

Potential Premier's Response to Civil Liberties Issues in Alberta

Calgary, August 23, 2011 - Potential Premiers of Alberta were given the opportunity to state their position about civil liberties in Alberta by responding to eight questions from the Rocky Mountain Civil Liberties Association (RMCLA). All candidates for leadership of the Progressive Association of Alberta and the Alberta Liberal Party were given the survey. The leaders of the Wildrose Party, the New Democratic Party and the Alberta Party were also given the opportunity to respond. Of the 14 people who hope to be a potential candidate for Premier in the next election, six responded.

Progressive Conservative Association of Alberta Leadership Candidates:

Responses were received from Gary Mar and Alison Redford. Those not responding to the survey were Doug Griffiths, Doug Horner, Rick Orman, and Ted Morton.

Alberta Liberal Party Leadership Candidates:

Responses were received from Laurie Blakeman, Raj Sherman, and Hugh MacDonald. Bill Harvey and Bruce Payne did not respond to the survey. Raj Sherman responded only to the first question.

Leader of Other Parties:

Danielle Smith of the Wildrose Party responded to the survey. Brian Mason of the New Democratic Party and Glenn Taylor of the Alberta Party did not respond.

Listed below are 8 civil liberties questions followed by candidate and leader responses. Of those people listed above, only their completed responses are included. If a candidate or leader did not respond to a particular question, then their name and accompanying response is not listed below the question. Answers to all questions are unaltered except for removal of links to policies unrelated to civil liberties, links to candidates' websites, and/or information not related to the survey.

RMCLA does not endorse any particular party, leader, or candidate. The releasing of these survey responses was done to help inform Albertans about the views of each Potential Premier regarding civil liberties issues in Alberta.

Question 1: What steps will you take to improve access to justice for those who can afford it the least?

Gary Mar: Access to legal aid is a fundamental component of the Canadian justice system and it is important that individuals have access to legal aid services regardless of their financial circumstance. As leader, I am committed to stable, predictable budgeting to make sure the funding is in place for all public services, including legal aid.

Alison Redford: Legal aid in its present form isn't working. We are devoting the lion's share of the budget to major criminal cases involving clients who have obtained the necessary certification to qualify for assistance and must retain a legal aid lawyer for an extended period, such as the length of a trial. This leaves many low-income

Albertans in need of legal advice —not necessarily a lawyer— wanting. Many people who approach legal aid services for assistance with minor issues have no idea what kind of help they need; they would benefit immensely from immediate face time with an expert who could set them on the right path. I want to adjust the existing legal aid budget and establish more offices across the province to cater to these people, who are neglected under the current system.

Laurie Blakeman: This is a two prong approach; to reduce the need for access to justice; and improve or change the interaction between the law (including police services) and those who come into conflict with it and have limited resources. Re-introduce 'Civics' classes in to Alberta curriculum Continue to fund Legal Aid and review additional coverage under Legal Aid. Improve services and housing options for people with mental illness. Review and improve alternate court programs (Mental Health Diversion, Drug offender options etc) Review and focus on girls knowledge of the law and their rights.

Raj Sherman: I will commit to further supporting legal aid Alberta as I think it is an extremely important initiative. No Albertan should have to face charges without having access to legal help. We need to make sure that Albertans receive fair aid in their time of need.

Hugh Macdonald: I would increase the Legal Aid budget in Alberta to ensure that access to justice is not limited by access to resources.

Danielle Smith: The Wildrose is committed to enhancing the Legal Aid system for Albertans. The current government has cut Legal Aid funding. This has shown the governments' lack of priorities, placing corporate welfare ahead of essential programs, such as Legal Aid.

Question 2: What changes will you make to Alberta's human rights legislation and commission to strengthen equality and protect freedom of expression?

Gary Mar: I believe that the protection of human rights is an essential right for all Albertans. In a functioning society, an individual's right to take certain actions is subject to the right of another individual not to be discriminated against.

When the Alberta Human Rights Commission (AHRC) was established, its intent was to provide a venue, less onerous than the court system, to resolve claims where an individual deemed their human rights were violated. I understand that many of the claims are often resolved long before a tribunal is established. I also recognize that the commission and the legislation may not currently be performing in the intended manner as the legislation has not been reviewed since 1994. Should I be elected the next leader of the PC Party of Alberta and become Premier, I would commit to opening up the existing legislation and making any necessary changes to ensure Albertans are well served by the AHRC.

Alison Redford: I want to amend and fine-tune the existing legislation, after consultations with stakeholders, to better define and protect free speech in light of challenges to the statute in recent years. Freedom of expression must be shielded and Section 3 of the Alberta Human Rights Act should be repealed.

