

## Legislative Assembly of Alberta

**Title:** Wednesday, March 13, 1996 1:30 p.m.  
Date: 96/03/13  
[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

As Canadians and as Albertans we give thanks for the precious gifts of freedom and peace which we enjoy.

As Members of this Legislative Assembly we rededicate ourselves to the valued traditions of parliamentary democracy as a means of serving our province and our country.

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

THE SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask that the petition I presented yesterday in the Legislative Assembly regarding funding for Viscount Bennett Centre in Calgary be now read and received.

THE CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to ensure adult education programs at Viscount Bennett Centre in Calgary are supported at the same level as post-secondary institutions in the province.

MR. DICKSON: Mr. Speaker, I'd ask that the petition I had introduced the other day on behalf of Viscount Bennett students and supporters be now read and received.

THE CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to ensure adult education programs at Viscount Bennett Centre in Calgary are supported at the same level as post-secondary institutions in the province.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I would ask that the petition which I presented and read yesterday be now read and received.

Thank you.

THE CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the government to ensure adult education programs at Viscount Bennett Centre in Calgary are supported at the same level as post-secondary institutions in the province.

head: **Introduction of Bills**

### Bill 13 Registries Statutes Amendment Act, 1996

MR. SEVERTSON: Mr. Speaker, I request leave to introduce a Bill being the Registries Statutes Amendment Act, 1996.

[Leave granted; Bill 13 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 13, as just introduced,

be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

### Bill 14 Health Foundations Act

MRS. McCLELLAN: Mr. Speaker, I request leave to introduce Bill 14, the Health Foundations Act. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

Mr. Speaker, this Bill would provide legal authority for regional health authorities and provincial health boards to establish foundations with agent-of-the-Crown status. These foundations would provide a mechanism for donors to make gifts in the right of the Crown to benefit Alberta's health system.

[Leave granted; Bill 14 read a first time]

THE SPEAKER: The hon. Member for Medicine Hat.

### Bill 15 Hospitals Amendment Act, 1996

MR. RENNER: Thank you, Mr. Speaker. I request leave to introduce a Bill being the Hospitals Amendment Act, 1996.

Mr. Speaker, in common with other provinces Alberta has had a program in place for many years to recover the cost of hospital care provided as a result of the negligence or wrongdoing of a third party. In 1994 that program was expanded to include all health care costs. Until now recovery of health care costs has been undertaken by the minister on a case-by-case basis. This Bill would replace that practice with a single aggregate payment for each automobile insurer. The Bill will streamline the process for recovering the cost of health services based upon the principle that negligent third parties should bear the cost of health services required as a result of their actions.

[Leave granted; Bill 15 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 15, as just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

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

MR. BRACKO: Thank you, Mr. Speaker. I'm tabling four copies of seven different letters from key players in the liquor industry illustrating the confusion in the liquor industry today.

THE SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. It's my pleasure this afternoon to table four copies of a news article dated the 25th of February that corrects the inaccurate information that the Premier introduced into this Legislature yesterday.

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

MR. HENRY: Thank you very much, Mr. Speaker. I would like to table four copies of a document entitled Classroom '95: Time to Reinvest, a study of the classroom impact of educational funding cuts. It was prepared by the Educational Issues Subcommittee of the Edmonton public teachers local of the ATA. I would encourage all members to take time to read it. A little note: if you think being an MLA can be stressful, try being a teacher with 30 kids, a quarter or more of those kids with special needs, no additional support.

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like to table in the Assembly today four copies of an editorial dated March 5 from the Sedgewick *Community Press*. The editorial is talking about the pending privatization of the Islay and Galahad hospitals. It says, "Local residents are being asked to accept a 'pie in the sky' dream of entrepreneurial wanderlust."

THE SPEAKER: Order please, hon. member. Order. The purpose of tabling is to allow the document to be put before the Assembly for members to read for themselves.

head: **Introduction of Guests**

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. It's indeed a pleasure for me to introduce to you and through you to this Legislature some 43 bright and very polite students from St. Anthony school in Drayton Valley, in the constituency of Drayton Valley-Calmar. They are accompanied here today by their teachers, Mrs. Trish Molzan and Mrs. Patty LaBranche, and a parent and helper along, Mrs. Donna Tkachuk. They're in the members' gallery. I would ask that they rise, please, and receive the warm welcome of this House.

THE SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. It's a pleasure for me today to introduce several people from my constituency. First I would like to introduce Tom Sims, who is a businessman in the town of Lacombe, and Alex Weber, who is the secretary of the Wild Rose school division in Rocky Mountain House. Also viewing question period today are Reeve August Liivam, Councilor Shirley Ramsay, and Development Officer Allan Williams of Lacombe county. Of course, Lacombe country is home to the announced expansion of Novacorp and Union Carbide. They are seated in the members' galley. I would ask that they rise and receive the warm welcome of the House.

head: **Oral Question Period**

1:40 **Health Care Transfer Payments**

MR. MITCHELL: Mr. Speaker, believe it or not, we are 10 days away from losing another half a million dollars because of this government's continued violation of the Canada Health Act. Even so, the Premier actually had the nerve to stand in the Legislature yesterday and say, "We will not . . . in any way, shape, or form violate the fundamental principles of the Canada Health Act." To the Premier: how can he say that he supports the Canada Health Act on one hand while he is supporting the Hotel de Health

proposal, which runs directly in the face of publicly funded health care?

