



Jennifer Wyness, Ward 2 Councillor

## Safe and Inclusive Access Bylaw

---

The 2SLGBTQIA+ community has a long and difficult history of fighting for their rights in society and equitable consideration under the law. They and many other marginalized communities continue to fight for safety, security, inclusiveness, and equitable representation. Hate and all forms of discrimination is wrong, and it is disheartening that Councillors even had to debate this item. We must unequivocally stand with the 2SLGBTQIA+ community, but we have to be cautious about creating boomerang bylaws that hurt those we intend to protect.

The chaotic scramble over the weekend to get answers to questions to approve a bylaw which threatens jail time, is unacceptable governance. Approving a bylaw that will address issues beyond what is happening today and will be evaluated by the courts, needs to be about proper governance. We have to ask ourselves, what laws currently exist and why are they not being utilized? Why are they not being enforced?

Council was asked to approve a bylaw that would be selectively enforced using a “values-based lens”; that values-based lens was not clarified in the bylaw. We write laws which apply to everyone, so it is dangerous to approve a bylaw thinking it will only ever be used with our values-based lens. What happens if this Council shifts and another political ideology gets in? They would get to implement that same value-based lens to benefit their ideologies, and I cannot support that.

Council needed to go through the proper channels of engagement and approvals. First and foremost, we needed to figure out what gaps exist in the current legislation so that a new bylaw can fill that gap and not become another unused enforcement tool or be used at a later date in a different context. I could not support a proposal that I only had a few days to review, and during my first meeting with Administration, not a single question of mine was answered. I want to ensure we have a safe community. Those questions should have been answered in Council and it is unacceptable that they were not. In addition, we have seen the harassment bylaw issue tickets to those counter-protesting for the rights of the 2SLGBTQIA+, without knowing how effective this bylaw is before the courts, adding undefined wording to it may result in unintended outcomes. When writing bylaws, definitions matter. These are the reasons why I voted **against** passing the Safe and Inclusive Access proposed bylaw.

With the bylaw passing in a Council vote of 10-5, I brought forward two Motion Arisings to address my concerns. The first would have directed the Administration to bring forward a presentation to the Community Development Committee to provide an overview of existing legislation aimed at preventing and addressing both systemic and other forms of discrimination. It would have also directed

Administration to request the engagement of partners and interested parties as needed, in preparing and delivering the presentation. The answer provided by Administration was that it was too much work for the city to review the context of our bylaws in line with overriding laws. This work should have already been done, specifically for this first of its kind in Canada bylaw.

This Motion Arising was defeated in Council. The second Motion Arising proposed that Councillor Dhaliwal and I, in our capacities as Police Commissioners, to discuss with the Commission the potential for the Calgary Police Service to provide a public presentation that outlines an overview of existing legislation aimed at preventing and addressing both systemic and other forms of discrimination, including a summary of associated challenges, gaps, and limitations. I would like to thank my Council colleagues for passing this Motion Arising unanimously.



Jennifer Wyness