Laurie Blakeman: Remove Section 11. I do not support the Parental Opt Out section. Section 3 on hate language needs to be reviewed carefully as many in communities subject to hate (GLBT, ethnic, women etc) feel threatened that changes in this section and a return to earlier wording would remove some protections. The suggested changes are not well known or understood and this needs to be addressed. Inclusion of Gender Identity under protection clauses should be seriously explored. Workplace bullying is a constant theme and complaint to the HR Commission but staff have no ability to deal with this as the Act does not include or refer to it. Serious consideration should be given to including workplace bullying under protected grounds. LB

Hugh Macdonald: I would remove section 11.1(1), “Notice to parent or guardian” that was introduced by the Alberta government through Bill 44 in 2009. Parents already have the right to remove their children from class instruction through the *Education Act* so I find the inclusion of this section in human rights legislation to be both inappropriate and redundant.

Danielle Smith: The Wildrose has committed to abolishing Section 3 of the Human Rights Act, as well as ensuring that true justice can be pursued by having Human Rights cases heard in a court of law, rather than in front of the Human Rights Commission. This would ensure that cases can be heard in a balanced environment, with real checks and balances, as well as trained legal professionals.

Also, as part of a Wildrose increase to Legal Aid, Albertans that require legal assistance for human rights cases would have the resources offered to them to ensure the access they require.

Question 3: How will you strengthen Alberta’s Freedom of Information legislation and practices so that access to information is easier, faster, more transparent and proactive?

Gary Mar: I have not had the opportunity to undertake a detailed review of the Alberta Freedom of Information legislation. I would welcome ideas from members of your organization on how this legislation could be strengthened.

What I have committed to in my PC Party policy is that Government must change and adapt in ways that keep a clear focus on “citizens first.” Albertans should find it easy to access and connect with their government. Process barriers should not trump people’s right to seamless access to their government and its services. Government must set high expectations for efficient, effective and client-focused service delivery.

Alison Redford: Open access to information is a basic principle of good government, so legislation is only part of the issue. As Premier, I will work to change the culture of government and make public servants aware that the information they are handling is public information. Voters have a fundamental right to this information, including quick and cost-effective access. Most of the data in government hands should be public by default, unless there is a pressing reason to keep it private. I will pass legislation to reflect this principle.

Laurie Blakeman: I sat on the committee that reviewed this and brought forward about a dozen recommendations, few of which the Tory committee members passed. Please refer to that Hansard for details. We must safeguard the ever-increasing calls from law enforcement to expand their powers under the Act. We must resist the temptation to add detail and specifics to an Act that is designed to be overall policy. Once a list is created, then all things must be added to the list, and you've created a problem for yourself. The Government does need some privacy within which to try out ideas but the current Act offers too many exclusions which have become catch-alls for refusing to provide information. In particular the exclusion for the briefing books, contracts involving third parties, and the 15 year timelines.

Hugh Macdonald: I would reduce the various fees associated with FOIP requests that in many cases prevent access to information for individuals who are not able to afford the high costs of obtaining copies of requested information. I would also review what is considered an "Exception to the Right of Access" to ensure that the current practice is actually for the sake of reducing harm rather than hiding information.

Danielle Smith: With the current PC government having been in power for 40 years, there are more skeletons in the closet than ever before. The only way that this can be rectified is through the election of a new Wildrose government.

The Wildrose has proposed a "reverse-onus" on FOIP requests, whereby the government would have to justify the protection of a document, rather than citizens having to justify the release of a document. This policy was outlined in the Wildrose Democracy and Accountability policy.

As well, a Wildrose government would reduce the costs related to large-scale FOIP requests.

Question 4: What steps will you take to better protect property rights in Alberta?

Gary Mar: As leader, I will respect private landowner rights, and the agreed-upon rights granted through a lease, license or other statutory consent and will ensure that the compensation process is transparent and fair. I understand that Albertans need roads and infrastructure, and a plan for future land use, but I also believe we need consultation that actually engages Albertans on the issues and options; and gives people their say.

Alison Redford: Bill 19 (the Land Assembly Project Area Act), Bill 36 (the Alberta Land Stewardship Act) and Bill 50 (the Electric Statutes Amendment Act, 2009) were meant to facilitate acquisition of land for public infrastructure projects. However, they are badly flawed because landowners and other stakeholders were not properly consulted.

I will protect Albertans' property rights with three Cs — Consultation, Compensation and access to the Courts.