MR. KLEIN: Mr. Speaker, it comes down to the fundamental question as to whether we were, have ever, and now are violating the Health Act, and that is a point under discussion. The feds have their interpretation; we have our interpretation. The hon. Minister of Health will be meeting with her federal counterpart I believe in the not too distant future hopefully to iron this situation out.

Mr. Speaker, relative to promoting the Hotel de Health, the only person who has actively promoted the Hotel de Health is the hon. Member for Leduc. Here is the article. This is not an editorial. This is an article that says: Leduc MLA, Terry Kirkland, spoke to the Crossroads regional health authority at its regular meeting last Wednesday and told board members he could be the best salesman for the Hotel de Health. I can be your best salesman, he said.

MR. MITCHELL: Mr. Speaker, has the Premier not taken the time to read the letter from David Dingwall, the federal Minister of Health, to the Minister of Health in our province which very clearly settles the issue of contravention of the Canada Health Act? It says that you can't charge facility fees and you can't have doctors publicly and privately charging under the Canada Health Act. You're contravening the Canada Health Act.

MR. KLEIN: Mr. Speaker, again, the hon. minister will be meeting with her counterpart to discuss these points, and hopefully we can come to some terms. If we can reach some compromise, then that money that has been taken away from us – and we think wrongfully so – will be restored.

MR. MITCHELL: How many times does Ottawa have to tell this Premier? How much money does this Premier have to lose on behalf of Alberta taxpayers before he picks up this letter, reads this letter, and understands that he is contravening the Canada Health Act?

THE SPEAKER: The hon. the Premier.

MR. KLEIN: Well, thank you. In his letter the minister doesn't say that what we are doing is wrong. What he says is:

I continue to believe, as did my predecessor, that principle II . . .

That is the case in point, whether doctors can operate outside and inside; that is, in the private system and in the public system, do both: principle II.

. . . poses serious difficulties for the federal government because it could . . .

"could," not will but "could"

. . . lead to resources being drawn away from the public sector in favour of the private sector.

He says two important words there: I "believe," not "it is my firm opinion" but "believe" and "could lead." These are the points that need to be negotiated. We say we believe that not to be true, and we believe that it might not and probably will not lead to resources being drawn away from the public sector. That's the point that needs to be argued.

The reply from our minister to the federal minister reads:

As you know, I do not understand why principle II of the Alberta Approach is a stumbling block. Our interpretation is that it is simply a statement of what already exists. Physicians in Alberta, and I would presume elsewhere as well, can now receive

funding from both the public and private sectors. Several examples spring to mind. Plastic surgery, [well, specifically nose surgery], if performed for a medically required reason such as rebuilding after trauma, is an insured service and paid by the government; the same surgery performed for cosmetic reasons is not insured, and the physician is entitled to bill the patient for it.

There is one example, Mr. Speaker.

MR. MITCHELL: He should read the rest of the letter, Mr. Speaker, and maybe you'd let me do that. Would you?

In addition, until such time as facility fees for medically necessary services provided in private clinics . . .

THE SPEAKER: Order.

### Hospital Privatization

MR. MITCHELL: The East Central health authority decided to close the Islay and Galahad hospitals over one year ago because of budget cuts. The local residents want to preserve long-term care beds, which they know they need in their communities. Meanwhile, the Minister of Health actually says that she doesn't really know what's going on and hasn't read the relevant documents. Why can't the Premier or anyone else in his cabinet describe how public health care will be protected when the Islay and Galahad hospitals are privatized?

MR. KLEIN: Mr. Speaker, once again I will have to say to the opposition and to all members of the Legislature that we have not received a proposal – we have not received a proposal – relative to the Islay and Galahad hospitals. I understand that the proposal is going to be unveiled to citizens of the area at a public meeting tonight, and I'm sure that members of the Liberal Party will be there as will officials of Alberta Health and perhaps some of our MLAs to see what indeed it is all about. I'm sure that the greatest promoter of Hotel de Health, the Member for Leduc, will be there saying once again that he can be the best salesman for the Hotel de Health.

MR. MITCHELL: Mr. Speaker, how hard would it be for the Premier to go out and get a copy of the proposal or at least direct his Minister of Health to get a copy of the proposal and read it?

MRS. McCLELLAN: Mr. Speaker, I've answered this question in the Legislature. The regional health authority has had discussions with a number of private operators, not just one, looking at delivery of services. The regional health authority has been in contact with both the minister and department officials over this period of time. The regional health authority did not have a proposal to give to the minister at this point.

I will make this point one more time. They are having a public meeting tonight – tonight – in Galahad or in the area, and they expect probably upwards of 400 interested people from that community to come to that meeting. Mr. Speaker, after that meeting, when the community members have had an opportunity to have input into how services are delivered in their area, their regional health authority will submit to the Minister of Health a proposal, if in fact it goes ahead. At this point it is not a decision, and different than the opposition would do and impose decisions on people, we want to hear from the residents.

