing.

Let's see if we can get his attention with irrigation services. Will the Premier admit that an irrigation service being served by EPCOR in southern Alberta will experience a \$308 increase in their bill, or 52 percent, under the KEP with numbers filed with the EUB right now even when the rebate is applied?

MR. KLEIN: Mr. Speaker, first of all, it hasn't been determined relative to the \$800 million rebate that will be applied as to how much will go to various irrigation districts. Again, this matter is before the AEUB, as the leader of the Liberal opposition pointed out, and I think it's presumptuous of her to make those statements considering there hasn't been a ruling yet.

1:50

THE SPEAKER: Hon. leader.

MRS. MacBETH: Thank you, Mr. Speaker. What instructions has the Premier given to his intervenor at the EUB hearings with respect to consumers, or is the intervention merely window dressing to cover up the fact that these massive electricity prices are coming under his KEP?

MR. KLEIN: Mr. Speaker, I've given no instructions whatsoever, but this matter is with the Department of Resource Development, and if the minister can shed some light on the matter, I'll ask him to do so.

MR. CARDINAL: Mr. Speaker, on this particular issue, because it is before the board, we'll have to wait until the decision is made.

THE SPEAKER: Second main question. The Leader of the Official Opposition.

Rural Electricity Costs

MRS. MacBETH: Thank you, Mr. Speaker. More and more Albertans are speaking out against the Premier's electricity deregulation plan. Last week we heard about the Alberta Association of Municipal Districts and Counties and the problems which are resulting from inadequate supply to meet rising demand and skyrocketing prices for consumers. Last week the Alberta Federation of Rural Electrification Associations sent in a November 23 report to the government. It said: "The current structure is the result of five years of turmoil and uncertainty," – this is from the Alberta Federation of REAs – "and will now result in electricity rates skyrocketing. This current structure is unacceptable." My question is to the Premier. Does the Premier agree with the Alberta Federation of Rural Electrification Associations when they say that his electricity restructuring has contributed to skyrocketing electricity prices in Alberta?

MR. KLEIN: Mr. Speaker, it's my understanding that all the groups mentioned by the leader of the Liberal opposition were involved in discussions and were involved in the design of the deregulation process.

MRS. MacBETH: Well, Mr. Speaker, they may well have been, but they've now caught up with the reality of it.

Can the Premier or perhaps his minister of agriculture explain what happened during their meeting with the REAs November 23, last Thursday, and what kinds of discussions might have occurred at that time?

MR. KLEIN: Mr. Speaker, it seems to me that that question was directed to the hon. Minister of Agriculture, Food and Rural Development.

MR. LUND: Well, Mr. Speaker, there was a very good discussion. The REAs brought forward a number of their concerns. As I understand it, the Department of Resource Development is currently looking at the issues that they raised.

MRS. MacBETH: So can we get an answer please to the question: why is the Premier refusing to listen to the concerns of the Alberta Federation of REAs, to the AAMD and C when they say in their documents, in their resolutions that we have tight supply and rising prices and it is unacceptable to the people of rural Alberta?

MR. KLEIN: We are listening, Mr. Speaker. The leader of the Liberal opposition is absolutely right; there is tight supply. But there's also unprecedented economic growth in this province. That is one of the contributing factors.

I'd like to point out that we have put in place a very generous program which will be monitored to see if more can be done relative to . . .

AN HON. MEMBER: You broke it. Fifty six percent increase for irrigation customers.

MR. KLEIN: Mr. Speaker, can I answer the question? There's an \$800 million program to accommodate at this particular time farm communities based on consumption. There's an energy rebate program. Cheques are being received as I speak, \$150 by each household. There's a \$20 automatic reduction in electricity bills that will take place as of January 1, 2001. I don't know of any other jurisdiction in Canada that has gone to the lengths that this government has to alleviate as best as possible the rising cost of electricity.

THE SPEAKER: Third Official Opposition main question. The hon. Member for Edmonton-Caldor.

Electricity Auction

MR. WHITE: Thank you, Mr. Speaker. On November 29 this government will sell the regeneration capacity of Genesee, Milner, Sheerness, and Clover Bar PPAs under a one-year contract in a desperate attempt to cover up its mismanagement and bungling of the electricity deregulation plan. It's obvious this government is trying to buy time in order to panic sell at this reaction and take money out of the pockets of consumers through the sale of this higher cost power in order to give them the onetime generous rebate just in time for an election call. Will the Premier confirm that the sale of the unsold higher cost PPAs under one-year contracts will result in higher costs for consumers?

MR. KLEIN: Mr. Speaker, I'm going to have the hon. Minister of Resource Development respond, but in answer to the prelude or the ramblings, I guess, of the hon. member, if this hon. member does not like the rebate before an election or after an election, I can say one thing to him: hand it back.

I'll have the hon. minister respond.

MR. CARDINAL: Thank you very much, Mr. Speaker. Of course, the original plan was to sell the balance of the PPAs that were unsold. We've always indicated that the money belongs to the consumers. Therefore, once the sale is completed, we will of course be laying out a plan as to how we may return those dollars that belong to the consumers out there.

This plan has been ongoing for a long time, and the opposition members also had an opportunity to participate through the debates. In the 1998 amendment to the Alberta utilities act, a number of these members supported the concept of deregulation. In fact, the date 2001 was established at the time, and you will see some support from the opposition.

MR. WHITE: Is it the Premier's position to allow bidders to recover their investments now that he's disagreeing with the comments made earlier by the Minister of Resource Development when he said that higher proceeds from an auction will mean that consumers will have to pay more in electricity rates?

MR. KLEIN: Mr. Speaker, I'll have the hon. minister respond.

THE SPEAKER: The hon. minister.

MR. CARDINAL: Thank you very much, Mr. Speaker. We've always indicated that when a sale goes on, it's open to the market and that the market will determine what is reasonable out there by the people bidding. Therefore, we don't establish in advance what we feel the ultimate sale will bring. We assume it'll be good dollars that we can return to the consumer.

One of the things I'd like to clarify again, Mr. Speaker, is that there are over 1 million residential households that can remain under the regulated rate option for up to five years. Another 124,000 commercial, industrial, and municipal consumers can stay under the regulated option for another three years. In fact, EPCOR in Edmonton, which is your organization, will have 274,000 consumers which are regulated by the city of Edmonton which you can be directly involved in. If you were concerned about the consumers in Alberta and the city of Edmonton, you would be out there in front of the council.

THE SPEAKER: Hon. minister, work with me. Go through the chair. Okay? Thank you.

MR. WHITE: In that the costs of this power production are already known to the government and the Premier, can the Premier now tell the Assembly: how much will this reaction have to raise in order for the government to rebate anything at all to the citizens of Alberta?

MR. KLEIN: Mr. Speaker, it's an option, and I don't know for sure, but perhaps the hon. Minister of Resource Development can comment further.

2:00

MR. CARDINAL: We're always optimistic that processes like this will be successful, and you will see that the deregulation process will be successful.

We've always indicated also that we will be returning – as soon as the sale is completed, we will assess, analyze the outcome, and determine what formula to apply in order to return those dollars back to the consumers where they belong, Mr. Speaker. But to determine two or three days before the sale is completed what will be returned is foolish. Only the opposition that would do that.

THE SPEAKER: The hon. deputy leader of the third party.

Electric Utilities Deregulation
(continued)

MR. MASON: Thank you, Mr. Speaker. Last Thursday the Alberta Federation of REAs met with the government's own rural caucus. At that meeting the federation pointed out that its rural members are facing electricity rate increases in 2001 of between 85 and 150 percent even after accounting for the government's electricity rebate. The REAs lay the blame for these punishing cost increases squarely on this government's bungling of electricity industry restructuring. My question is to the Premier. Why is the government refusing to listen to stakeholders like the Alberta Federation of REAs, who blame the government's so-called deregulation for skyrocketing electricity rates, choosing instead to engage in a strategy of wilful denial?

MR. KLEIN: Mr. Speaker, there is no strategy of wilful denial, and as the hon. minister has pointed out, people can stay and farm communities can stay in a regulated environment. As I've pointed out before, there are a number of contributing factors that are involved relative to rising electricity rates. One is the phenomenal growth and the very bright and very positive economic climate that exists in this province.

Relative to the REAs, I understand that they were involved in the process leading to deregulation as was the Alberta Association of Municipal Districts and Counties, as was the Alberta Urban Municipalities Association, Mr. Speaker.

Relative to the discussions that took place with the REAs, I'll have the hon. Minister of Agriculture, Food and Rural Development respond.

MR. LUND: Mr. Speaker, the federation has a number of concerns relative to the contracts and how they're being administered. As the Premier and the Minister of Resource Development have very clearly pointed out, those issues are before the EUB at the present time. They also had some concern about the fact that there was a differential depending on the type of user. Once again, that's a discussion that's going before the EUB. There was concern about the deferral account and how that was going to be addressed. Once again, that is before the EUB. So there are some things that the department and the EUB will be dealing with that I hope will alleviate the concerns raised by the rural electrification associations.

MR. MASON: Mr. Speaker, how can the Premier continue to defend the indefensible proposition that deregulation is not to blame for skyrocketing electricity costs when the Federation of REAs, the Industrial Power Consumers, the Consumers' Coalition of Alberta, and every other stakeholder says that deregulation and nothing else is to blame?

MR. KLEIN: Mr. Speaker, that statement simply is not true. Coming from this hon. member, I find it really quite surprising that he would be opposed to deregulation when the company EPCOR, a board on which he served, was strongly in favour of the program.

MR. MASON: Mr. Speaker, can the Premier confirm that the minister met recently with the mayor of Edmonton to ask him to pressure EPCOR to reduce its request for an increase in electricity prices, requests that they had made under the rules and conditions created by this government?

MR. KLEIN: Mr. Speaker, I don't know if the hon. minister met with the mayor, but I think it would have been a wise and prudent thing for the minister to do so, if in fact he did, because our obligation as a government is to protect the consumer and to use all devices available to us to protect the consumer. But I will have the hon. minister respond.

MR. CARDINAL: It is normal for a minister of the resource industry who is in charge of northern development, the forestry and energy sectors, which is very, very important to Edmonton, to sit down with the mayor of Edmonton to discuss a number of issues, and, yes, we did talk about the high cost of natural gas, the high cost of electricity, Mr. Speaker. If the leaders of the Liberal opposition and the NDs were responsible citizens of Edmonton, they would be doing the same thing exactly. In fact, if the leader of the Liberals was responsible, she'd be out there every day in front of the council telling them about the high prices. They do regulate those prices.

THE SPEAKER: The hon. Member for St. Albert, followed by the hon. Member for Edmonton-Glenora.

MRS. O'NEILL: Thank you, Mr. Speaker. My question is to the Minister of Resource Development. Given that electricity deregulation is due to come into effect on January 1, 2001, and many people are uncomfortable with making a decision of choice as to who would be their provider, my question to the minister is: can he tell us what the options are that individuals have in their choice come January 1, 2001?

MR. CARDINAL: Well, Mr. Speaker, first of all, consumers will have a choice of options as to who they want to purchase electricity from. In addition to that and probably the most important option that consumers have – again I've mentioned that over 1 million residences have this option where they can remain under the existing supplier for up to five years, and that is regulated. In fact, another 124,000 commercial, industrial, and farm commercial consumers also have another three years to stay under that option. When the consumers are good and ready, they can make that change.

THE SPEAKER: The hon. Member for St. Albert.

MRS. O'NEILL: Thank you, Mr. Speaker. Well, then, my question to the same minister: can the minister explain how choice comes into play when there's apparently only one provider, as is the case in St. Albert?

MR. CARDINAL: Mr. Speaker, all consumers in the future will have a choice between the regulated rate option and also the competitive rate, like I said earlier. In fact, both EPCOR and Enmax have already said that they would be aggressively competing out there across the province, and they're already both licensed to participate and provide services in a competitive process. As a government, of course, we will monitor the competition, and we expect the companies to adopt competitive principles as they move forward.

Mr. Speaker, again I'd just like to indicate that the services EPCOR provides, for an example, in Edmonton and surrounding area – they are regulated, and the city, again, determines as to how changes will take place. I would advise the member that whenever the opportunity arises, if that situation is there, she would be able to go to the city to make sure the issue is addressed.

MRS. O'NEILL: Mr. Speaker, to the same minister. The minister has spoken about two providers, but my question is: is the consumer going to be protected against fly-by-night electricity retailers?

MR. CARDINAL: Mr. Speaker, like I've said before, EPCOR, Enmax, and other companies are very credible companies, and they're far from being fly-by-night operators. They do very well: well organized and business oriented. Of course, our top priority continues to be consumer protection while we provide a choice for people and top quality services at lower prices in the future.

I would ask the Minister of Government Services to supplement in that particular area.

2:10

MRS. NELSON: Mr. Speaker, I'd be pleased to supplement the answer. I think it's a very good question. Consumers should feel confident of the protection that is awarded to them through the Fair Trading Act, that protects them against unscrupulous marketers. In this act we have some very tough but very fair rules.

Marketers of electricity will have to post a million-dollar performance bond and will have to be licensed on an annual basis. Any violation of the Fair Trading Act will lead to prosecution and removal of their activities within the province. That, I think, clearly was demonstrated last year, when we had some difficulty with some natural gas marketers and we had to take some very strong positions and actually remove some from the province because they were not operating in an ethical fashion.

Again, as my hon. colleague the Minister of Resource Development has said, consumers will have the option to stay with their existing supplier or to make choices to go with a new one, and that will apply to the residents of St. Albert as well as the rest of the province.

Special Waste Treatment Centre

MR. SAPERS: Mr. Speaker, on November 14 Bovar reported a net loss of nearly one and a half million dollars so far this fiscal year. Bovar says that the ongoing inability to generate a positive cash flow has resulted in their decision to provide the province of Alberta with its notice of intention to cease all core operations at the Swan Hills waste treatment centre effective December 31, 2000. Under a July 12, 1996, agreement between the government of Alberta and Bovar, taxpayers are eligible to share in the net income of Swan Hills. Given that agreement, will the Premier confirm that taxpayers received just \$23,600 back on their \$441 million dollar investment in Swan Hills? That would be a rate of return of just .0000535 percent. Would the Premier confirm that?

MR. KLEIN: Mr. Speaker, I don't know if that figure is true or not, and I'll have the hon. Minister of Environment respond.

I can tell you, Mr. Speaker, that thousands and thousands of tonnes of toxic material have been destroyed as a result of that plant being in operation. There is a price for garbage. Whether that waste is household waste or hazardous waste, there is a price to get rid of garbage. Thank God for that plant, a plant that was praised, by the way, by the leader of the Liberal opposition when she was minister of health, especially as it related to the tonnes and tonnes of dead drugs that have been destroyed at the plant.

Relative to the actual figure, Mr. Speaker, I'll have the hon. minister respond.