1. I will suspend implementation of Bill 36 and hold public consultations between landowners, the government and industry so everyone understands all parties' interests. There will be no more room for suspicion.
2. When land must be acquired, the existing statute covering expropriations applies — no exceptions. Might does not make right and no purchaser will be able to avoid paying fair value. Plus, I will amend the existing legislation to give property owners the right to trigger a sale under the expropriation statute at any time in the negotiation process. They will always have the initiative, regardless of whom they're facing across the table.
3. Albertans dissatisfied with the offered terms will have recourse to the courts. The courts exist to protect property rights and landowners will be able to use them to the fullest extent of the law.

Laurie Blakeman: We need a comprehensive land use plan. Without this cities cannot plan, agricultural land cannot be protected and most importantly, water cannot be protected and shared. I do not see the need to repeal Bill 36 although it could certainly use more amendment. Bill 50 giving government the ability to build transmission lines without proving need should be repealed. In all cases a transparent process must be in place for acquisition of land, proper restitution paid for expropriation, and a fair and open appeal process. The other side of the property rights debate is public good, so for the many things I would like to see in the province - like high speed rail between Edmonton and Calgary- these large projects require careful negotiation between property rights and public good. The property rights debate has been mainly centred in rural Alberta as few urban dwellers feel involved. But when I add in the idea of larger projects involving projects for public good, the urbanites are more involved.

Hugh Macdonald: I would repeal Bill 19: *Land Assembly Project Area Act 2009*, Bill 36: *Alberta Land Stewardship Act 2009*, and Bill 50: *Electric Statutes Amendment Act 2009* and start over with new consultations and new legislative frameworks that would more adequately protect the property rights of individuals in Alberta.

Danielle Smith: The Wildrose is committed to enshrining property rights in an Alberta Constitution, and views the protection of property rights the most fundamental role of government. This meaningful protection of property rights, which would be titled the *Alberta Property Rights Preservation Act*, would entrench property rights protection in law. We would also spearhead a national initiative to have property rights enshrined in the Canadian Charter of Rights and Freedoms.

The Wildrose would also repeal Bills 19, 24, 36, and 50. The current *Land Use Framework* would be replaced with laws that better protect the rights of landowners and respects the roles of locally elected councils.

Question 5: How will you extend occupational and employment services and protections to Temporary Foreign Workers and farm workers in Alberta?

Gary Mar: It is my view that all workers in Alberta should be afforded the same protections to ensure their safety and fair treatment in the workplace. As Alberta climbs out of the recession, we are already seeing labour shortages. Alberta faces the challenges of finding enough skilled workers to fill the jobs required to move our economy, and thus Canada's economy, forward. I will advocate for a better, fairer immigration agreement with the federal government as well as supports for foreign workers. We also need to work to accelerate the process for foreign credential recognition.

Alison Redford: I will give Alberta Employment and Immigration greater regulatory powers (along with enhanced discretion) to protect temporary foreign workers and farm workers on commercial properties. They have gone without protection for too long. Both groups make major contributions to the province's economy and they deserve the government's support. I know we can accomplish this without impacting the profitability of the agricultural sector or businesses that employ temporary workers.

Laurie Blakeman: Amend the current Labour Standards and WCB coverage statutes. No question that paid farm workers should be protected on both fronts. Temporary Foreign Workers should be offered citizenship. For those who wish to work here in certain sectors and return to another country after a specified time, they should be granted the same protections, access to wage and safety as any other Alberta workers. To do less is to allow a 21st century indenturement.

Hugh Macdonald: I would end the Temporary Foreign Worker program and reinvest that money into programs to assist individuals in becoming permanent residents. I would also include all farm workers under the WCB legislation.

Danielle Smith: A Wildrose government would explore the option of taking more control over immigration from the federal government, as Quebec has done. A provincial immigration system, if administered properly, will greatly benefit Alberta's economy by making it easier for qualified and financially sponsored working-age immigrants to enter, integrate, have their foreign educational credentials recognized, and contribute to Alberta on a permanent basis. The current provincial nominee and temporary worker programs administered by the province are under-utilized, rife with unfairness, massively backlogged and are not serving the interests of Albertans.

Question 6: How will you improve police oversight and accountability in the province?

Gary Mar: The establishment of an annual meeting with Chiefs of Police in Alberta and the Premier is one mechanism to ensure greater cooperation and public accountability in police services. I would also explore the possibility of expanding the mandate of the existing oversight bodies.

Alison Redford: I think that current oversight mechanisms for municipal police forces are working, but we need to extend them to cover Alberta detachments of the RCMP. Alberta should have the prerogative to hold federal forces in the province to the same standards as local law enforcement. As Premier, I will push this point with Ottawa.