1:50

Mr. Speaker, I ask the hon. members if they care at all about the residents of those communities or the care they receive or if

they simply care about raising issues and trying to do anything that's possible to put a bad light on an initiative that might provide services there. I think the community members have the opportunity tonight to hear this proposal. If it is decided by that community to be brought forward, we will respond to it. [interjection]

MR. MITCHELL: Can the Minister of Health please confirm what the minister of transportation just yelled across the way, that you, this government, and the regional health authority have already accepted the proposal for Islay? Can she confirm what he's just said here in the House?

DR. WEST: Mr. Speaker . . .

THE SPEAKER: Order. If the hon. minister has a point of order, it comes after question period.

DR. WEST: Point of order, Mr. Speaker. That's totally . . . [interjections]

THE SPEAKER: Order.

MR. HAVELOCK: He learned it at Principal. He continues to lie.

THE SPEAKER: Hon. Member for Calgary-Shaw, be quiet. I don't know what it is about the ends of this front bench on this side.

MRS. MIROSH: Careful.

THE SPEAKER: I said this front bench.

MRS. McCLELLAN: Mr. Speaker, the Minister of Health tries very diligently to deal with questions that are provided to her from members on both sides of this House. You know as well as I do that if I responded to everything that was called across the room, which I may or may not have heard, I would be here on my feet a lot longer than I am. I will respond to this issue when it is brought to me in an appropriate way.

DR. WEST: Mr. Speaker, supplementary information.

THE SPEAKER: No. No. No.

The hon. Member for Edmonton-Whitemud.

### Electoral Boundaries

DR. PERCY: Thank you, Mr. Speaker. The Premier has hinted at an election based on the old boundaries, yet the Court of Appeal decision was clear in stating that the existing boundaries had to change "if Alberta wishes to call itself a democracy." A democracy. The Alberta Civil Liberties Association has stated that an election on the existing boundaries could be challenged in court. Others have argued that an injunction could be obtained to prevent an election from being fought on the old boundaries. My questions are to the Premier. Since you now have such strong views on effective representation, Mr. Premier, why didn't you instruct your Justice minister to incorporate those views into the electoral boundaries legislation or even participate in the debate on the Bill? You had a chance then to have your views known.

MR. KLEIN: You don't have to participate in debate on the Bill,

especially with these people, to know what effective representation is all about. All you've got to do is travel to places like Taber and Warner and Milk River and other towns and jurisdictions throughout this province and find out what the people are saying relative to effective representation. They know far better than these people; I'll tell you that for sure.

DR. PERCY: Obviously he disregards the work done by the Electoral Boundaries Commission.

THE SPEAKER: Order.  
Supplemental question.

DR. PERCY: Thank you, Mr. Speaker. Again to the Premier: why has the Premier gotten so directly involved in the debate when the whole process was set up to be arm's length from politicians to allow regular Albertans to have their views heard before the commission and to comment on the interim report? You've jumped the queue.

MR. KLEIN: Mr. Speaker, I think it would be a dereliction of political duty if any member of the opposition or any member of this caucus who was required to attend a community meeting in his or her constituency on the issue of boundaries or any other issue failed to attend. This is a political issue. This is an issue that absolutely directly involves the MLAs who are currently representing those constituencies that are affected. When an MLA, such as the MLA for Taber-Warner, comes to me and says, "Lookit; can you come down to my constituency because there is great concern there over the boundaries and they want to let you know about those concerns?" it is my obligation, it is my duty to attend those meetings. It's my duty to meet with close to a hundred municipal legislators from villages, from towns, from municipal districts, from counties to hear their concerns because they're elected officials as well.

DR. PERCY: To the Premier: will the Premier commit to fight the next election on new boundaries and not the existing boundaries in light of the comments that have been made by the Alberta Civil Liberties Association and the potential of a lawsuit? Just make a commitment. You know, listen to the commission.

MR. KLEIN: Mr. Speaker, we have not received the final report yet. When we receive the final report, we will deal with it at that particular time. This Legislature will have to deal with that report at that particular time. I will go into the next election, which could be sooner or could be later, and we will fight very successfully that election on whatever boundaries exist at that time.

THE SPEAKER: The hon. Member for Lethbridge-West.

#### **Southern Alberta's Economic Outlook**

MR. DUNFORD: Thank you, Mr. Speaker. An export highway from Grande Prairie through Coumts has great economic implications for the residents of my constituency of Lethbridge-West. My questions today are to the Minister of Economic Development and Tourism. Now, I want to reflect on southern Alberta because, as I am fond of now saying, the future is so bright for southern Albertans that we need to start to wear welder's goggles. To the minister: what will the minister put in place to assist southern Alberta businesses once the export highway is complete to help them compete and gain access to the American market?

MR. SMITH: Well, Mr. Speaker, if the Liberals are looking for a definition of effective representation, that's it right there. That's it right there. I think that interest in that constituency is great. In fact, in terms of wealth-creating departments we are not the only department that creates wealth. There's ongoing co-operation with Energy and transportation and environment and agriculture, providing the education links as well, which Lethbridge is well known for with the University of Lethbridge. In fact, we've done work with PNWER, which is the Pacific northwest region of the United States and Canada. We also work in the markets of tourism cross-border.

Mr. Speaker, the important strategies that are going to lead to the success of southern Alberta – the results are well put forth in The Alberta Advantage review '95 – are the strategies of the private sector to undertake to capitalize and profit-maximize on their strengths in that town with their community development groups, with their chambers, and with their economic development officials.