MR. JONSON: Mr. Speaker, I will certainly check on the particular figures quoted by the member across the way, but the point here is that the government has never claimed that Bovar would be a major profit-making entity in this province. Its goal, its purpose from the very beginning was to provide for the disposal of hazardous wastes in this province, which it has done very, very effectively. At the time, while we hoped that the plant would be profitable, we also

acknowledged that there would possibly be losses and costs. The overall goal, which I hope the members across the way and the opposition would share, is that we provide for the safest possible disposal of hazardous wastes in the interests of a safe environment, a healthy environment here in this province.

THE SPEAKER: The Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. Given that the minister of environmental protection just contradicted what the Premier said on July 28, 1995, when he said that the plant was entering into its commercial phase – that means making money, Mr. Minister. As a result of the net loss that Bovar has recorded so far this year, will the Premier admit that taxpayers will not receive one cent of profit, not one penny more this year in spite of the agreement that was signed by the government on the commercial phase of the operation?

MR. KLEIN: Mr. Speaker, you don't need to be a rocket scientist to figure out that if there's no profit, there's no return. I mean, even the finance critic for the Liberals can figure that out.

Again, Mr. Speaker, I say that there is a cost to garbage, whether that garbage is hazardous or nonhazardous. There is a cost. Because of that plant, we were able to make this province PCB free and free of other toxics. We're able now to at least address to some degree the whole situation of orphan sites where terrible toxic pollution has occurred.

I would remind the hon. member that his leader some years ago had nothing but praise for that plant.

THE SPEAKER: Hon. member.

MR. SAPERS: Thank you, Mr. Speaker. They've spent over \$2,000 a tonne to process it, well above the market rate. They keep on throwing good money after bad.

Mr. Speaker, given that the Auditor General is not able to audit the operations of the Swan Hills special waste treatment plant, will the Premier commit to a full independent audit by an out-of-province auditor before his government commits one more penny of taxpayers' money to the Swan Hills plant?

MR. KLEIN: No. I'm not going to commit to anything at this particular time. Mr. Speaker, as we speak, there are some options that are being actively considered relative to the ongoing operation of that plant.

You know, I would ask the hon. member – and perhaps he can reply at some future date – what would he have the province do with this waste? Mr. Speaker, I go back to the days when I was minister of the environment, and we had the situation in St-Basile-le-Grand, where the Quebec government I believe spent something like \$50 million to try to ship PCB waste to Wales only to have the long-shoremen there refuse to unload it. It was sent all the way back only to have the longshoremen in Quebec refuse to unload it. Finally, in the middle of the night the captain dumped his load. I believe it was in the constituency of the then prime minister, Brian Mulroney. Quebec ended up with the waste, and they were \$50 million lighter. Is that the kind of action he would have the province take?

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Spruce Grove-Sturgeon-St. Albert.

Highway Maintenance Contracts

MR. YANKOWSKY: Thank you, Mr. Speaker. Last week the Department of Infrastructure announced the new highway mainte-

nance contracts for southern Alberta. The only surprise there was the significant savings for taxpayers regarding highway maintenance. My questions are all to the Minister of Infrastructure. Could the minister give Alberta taxpayers some details regarding the newly signed contracts? Are there indeed some savings, and if so, how much?

THE SPEAKER: The hon. Minister of Infrastructure.

MR. STELMACH: Well, thank you, Mr. Speaker. Back in 1996, when this government went to outsourcing all of the engineering and many of the maintenance contracts across the province, we saw some savings at that particular time, but since 1996 contractors have garnered more experience, are more knowledgeable in ways of saving money. I'm pleased to announce that since our last tendering we've seen over a 35 percent reduction in the latest tenders coming forward on highway maintenance, which moves it from about \$5,800 per kilometre per year down to about \$3,800.

THE SPEAKER: Hon. member.

MR. YANKOWSKY: Yes. Further to that question, could the minister elaborate on how the savings were indeed realized? Was it strictly as a result of the bidding process, or were there other factors?

MR. STELMACH: Mr. Speaker, first of all, our staff, working very closely with the contractors, re-engineered the maintenance contract process. We also looked at redesigning the tendering process. As a result, at the end of the day we had much better results on the overall tendering process by a number of contractors. I think, as well, that a contributing fact was the economies of scale. All of the secondary highways that we assumed control and jurisdiction over added to the pool of highways to be maintained, and of course more highways to maintain, better use of the current equipment and much more value for the dollar.

THE SPEAKER: Hon. member.

2:20

MR. YANKOWSKY: Thank you, Mr. Speaker. To the same minister again: given that some of the unsuccessful bidders and current contractors have investment in equipment and buildings and commitments to employees, what will happen to their interests and the employees?

MR. STELMACH: Mr. Speaker, what we have indicated very clearly to all of the unsuccessful bidders on the contracts is that we will meet with them, discuss where perhaps they could improve the bidding process. There's another batch of tenders coming forward on highway maintenance in the province, and we'd like to have everyone have a good chance at that particular process.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Leduc.

Cancer Treatment

MRS. SOETAERT: Thank you very much, Mr. Speaker. Early diagnosis and treatment of cancer is crucial. The Minister of Health and Wellness stated in this Assembly that patients referred by their doctor to see an oncologist will in fact see an oncologist in a week or less. My questions are to the Minister of Health and Wellness. Given that Mr. Andresson went for prostate tests in April, had a biopsy in May, was diagnosed with prostate cancer in early June but

did not see an oncologist until late July, how can the minister claim patients referred by their doctor to see an oncologist will do so in a week or less?

MR. MAR: Mr. Speaker, I think it's well known in this Assembly that it's not my practice to comment on specific cases that are brought to the attention, and I think people understand the reason why that is so.

Having said that, Mr. Speaker, I can say that in answering the question about oncologists and the treatment of cancer – and let me say, first of all, that I do agree with the hon. member when she says that early detection and treatment is important. The Alberta Cancer Board had indicated to me earlier that there were waiting lists that were getting unacceptable earlier on this year but that they have used the money appropriately that the province has put in to dealing with waiting lists in cancer and a number of other areas and that they have currently brought it down. I can't speak to what the length of time for waiting may have been earlier this year, but currently I'm advised by the Alberta Cancer Board that from the time a physician assesses you and says that you need to see an oncologist, you will see one within a week or less.

THE SPEAKER: Hon. member.

MRS. SOETAERT: Thank you, Mr. Speaker. To the same minister: given that the minister also stated in this Assembly that the average wait for cancer treatment following an appointment with an oncologist is four weeks, can he explain why Mr. Andresson then waited six months?

MR. MAR: Well, Mr. Speaker, the answer remains the same. I won't comment on a specific case, but I stand by my earlier comments made in this House that the time for actually receiving treatment has been dramatically reduced this year. I think the hon. member will forgive me if I don't remember the exact figures. It depends on the type of cancer you have. Some cancer treatments you will receive within two weeks, and for other types of cancer it may be four weeks, but the times have been reduced dramatically from where they were earlier this year.

THE SPEAKER: Hon. member.

MRS. SOETAERT: Thank you. To the same minister: will the minister offer an apology to Mr. Andresson and his family for the hardship this government's mismanaged health policy has forced them to endure?

MR. MAR: I'm not familiar with the specifics of this individual case. However, if the individual would want to send me correspondence, I would be happy to deal with him on that basis. This is not the time or the place to be offering such comments, Mr. Speaker.

THE SPEAKER: The hon. Member for Leduc, followed by the hon. Member for Edmonton-Glengarry.

Climate Change

MR. KLAPSTEIN: Thank you, Mr. Speaker. My question is directed to the Minister of Environment. Albertans have a vested individual interest in climate change, both in terms of the environment and the economy. I understand that the Minister of Environment attended the international climate change meetings in The Hague, Netherlands, last week. Would the minister please update the House as to Alberta's involvement at the international level?

MR. JONSON: Mr. Speaker, I think that before responding directly to the question, I'd just like to agree with the member's preamble, and that is that we certainly as a government in Alberta recognize the priority that the people in this province place upon a clean environment and upon the implications of climate change. For that reason, we have in this province very stringent standards with respect to emissions. It compares very favourably with other parts of the world. We do put an emphasis on protecting the environment.

In terms of the recently completed, completed I have to admit without any overall conclusion – in terms of the recent conclusion of the conference at The Hague we were involved with the Canadian delegation. We made representation with respect to the advantages here in Alberta of having a number of very clean energy sources, particularly natural gas, and the way that should be represented and given credit for in international negotiations. We also talked in terms of how we should be positioning ourselves as a province within the overall Canadian negotiating position with respect to climate change. I think a very important factor was the report, not only from ourselves in Alberta but from other provinces across Canada, which indicated the various measures across this nation which indicate that Canadians and their governments are taking climate change very seriously and taking measures to mitigate against deterioration in terms of the overall atmosphere worldwide.

We worked, Mr. Speaker, with the Canadian delegation. We, I think, tried our best to represent Alberta's interests and to co-operate with our other provinces and territories in putting forward Canada's position.

THE SPEAKER: The hon. Member for Leduc.

MR. KLAPSTEIN: Thank you, Mr. Speaker. My second and final question is also to the Minister of Environment. I'd like to know what assurance we have that Alberta is doing all it can to address the issue of climate change?

MR. JONSON: Well, Mr. Speaker, we have in this province, as I said, established a very rigorous set of regulations and requirements as far as emissions are concerned. Secondly, we have established in this province an agency which is an arm's-length, independent entity which involves industry representatives and environmental group representatives called Climate Change Central. We're looking to that particular group to partner with agencies and organizations involved and interested in this whole matter and to provide recommendations and plans and initiatives for the province to go further with what I think is already a good environmental record.

So I think the important thing here is that while the discussions at The Hague did not reach any positive conclusion – and I understand that there's a further conference planned six months hence in Bonn to follow up on those deliberations – it does not mean in any way, Mr. Speaker, that here in Alberta we are standing still with respect to our overall commitment to making sure that we have a clean environment here, that we are not major contributors to the negative aspect of climate change. We will continue to work in that direction, which is I think the responsible thing to do.

THE SPEAKER: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for Red Deer-North.

Prostate Cancer Screening

MR. BONNER: Thank you, Mr. Speaker. Breast cancer is a serious illness facing countless Alberta women. Vocal opposition from the Liberal caucus and women across the province convinced this

government to reverse its plan to stop annual mammograms. My questions today are to the Minister of Health and Wellness. Given that prostate cancer is one of the most common types of cancers afflicting Alberta men, why would this government not want annual prostate cancer screening tests for men?

MR. MAR: Well, Mr. Speaker, we're always looking at ways of delivering a health care system that can provide solid service to Albertans and is cost-effective. It strikes me that the area of annual prostate examinations may be one of those areas where it makes sense for us to cover it, an effort to spend money in order to save money in the long run. So I will say this: I do encourage men to ask their physicians for a prostate examination.

2:30

The issue of PSA tests, I am advised – and I don't know as much about this as many physicians will. I'm advised that it is not a perfect test and that there is no substitute for a rectal examination. That is something that men perhaps over the age of 35 should be asking their physicians for, and there's nothing that precludes men from getting that done on an annual basis.

MR. BONNER: Mr. Speaker, given that prostate screening will save incalculable human suffering and taxpayer dollars through early detection and prevention, why will this government not fund prostate screening tests for men?

MR. MAR: Well, Mr. Speaker, I don't know how the second question really differs from the first one. I can only say again that men can get an annual examination for prostate cancer, and I would encourage them to do so.

THE SPEAKER: Hon. member.

MR. BONNER: Thank you, Mr. Speaker. This government finally did the right thing for breast cancer screening. Will the minister now do the right thing for men and fund annual prostate cancer screening?

MR. MAR: Mr. Speaker, as I've indicated, such an examination is available to men. They need only ask their physician for that examination, and it will be done.

THE SPEAKER: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Manning.

Assured Income for the Severely Handicapped

MRS. JABLONSKI: Thank you, Mr. Speaker. My questions are for the Minister of Human Resources and Employment. On October 1, 1999, the government announced changes to the assured income for the severely handicapped program including an increase in benefits. Will the government be increasing benefits again this fall to reflect higher living costs?

MR. DUNFORD: Well, Mr. Speaker, yes, as a matter of fact, we did increase the benefits last fall. We moved the AISH benefit from \$832 up to \$855. I want to notify the member, however, that we will not be increasing the rates this fall. We are helping AISH clients, though, to try to meet increased utility costs. One of the ways we'll be doing that, of course, is by ensuring that they receive their full AISH benefits and also receive the full energy refund and rebate.

THE SPEAKER: The hon. Member for Red Deer-North.

MRS. JABLONSKI: Thank you, Mr. Speaker. My first supplemental is to the same minister. Can AISH clients rely on other sources of income to meet their needs, or does this government expect them to live on this amount?

MR. DUNFORD: Mr. Speaker, clients can actually go out and earn additional income over and above, of course, their AISH benefits. We have a program in place, then, that would allow them to earn \$200. There would be no deduction. If they earn beyond that, then we start to take some benefit off.

In terms of net earnings – I believe these calculations would be correct – a single client could earn up to \$1,332 a month and still receive at least a dollar in AISH benefit. Of course, the magic of that is that they would then be able to retain their medical coverage card. A couple or a single parent could have up to, again on a net basis, \$1,907 a month and still be eligible.

Clients, of course, are eligible for other sorts of income including GST rebates. Their families are eligible for the Canada child tax benefit. I think it needs to be pointed out that many AISH clients are in either subsidized housing or group homes or community housing. Some of them qualify for PDD assistance. We have made AISH more flexible. We're extending medical benefits for clients who work, and of course we've gone to introducing a rapid reinstatement for clients who need to return to AISH after a term in the workforce.

THE SPEAKER: Hon. member.

MRS. JABLONSKI: Thank you, Mr. Speaker. To the same minister: will the government be increasing the \$200 amount clients can earn before there is an effect on their AISH benefits?

MR. DUNFORD: Mr. Speaker, we're looking at that in our examination, but I do have to point out to the hon. member that each increase in that exemption increases the cost of the AISH program. Next year we're expecting the AISH budget to increase significantly because of rising caseloads. It's not within our current budget to increase this exemption, but we want to keep focused on flexibility, and really we want to be out there supporting the clients.

We really believe in the AISH program. We think the reforms that went through on October 1 of 1999 were reforms that were taking this program in the right direction, and of course we want to support it, then, as best we can.

THE SPEAKER: The hon. Member for Edmonton-Manning.

MR. GIBBONS: Thank you, Mr. Speaker. The government's latest annual report shows that approximately 25,000 people were receiving assured income for the severely disabled, or AISH. The insignificant increase of \$27 does not begin to cover increases for rent, electricity, gas, and services, downloaded to the people accessing social housing. My questions are to the minister of human resources. When this province has billions of dollars in surplus, why does this government pursue regressive social policies that commit people with disabilities to a continual cycle of poverty?

MR. DUNFORD: Well, I don't accept the question in its tone or even in the construction of it. The fact of the matter is – and the hon. member knows this – that when you compare the social programs that exist in this province because of proper fiscal management and proper caring for the resources, we do have the ability, then, to put safety nets in place. I would also remind the hon. member that we're in a situation that where AISH clients are on

assistance, we'll do the best we can for them, but the important thing is to find ways to support those that are actually in the workplace.