Laurie Blakeman: A mechanism for independent civilian review, The larger cities have police commissions but smaller centres receive police services by contract with the RCMP. The terms and conditions of that contract requires review. I also continue to wonder at the ever present demands for more 'boots' but see only more 'techie toys'. Again, reducing the need for policing is a longer term fix than more police to enforce. So poverty reduction strategies, housing, access to education, recreation, culture, support systems etc. LB

Hugh Macdonald: I would develop an independent civil tribunal to investigate allegations of police misconduct.

Danielle Smith: The Wildrose will examine the roles of RCMP officers, municipal police officers and sheriffs to ensure they are effectively integrated, and to guarantee that they are accountable to Albertans first and foremost. All policing agencies, including the RCMP, must be overseen and governed by the Solicitor General of Alberta (not by Ottawa).

It is also unacceptable for Police forces to be investigating their own members when there are complaints against them. While it's essential that Police officers not be 'handcuffed' in performing their duty to keep us safe, there needs to be an independent commission reviewing complaints against police that includes representation from regular citizens and other stakeholders like legal experts and municipal politicians.

Question 7: What steps will you take to encourage greater voter engagement and democratic participation in Alberta?

Gary Mar: I believe Albertans are ready for bold and thoughtful change to demonstrate that the province is inclusive and dynamic – and that government is relevant today and ready for tomorrow. We need to ensure that all Albertans can be fully engaged, contributing their ideas through active discussion and debate. The first step in engaging voters is by developing policy and law in an open, fully visible process. Laws affect the businesses and lives of people every day. Albertans should be consulted about new laws before they are tabled in the Legislature. We all have a right to understand the need for and the meaning and impact of policy and

legislation in our lives, and we must be given every opportunity to be heard, before laws are debated and decided.

Alison Redford: I will change the residency requirements for post-secondary students so they can vote on campus. I will also direct a large-scale shift to electronic voting, once reliable methods have been tested and set up. This will encourage more Albertans to vote by reducing the time required to do so and it will allow the housebound to vote without difficult trips to the polls.

Laurie Blakeman: Do politics differently. As ALP has done, open the party system to encourage participation from folks who don't want to carry a party card. Focus less on 'left' and 'right' politics and more on what needs to be changed. As people now work on many different issues, change the way we work to focus on an issue by issue basis and join and build coalitions of like-minded individuals. Support the work of groups like Equal Vote and create more opportunities for girls and women to learn the ropes of politics and political work. Consider establishing a foundation to help with costs for women, visible minorities and aboriginal peoples to run for nominations. Money can be found easier once you are a candidate but trying to get to that stage can be tough. Engage with students by going to them. Invite them to sit at the big dog table when it comes to policy and political organizing. LB

Hugh Macdonald: I would ensure that all elections in our province are enumerated fairly and I would develop a public awareness campaign to encourage all citizens to vote.

Danielle Smith: The Wildrose is providing a real challenge to the status-quo in Alberta politics, and we are hearing across the province from people who did not vote in the last election as a result of a lack of choice. These same people are saying they will vote in the next election now that there is a real alternative to the current 40 year government.

A Wildrose government would explore voting options for students living away from home at school. As well, a Wildrose government would introduce fixed dates for general elections, Senate elections, the Budget, Legislative sessions, and the Speech from the Throne. Other democratic reforms the Wildrose will introduce include MLA recall, voter-initiated referenda, and free votes in the Legislature for all MLAs.

All of these reforms would help to encourage voter participation and restore ultimate authority to the voters, not politicians.

Question 8: What other civil liberties and human rights issues will you address after becoming leader of your party?

Gary Mar: If I am the successful candidate, I look forward to hearing from your organization regarding important civil liberties and human rights issues. As leader, I would seek guidance from your organization and others as to how we can ensure human rights in Alberta are protected.

Alison Redford: Female immigrants and temporary foreign workers urgently need added protection. Both groups are vulnerable to exploitation, especially from sex traffickers. As Premier, I will develop legislation focused on curbing sex trafficking in the province and give these women every opportunity to build safer, better lives for themselves. After all, that's why most of them came to Alberta in the first place.

Laurie Blakeman: Privacy rights and technology, Ongoing concerns with new Missing Person's Act, increasing surveillance of citizens, data matching.

Hugh Macdonald: I would strengthen WCB legislation to ensure that injured workers are adequately compensated. I would also strengthen consumer protection, particularly in regards to homeowner protection measures.

Danielle Smith: The Wildrose is committed to the restoration and preservation of property rights, the improvement of Alberta's Human Rights Commissions, and better protections for freedom of speech, and freedom of expression.

As well, the Wildrose will ensure conscience rights for marriage commissioners and health professionals. This would ensure the protection of personal expression for individuals, while also ensuring that personal beliefs are respected for all Albertans.