2:00

THE SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. In order to better understand, then, the base that we're working from, how has Alberta's access to the western American marketplace translated into jobs for southern Alberta thus far?

MR. SMITH: Mr. Speaker, in fact, Alberta's always been committed to free trade. The biggest thing you see coming forward for all Alberta is the free trade agreement with the United States, which has almost resulted in a doubling of exports, from \$9.5 billion to \$18.5 billion, over the five years from 1989 to 1994. In fact, in southern Alberta there's a workforce of over 111,000. The results of the private sector undertaking expansion down there: Canbra Foods expanding over \$10 million, York Farms with an expansion, Saikai Spice. With what you can do with a balanced budget, with what's going on with specific initiatives in the M and E tax adjustment, we see that as being a real initiative for rural Alberta, particularly when 20 percent of the produce is able to produce many value-added marketing opportunities.

THE SPEAKER: Final supplemental?

The hon. Member for Edmonton-Glenora.

#### **Deputy Minister of Health**

MR. SAPERS: Thank you, Mr. Speaker. Last week the Premier told Albertans that he would release the Public Service Commissioner's report checking the credentials of Deputy Minister of Health Jane Fulton this week. This week he's telling us that Fulton's lawyers have instructed him to delay the release of the report for at least 10 more days so that they can review it. Why is the Premier taking instructions on this matter from Fulton's lawyers when she's the one that's under investigation for alleged mistakes in her résumé?

MR. KLEIN: Mr. Speaker, how they twist things around. I have never said at any time that I have spoken to Dr. Fulton's lawyers. I said that I talked to Vance MacNichol, who is the senior deputy minister, and he advised me that her lawyers advised him that, first of all, the report ought not to be made public until it is examined even further by an academic who has yet to be chosen.

Secondly, the report is taking longer than expected because there is just a pile of paperwork that Dr. Fulton thinks is appropriate to be reviewed in detail to prove her innocence. It's terrible when you have to prove your innocence.

MR. SAPERS: Is the reason that the Premier is delaying this report that he and the government were threatened with a lawsuit from Jane Fulton's lawyers if they didn't see it first?

MR. KLEIN: No.

MR. SAPERS: Mr. Speaker, maybe the Premier can explain to the Assembly why it is taking so long to simply review the résumé of one public servant, not that it shouldn't have been done first, when it only took 15 days for the Ethics Commissioner to review the entire Multi-Corp affair, and that was just a little more complex.

MR. KLEIN: Mr. Speaker, this involves documents that go back, as I understand it, 15, 20 years, and Dr. Fulton wants to have the opportunity of making sure that every single document she has in her possession is examined and is examined in detail.

#### **Workers' Compensation Board**

MR. HIERATH: Mr. Speaker, my questions today are to the Minister of Labour and concern his relationship with the Workers' Compensation Board. Earlier this week we heard some good news about the ongoing improvements in services to workers and employers that the board is providing. I now have become aware that other provincial WCBs are recruiting senior officials from Alberta. My puffball question to the minister is: are you aware of other provinces attempting to recruit senior officials from Alberta's WCB? If so, is this going to compromise the turnaround time we've seen at the WCB in any way?

MR. DAY: Mr. Speaker, though hopelessly unprepared, I'll try and address this. I can say that it is a fact that the turnaround over the last three years at WCB has attracted attention not only across the province but from other jurisdictions, and it is true, from conversations that I've had with officials in other jurisdictions at the government level and the administrative people have had at WCB again with other jurisdictions, that that is going on. People are wanting to know the details of how things have been turned around. I would hope that those certain systems have been improved. We've seen great improvements, and that may lead to the loss of some officials. The systems that are in place are substantially in place enough that improvements will continue. I have obviously no ability to restrict the free movement of officials who are being asked to consider contracts and move to other jurisdictions. The systems are in place, and I know that we will continue to see improvements at WCB.

MR. HIERATH: Does the minister have a contract with the current CEO of the board, and has he talked to him about staying in Alberta?

MR. DAY: Mr. Speaker, the CEO has a contract with the board, actually, and I can share with all members here that the relationship between the minister and the CEO is one of full and open disclosure. That's, I believe, the only way in which we can successfully operate. I have been and was aware that there were people notably in Ontario who were making offers to the CEO,

and I in no way would want to restrict somebody's career path.

I am pleased that from comments I've seen quoted – I won't discuss private discussions – the CEO has indicated that even though substantially larger amounts of salary were being offered, he prefers the Alberta advantage. There are certain tax advantages to staying here. The quality of life in Alberta, as I read, was an issue for him and the fact that there's still unfinished business to do at WCB here: all are factors which were indicated to us for his staying here, and I was pleased that that was his decision.

MR. HIERATH: What steps is the minister taking to ensure the improvements in service at the board continue?

MR. DAY: Well, Mr. Speaker, you know, when you look at what has happened, there's a lot of good news there, but the system isn't perfect yet. I mean, it's delightful to know that for three years in a row employers have had their rates reduced. That's a first in history anywhere in Canada. They've also had rebates, \$39 million this year. It is also a delight to know that workers themselves have had their maximum insurable amounts increased, they've had their pension amounts increased, and there's now a cost-of-living adjustment. Workers now, 70 percent of them, receive a cheque within one week of that injury being registered. Those are vast improvements.