MR. GIBBONS: When is this government going to provide sufficient support for AISH recipients so they can cover rising costs associated with skyrocketing rents, electricity, gas, and food costs?

MR. DUNFORD: Well, we're working on that now, Mr. Speaker, and we continue to work on it. We're monitoring the situation. We're moving to market-basket measurements at some time in the future. We'll be keeping our eye on this, and we'll be doing what we can for those people that truly need our assistance.

MR. GIBBONS: My last question is to the same minister. Will this government index AISH payments to the cost of living?

MR. DUNFORD: We have no plans at this time. Cost of living is a measurement that many organizations use, but it can be criticized. I think for the fact that it just looks at an average Canadian, and whether an average Canadian exists or not, we're not sure. I think market-basket measurement will be the answer.

head: Reading and Receiving Petitions

THE SPEAKER: Hon. members, 30 seconds from now I will call on the first of seven hon. members to participate.

Hon. members, might I recognize you first for your very attentive concern with decorum today. Much appreciated by the chair.

2:40

Jan Fisher

MR. DOERKSEN: Mr. Speaker, today I wish to recognize Jan Fisher for her excellent work at the Red Deer Chamber of Commerce. Jan has been the executive director of the Red Deer chamber since 1997. Under her guidance the Red Deer chamber was honoured as Alberta's chamber of the year in 1999, and this year Jan was awarded the Canadian Chamber of Commerce manager of the year award.

While Jan would be quick to give credit to the board and her staff, she in fact has provided remarkable and energetic leadership and is fully deserving of the award. It is people like Jan who make Red Deer such a great place to live and to do business.

Along with my colleague from Red Deer-North and on behalf of all Red Deer citizens we want to congratulate you for a job well done. We are proud of you, Jan.

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

St. Albert Family Violence Program

MRS. SOETAERT: Thank you very much, Mr. Speaker. I am pleased to take this opportunity to recognize the St. Albert Stop Abuse in Families Society. SAIF, under the leadership of Ireen Slater, has helped many, many families in St. Albert and area for over 10 years. Women and men find help in times of crisis and are helped as they make changes in their lives. The advocacy work may be in finding a new place to live, getting help through the justice system, or getting support through family counseling.

SAIF is involved in outreach and educational programs as well. The domestic violence rates have actually dropped in St. Albert, and I feel a large part of that is a tribute to the people involved with SAIF, a group of people who continue to make our world more peaceful, more loving, more whole.

Thank you.

THE SPEAKER: The hon. Member for Edmonton-Beverly-Clareview.

Partners for Youth Program

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to recognize a unique organization that straddles the constituencies of Edmonton-Beverly-Clareview and Edmonton-Highlands. That organization is Partners for Youth, east end, which began some years ago.

Consisting of some 41 representatives – namely, politicians, service clubs, agencies, Catholic and public schools, police, et cetera – they meet on a regular basis to discuss problems related to youth in northeast Edmonton. The Abbottsfield area is known as an underprivileged neighbourhood, inhabited by numerous low-income families with all the problems common to families living in poverty, but the community is improving, Mr. Speaker, due to the efforts of Partners for Youth and the many volunteers.

Thank you, Partners for Youth, for bringing new hope to those in need. Keep up the good work.

THE SPEAKER: The hon. Member for Edmonton-Meadowlark.

Fire Services Exemplary Service Award

MS LEIBOVICI: Thank you, Mr. Speaker. It's my pleasure this afternoon to rise and recognize 199 Albertans who today received the fire services exemplary service medal. A number of my fellow colleagues were present this morning at the ceremonies in Edmonton, which were presided over by the hon. Lieutenant Governor, Lois Hole. A similar ceremony was held recently in Calgary.

The fire services exemplary service medal honours members of Canada's fire service, members who daily are called upon to risk their own lives in order to save our homes, our places of work, and in some instances our lives. The firefighters honoured today have devoted a major part of their adult lives, some up to 40 years, to a lifetime calling which demands courage and dedication not only from the firefighters but also their families.

I have the honour of knowing many Edmonton firefighters personally, and to all of them as well as all of Alberta's full-time and volunteer members of Alberta's fire service, thank you for a job well done.

THE SPEAKER: The hon. Member for St. Albert.

Student Youth Justice Conference

MRS. O'NEILL: Thank you, Mr. Speaker. I wish to recognize the efforts of a dedicated group of professionals that work in one of our schools. St. Thomas More Catholic junior high school in Edmonton hosted the Caring for Our Communities: Student Youth Justice conference on November 16 and 17, 2000. More than 400 students from 18 Edmonton Catholic and public junior and senior high schools attended. Conference workshops dealt with a wide variety of youth justice issues, presented by people involved directly in the justice system: lawyers, police, and even offenders. Topics included the Young Offenders Act, probation, restorative justice, alcohol and drug abuse, bullying, and gangs.

The conference was spearheaded by Dr. Doug Nelson, the principal of St. Thomas More Catholic junior high school. Teachers Mrs. Terry Volk and Ms Michelle Marlen assisted with the organization. Staff from the Alberta Justice department's young offender branch also played a significant role in making the conference a reality.

The efforts of teachers and school administrators outside of their

normal roles and duties often go unnoticed, and I'd like to extend the appreciation of all Alberta citizens to those who made this Caring for Our Communities student youth justice conference a very valuable learning experience for everyone involved.

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

Esther Honens Piano Competition

MR. DICKSON: Thank you, Mr. Speaker. This last Saturday, November 25, saw a terrific event in the city of Calgary. This was the awarding of prizes and the gala performance at the third Esther Honens Calgary international piano competition, a competition held in this province every four years. This involved 27 young concert pianists from 14 different nations coming to the city of Calgary, and I can tell you that certainly on the basis of my attendance at the event on November 25, the Jack Singer Concert Hall was truly a magical place as we listened to the five finalists.

John Roberts, the chairman of the jury of Esther Honens, described Esther Honens as one of the most important competitions of its kind in the world. I'm delighted to report that Katherine Chi, born in Calgary, was named – and this is the first ever Canadian named – as the first laureate of the Esther Honens piano competition. There was special recognition of Jenny Belzberg. I want to thank Andrew Raeburn, the artistic director, and the board for a wonderful event.

Thank you very much.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

Olds Branch of Royal Canadian Legion

MR. MARZ: Thank you, Mr. Speaker. I rise today to congratulate members of the Olds branch No. 105 of the Royal Canadian Legion on their 70th anniversary in celebration of a proud history of service and community spirit. I'd also especially like to congratulate those members who were recognized with various awards of merit, including those who received certificates of appreciation and long-service pins and medals.

Olds branch No. 105 was constituted in 1930 and has a primary purpose to provide care and assistance to unfortunate veterans and to aid widows and orphans of servicemen. A second purpose and more so of today is in the area of social and community life. Since 1942 the branch has been the sponsoring body of the Olds No. 185 squadron of air cadets and over the years has been involved in a number of activities, such as armistice services, parades, dances, poppy and wreath sales, sporting events, community events, and various children's and seniors' programs. Every year the branch donates to some 25 groups and organizations, with donations reaching figures as high as \$120,000 per year.

I offer my thanks and gratitude to all Olds Legion members, both past and present, for their tremendous contributions to the community over the years of dedicated service. They are an inspiration to all.

head: Orders of the Day

head: Government Bills and Orders

head: Second Reading

Bill 27

Miscellaneous Statutes Amendment Act, 2000 (No. 2)

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Speaker. I move Bill 27, Miscellaneous Statutes Amendment Act, 2000 (No. 2), for second reading.

MR. DICKSON: Mr. Speaker, I just take this opportunity to put on the record our understanding, as always, of a convention which has proven, I think, particularly useful in the Assembly – and that is miscellaneous statutes – and point out again that we appreciate the basis on which these statutes always come forward, which is that the opportunity is given to the opposition well in advance of its introduction in the Assembly. If there are items in the bill that the opposition has any concerns with, then they're removed from the bill, so when it gets to this stage, in fact we're satisfied, as an opposition, that these are remedial provisions that warrant acceptance.

That's the reason why you will not see debate on Bill 27 and why the opposition typically consents to additional readings being done. I just thank again, as is usually the case, Mr. Peter Pagano, the Legislative Counsel for the Department of Justice, and the Minister of Justice for ensuring that once again we're provided with miscellaneous statutes in ample time, and then the opposition is happy to cooperate to expedite its passage through the Assembly.

Thanks, Mr. Speaker.

[Motion carried; Bill 27 read a second time]

2:50

head: Government Bills and Orders

head: Committee of the Whole

[Mrs. Gordon in the chair]

THE DEPUTY CHAIRMAN: I'd like to call the committee to order, please.

Bill 27
Miscellaneous Statutes
Amendment Act, 2000 (No. 2)

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

[The clauses of Bill 27 agreed to]

[Title and preamble agreed to]

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

HON. MEMBERS: Agreed.

THE DEPUTY CHAIRMAN: Opposed? Carried.

Bill 29
Protection of Children Involved
in Prostitution Amendment Act, 2000

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

MR. DICKSON: Thank you very much, Madam Chairman. Let me make a couple of comments before I deal with some amendments that the opposition intends to propose.

Let's be very clear. My caucus colleagues have instructed me that

they support Bill 29 and that they'd like to see expedited passage of it. That's because I think my colleagues think that we have an enormous responsibility as a province to protect vulnerable citizens, and scarcely anybody is more vulnerable than those 12-, 13-, 14-, 15-year-old children that we find on the streets of the communities of this province, mainly in Edmonton and Calgary – but it's not unique to the bigger centres – children prostituting themselves. Whether it's survival sex, whether these are children that are already vulnerable because they've had to leave dangerous situations, sometimes their own homes, suffice it to say that they are in distress, they are in trouble, and we have a huge responsibility as a province to support those children.

Now, having said that, Judge Karen Jordan of the Calgary youth and family court this summer gave some very clear direction to the court. What we have is, as I think has been said before, something of a dialogue between the Legislature and the court. The court has a responsibility to protect the rights of individuals, and that means children as well as adults. The court, in this case Judge Jordan, gave a very clear direction that there was a clear gap or lack of procedural safeguards for young children and the two young women in particular in the case that came before her. She gave some indication to the government in terms of some of the things that had to be done. So we're encouraged that the government has tacitly acknowledged that the first bill lacked those procedural safeguards, and they've now attempted to remedy that gap in the legislation.

Now, Madam Chairman, we have tried as an opposition – and I think we signaled almost immediately what some of our concern areas were with the bill. Just before I deal with the amendments, I'm still waiting for the Minister of Justice to tell us why, in the case in front of Judge Jordan, the agents for the Minister of Justice and Attorney General made no submissions, offered no evidence on the application of section 1 of the Charter of Rights and Freedoms. What we know is that Judge Jordan found – and I went through the other day, and I won't repeat them all at second reading – that there were some issues and some elements of the act that in her belief and in her judgment offended sections 7 and 8 of the Charter.

What was interesting was that the Minister of Justice's agent, who was there, offered argument and submissions on section 7, section 8, and section 10 of the Charter but offered, apparently, no submission on section 1. Section 1 is the saving feature. I mean, this is the unique Canadian feature that doesn't exist in the U.S. Bill of Rights. In fact, as a consequence the courts in the U.S. and the U.S. Supreme Court have had to try and develop, in an awkward sort of way, a balancing mechanism in their jurisprudence.

In Canada when we drafted the Charter, I thought it was quite a clever idea to acknowledge that rights are about balance, and there aren't absolute rights. It was a question of finding some way that those rights, like in sections 3 and 4 and 7 and 8 and 9 and 10, would be balanced so that in some appropriate cases we would say that there is a larger societal interest which overwhelms the individual right.

But why is it, Madam Chairman, that I raised it in second reading and I still haven't got an explanation in terms of why the province didn't address section 1? The opportunity was there for this province to come in and say: there are some limits that can be justified in a free and democratic society, and this would be one of them. In comments made by the Minister of Children's Services and the Minister of Justice to the media outside this Assembly, you know, they made the case about the greater societal interest in protecting children, but I don't understand why those submissions were not part of the presentation in front of the youth and family court judge. Now, it's just a strange thing to me that that wasn't addressed.

3:00

There were some things that I also found in going through the judgment that haven't been answered with the kind of certainty I would have expected. I'm mindful here of not wanting to go through the judgment item by item, but I take it that one of the judge's concerns was that you will have some children who would not be brought in front of a judge in terms of the 72-hour detention, and she found that troubling and in fact something that offended the Charter. As I read Judge Jordan's decision, clearly what she's signaling in every case where a child is apprehended: the child should be brought in front of a judge.

Now, the Minister of Justice and the Minister of Children's Services have argued: "Well, that's simply too onerous. We're not going to be able to do that." That's why I'm suggesting a middle course, which would be to say: okay; maybe it's not necessary that every child that's apprehended without a court order . . . Let me make a clear distinction. Where children have been apprehended pursuant to a court order, these comments do not apply, because then there is the judicial scrutiny. But in those cases where there's an apprehension, where it's not pursuant to a court order, I'm proposing an amendment which I think is a responsible one. What it does is require that duty counsel would have to see that child.

I know there are some people here who understand what duty counsel is. I tabled the other day the manual, Madam Chairman, and I'll bet that you were probably one of the first ones down to that excellent Legislature Library to see what Calgary-Buffalo was talking about and to see what was in this. We have an established system of duty counsel, that works very well. My proposal was: why wouldn't we ensure that as soon as reasonably practicable, a child has an opportunity not just to read a poster on a wall saying, "If you want a lawyer, phone legal aid," but that a duty counsel would meet with the child in question and be able to give some advice, answer questions the child may have? I think this is an issue that's significant.

Now, there were two responses I noted in the *Edmonton Journal* the other day. One was that the Minister of Children's Services noted that

when children come into the protective custody they're often on drugs, they're often totally incapable of understanding or speaking with anybody for a period of time.

I accept that, Madam Chairman. I accept that, but that's not a reason why we wouldn't ensure that they have legal advice as soon as reasonably practicable.

I understand that when some 15-, 16-year-old young woman who is whacked-out on drugs is brought into a protective facility, she's not cogent and not able to take legal advice, but at some point she becomes coherent and able to discuss her situation. All we'd ask is at that time there be that opportunity for the provision of counsel.

So to the Minister of Children's Services that's my answer: that we would deal with that by not requiring an arbitrary time limit for people to be able to see a lawyer, that it would be when they were coherent and able to converse with a lawyer, that that's when a lawyer be made available to them. Just to talk to a lawyer doesn't mean you're going to court. Madam Chairman, I'm sure you know that sometimes 15 minutes of legal advice can head off applications and all kinds of other material. It may be that the young woman in question has no intention and no interest in going to court, but at least we've provided her with some base information.

You know, I'm going to invite my friend from Calgary-Glenmore here in a minute to participate in this debate and my colleague from Calgary-Lougheed, because we have people who understand that we don't need to be threatened with a provision of some legal advice. Do we? It's not in some way undermining the system to answer

some questions by a lawyer and for the lawyer to offer some advice to the young person. Isn't that really what we want? If we're exercising our *parens patriae* jurisdiction with a piece of legislation like this, then it's incumbent on us to make sure that that child is not left simply to her own devices. That's irresponsible.

You know, I've often said the respect I have for the Minister of Justice, but I must say that I was very, very troubled when I read in the *Edmonton Journal* the minister saying that the government wants "to use the resources that are available to help the kids" and worries that additional money spent on lawyers could divert from that. Now, that may not be an accurate quote, but surely to goodness the minister knows that for a few measly hundred dollars for duty counsel to be able to see a young person for 15 or 20 minutes, you know, I would think that the Minister of Justice would understand more than anyone in this Chamber why that would be a good investment of dollars.

I can see already that I'm probably going to run out of time before I have a chance to finish making all the points I want to, and I've got some amendments coming in too. I know I've got some colleagues that will offer at least a couple of comments, while I catch my breath, Madam Chairman, as I run out of time.

The first amendment, when it comes forward, is going to deal with the provision of duty counsel. I can't imagine any reason why any member would be opposed to that. I can't imagine the Minister of Justice – I'm sure he has been misquoted. I'm sure he would not begrudge the very modest, modest dollars available to pay for a half hour of legal advice. I can't for a moment believe that he doesn't understand why that would be important to do.

Now, the second amendment has to do with accountability. Judge Jordan in her decision had a bunch of very good questions, and in the 52 pages of her judgment, as you take it off the Internet, she posed a number of specific questions. This is a paraphrase. She said that these were things the government had no answer for. These were things that the government, apparently on the face of it, wasn't able to answer. I have to come back when I have that in front of me.

Well, here are the questions. They're on page 7 of the judgment. I knew I'd find them. Here is what she said.

There is no provision for determining the efficacy of the legislation. The Director would have the public believe that because hundreds of apprehensions are accomplished in a given period the Act is achieving its stated goal of protecting children. Yet we are left not knowing anything, except by way of anecdotal evidence, of the lives of the children after their periods of confinement are completed. How many accept the services offered? How many return to the same lifestyle? How many gradually escape from that world? Are those numbers any different from the numbers where the prostitutes have not been apprehended and confined but have moved onto a more conventional lifestyle? How many children who have been apprehended and confined are subsequently beaten by their pimps? Are those numbers any different from the beatings endured by girls in the trade who have never been apprehended?

She goes on. I mean, I'm not going to read all the questions, but she asks legitimate questions.

So we have to build in, in my respectful submission, Madam Chairman, some vehicle, some device to be able to assess whether the bill is doing what we all hope it will do. Now, I would think the Member for Calgary-Fish Creek – and I haven't had a chance to show her the version of the amendment, which I think Parliamentary Counsel is signing off as we speak. I'd ask her and I'd ask the Minister of Justice this: what would be the problem with requiring the Children's Advocate office on an annual basis to report on the operation of the act? You know, it's good from a couple of points, I'd expect, and the Member for Calgary-Fish Creek maybe can signal to me if this would be an amendment that she would find

acceptable. What it does is it allows the focus not to be lost. It means that at least once a year we as legislators have to sort of take account of what's happening with the children on the streets of our communities. What possible reason would anybody have for resisting that? So I'm interested in that.

3:10

If you had that kind of a reporting mechanism, we would know the answers to some of the other questions asked by Judge Jordan. For example,

are there beatings by pimps which take place to encourage the girls to replace the income that was lost during the time of confinement? What attempts are being made to determine whether under-age prostitutes are actually leaving the trade or merely working in trick pads?

Then I just go on to raise the final question raised by Judge Jordan.

The questions go on and on, but the Government of Alberta has not made a commitment to provide us with answers even though the liberty of children is being curtailed.

Well, Madam Chairman, this is the opportunity for government to provide those answers, and should they fail to do so, then the next best thing is at least to require the Children's Advocate report on an annual basis on the operation of the act.

If the Minister of Justice or the bill's sponsor have any issues with these amendments I'm attempting to outline, I hope they'd indicate so. I'd just say that I hope the Minister of Justice and the Member for Calgary-Fish Creek understand we've had a very short time to deal with the bill. We've signaled in a general kind of way the kinds of amendments that we're putting forward. We have been working with Parliamentary Counsel as diligently as we can to get those amendments done. We will send them over to the bill's sponsor and the Children's Services minister and the Justice minister as soon as we get them, but it's not for lack of diligence on our side that we're trying to get them on the table. I don't want anybody to think that there's some surprise strategy here. We're bringing these things forward and trying to do it with as much dispatch as we can, because, as I've said, my colleagues want to see this bill passed, but they also want to make sure that there are some good amendments made to the bill.

Now, Madam Chairman, in fact the paper is still warm. This is the next best thing to Christmas morning. I open the envelope, and what's been delivered to my desk but a big stack of amendments we're putting forward. To economize on time, what we're going to do is: I've put all of the amendments together in one package. I'm going to propose that we debate them and vote them severally, but they're together in one package for the ease of members' reference. If I can get a page while I'm speaking, we can take these amendments to the table and then ask that this be marked as amendment A1 and then distributed to members.

This might be a good time, if I quickly read into the record while it's being distributed. We have the initial of Parliamentary Counsel on the second page, in the lower right-hand corner, and hopefully you've received the original of the two-page amendment. [Mr. Dickson's speaking time expired] Okay. Well, somebody else will carry on, Madam Chairman.

Thank you.

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

MR. SAPERS: Thanks very much, Madam Chairman. I understand that the amendments haven't been moved. I'll leave it to my colleague from Calgary-Buffalo to actually move the amendments.

I'll take an opportunity to speak briefly to the bill in committee. Perhaps I'll leave my comments on the amendments until they're actually formally moved.

You know, there are a couple of experiences in my past that encourage me to see this bill and these amendments passed quickly. When I was in high school back in Burnaby, British Columbia, I went to school with a group of sisters. The oldest sister had actually dropped out of high school and then went on to try to find employment, and I was a classmate of one of the younger sisters. In any case, the older sister decided that the straight life at the time wasn't appropriate for her, and she ended up working first as an escort and then as a call girl and eventually ended up as a street prostitute. This was devastating to the family.

As I knew her two younger sisters very well, I kept in touch over the years. She ended up having a baby boy, and it wasn't clear who the father was at the time. In any case, when she was pregnant, her pimp moved her to Calgary, where she ended up giving birth to the baby boy and subsequently began, almost immediately after giving birth, going back to being a prostitute. The pimp had her working in Grande Prairie. The pimp had her working in Red Deer. The pimp had her working in Calgary and Edmonton. As time progressed, the pimp ended up being somewhat responsible for child care for this infant, and, Madam Chairman, one of the saddest things that I can imagine happened. The pimp ended up beating that baby to death with a coat hanger. In a very sick irony, I was employed at the time working for the John Howard Society up in Grande Prairie, and guess what? That pimp was going to fall onto my caseload. Of course, my sense of professionalism at the time made me declare the conflict of interest and to not have to deal with that particular offender.

Now, there is another experience that I've had, which was a more positive experience, that encourages me to see this bill pass and this program be operated in such a way that is consistent with the Charter as well as the needs of the young people affected. That is the experience I had in the early 1990s of serving on the Mayor's Task Force on Safer Cities here in the city of Edmonton, being the vice-chairman of that, and also being involved in the Action Group on Prostitution here in the city of Edmonton. That was a very interesting experience. I ended up doing a lot of research on things like massage parlors and escort agencies in understanding how they worked, and it got to the point actually where I was getting mail at home from the various lonely hearts clubs out there wanting to know whether or not I wanted to be matched up with somebody. This was a great source of dinner conversation between myself and my wife as these pieces of correspondence would find their way into my mailbox.

All joking aside, it was an additional eye-opener. As much as I thought I was familiar with the seamier side of the sex trade in this province, that was a real eye-opener, and the reason why it was such an eye-opener is because it showed me how closely these criminal enterprises operated as legitimate enterprises and how they mirrored what legitimate enterprises did and how they were using the same language and were using the same methods to further what in fact was criminal enterprise as those pursued by legitimate businesses. I struggled during that time to try to come up with some interventions that didn't require law reform. Because the regulation of prostitution is a Criminal Code matter and then we have some licensing and bylaw issues, which are municipal matters, there didn't seem to be much that the province could do.

Then we hit upon this notion that maybe the province could get more aggressive in the application of the child welfare legislation that was in place at the time. I remember convening a meeting of all the key stakeholders from the various government departments,

whether it was education, child welfare, health, social services, justice, solicitor general, brought them all together and went around the table. We were discussing this notion that maybe we could do something to protect children by more aggressively using parts of the Child Welfare Act, even to the point of apprehending children because they were at risk, at danger. To a person – to a person – as we went around that table, we were told as a group that, no, there was really nothing that could be done, that it either wouldn't be legal or wouldn't be fair or wouldn't be right, that that was not the purpose of the law.

3:20

It is encouraging to me that we've begun to think outside of that particular set of constraints, and this is why, when this legislation was originally presented as Bill 1, I was in favour of it, with cautions: that it be done correctly, that it be done with respect to the Charter of Rights and Freedoms, and that we not set ourselves up for failure by failing to pay attention to those very real and very legitimate needs to make sure that individual rights are protected to the degree that they can be in law.

So we get to committee stage on this bill – and I am in favour of the bill – and those two sets of experiences are very influential in my thinking, but I also know that the bill is still not perfect. Maybe it's too much to ask for. Maybe this is not the place where we will find perfection, coming out of this Chamber, and maybe it's always the pursuit of doing it the best and doing it right that we should be aiming towards.

I know that my colleague from Calgary-Buffalo has thought carefully about some of the deficiencies in the bill, and the one in particular that I'm concerned about is the lack of legal representation. Now, I know that that amendment hasn't been moved yet, so perhaps I should save my comments for when they would be most appropriate, and that would be speaking to the amendment. But I don't mind foreshadowing at all in terms of saying how committed I am (a) to making this legislation workable and (b) to ensuring that the individual rights of the young people who will be most directly impacted are protected.

One of the ways we can do that is to guarantee that they have access to counsel at the earliest possible stage. The amendment that will be forthcoming that would provide for duty counsel is, I think, an important amendment and one that only enhances the bill, does nothing to detract from it. So I look forward to having that amendment formally moved, and then I will rejoin the debate to express more clearly why it is that I think it's so important.

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

MR. DICKSON: Madam Chairman, thank you very much. I appreciate the comments of my colleague from Edmonton-Glenora, who in fact has had a lot of experience in terms of trying to work with children and adults with problems both on the part of the criminal justice system and beyond.

Madam Chairman, what I'd like to do is this. I think all members have now seen the amendment, and my proposal would be this. It's in four different sections: A, B, C, D. My proposal would be to start with amendment A. I'd move amendment A. I'd ask that that be marked A1, and I'll just read it into the record. Section 3(c) is amended in the proposed section 2(13) by adding "and" at the end of clause (b), by striking out clauses (d) and (e), and by adding the following after the proposed subsection (13):

(13.1) A director must ensure that a child, with respect to whom a show cause hearing is to be held under subsection (12), consults a lawyer as soon as is practicable after being provided the information prescribed in subsection (13).

That is what I'm putting forward and asking that that be amendment A1. If I might, I'd like to offer some commentary with respect to why I respectfully suggest that this amendment is important.

I think that Judge Jordan in her very thoughtful decision – and you know, I encourage people to take the time to read the 24 pages. It's not difficult to read, and despite some ill-informed criticism I've heard in the media and elsewhere, I think when you read through the judgment, it's hard to take issue with her major findings. One of her concerns was when she talked about section 8. She talked about some of the provisions that exist in other places in terms of procedural safeguards. She said in her judgment, "For reasons which were never explained these procedural safeguards are not incorporated in the Act." She went on to say, "Are young prostitutes not worthy of the same safeguards as children who are conduct disordered, drug addicted or perhaps mentally ill?" That's really what happens here. With this legislation you have young people who are apprehended and detained, and we're effectively saying that they will not have the same protection, the same procedural safeguards that mentally ill persons have when they're picked up, that drug-addicted persons have, that conduct-disordered people have.

You know, in our haste to assist young people in distress and in trouble, let's make sure that we don't compound the damage and the injury to these young people by taking away their ability to be treated with respect. In my own experience as a lawyer doing a lot of family law work and working in family and youth court, you have children who have not been treated with respect, and we shouldn't be surprised that they become disrespectful. I'm not saying that that's the only factor, but how many times in youth and family court have people said: "Where were the parents? What were the parents doing that these children would grow up with the attitudes and the behaviour that they display?"

So what we're doing with this amendment, effectively, is this. In those cases where a child is apprehended without the benefit of a court order, where a court orders the apprehension, this amendment wouldn't apply because the court has reviewed it. But in other cases where there's an apprehension pursuant to an order, the requirement would be that the director must ensure that where there's going to be a show cause hearing, the child "consults a lawyer."

I mean, that could be by telephone. I got a copy of the duty counsel manual and tabled it. One of the things it provides for:

In March of 1990, pursuant to the Brydges decision of the Supreme Court of Canada, the Legal Aid Society of Alberta [instituted] a program which provides free telephone advice to accused upon arrest or detention.

It would be entirely foreseeable that this could be a telephone consultation. I think where young people are concerned, that's not as satisfactory as some experience-trained lawyer being able to do it on a face-to-face basis, but in emergency cases that telephone consultation is certainly preferable to no consultation at all.

The amendment goes on to say: "as soon as is practicable after being provided the information prescribed in subsection (13)." My initial thought had been to say that it should be mandatory within 24 hours, but as I thought about it, if you do have a child who is whacked-out on drugs, that's probably not very feasible. So what we do is we trust the judgment of the director and the judgment of the professional staff, who say that "as soon as is practicable" presumably means when that child is mentally competent to be able to understand the issue and to deal with it. It would seem to me, as I thought about it, that this actually gives a significant amount of responsibility to the director.

I'd just say specifically to the Minister of Children's Services, because I've probably not been very clear in my rambling, that what I've put forward is a series of amendments, and the first amendment

I've moved is the one entitled A. It's the one that would require that the director would have to ensure that a child "consults a lawyer as soon as is practicable after being provided the information prescribed in subsection (13)." This doesn't mean that every child apprehended without a prior court order is going to go to court, so in some respects this probably doesn't go as far as I understand Judge Jordan would like to see it taken. But in my discussions with people involved in this area – and it's been limited because of the short time – people think that this might be more flexible and might be more workable.

3:30

For example, one of the questions raised by Judge Jordan was when she talked about the application of section 9. Section 9 of the Charter is the one that provides that "everyone has the right not be arbitrarily detained or imprisoned." Madam Chairman, she said in respect to that:

What of the poor child who is wrongfully apprehended but has no opportunity to convince a judge that the apprehension, although well intentioned, was not justified in law? If she was wrongfully detained by a police officer or officer in charge following a police investigation concerning a criminal offence she would be taken before a justice to determine the question of release. Is her right to be secure against arbitrary detention which may result from the application of this Act to be ignored because she is a child, or because we are willing to sacrifice her constitutional rights so as to be able to protect another child?