I can tell you, Mr. Speaker, that as long as one person continues to be injured in this province, as long as there's one administrative delay that is an impact on an injured worker, the staff at WCB are committed to ongoing perfection of the system, and that will continue.

THE SPEAKER: The hon. Member for Calgary-North West.

2:10

#### **Multi-Corp Inc.**

MR. BRUSEKER: Thank you, Mr. Speaker. Albertans want to know what references there are to Multi-Corp in the missing 20 pages deleted from our freedom of information request regarding the Premier's 1994 trade mission to China. Last week we sent a letter to the minister responsible for freedom of information and privacy – and I'll table four copies of that letter – requesting clearly an appointment of an adjudicator to review the freedom of information request for the 20 missing pages. My question is to the minister responsible for freedom of information and privacy. Why the delay in appointing the judge to rule on this request?

THE SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. I should inform the member that in section 75 it says that "on receiving a request for a review, the Minister must as soon as practicable" give the request to and get an adjudicator appointed.

Now, there are other items in here that we have to follow, and we are in the process of following those guidelines. I should say that the necessary letters that have to go out have been written, have been signed, and are on their way out. So the process is in place, and we feel that our department is doing an excellent job in following the Act.

MR. BRUSEKER: My supplemental question is to the same minister. Is there a problem in appointing the judge? The legislation that the minister just referred to calls for the Lieutenant

Governor in Council, i.e. the cabinet, to appoint the judge, but all of those cabinet ministers are also in a conflict of interest because they owe their job to the Premier, who might be injured by the document release.

THE SPEAKER: That is a question that is calling for an opinion by the hon. minister, and we'll have another supplemental.

MR. BRUSEKER: My final supplemental, then, is to the same minister. When will the judge be appointed to rule on this FOI request? Give me a date.

MR. FISCHER: Mr. Speaker, I mentioned that in section 75 it says "as soon as practicable." We have to inform the bodies that are involved in it first, before we go into the process of appointing. We are doing that, and it will be done.

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

#### Abandoned Railway Lines

MR. BRASSARD: Thank you, Mr. Speaker. Due to many factors a number of rail lines across Canada have been closed and the tracks removed. The Collicutt line in my constituency was abandoned some 15 years ago, leaving the adjoining landowners anxious about the vacant property that in many cases has dissected their land for many, many years. To the Minister of Environmental Protection: what is the status of this abandoned CP Rail line that runs from Crossfield to Cremona?

MR. LUND: Mr. Speaker, this land has now been turned over to the Department of Environmental Protection through an agreement with the railway and the federal government. The process that we go through is that once we receive this land, we ask the municipalities if in fact they have any use for the land; i.e., for a utility corridor or transportation link. We've gone through that process now. The MD of Rocky View has said that they don't have any use for this land, so we will be moving forward to notifying the adjacent landowners and the possible sale of the land and consolidation into their quarters.

MR. BRASSARD: Mr. Minister, I know that a group known as Rails-to-Trails has expressed interest in this abandoned rail line as a possible recreational trail, but I'd like to know what steps have been taken to enable the adjoining landowners of that line to obtain this vacated land and finally properly enclose their property.

THE SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. The fact is that Rails-to-Trails was very interested in it, and in fact the department did take that into consideration, but the determination was made that in fact it should proceed to the sale to adjacent landowners. We are continuing to meet with the folks from Rails-to-Trails and are hoping to set up a meeting with the landowners and the interested folks to convert this.

We have to remember, Mr. Speaker, that this land will be privately owned, so in fact if there is any change or if the landowners feel that they can accommodate this Rails-to-Trails, then in fact that's what would happen, but the department would only be acting as a facilitator.

MR. BRASSARD: Finally, Mr. Speaker, I wonder if the minister can advise just how the potential environmental issues related to this or to any other abandoned rail line for that matter are being handled.

THE SPEAKER: The hon. minister.

MR. LUND: Thank you, Mr. Speaker. Well, under the Environmental Protection and Enhancement Act the railways will maintain the liability for any environmental problems. We will be monitoring it very closely and making sure that there isn't an environmental problem on these railways.

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

#### Liquor Industry Privatization

MR. BRACKO: Thank you, Mr. Speaker. The whole privatization of the ALCB has been a tragedy of errors. Now we see the Premier and his minister responsible for liquor disagreeing on the use of logos. The liquor industry does not know from one day to the next what the policies of this government are because of all the flip-flops. To the Premier: will the Premier confirm that the agreement made in 1993 between his government and the liquor industry is still in place?

MR. KLEIN: As far as I know, it is still in place.

Relative to the preamble, Mr. Speaker, the hon. member suggests that the industry is in shambles. Well, as I understand it, the independent liquor store owners are gathering here in Edmonton this evening. Perhaps the hon. member would like to go down to their meeting and repeat that statement. I'm sure they would be glad to hear what he has to say.

I'll have the hon. minister responsible respond.

DR. WEST: Well, Mr. Speaker, we have lots of shots being taken at the privatization of the liquor industry. There is no doubt that after 70 years of the tradition of a heavy-handed government policy, when it was changed, there was a tremendous amount of vested groups that had a lot to lose and some to gain when we privatized. The interaction in policy between those will go on for a long time.