I think the judge made a further telling point when she said:

What could be more arbitrary than a review of the apprehension of some girls and not of others? The government has argued that there is a criterion which establishes when a show cause application is required and that this removes the element of arbitrariness. They have never explained . . .

And the Minister of Justice may have to be held accountable for this. . . why there is no necessity for a hearing following every apprehension, a hearing similar in form and content to those required by the judicial interim release provisions of the Criminal Code.

Now, I've heard the Minister of Justice say: "Let's not treat this as criminal legislation. This is a different thing altogether. This isn't a criminal proceeding." He's absolutely right. But you know something? We're still taking away the most powerful right that anybody has. It's the right to be free. Detention has been seen as perhaps the most serious violation of all human rights: detention and depriving somebody of the freedom to go where they want to go or do what they're going to do. This is a huge element. Whether it's a piece of criminal legislation or social welfare legislation, it can't be done casually. It can't be done without some procedural safeguards.

As I pointed out a moment ago, these young girls picked up under this act as amended will have less rights than somebody who is mentally ill, fewer rights than somebody who is drug addicted under other pieces of legislation that would also affect a young person. I don't think that's what the government wants to do. I know it's not what the Minister of Children's Services wants to do.

Incidentally, I take this opportunity to applaud her for the funding announcement last week. I asked questions about that, because when the announcement of the amendment package to the bill came forward, people said: "Fine. But longer detention is going to mean that significantly more resources are going to be required." So I applaud the announcement of the Minister of Children's Services. I must say that I've been pleasantly surprised by the alacrity with which government is moving on this issue. They deserve full credit for that. I guess I'd just like the package to be not sullied in any way or tainted because we've not just gone that small further step of providing some adequate procedural safeguards.

There may be other people that wish to participate in the debate around this, and I think we want to consider what Judge Jordan said when she talked about this.

I can see no down side however, other than the expenditure of resources, to requiring that any child who is apprehended be taken before a judge or justice of the peace within 24 hours of apprehension for the purpose of having her detention reviewed in the same fashion that an accused in a criminal matter who is detained by a police officer and not released must be taken before a justice of the peace for the purpose of a judicial interim release hearing pursuant to S. 503 of the Criminal Code.

She goes on to say:

It would be possible to carry out such a review by the use of teleconference facilities such as already approved in the Act and in the Child Welfare Act.

I'm not going as far as Judge Jordan is suggesting. I'm simply saying in a much more modest way: let's make sure these children have an opportunity to talk to a lawyer. The Minister of Children's Services will note that we've not put in a time limit, so there's no arbitrary requirement that the child has to speak to duty counsel within 24 hours or 18 hours, and that's because the minister has convinced me that there will be some children who, because they're whacked-out on drugs or whatever, aren't able to meaningfully dialogue with a lawyer. So it would be in the judgment of the director when that child is competent to engage in that kind of consultation. There's nothing here, Madam Minister, through the chair, that would prohibit a telephone conversation, so it wouldn't mean necessarily that there would have to be the physical presence of a lawyer to give that advice.

I may be criticized for diluting this amendment too far. There may be judges who think that the Official Opposition isn't doing an adequate job of insisting on rigorous tests, and I guess my only answer is that I'm a bit of a pragmatist, Madam Chairman. I'd really like to see these amendments adopted. That's why I've tried to respond to the comments made by the Minister of Children's Services and the Member for Calgary-Fish Creek and the Minister of Justice and tried to go for what I thought was a reasonable compromise, although I acknowledge that maybe a court hearing in every case is the best thing. At least I would feel a degree of comfort that every child at least would have a core level of protection.

So those are the comments I wanted to make with respect to the amendment. Now, I know the amendment has just been circulated a few moments ago – and I explained earlier that it's because I just got it from Parliamentary Counsel – but I'm hopeful that we'd get some reaction from the bill's sponsor, from the Minister of Justice, and from the Minister of Children's Services. There are other things I could say, but I think I've been accused before of gilding the lily or talking myself out of a good amendment. I know that lawyers in Edson, Alberta, would be happy to see this amendment come forward and would think it is a responsible one.

I'm going to sit down and allow some reaction from the government to this specific amendment, A1, and then may have some other things to say, depending on what sort of reaction we hear from the government.

Thanks, Madam Chairman.

MR. SAPERS: I'll hesitate to begin my comments if the Minister of Justice or the Minister of Children's Services was going to join the debate.

MS EVANS: Madam Chairman, I would invite also my colleague the Minister of Justice to comment, but could I just clarify if the full extent of these amendments is being considered at this time, or is it simply section A?

3:40

THE DEPUTY CHAIRMAN: It's strictly section A that has been deemed A1. We're dealing with that one.

MS EVANS: Madam Chairman, we really believe that currently we have the opportunity for legal representation built not only within the amendments to Bill 29 that have come forward, but when a police officer apprehends a child, the officer immediately explains why the child was apprehended and tells the child that he or she has a right to a lawyer. So right off the bat when the child is apprehended, they are told about that.

When the director first confines the child, the social worker notices the child, and the reason for the apprehension is given right away. The notice is given, their right to counsel, the time and date of court, and that was something I mentioned quite succinctly in my opening statements on this bill. The court application is also served to the child. So if the child is under the influence of drugs or alcohol and incapable of understanding the information, the worker is expected to give this information to the child again as soon as the child is capable of understanding it.

I think, simply put, without digressing further, I'm not quite clear why the addition of this proposed subsection (13.1) would be any better than what currently exists in Bill 29 as presented. We believe that the child can access any service, particularly including legal counsel, and wherever possible we make everything available for them to make sure they get that additional help.

So at this time, Madam Chairman, it would be the position of the Minister of Children's Services, which I represent, that this is unnecessary, that it in fact is already fully embodied in the bill and its intent.

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

MR. SAPERS: Thanks very much. I appreciate those comments from the minister. There's a tremendous body of experience, though, in working with young people which would indicate that as true as it is that a young person may be advised that they can consult a lawyer, there is tremendous evidence that that doesn't happen. If you want to look at what happens within the existing process when a young person is charged with an offence and they're given that advice that they can consult a lawyer, it is not uncommon at all that if a young person is going to be receiving legal-aid counsel, the first lawyer they talk to is duty counsel at the time of first appearance in court.

Often it's not even duty counsel. In the case of many aboriginals it's a native court worker who asks for an adjournment in the proceedings so that the young person involved actually can sit down and talk to counsel and instruct counsel and receive advice. Even in the circumstances, through the chair to the minister, where a young person is charged with an offence and will in fact be going to court, which is, I know, different from the circumstances that we're dealing with in this legislation, those young people don't always get the benefit of legal advice, and if they do, it's not until the very, very last minute. Even at that point it usually requires the intervention of another adult on their behalf to ensure that their right to counsel is properly exercised.

So I would ask the minister and perhaps the Minister of Justice to consider this and to look at the reality of what actually happens to young people when they're going through these processes, whether they be as a result of a criminal charge or a child welfare apprehension. The access to counsel becomes very, very important because usually there is not an adult who this young person has a trusting

relationship with. I mean, think about it for a minute. We're talking about mostly young women but also some young men who are prostituting themselves on our streets. If they had healthy and supportive relationships with adults, they probably wouldn't be in those circumstances.

All we know is that something in their life has led them to that point. They've now been apprehended. That apprehension may, in fact, be a lifesaving event. It may be the best thing that would have happened to them, but in order for that to be fully realized, they need the advice of a neutral and professional and competent adult. There are many other things that would be going on in the life of the young person. They could have outstanding criminal charges. They may or may not be involved with a pimp or another criminal organization. There may or may not be legal issues to do with the adults that should have custody or do have custody over them.

The opportunity to consult with a lawyer to be reassured about some procedural issues, to receive the benefit of an understanding of the law and how it's being applied, to be able to deal with some of those other conflicting or complex issues that they're dealing with outside of the apprehension I believe is an absolute necessity and not a necessity that will be met simply because at the time of apprehension a peace officer advises that a person is being apprehended pursuant to the Protection of Children Involved in Prostitution Act. That in and of itself does not mean that that person will exercise the right to counsel or that even if they choose to, even if they try to, because of the pressures on legal aid, pressures that have been well documented so many times, they will be able to get the benefit of legal counsel.

So what we are doing in this amendment is simply adding a burden on the state that I don't think is unwarranted, considering that we are dealing with the deprivation of liberty of one of the state's citizens. We are putting a burden on the state to make sure that that young person, that child, does in fact receive the benefit of what the minister was referring to when the minister said that they're advised that they can seek legal counsel. We are now putting forward a mechanism where they will be able to be assured of that ability to get legal counsel.

Clearly, based on the minister's comments, there is no disagreement about the importance of legal counsel. What there appears to be is a bit of a disagreement about whether the current law goes far enough, and the suggestion coming from the Official Opposition is that the law will be enhanced in such a way through this amendment as to give fullness to what the minister is saying in terms of a child's ability to seek counsel. I hope that the minister won't just dismiss this and will understand the real difference between simply being advised that counsel should be sought and putting in place a mechanism to ensure that counsel is consulted.

Thank you.

MR. DICKSON: Madam Chairman, it seems, if I understood the Minister of Children's Services, that what she has said is that there's no additional measure of protection for a child between having a poster on the wall in the safe house or somebody handing to the child and telling the child, "Here's the phone number of legal aid if you want some legal advice," no difference between that and a living, breathing person trained in the law sitting down with the young person and saying: "I'm not here representing the department, the director, or any other person. I'm simply here to assist you. What questions have you got? I can give you some information." The minister, effectively, says that she sees no difference between the two.

Well, I guess two things keep going through my mind. At some point don't we have to get past the disconnect? If the children are

so vulnerable, so confused, so needy that we pick them up off a street and take them in the back of a police cruiser or the social worker's car in the first place, do we not at least have to have some question whether those children are able to make sound, wise, prudent decisions about whether they need a court hearing or whether or not they should talk to a lawyer?

You know, I'm a parent, and my wife and I are fortunate that our daughter hasn't provided some of the huge challenges many other parents deal with. But, you know, my experience as a parent tells me that 11- and 12- and 13- or 14-year-old children don't always know what they want. Sometimes the thing that's clearly in their best interest just sort of passes by them. We're talking about young women, in my experience, many of whom are very cynical. Many of these children have been abused by their own parents or caregivers. I remember the Member for Calgary-Fish Creek talking about this, that many teen prostitutes have experienced abuse at the hands of people who were supposed to protect them and shield them.

3:50

I have great respect for this minister, and I believe absolutely that she wants to do the right thing. But is her experience so different from mine? She thinks these young people have all these problems on the street and we apprehend them, but a matter of hours later now these children can be left to make a very serious, a very important decision just by giving them some raw information.

My experience – and, you know, what do we ever reflect here but our own experiences? My experience professionally as a lawyer and as a parent and as whatever else tells me that children that are confused don't always act in their self-interest, that they make dumb decisions, and sometimes they make no decisions. Just to sort of say, "Well, tough; that's it; no difference; we've given them some core information," I can't imagine that members would think that was good enough.

I think there's a difference between the passivity that government seems to recommend. I mean, we have a statute which is hugely interventionist. It is absolutely interventionist. We've gone outside the Child Welfare Act because we said that the welfare act didn't provide for enough intervention opportunity. Then when it comes to this other area, we suddenly adopt this amazing state of passivity, and we don't seem to care very much about what assistance this child gets. Madam Chairman, I can't understand that. I have a lot of problems with that.

For example, maybe the Minister of Justice can tell us. If he looks at the duty counsel manual produced by the Legal Aid Society, which he largely funds through his department, and if he looks at page 5 of 41 where we talk about why we have duty counsel in youth court and we go through the reasons – I can paraphrase by saying: because the same young person that's in the protective safe house and is confused and troubled could just as easily be in youth court at the other end of town, and there the Minister of Justice is suddenly really concerned.

It's unlikely that the child is going to lose their freedom, so the penalties typically meted out in youth and family court are far less onerous and far less major. I mean, we're not likely going to see a lot of these young people going into CYOC or EYOC, yet they get access to a lawyer. It's guaranteed. It's paid for. The Minister of Justice is responsible for that program. Why is it, Madam Chairman, that the Minister of Justice thinks those children in youth court need some counsel and some advice and he provides it by funding the duty counsel program there, but these young girls and, I suppose, men who are looking at being taken off the street and detained for a number of days don't need duty counsel? They get the poster. So you've got the A treatment over here for some young people, and

you've got the C treatment over here for some other young people. I have a real problem with that.

It's not good enough for the Minister of Justice to say that one is criminal and the other is social intervention. In both cases you're talking about depriving a young person of their liberty. I say again: how do you protect young people by not respecting them and by abusing their freedom? That's, I'm afraid, what we potentially do.

So I'm not sure what else I can say. We've heard the position of government. All I can say is that I expect many Albertans are going to be reading *Hansard*, are going to be following this because they're interested in children.

This is a pilot project. I think the Member for Calgary-Fish Creek has pushed this thing, so with her pushing and with the support of the Minister of Children's Services we are leaders in this country in protecting children on the streets. But let's recognize that as we lead, that also means that people look to us as a model. I don't want people to look at this province and say: they've done a great job in terms of resources and other assistance to vulnerable young children, but in some key areas they blew it. I think by not actively ensuring a measure of protection for those young people and suddenly going completely passive when it really counts, we look like we're not really on top of this thing and we really aren't as knowledgeable about this area as our advocates would have Canadians believe.

It's an amendment that I think is consistent with what the Justice minister, through his department and through his duty counsel program in youth court, represents. It is a modest, modest, modest way of trying to respond to some of the concerns raised by the youth and family court, and for government to give the legislative straight-arm to what I think is a pretty constructive opposition amendment is extremely disappointing.

Madam Chairman, those are the comments I wanted to make. Thanks very much.

[Motion on amendment A1 lost]

MR. DICKSON: Madam Chairman, I take it that we weren't persuasive and the amendment didn't carry. So I'd move on to amendment B. Or did you want to call this A2?

THE DEPUTY CHAIRMAN: We'll call that one A2.

MR. DICKSON: It would be amendment B on the paper that has been distributed to members.

This in effect is virtually the same as the last amendment. It just kicks in at a different part of the process, but once again it requires an act of intervention through the duty counsel program consistent with what we do with youth court, just at a different part, because we're here amending the proposed section 2.1. I'll just read it in so that it's part of the record, Madam Chairman. I'm moving amendment A2. Section 4 is amended in the proposed section 2.1,

a) in subsection (1) by adding "and" at the end of clause (a),

b) by striking out clauses (c) and (d), and

c) by adding the following after subsection (1):

(1.1) A director must ensure that a child, who is confined to a protective safe house under section 3(1)(b)(iii), consults a lawyer as soon as is practicable after being provided the information prescribed in subsection (1).

So that's amendment A2, Madam Chairman, and all of the comments and arguments I made before, if members would allow, I'd just repeat and incorporate by reference in support of this amendment. It's the same one again, and for all of those social workers and child advocates and child support agencies I just say: let's show that we understand that vulnerable, confused children don't stop being vulnerable and confused once they come into

custody under this act. You know, one lawyer who works a lot with teens in trouble made the point to me that for some of these kids we're talking about, this isn't a matter of days or hours. This may be months and years in terms of the reclamation project. The Deputy Minister of Health and Wellness knows that. When we talk about population health and we talk about how we make children healthy, this is a component of that.

4:00

So we might look at it this way. Members that voted hastily on the last amendment, A1, now have had an opportunity to reflect on that a little bit, and this is actually their chance – there is nothing to be ashamed of – to say: we made a mistake on that first vote, but we're going to try and remedy it here on amendment A2. So I encourage members to think about what happened on that first one and not forfeit the leadership this province has provided by going backwards, as we would with the passive system the government contends.

I commend the amendment, and I look forward to any other discussion or any other response. Maybe we'll get a response from one of the government ministers responsible or perhaps the bill's sponsor. I'd look forward to that comment.

Thank you.

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

MR. SAPERS: Thank you very much, Madam Chairman. I'm deeply disappointed in the response to amendment A1 and hoping that perhaps we'll get a different response but not really naively believing that we will. I'm particularly concerned that we didn't hear anything at all from the Minister of Justice in regard to these amendments. It is his department that will be picking up the cost, I'm assuming, through the legal aid scheme for the provision of duty counsel in some form to these young people.

What I heard the Minister of Children's Services say is that there is an opportunity for young people to be advised that they have the right to seek counsel and therefore we've done enough. Then I heard my colleague from Calgary-Buffalo say: well, how could it be enough when we're dealing with the deprivation of liberty of these young people? Considering that this is an act that goes directly into the lives of these people and is very interventionist, why would we stop short of doing everything we could that's in the best interest of the child? I didn't hear an answer to that.

I'm only assuming that the government's response to these amendments comes about for one or two reasons. The first reason would be that it's a fiscal issue, that it's just too much money, that we simply couldn't afford to provide legal advice to these young people. Well, if that were the argument, we all know that that would be poppycock.

First of all, any members of the legal profession that are present in this Chamber I think would be the first to acknowledge that the legal aid tariff for duty counsel is not all that pricey. It doesn't put a lot of money in the pockets of lawyers; it doesn't cost that much. Secondly, of course, the province is in a very healthy financial position. Thirdly, the commitment has been made of millions and millions and millions of new dollars to help provide services for these people on the welfare side. So the government has already made a financial contribution and a financial commitment, which I'm in favour of. But it would not be unwarranted to say that perhaps some of that money can be spent making sure that the legal rights of these people are protected as well. So any arguments to do with affordability would be spurious arguments. They wouldn't be

arguments that we'd have to take seriously for the reasons I've just enumerated, and I could go on to mention some others.

The other reason that I can think of why the government might not want to approve these amendments would have to do with the general tone and tenor of the government when it comes to issues dealing with the legal community, particularly with lawyers. This is a government that has had a feud with members of the bar for years. Perhaps we're just seeing another volley in that exchange being fired right now, that this is something that would somehow be of a business interest to lawyers, and this government has it made it clear that they don't like providing business opportunities to lawyers, so they are going to be opposed to this amendment.

Of course, if that's the reason the government is rejecting this, then I guess I would just respectfully suggest that they should pick another issue in which they could further their war of words with the legal profession. This one is just too important. This one is just too critical to the well-being of young people, and young people should not be caught in the cross fire between the government and members of the bar in this province.

It could be, Madam Chairman, that I'm entirely wrong, that the government is rejecting this amendment for a reason that has nothing to do with their apparent disregard for the legal community and has nothing to do with fiscal issues. If that's the case, if I'm entirely wrong – and I have never been more sincere in what I'm about to say – I would hope that somebody from the government would stand up and tell me that I'm wrong and then explain to this Assembly why it is that they are unwilling to provide a mechanism to ensure legal counsel is provided to these young people whose lives are already so delicately hanging in the balance.

I would appreciate some further commentary from the Minister of Children's Services because I know how important this is to her. Perhaps the Member for Calgary-Fish Creek, the sponsor of the bill, could talk about, from her own experience, what the downside of providing legal counsel could be, if there is one. Maybe we'll finally hear from the Minister of Justice regarding how this may or may not impact the administration of justice in this province. In the absence of a clear and compelling reason not to support this amendment, I would hope that members supporting the government will put aside their partisan interests and do the right thing for young people in this province.

THE DEPUTY CHAIRMAN: The Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Madam Chairman. I was not going to enter debate on this particular issue, but I have to do so just because of the opportunity afforded to stand in my place and tell Edmonton-Glenora that he is in fact entirely wrong in the matters that he raised in debate.

In fact, one of the rationales for not accepting an amendment of this nature goes back to the whole concept or philosophy of drafting legislation. Some people draft legislation and put absolutely everything into it, codify everything. That would be the French Civil Code approach to drafting legislation. In common law the process that we normally use in the parliamentary democracy is to draft framework legislation and allow the rules to be developed under that framework legislation.

It's not necessary to put the minutiae into the legislation. Now, when I say "minutiae," I'm not suggesting for a moment that the right of a child to have a review of their confinement is minutiae, but the process by which they get access to those rights certainly can be more flexible than having it outlined and embedded in the act itself. So the bill as it is currently proposed sets out that children must be

advised of their right to counsel and given the means by which to access that counsel.

That does not preclude the putting in place of a duty counsel system or providing coverage through a family law project of the Legal Aid Society or providing legal advice in some other manner. It doesn't preclude it at all. But the question here is: does it need to be embedded in statute to ensure that children have their rights? I suggest that it's not necessary, and that's why this amendment need not be supported and probably should not be supported.

The arguments that are being put up about the deprivation of liberty lead one to conclude that people are looking at this act from the wrong direction. This act is not about the deprivation of a child's liberty. This is about the protection of a child from people who are abusing them and providing a safe environment for those children for a period of time in which they can be detoxified, can be given a good meal, a good rest, and an opportunity for some counseling in a circumstance where they will not be harassed by the pressures of the street or by the pimps and the abusers that have been abusing them.

This is not criminal legislation. This is not about treating children as criminals and making sure that they have access to a lawyer because their rights of liberty are going to be deprived. This is not about children who are picked up because they're in a confused state and then expected to make adult decisions.

This is about a situation where children are picked up because they are being abused, because they are at the perils of the street. They're being picked up in a parental manner and provided with an opportunity to get a good meal, to get a good rest, to get away from the drug culture, which most of them have been subverted to, to get away from the perverts that are degrading them, to be treated in a dignified and responsible fashion, and given an opportunity to have access to some counseling and access to some advice, which will take them off the street and set them on the right path and get them away from the hands of their abusers.

4:10

So the question, then, that's raised is one of whether or not, in so doing, we're asking them to make adult decisions. That's precisely why these amendments are before the House today, because if somebody wants to raise a suggestion that they have been inappropriately apprehended and confined – and it's the confinement that we're speaking of – they should have the right to raise that issue, obviously. If they're in a state where they're making that case, then they should have absolutely no problem availing themselves of counsel in order to do that. But if they are in a drug-induced state, if they are still suffering from deprivation, if they are confused, then it's not a question of providing them with legal advice so they can get out of that. Far better that we provide them with the counseling resources, the food, the safety, the shelter so that they can change their lives around.

I go back to the point that I started on. The reason for voting against this amendment, I would submit, is not because we are opposed to children having access to legal advice in the circumstances of their having been confined because they're being ill-treated on the streets, but rather one where it's not necessary to put this degree of detail into the statute. The statute makes clear that children have the opportunity, if they are being confined and if they disagree with their confinement, for a judicial review and access to legal counsel in order to have that happen.

MR. DICKSON: Madam Chairman, when the Minister of Justice drives home on the Whitemud freeway tonight and he sees a flashing sign on the side of the road pointing to "Photo radar 500 metres

ahead," he's smart enough to know that he's going to slow down – or maybe he always drives the speed limit anyway as Minister of Justice. If in fact he had a heavy foot and he was late for dinner and afflicted with a low blood sugar level and anxious to get home to enjoy dinner with his family and he got that warning that there was radar ahead, he would slow down; wouldn't he? We know he would.

The family and youth court here has put a big warning, a big sign on the side of the road. They've given notice to this government that what we all did a couple of years ago in doing the initial act was that we didn't pay enough attention to process.

Now, as I listened to the Minister of Justice speaking, I think he seems to have forgotten the reason we are here today. It's not because we got some different feedback from some frontline workers. We did indeed get that. The principal reason we're here is because a court of competent jurisdiction has determined that the Charter has been violated, at least sections 7 and 8 and 10, by the bill that we passed. That's why we're here.

Now, the amendment that we're putting forward we think, of course, advantages children, but it's also because we see our job as legislators is to try to make legislation Charter-proof. It's not by invoking section 33, the notwithstanding clause; it's understanding what the courts are telling us and then trying to craft legislation that deals with those things.

You know, one could say that the government has perhaps two options: they can listen to the arguments and try and deal with the merits of the amendments being put forward here, or they can do what they so often do, spend a ton of dough sending in lawyers from the civil section of the Department of Justice to battle this in the courts again. If I may say so – and it's certainly not all under this minister's watch – this government has a long and inglorious history of failed court challenges. So I don't know why the Minister of Justice would want to go there, but that's what he creates.

You know, when the minister talks about that we can codify so many things and he prefers and his government prefers not to codify, well, what in effect he says is: we're not going to particularize this; we're going to do something down the road. Well, you know, all the Minister of Children's Services would have to say is: "Member for Calgary-Buffalo and all colleagues, this is an announcement right now that we will implement a program and will do this immediately to ensure that every child will be seen by duty counsel. We choose not to put it in legislation, but that's a program that we're going to implement in this province." If they say that right now, I can sit down, and I'm not going to worry about the fact that the last vote failed and this one may well be heading that way with the direction of the Minister of Justice. But the minister hasn't said that.

The point is that there is a problem. It's been identified by Judge Jordan. We want to know how the government is going to solve it. We've offered a way to do it. The government's answer is no solution. Certainly I know that the lawyers in this Assembly understand the difference between the poster on the wall and actually providing a person to provide that protection.

Now, the other thing I have to observe is – and I'm not sure whether it's just late in the afternoon and whether the Minister of Justice really meant what he said. What I heard him say is that when it comes to depriving somebody of liberty, it's the motivation that really matters, not the consequences. Well, you know, in the 23 years that I practised law, my experience has been that the courts typically deal with the consequences. You may have the best motivation in the world, but if the consequences are detention without procedural safeguards, whatever your motivation, it offends the Charter and it's wrong.

What the Minister of Justice did not tell me is: why was it that

when Judge Jordan rendered her decision, on page 20 she said:

When this issue was being argued,
and I just say parenthetically that that was the application of section 1 of the Charter,

the director maintained that the Act did not violate any section of the Charter and chose not to make any submissions on the issue. As a corollary, of course, there was no evidence called which was specifically addressed to the s. 1 inquiry to assist me in my deliberations. I am left, therefore, with only the submissions of the Applicants to consider.

Those were the two counsel for the two 17-year-old young women involved there.

So if the Minister of Justice disagrees with me that what the courts want to see is not the motivation of the Legislature but the consequences of the legislation, then why, for goodness sake, did that minister not instruct his counsel and the counsel for the director, when this thing was being argued in youth and family court, to make the section 1 arguments? The more we get into this and the more detail we review this with, you start wondering: was the Children's Services department talking to the Minister of Justice? [interjection] Oh, don't assure me that happened, because that is even scarier if I think they were. You see, I can at least sleep tonight knowing that there'll be a Liberal majority government in Ottawa and, secondly, that the right thing happened . . .

THE DEPUTY CHAIRMAN: Hon. member.

MR. DICKSON: Oh, I'm sorry. That wasn't relevant.

Madam Chairman, I'll be able to sleep knowing at least that the two departments hadn't spoken to each other. Maybe they will now. But if indeed it's a question that the Minister of Justice and the Minister of Children's Services, their departments, have been talking to each other, we have got a significant problem.

The minister said that he wanted to see children treated in a dignified and responsible fashion. If he really believed that, then he would be supporting these amendments in a heartbeat, and we don't see that.

There are a couple of other amendments we want to deal with, but I do say that the court on the next Charter challenge is presumably going to be looking at the *Hansard*, the reflection of the debate, and they will note that this government was provided a way, in my respectful view, to make the legislation Charter-proof. As so many times the opposition has offered ways it could do that, we have a government that so often says: "No. We will plunge on, because we'd sooner spend all this money in the courts fighting Charter challenges than getting it right the first time."

Madam Chairman, I don't know what else we can do. So those are my comments with respect to the amendment.

4:20

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

MR. SAPERS: Thank you, Madam Chairman. I want to thank the Minister of Justice for entering the debate when he did and for setting me straight and letting my know that my cynicism wasn't justified in this case. That being said, I've taken no comfort from the minister's explanation as to why he and, I take it, by default the government that he's a part of won't be supporting these amendments. As I understand the minister – and I'll paraphrase, even though I run some risk of not getting the full weight of his words – this government doesn't believe in putting detail into legislation, that this is a framework.

Well, the minister might want then to explain to me and to other

members of this Assembly why it is that we've even dealt with the amendments to the child welfare legislation as it stood. Because, of course, there were critics who said when this debate first started: "We don't have to amend the law; the law as it exists is fine. What we simply have to do is implement it differently. If we simply looked at the Child Welfare Act, we have everything we need. You don't need this flagship bill." With respect to the Member for Calgary-Fish Creek, she would have been well intended but wrong, given the Minister of Justice's explanation, because we only have framework legislation.

If we only had framework legislation, I guess I would have to ask the Minister of Justice why it is that he just rushed through a miscellaneous statutes amendment act that in part changed one word in the title of one government-created organization, a word that I would say was just added by another miscellaneous statute amendment previously? If this government is only dealing with framework legislation, then why is it that we busy ourselves with passing legislation that changes one word in the title? We surely wouldn't have to be bothered with that kind of minutiae, according to the Minister of Justice.

Now, the Minister of Justice, amongst all members of government, should know best that the law is about detail. The law is technical. What we are talking about is providing a procedural safeguard. That certainly doesn't dictate chapter and verse of how and when and who. It simply says that something shall happen. This is not different from so many other pieces of provincial legislation. So while my colleague from Calgary-Buffalo has made some very valid arguments and I've heard some responses from the Minister of Justice regarding why this doesn't have to happen, I'm afraid that I'm not convinced by his arguments. I did not find them compelling. In fact, frankly I found them a little bit shallow in terms of what it is we are talking about here.

I certainly don't think any member of the Official Opposition needs to be told by any member of the government that we're viewing this from the wrong perspective, that we're looking at this as legislation that takes away the liberty of young people but that we should be looking at it as legislation that is in their best interests. It is members of this caucus that have provided support to the government in doing the right thing by Alberta's children. We fully understand the importance and the perspective of this legislation. We, however, also fully appreciate the importance of individual freedoms and liberty, and we in this caucus support the Charter of Rights, not like members of the government, who have stood in their places and have said that the Charter of Rights and Freedoms is the worst thing that has ever happened to Canadian society. So I really don't accept being lectured to by a member of the government when it comes to issues dealing with individual freedoms and rights.