Right now the policy has not changed, but there's a constant interpretation of the rules and regulations set in place when we privatized between those that were excluded in some areas of cross-marketing and/or the right to licensure in certain buildings. That conflict goes on continuously. It will probably take five, seven – I don't know what – years of it for the evolution of this to take place. There will be constant – constant – rhetoric back and forth between various parties. The policy hasn't changed but the rhetoric has.

MR. BRACKO: To the Premier: why did the minister responsible change the agreement by allowing grocery stores to use their logos on the liquor stores, which would really hurt the independent liquor store owners?

MR. KLEIN: He's asking me why I instructed the minister to do something. Far be it for me to instruct this minister to do anything, Mr. Speaker.

AN HON. MEMBER: Why did you let him do it?

MR. KLEIN: Why did I let him do it? Well, I don't know if I did let him do it, Mr. Speaker. Perhaps I'll have the minister reply as to whether I did in fact let him do it.

2:20

DR. WEST: The issue that the hon. member is alluding to is a policy where certain businesses using the same logo as their business on a liquor store business would have to have it determined if there was any cross-marketing between the two of them, products being sold. We did look at the policy and allow certain logos and then went back and, under a redefinition of it, have said that they constitute cross-marketing as far as the definition of our policy and have since indicated to those businesses that they would not be able to use those logos. So there was a period of time – and I acknowledge that – when we had in our interpretation of cross-marketing made one decision and then went back. That isn't unusual in public policy.

The term cross-marketing is as broad as it is wide. It's very hard to define. Right down to whether it's a liquor store that's promoting a certain barbecue for a giveaway – well, we don't know whether that's cross-marketing, but then we see other flyers out there that might allude to the connotation that if you buy liquor here you might buy some other product over here, whether it be cars or whether it be this. We have to constantly define that policy.

THE SPEAKER: Final supplemental.

MR. BRACKO: Thank you. That's not enough. As the minister has said, the decision was reversed at great cost to the grocery stores. Who is going to pay for your mess?

DR. WEST: You should come to the meeting tonight. I don't like to use the word hypocrisy, so I won't. The first question was in defence of the small liquor store owners and the new privatized model. The second question is in defence of large operations that want to get into the liquor store business. Where is he sitting on these issues? I'd like him to come tonight to the group gathering of the Liquor Store Association, and I'd like him to just explain his questions.

THE SPEAKER: The hon. Member for Little Bow.

#### **Nonprofit Organization Tax Exemption**

MR. McFARLAND: Thank you, Mr. Speaker. During the preparation of the 1995 amendments to the new Municipal Government Act considerable debate occurred with respect to those types of nonprofit organizations excluded from property taxation. One of the small community golf courses in our riding has a concern with the educational portion of this assessment. My question to the Minister of Municipal Affairs is this: what process did you use to get input to deal with the taxation of nonprofit organizations during the preparation of these assessments?

THE SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. That's an excellent question, but the process that we went through in developing the nonprofit taxation process was an extensive consultation with not only the municipal organizations but other stakeholders, a large array of them, that included large cities and large municipalities, a cross section of all of these stakeholders. It was through this

consultation process that we developed the nonprofit organization tax exemption regulation.

MR. McFARLAND: Thank you, Mr. Speaker. In the past year there have been additional taxation concerns raised by some of these different nonprofit organizations. Can you indicate how you're dealing with these concerns at the present date, Mr. Minister?

MR. THURBER: Well, Mr. Speaker, those nonprofit organizations, where it was evident that they were nonprofit when we originally developed this, were placed in the Act, and a lot of them are enumerated in there. Since that point in time, we've run into some anomalies where you finally have to get down and try and decide exactly what a nonprofit organization is.

The consultation process is continuing. We have a large array of stakeholders involved in that as well as department people to try and develop a level playing field in the taxation area, particularly on the education side.

THE SPEAKER: Final supplemental.

MR. McFARLAND: Thank you. How does the minister propose to deal with nonprofit day care facilities and nonprofit sports' organizations?

MR. THURBER: Well, Mr. Speaker, as you're aware, the municipalities do have the ability at this point in time to exempt any facility from the municipal portion. We're looking at it again. As I said before, we have a large cross section of stakeholders to determine what in fact is actually a nonprofit organization. Golf courses and curling rinks are sometimes included in this. In our view only that portion that is a commercial operation within that facility should be taxed on the education side, such as a pro shop in a publicly owned golf course or a bar or something that's competing with the private sector. It's just to provide as level a playing field as we can. Those consultations will continue.

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

#### **Teacher Stress**

MR. HENRY: Thank you, Mr. Speaker. Figures from the Alberta school employee benefit plan show that claims for extended disability among school personnel, primarily teachers, is up 20 percent, and payments for drug prescriptions are up 22 percent. In addition, claims for the antidepressant Prozac are up by one-third. Stress and psychological consultations paid for by the plan are also up significantly. I recognize that this is a complicated issue, and I have notified the minister that I will be asking this question. What I would like to know is: what measurement does the minister use to track teacher stress or stress in the classroom, especially given the fact that there are more special-needs children with less resources in the classroom than there were five years ago?