I would ask once again that members of the government make themselves familiar with how legal advice and services are provided to people in this province and make sure that they are comfortable, that they are entirely comfortable, that a 12- or a 13-year-old girl who has just been taken off the street will have the presence of mind to note a poster in a waiting room or will reflect on the momentary comments made by a peace officer suggesting that that young woman should go and talk to a lawyer, with all of the other things, with all of the other emotions, with all of the other issues that will be going on. I think when individual members do reflect on that question, they will come to the immediate and the apparent and the correct conclusion that, no, of course that wouldn't be enough and that that young person deserves more. And since we are providing assistance to young people, since that really is what this legislation is all about, then we should go the extra mile and make sure that that assistance takes the form of access to legal advice.

Thank you, Madam Chairman.

[Motion on amendment A2 lost]

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

MR. DICKSON: Thanks very much, Madam Chairman. I'd now like to move as amendment A3 that which is marked as the letter C in the two-page handout to members. I'll just read it into the record. Section 6 is amended by adding the following before the proposed section 3.1:

3.01 When any decision or order is made under sections 2 or 3, a judge of the Court, a justice of the peace or a director, as the case may be, must be satisfied that the decision or order is in the best interests of the child after considering the following factors:

- (a) the child's safety,
- (b) the child's present and future well-being,
- (c) the child's physical and emotional needs,
- (d) the child's level of development,
- (e) the child's cultural, racial, linguistic and religious heritage,
- (f) the child's views,
- (g) the effect on the child if there is a delay in making a decision, and
- (h) the importance of continuity in providing the child with services.

Madam Chairman, the reason for this amendment is that a court under Bill 29 is making very important decisions for a young person. They're making decisions in terms of potentially having a child detained for a period of time, even against that child's will. We have confinement of up to 21 days in a protective safe house, a renewal potentially for a further 21 days. These are major impacts on a child.

I quoted the other day that study that tested all Alberta laws for compliance with the UN convention on the rights of the child. The observation by the analyst, the author, was that our Child Welfare Act is the strongest piece of legislation, certainly in the province, in terms of compliance with the UN convention. If we look at that Child Welfare Act, that the Minister of Children's Services will be so familiar with, we look at section 2 and they talk about matters to be considered. It starts off:

A Court and all persons shall exercise any authority or make any decision relating to a child who is in need of protective services under this Act in the best interests of the child and in doing so shall consider the following as well as any other relevant matter.

We then have subsections (a), (b), (c), (d), all the way through to (m). So this becomes, if you will, the standard that judges and directors and social workers use in the intervention and protection of children.

Now, the government has elected or chosen here to say: we're stepping outside the Child Welfare Act; we're creating a stand-alone piece of legislation. If you do that, what you lose then are some of those other elements of the Child Welfare Act. If you look at Bill 29 and you look at the Protection of Children Involved in Prostitution Act, you know, there's nothing in here comparable to section 2 in the Child Welfare Act. When judges are making these decisions of a 21-day detention or an extension so it'll be a 42-day detention, what things do they look at? What are the criteria that are being applied? What are the tests? Unless the Minister of Justice says, "Well, Member for Calgary-Buffalo, you're being too prescriptive" – it wasn't too prescriptive to put it in the Child Welfare Act, an act that's being lauded as respecting the rights of the child.

4:30

We have nothing like that, so what this amendment attempts to do in a modest way is construct some purpose so that when the judge sits down, that judge or that director or that social worker has a number of criteria against which to test the difficult and important

decisions they have to make. I think that we need this sort of direction. If we had done this simply by expanding the Child Welfare Act, this would not have in any way been deemed necessary, but we've chosen not to do that.

Members may say that there's a preamble to the mother statute, the Protection of Children Involved in Prostitution Act, and we see some vague sorts of platitudinous comments in the six clauses, I think, of the preamble. I suppose in a pinch the court might look at that and take some direction from that. They might look at the Child Welfare Act. But, you know, if you look through Bill 29, there's nothing that clearly identifies what we're trying to do. We've got judges making all these decisions, we've got directors making decisions, and there's no direction to them in terms of the kinds of things that the court is supposed to look at. Is that because we think it's so self-evident?

Well, we've already seen a very strong difference, a very marked difference between a judge and the Minister of Justice, who has said that in his view this is legislation that's for a good purpose and therefore it doesn't matter very much that there's a detention, that the purpose is a good and a sound and important one. Well, we've got a judge who answers back in that sort of important dialogue between the court and the Legislature, the executive, a judge who answers back: it does too matter, and it's important there be procedural safeguards. So it's clear that everybody doesn't see the world as the Minister of Justice does, and the very people who are applying the statute seem to have a different view of it than the Minister of Justice does. So would it not be helpful – and I say this to the Minister of Children's Services, through the chair – to set out what criteria, what factors we want the court to look at?

Now, this is an attempt to set out what we think are the – I think we've got eight factors. Maybe the Minister of Children's Services would disagree with one or two or thinks there should be some other factors. The Member for Calgary-McCall is trained as a social worker. He's dealt with the Child Welfare Act, I expect, in his earlier life, and he may have some suggestions in terms of changing some of the criteria. That's fine. Let's bring in a subamendment. Let's have the minister say what criteria they think should be applied. But with the limited resources the opposition has had and in the couple of days we've had to deal with this, we've come up with a list of proposals. I would wonder who could disagree, firstly, with setting out some criteria we would want to be considered in every single case when a judge makes an order. I don't even think the Minister of Justice would take issue with that. I haven't heard my colleague from Calgary-Glenmore take issue with that.

I mean, we probably have other people in the Assembly who, if they were concerned, I'd expect would express that concern. Who would disagree with the child's safety being a factor that would be involved in every one of those decisions? Who would disagree that the child's present and future well-being should be addressed and considered? Who would disagree that the child's physical and emotional needs would have to be looked at in every single case that comes in front of a judge, a justice of the peace, or a director?

The child's level of development. It has certainly been reported to me that many teen prostitutes, at least a significant number of them, have some cognitive or some learning disabilities. Would that not be an important thing to consider? I think I would want that addressed in every case.

The child's cultural, racial, linguistic, and religious heritage. The Minister of Justice a few minutes ago said that we must be respectful of these children, notwithstanding the fact that he won't insist that they get some legal advice. He didn't respect them that much, but he said that we must be respectful. Well, does that not also mean being respectful of their cultural heritage? If we're going to take a

child, lock a child up for potentially 42 days, is it not significant we make sure that there's some sensitivity around these parts? If any members have proposals for changing any of these, please stand up and offer those reasons. I'd be happy to see that kind of debate.

"The child's views," the proposed new (f). Well, I think the Minister of Justice again said that we must respect these children. Respecting young people means listening to them and soliciting their views; doesn't it? I mean, at some point is it not essential that you not completely disempower young people, that you don't shut them out of the process? How do you craft a solution for some kid who is on the street with a host of problems without at some point talking to them and asking them for their input and their advice and their views?

The other factor was "the effect on the child if there is a delay in making a decision." Is that not important? I mean, the whole purpose of this act is speedy intervention. So is it not important to determine, if there's a delay, what prejudice there might be to the child?

Finally, "the importance of continuity in providing the child with services." Madam Chairman, if you talk to people at Wood's Homes, if you talk to people at Avenue 15, if you talk to people at the Safe House Society in Calgary and their counterparts in Edmonton and in other communities, they continually talk about children who have some series of challenges that they cope with, and then they sometimes go through eight or nine social workers and different foster parents. All the experts tell us, as if we didn't know it intuitively, that children need some consistency in care. If you keep uprooting children and substituting caregivers – I may be running out of time soon, and I know if that happens, I have some colleagues that can offer some comments until I can catch my breath and resume following through on this. But continuity of care – I'm no social worker and I've not had that experience, but people who have the kind of experience that our friend from Calgary-McCall has had tell me that it is important. If I'm wrong, I invite somebody to tell me that.

So as I look through these criteria, I've got to tell you that I think our researcher did a pretty darn good job, and I think she's come up with some pretty responsible kinds of elements, Madam Chairman. I'm certainly prepared to see debate around what those issues should be, but the two propositions are that there has to be some outline of criteria, and if it's good enough for the Child Welfare Act, it's got to be good enough for Bill 29. If people want to challenge the criteria, I'm more than open to debate those, but let's make sure we're trying to craft the best legislation we can. It's important to do that.

So, Madam Chairman, I'll take my seat and see what response we get from government to amendment A3.

4:40

THE DEPUTY CHAIRMAN: The hon. Minister of Children's Services.

MS EVANS: I'm going to be very brief, Madam Chairman, and just simply say that we believe – and I go back to my own personal experience relative to negotiating any type of agreement – that when you fetter any formula with additional criteria, you run the risk of not anticipating the criteria that would fit a very specific case.

The courts, we believe and have confidence, will consider each child's best interests on an individual basis. While I have looked at these amendments and contemplated what is missing, perhaps one should state that their social views are missing. But I'm more satisfied with my learned colleague who suggested that by defining what you think may well be everything, you run the huge risk of missing something else.

Bill 29 already requires – requires – that the best interests of the child be taken into account by a court before it may order a child to be further confined for up to 21 days or order an additional 21-day confinement period. So we believe that listing factors which in fact could limit the court's decision-making process in a way we may not even anticipate today is not conducive to improving the legislation.

MR. DICKSON: Madam Chairman, if that's the case, then when is the Minister of Children's Services coming into the Legislative Assembly and taking out section 2 of the Child Welfare Act, that also talks in the preamble about the best interests test but then goes on to say – so if we look for consistency from government and we're talking under Bill 29 of hopefully never more than 300 children in the course of a year, how many thousands of children do we deal with under the Child Welfare Act? There this minister's government has said that not only do we do a best interests test but must also consider:

- (a) the family is the basic unit of society and its well-being should be supported and preserved.

Are we going to take that out?

- (b) the interests of a child should be recognized and protected.

Are we going to eliminate that?

- (c) the family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society.

Are we going to take that out? I mean, I can go through and read out from 2(a) to 2(m).

Now, Minister of Children's Services, through the chair, you can't tell us that just saying best interests is self-evident and good enough, because we have a statute. So here's what we're doing, Madam Minister, through the chair.

We've got a Child Welfare Act that has existed and been tested and utilized by courts and social workers. It has been tested by the Alberta Civil Liberties Research Centre in the analysis entitled *United Nations Convention on the Rights of the Child: How Does Alberta's Legislation Measure Up?* That's been done, we know what it means, and it works. I thought it worked for Alberta children. Now we have the Minister of Children's Services coming along and saying: well, really, this is very limiting. She just made an argument – I didn't find it compelling – which effectively would gut section 2 of the Child Welfare Act, because why wouldn't we just leave it at the best interests test?

Surely there's got to be some reconciliation of two absolutely contradictory positions: either we particularize these things or we could leave it at a best interests test. I'm not content just to ask the question. I'll go on and say that there are some reasons why it's not enough to leave it to best interests. "Best interests" is an amazingly broad expression, and courts have found it useful and helpful to particularize some of the things that the Legislature thinks should be considered.

I think the hon. minister has misunderstood the amendment, because what it requires is that the decision must be "in the best interests of the child after considering the following factors." It doesn't mean that any one of them overwhelms the others. It means that at the end of the day it's the good sense of the director, the good sense of the justice of the peace, the good sense of the judge. All we're doing – we're not binding anybody's hands here. I mean, we read the section. It says that these are factors we expect to be looked at.

I must say that I don't know who is providing legal advice across the way; I'm not sure who is providing advice to the Minister of Children's Services in terms of the law. I don't think she's going to bring in a bill to amend the Child Welfare Act in this session. I

suspect it's not on the list. I suspect that the minister of agriculture isn't busy studying a briefing paper for the next cabinet meeting which is going to rewrite the Child Welfare Act. Well, you know, Agri-News is a pretty useful periodical. There's probably something there about children on farms in the province of Alberta too.

I learn a lot in the Assembly, and I'm prepared to learn why we should go the way the minister wants to go, but I think there has to be some attempt, some genuine attempt to say: why is it good enough for the Child Welfare Act, which affects vastly, vastly more children, and it's not good enough for children here? Well, not only do I learn a lot; I continue to be mystified with the operation of government. I just think that perhaps people have listened to the Minister of Justice and, when he talks about not codifying things, not realized that we codify all kinds of things in this province, few of them as important as children. Another way of looking at this is that if you don't codify, let's not be surprised that occasionally you get judges who view cases very differently than we would here.

This is our last chance as a Legislature before we enact a piece of legislation that's going to be used and interpreted. This is a chance to sort of send unmistakable signals about the kinds of things that we thought were important in terms of protecting vulnerable children. We've got a government that says: no, we don't want to give that kind of direction. And dollars to doughnuts, a judge is going to make a decision, some member of cabinet is going to disagree with it, and we'll see some impertinent comment in a newspaper interview about: how could a judge make a crazy decision like that? How would that be possible? Well, one of the reasons it may be possible is because when we in this Chamber had a chance to fix some things, we elected not to take advantage of it. I'd think that wouldn't be a very good excuse down the road.

[Mr. Shariff in the chair]

So, Mr. Chairman, as I look around and I see the rapt attention that's being paid to the arguments on both sides of this amendment, my sense is that people are anxious to vote. They're anxious to register their opinion in I guess the way it counts most, by a vote. I can think of little else I can say other than I'm very distressed at a government that is tossing out amendments, opposition amendments, without the kind of deliberative, thoughtful response that I think Alberta's children are entitled to, and that's very disappointing. In any event, I'll hear what other debate there is on this amendment and look forward to the vote.

Thank you.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Calder.

4:50

MR. WHITE: Thank you, Mr. Chairman. I hesitate to enter into debate on this matter because it has had a certain amount of airing from this side. Unfortunately, it hasn't had much from the other.

I look at this particular amendment – and it's a no-cost amendment. How can one disagree with giving context to reviewing a case? I mean, this does not cost anything save and except perhaps some pride of having a government accept an amendment from an opposition. Good heavens; that could not be the case. I mean, testosterone runs on that side a little heavy, but I would not have expected it from this minister at all.

This is simply a case of just laying out some very, very simple instructions for the judge to be able to review the matter as the Legislature sees fit. Now, I fail to see where any one of these items could be offensive. These are for the child's safety. I mean, this is

fundamental. This is what we all desire. If you review all of the speeches that were hitherto spoken on this matter both a year ago and most recently in this Legislature, you'll find that's precisely what we're interested in, recognizing that we're taking away a right of freedom and liberty from a person, albeit for a short period of time and for a purpose, for precisely this purpose: the safety of the child, the preservation of its well-being and physical and emotional states, and to respect the child's views.

I mean, we had earlier an amendment that was roundly defeated for financial reasons, I assume, because there was no real reason given other than something about French law and inclusion or exclusion when being explicit, which I thought would be quite reasonable. It's a sad day when an opposition cannot contribute by reason of the obstinance of a government, pure and simple obstinance. There is no reason whatever other than that it is not on the agenda, that: we didn't think of it. Well, I'm afraid this is such a horrible, horrible display of ignorance and bliss that it really, really does question the fundamental integrity of a government that does not care enough to make these kinds of inclusions in this kind of act.

It's a sad, sad day, and this member shall take his place.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Chairman. I, too, would like to stand up and support the hon. Member for Edmonton-Calder. I think this is a very sound improvement to this legislation, and I would urge all hon. members of the Assembly to support it.

I understand one of the hon. members of Executive Council is anxious to participate in debate, and I will cede the floor to the gentleman so he can speak. Thank you.

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

MRS. SOETAERT: Thank you, Mr. Chairman. I'd just like to say a few things. I've been listening to this amendment, and I heard the minister reply that we really don't need it, that it's obviously in there, and then my hon. colleague from Calgary-Buffalo pointed out that it's in the Child Welfare Act. So there does seem to be a conflict here. I sat back and I thought: why aren't they accepting this amendment? Have they even looked at it? It would make it a stronger piece of legislation. It would make it consistent with other legislation that deals with children.

I would like to urge all members who maybe haven't been paying total attention this afternoon to really think and consider that this will be a very good amendment. It will only make the bill stronger, it will protect children better, so I would encourage all members to support this amendment.

Thank you.

[The voice vote indicated that the motion lost]

[Several members rose calling for a division. The division bell was rung at 4:55 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Bonner	MacDonald	Sapers
Dickson	Mason	Soetaert
Gibbons	Nicol	White

Against the motion:

Boutilier	Hancock	O'Neill
Calahasen	Havelock	Paszkowski
Cardinal	Herard	Pham
Coutts	Klapstein	Smith
Doerksen	Kryczka	Stelmach
Evans	Laing	Stevens
Fischer	Lund	Strang
Forsyth	Magnus	Thurber
Fritz	Mar	Trynchy
Graham	McClellan	Yankowsky
Haley	Melchin	Zwozdesky

Totals: For - 9 Against - 33

[Motion on amendment A3 lost]

THE ACTING CHAIRMAN: Before we proceed with the next amendment, may we have unanimous consent to revert to Introduction of Guests?

[Unanimous consent granted]

head: Introduction of Guests

(*reversion*)

THE ACTING CHAIRMAN: The hon. Minister of Gaming.

MR. SMITH: Well, thank you, Mr. Chairman. It's a pleasure for me to not only vote against this amendment that just occurred but also to recognize four gentlemen that I've just had a very important and enjoyable meeting with. They are representatives of the Canadian thoroughbred breeders' association and the Alberta thoroughbred breeders' association. So I would ask the Assembly to please give the warm welcome to those who have traveled from Calgary and those who are here from Edmonton: Mr. Jim Thomson, Mr. Robert Malcolm, Mr. Mike Oslanski, and Mr. Rennie Gellner. If I could ask them all to please stand and receive the warm welcome of the Assembly.

Bill 29

Protection of Children Involved in Prostitution Amendment Act, 2000

(*continued*)

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

MR. DICKSON: Mr. Chairman, thank you very much. Yeah, it was fascinating to see what government members vote against. We'll see with great excitement and look forward to see what the vote will be on amendment A4.

I move the amendment, and I'll read it into the record. Section 9 is amended by adding the following after the proposed section 7.1:

7.2 The Children's Advocate must prepare and submit annual reports to the Legislative Assembly respecting the operation and administration of the Protection of Children Involved in Prostitution Amendment Act, 2000.

[Mrs. Gordon in the chair]

Madam Chairman, one of the things that Judge Jordan quite properly identified is that when we passed the child prostitution bill a couple of years ago, there wasn't another act like it. Our friend from Calgary-Fish Creek was doing some pioneering work when she

brought that bill in, and I'm not sure there was a bill like this anywhere before the Alberta model. I'm not sure there's any U.S. model for it, so what happened was we were breaking some new ground and as a province being innovative in terms of dealing with it.

5:10

You know, we've now had the experience of seeing this act as it's applied. Notwithstanding that, when it came in front of Judge Jordan, what happened was that we still had the judge saying – and this is after hearing the evidence that was adduced on behalf of the Minister of Children's Services and the Minister of Justice:

There is no provision for determining the efficacy of the legislation.

The Director would have the public believe that because hundreds of apprehensions are accomplished in a given period the Act is achieving its stated goal of protecting children. Yet we are left not knowing anything, except by way of anecdotal evidence, of the lives of the children after their periods of confinement are completed.

Now, Madam Chairman, the point is that some of us come to the Legislature and think that it's not good enough just to pass laws willy-nilly. Some of us believe it's important to assess whether the law is achieving its stated objective. It so happens we have a way of doing this. We have a Children's Advocate. [interjection] I know people in Calgary-Shaw are going to be interested in the contribution that their member is going to make to this particular amendment.

Madam Chairman, if I didn't say it – I can't remember. Did I ask that this be noted as A4? Thanks.

The provision of the Children's Advocate office. We do have an office in this province, and its responsibility is to report on children's services. It finds its jurisdiction, if you will, in section 2.1 of the Child Welfare Act. Section 2.1(1) allows

the Lieutenant Governor in Council . . . on the recommendation of the Minister [to] appoint a Children's Advocate, who shall hold office for a term not exceeding 5 years.

Then the Children's Advocate shall do a number of things like

- (a) advise the Minister on matters relating to the welfare and interests of children . . .
- (b) receive, review and investigate complaints . . .
- (c) represent the rights, interests and viewpoints of children who receive services under this Act . . .
- (e) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Children's Advocate.

We're not creating any new bureaucracy. The office exists. It has a mandate which ought to encompass what happens with children under the bill we're amending today, the Protection of Children Involved in Prostitution Act.

So what possible problem would there be? You know, goodness, there may be lots of reasons, but I just can't think of any. What would be the problem in asking the Children's Advocate every year to have a portion of their report devoted, dedicated to the administration of this act, to identify if there are some problems with it, if some things are working well? You know what it does? When the minister comes in and tables that report under Tabling Returns and Reports, it's a bit of reminder. It becomes the sessional record. The members of the media have an opportunity to review it. All MLAs have a chance to look at it. It gives us what I would think the Member for Calgary-Fish Creek would want more than anything: to ensure that this isn't sort of a one-off bill that sort of is then forgotten by legislators.

If teen prostitution is as big an issue as we've said it was when we passed the bill two years ago, if teen prostitution and the sexual exploitation of children is as big an issue as I think it is today and during this session, why would we not want to make sure this is on the agenda, that on an annual basis it comes before the Legislature? I just think that part of what we do has an educative role. Part of

what we do here is to help to highlight problems in this province and highlight issue areas. I thought this amendment provides the government a chance to sort of beat its corporate chest and talk about what a great job it's doing in terms of protecting young children from the streets. It gives us as legislators a chance to say: maybe we need some additional resources in this area; maybe we need some additional programs. Maybe we need some other legislative changes to be able to protect these children better. I don't think we ever get it a hundred percent right. I'd say this with any government. I think governments always have to be on their toes and always have to be checking.

You know, I hate the analogy between governments and corporations, but corporations are always looking at a product, because if they don't find ways of making the product better, they find they will lose their market share. They continually reassess and reassess. There are some compelling reasons why with legislation you don't just do it one time and then put it on the shelf and never review it again. It's incumbent on us to look at ways that we can make this legislation stronger and make services for children stronger.

There was a wonderful conference held, Catch Them before They Fall, and my only regret is that we didn't have a Minister of Children's Services when that conference was held. I think it was about three years ago. It was chaired by Brian Edy, who is the Liberal candidate in Calgary-Buffalo. What Mr. Edy did in chairing that conference was bring in – and I wish the current Minister of Children's Services could have been at that conference – the Children's Advocate from British Columbia and the Children's Advocate from Saskatchewan. I discovered some things I didn't know before. In some other provinces the Children's Advocate has a broader mandate and can report on children in distress wherever they are, not just children in care of the province. I thought that was a good idea.

One of the things that came out of the conference was making the Children's Advocate an independent officer of the Legislative Assembly, reporting not just to the minister but reporting to all of us. I thought that was an important recommendation.

There are things we can do to make the Children's Advocate office more effective, there are things we can do to make it stronger, and there certainly are things we can do to make it more independent. We've seen a succession of Children's Advocates who have delivered reports severely critical, not of ministers but of systems, not of governments but of children being allowed to fall between the cracks, and then they've moved on. So it's a good reason why I think we need an independent Children's Advocate.

But that's not really the thrust of the amendment. We'd be willing to work at this stage even with the Children's Advocate office we have. Although the mandate of the office may be flawed, I have the greatest respect for the men and women who work in the Children's Advocate office in Edmonton and Calgary, because they are professionals and they are motivated by the best interests of children.

Madam Chairman, we're presented here with an amendment which just says that every year we get a bit of a window to look in and see what kind of job we're doing to protect those children on the streets of the province. Why would we not want to afford that window? What possible reason would there be?

This has nothing to do with legislative drafting, so the Minister of Justice cannot get up on this amendment and say: we don't like doing it this way. It's about more transparency. I remember a time when the current Premier was an advocate for more transparency in government. I remember a time when he thought it was important that more Albertans be able to see what government does. There's nothing more important than what happens with the children of this province and no children more deserving of our attention than these

13- and 14-year-old girls on the streets of our cities. The amendment is no more complicated than what you see here.

5:20

I may have some colleagues that wish to indicate what they think about this amendment. I may be getting close to my time, but I do want to say that of all of the amendments I've put forward, my view is that this is maybe the most important and also I think one of the ones that would be easiest for government to embrace, because it simply is a reporting on desperate children in desperate circumstances. To vote against this amendment – I'd really have to think that, firstly, if people couldn't step outside party discipline on an amendment like this and couldn't put children ahead of whatever the whip or deputy whip may tell them, I'd be disappointed. If any member thought it wasn't important that this kind of annual report be done, I'd look forward to seeing them come up and at least have the courage to register that vote in a way that people can see and test, because I think people would have some explaining to do to their constituents to vote against a proposal like this.

Madam Chairman, I look forward to further debate. We have the office there; there's no new bureaucracy. All this does is help to strengthen, hopefully stiffen the spine of MLAs but also to do what I think Albertans want to see us do. Those are the comments that I wanted to make with respect to this amendment.

Thank you very much.

THE DEPUTY CHAIRMAN: The hon. Member for Calgary-McCall.

MR. SHARIFF: Thank you, Madam Chairman. I'm just looking at the amendment as proposed by the hon. Member for Calgary-Buffalo, amendment A4. In principle I agree with the amendment. I feel that this additional advocacy is important for our children, and personally I do not see any difficulty in having that office report back in a summary format.

However, my understanding is that there was a review of the mandate of the office of the Children's Advocate that recommended expanding the office's role. I believe that the Minister of Children's Services has a responsibility to review what other services the Children's Advocate should be providing and to make it more comprehensive in terms of all the changes that should take place and what should be included in the mandate of the Children's Advocate. So while I support the concept, I believe it may be a little premature to bring it into this act.

However, I would strongly recommend that the minister take all these points into consideration and come back before this House with that added responsibility being assigned to the Children's Advocate. I'd be very happy to support it at that point in time. However, at this point in time I'd like to see this bill passed ASAP so that we can carry through with the mandate of protecting our children from the streets. I will support this motion when it comes forward again in a new format.

Thank you.

THE DEPUTY CHAIRMAN: Are you ready for the question?

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

MRS. SOETAERT: Thank you, Madam Chairman. I was listening to the Member for Calgary-McCall, and I thought he was going to support it. In a nutshell, he'll support it if the minister brings it forward but not the Member for Calgary-Buffalo. I know that's just part of it, because you're waiting for a review.

In the meanwhile what happens to those children? How do we

evaluate if this bill is working? It could be a year before we have time to change that kind of legislation, a year before anybody has a chance to change the role of the Children's Advocate. You're willing to not follow this bill, to not track what's happening to these young people. You're willing to let it go for now instead of doing something that you actually fundamentally agree with. You actually agree with it, yet you're not going to support it.

I have a little trouble with that. I can't help but think that it's a partisan move rather than a practical move that will serve children better. He'll only support it once the minister brings it forward, and I have trouble with that. That does not serve democracy, and most of all it does not serve the young children on the streets. So I'm disappointed in that, Madam Chairman.

MS EVANS: Madam Chairman, just briefly. Clearly it's not a matter of partisanship. It is a matter of looking responsibly at what we're doing with the office of the Children's Advocate. It's a matter of looking today at the fact that we are reporting almost on a monthly basis about what's happening with the child welfare statistics, particularly as it relates to those statistics gathered under this piece of legislation.

If I could make an observation, it is not the number of children that are apprehended or confined that matter. It is what is happening within those communities. Both Calgary and Edmonton are quite different. More here in Edmonton are wards of this government than they are in the city of Calgary, and in Calgary many more have parents and guardians. I believe currently we're striving to get a common reporting mechanism that can work.

That's it for now.

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

MR. SAPERS: Thanks, Madam Chairman. It never ceases to amaze me when it comes to raising the issue of what is or what isn't partisan. We have worked very hard on this side to put forward a series of amendments that would support legislation that we are primarily in favour of. We made that clear in the earlier debates. We made that clear when the government brought forward its own amending legislation.

We have commented from the beginning of this debate that we are in agreement with the thrust and the intent. We are very, very committed to doing the right thing for children, and we are very,

very committed to ensuring that legal rights are not put aside. Now, this government does not have the same ground to stake claim on. This government has on several occasions tried to limit or truncate or set aside the legal rights of individual Albertans.

Now, in this particular case we are dealing with some of the most vulnerable, most at risk citizens of this province, and all we are asking for in this amendment is a recognition – we already have what in my opinion should be a legislative officer. We already have an official of the government whose job it is to look over the shoulder of those men and women who are implementing child welfare laws and regulations and programs and make some determination on their behalf whether or not the best has been done for them.

As we've extended the role of child welfare legislation in this province to the point where we are apprehending young men and women off the street for their own good because they are involved in street prostitution, I can think of no better time spent by the Children's Advocate than making sure that the operation and administration of the Protection of Children Involved in Prostitution Act has been done in a way that is consistent with what is clearly the intent of this Legislature. There is nobody on either side, the government side or the Official Opposition side or on the part of the third party, that is suggesting that we set aside these rights arbitrarily. I'm not suggesting that the government is doing that in an arbitrary way, but what I am saying is that they are abandoning a responsibility to have as neutral a third party as we have at this point in time, the Children's Advocate, look over their shoulder and make sure that it becomes part of the public record, to make sure that in that report some scrutiny is brought to bear on the operation of this legislation.

The Member for Calgary-McCall indicated that he's not opposed to the notion. Even the Minister of Children's Services didn't clearly say that she was opposed to the notion. Haven't heard from other government members. So for the sake of these children, if you're not opposed to it, then support it, and please do not be distracted that it is an amendment that is brought forward by the Justice critic and the Opposition House Leader. It would be a shame to be distracted by that thought, because this would make . . .

THE DEPUTY CHAIRMAN: I hesitate to interrupt, hon. member, but under Standing Order 4(3) the committee stands adjourned until 8 this evening.

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