MR. JONSON: Mr. Speaker, we acknowledge that the whole area of special education is an area where there are increased demands being placed upon the system. We are monitoring very carefully the increase in the number of special-needs students that are being identified. We have noticed in terms of our assessment of special needs in the high-needs category that the number of students diagnosed as having behavioral disorders has gone up very

significantly, and I think we need to look into that. That's certainly an additional challenge for the education system. So we're acknowledging that and monitoring that particular statistic very carefully.

Now, I think I've responded to one of the member's questions. I'm not sure what the first one was with respect to the Alberta school employee benefit plan but perhaps the hon. member would like to phrase that again in terms of a supplementary.

MR. HENRY: Perhaps in terms of a supplementary I could ask the minister: given that in his business plan there is no measurement or no performance outcome in terms of looking at teacher stress, could he explain why that has not been a priority in his business plan?

MR. JONSON: Well, Mr. Speaker, I'd like to make one general comment which applies I think to all citizens of this province, if that's what he's connecting it to. We've had across this province a great deal of additional effort and work done by everybody from members of the public service to people in the private sector to people in the farming community to people in education and people in the health care system. Certainly there's been an additional challenge and an additional amount of work required, and we're very grateful as a government for that additional effort.

Now, in terms of the specific statistics of the Alberta school employee benefit plan, I have not been apprised of the numbers that the member across the way has alluded to, as to whether that relates to a particular part of the province or things of that nature. I will take his question, though, under advisement, and I'll look into what those rates actually are and maybe what factors are involved in that increase.

THE SPEAKER: Final supplemental.

MR. HENRY: Okay. Thank you. And thank you to the minister. This is a question, Mr. Speaker, that I've asked the minister in estimates, as well as the Labour minister, but now that he's had time to think about it perhaps or to look into it, I'm wondering if the minister has any plan to track the number of teachers on disability insurance, both long term or short term or either the number or percentage of sick days used over a long period of time.

2:30

MR. JONSON: Mr. Speaker, in response to the hon. member's question I would say that we will have an overall look at that particular issue. I would like to just mention that some weeks ago there was a report – I believe it was featured in an opposition news release, but at least it was in the newspapers – that there was a dramatic increase in the number of teachers in a school jurisdiction in this province in terms of people being on stress leave. That was both administrators and classroom teachers. Upon looking into this particular case – it was a major school jurisdiction – we found that the numbers that were purported to be the case in the media were not in fact the case, and the numbers of people on stress leave were not out of the range of previous years.

MR. HENRY: Point of order.

THE SPEAKER: Before proceeding to points of order, could we have unanimous consent of the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed? Carried.

The hon. Member for Lacombe-Stettler.

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

MRS. GORDON: Thank you, Mr. Speaker. I'm pleased to have the opportunity to introduce to you and through you 46 grade 6 students from two schools, being the Gadsby school and the Waverly school, which are located in the eastern part of my constituency. They are accompanied today by teachers Deb Hronek, Andrew Lawson, and Hank Boer as well as parent helpers Ken McCarty, Pat Kempf, Tammy Anderson, Darlene Renfree, Madeleine Chapman, Verla Crawford, and Pat Walgenbach. They're seated in the members' gallery. I would ask that they rise and receive the warm welcome of the Assembly.

THE SPEAKER: Points of order. The hon. Member for Leduc was the first on his feet, followed by the Minister of Transportation and Utilities, followed by the Member for Edmonton-Centre.

**Point of Order**  
**Allegations against Members**

MR. KIRKLAND: Mr. Speaker, I rise under 23(h) and (i), (h), being making allegations of suggestible quality and, secondly, "imputes false or unavowed motives." It behooves me as the humble little MLA from Leduc, Alberta, to stand in this Legislature and correct the Premier of this province for a second time in two days.

Mr. Speaker, there's one trait that a politician should carry. That's integrity. Due to the fact that the Premier of Alberta continues to advance false information in the Assembly, I have to conclude that the Premier does not want to embrace that particular trait. The Premier continues to quote an inaccurate newspaper article dated February 18. I want to take some time to outline in detail this difficulty that we have of misinformation in the House, because the Premier does seem to be a bit of a slow learner here.

The article that the Premier waves in this Legislature, Mr. Speaker, was dated February 18, and it's a classic example of inaccurate reporting. Certainly the Premier should know that when he stops to consider the difficulty he had with the press in how they reported Multi-Corp. Just to clear the record, I would like to take three sentences out of the article I tabled today and share it with the Assembly here so the Premier doesn't embarrass himself again tomorrow.

This is a letter that followed up to that particular article: "Message Not Accurately Captured – Kirkland":

An article that appeared in the Feb. 18 *Representative* (Kirkland offers sales skills) covering my presentation to the Crossroads Regional Health Authority failed to accurately capture my message to the authority. Unequivocally, I am opposed to the leasing of the third floor of the Leduc Hospital by Hotel de Health to offer medical services to foreigners. This is a statement and the reasons for it are a matter of public record.

I will read that into the record one more time. Seeing as the good Premier didn't have the common sense to apologize for his false allegations yesterday, I would ask the same today.

MR. DAY: Briefly on the point of order I can understand the member's nervousness. The last two Liberal MLAs that disagreed with their leader got booted out of the caucus. I know he's nervous about that.



Mr. Speaker, it's very clear. There is a newspaper article there. All we've said is that it was reported that he said he would be the best salesman. We didn't say he said it. We simply said: it was reported. It's interesting that on February 25, when this was written, which is the clarification – we still haven't seen an apology from the newspaper saying, “Golly, gee, darn, sorry; we misquoted you.” And he said then that he's still waiting the authority's response on the issue. That was February 25. So it's not our problem; it's his problem.

THE SPEAKER: This matter was raised yesterday, and the Chair ruled that there was a clear disagreement over the interpretation of what's appeared in public print, and it appears that this disagreement is continuing today.

The hon. Minister of Transportation and Utilities.

#### **Point of Order Imputing Motives**

DR. WEST: Mr. Speaker, I too am going to stand under Standing Order 23(h) and (i), but mine is a little, I guess, more critical to me. I have a problem in this House where individual members from the opposition can stand and put on record false information and then send it outside of this House to every newspaper. They're already asking if it's a done deal out at the Islay hospital with the regional health unit and with the province of Alberta because of what the Leader of the Official Opposition said in this House. He said that I said that the regional health board and this government, the Department of Health, have already okayed the Islay Hotel de Health thing. What I had said across the floor was that the people of Islay, the board that represents them, have accepted the Hotel de Health in principle at this time.

I'd like to table a letter from the county of Vermilion River that I will read into the record that says that the people of the area support it too, but this does not mean the regional health authority. This does not mean that this government, who has to await the regional health authority's decision, has authorized this at this time. This comes from the county of Vermilion River, Reeve Peter Green.

In response to recent news broadcasts, County Council for the County of Vermilion River No. 24 would like to forward its support in the proposal being offered for the Islay and Galahad Hospital facilities. The proposal received from the Hotel de Health to use the facility at Islay will be a definite benefit to the residents of the County.

Council does not consider the Hotel de Health's proposal to offer a wide range of health services on a cost recovery (“fee for services”) basis, a precedence for a 2-tiered health system or feel that it will threaten the breakdown of the current public health services. Instead, it will offer people the opportunity to receive medical attention sooner than on the health care's waiting list now in place.

The Council offers its support in encouraging you to pursue this proposal.

Now, I read that in for a reason on this point of order, because this individual, the Leader of the Opposition, has left false motives on my part and has left an innuendo on this floor that I said something that I didn't. I think it's high time that this House called to order individuals who use the protection of this House to spread misinformation to people out there for political reasons. That's the other thing. I'm raising this point of order because they've impugned me and left this at their political will for political points. But when I get through out at Islay, you'll find out what kind of political points this is.

2:40

THE SPEAKER: Hon. Leader of the Opposition, the reason the Chair is not recognizing you is because the Chair is going to rule that there is no point of order. The Chair wants to say that this whole tempest blew up because the hon. minister of transportation was making comments across the floor while the Premier was answering a question, and it ill behooves the hon. minister of transportation to complain about something that resulted from something he shouldn't have done in the first place.

The hon. Member for Edmonton-Centre.

#### **Point of Order Clarification**

MR. HENRY: Thank you, Mr. Speaker. Unlike the minister of transportation I don't have a big problem here. I just wanted to set the record straight with the Minister of Education when he indicated that he had read an opposition news release or a general media about certain statistics about numbers of days, the number of individuals on disability, et cetera. Just for the record, the opposition didn't release those figures, but they were covered widely in the popular media.

Thank you.

MR. JONSON: Mr. Speaker, in terms of a response, I'm quite prepared to apologize if I did not couch my answer in the proper way. I think I indicated that I had heard across the way that this was a concern of theirs. I did, however, refer to coverage in the media which I would stand behind as being correct, and I acknowledge the point the member's making.

THE SPEAKER: Thank you. That seems to resolve that matter.

head: **Orders of the Day**

head: **Written Questions**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I move that written questions appearing on today's Order Paper stand and retain their places with the exception of 157, 159, 164, 165, 176, and 177.

[Motion carried]

#### **Timber Stolen from Crown Land**

Q157. Mr. Van Binsbergen moved that the following question be accepted:

What are the estimated volumes of deciduous and coniferous timber that were stolen from Crown land in 1994 and in 1995?

MR. LUND: Mr. Speaker, in keeping with this government's openness and accountability, we will be accepting that question.

THE SPEAKER: There was some noise in the House. Did the Chair hear the hon. minister say that the question is accepted?

MR. LUND: Yes.

[Motion carried]

### Correctional Institutions

Q159. Mr. Dickson moved that the following question be accepted:

Which of the provincial correctional institutions have laundry facilities and what is the complete inventory of each of the laundry facilities, which of the provincial correctional institutions have a greenhouse and what is the size of each greenhouse and the inventory contained in each, and which of the provincial correctional institutions have shop facilities with the necessary equipment for activities such as shoe repair or furniture construction and repair and what is the complete inventory of each of the shop facilities?

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

MR. EVANS: Thank you, Mr. Speaker. I want to answer this question that's been proposed by Calgary-Buffalo, but I do want to make an amendment to it before I accept it.

The commentary in the question as presented talks about complete inventories of laundry facilities and complete inventories of shop facilities. I don't think the hon. member was probably talking about some of the small equipment that we'd be forced, if we accepted without amendment, to provide. I would like to make some amendments that I think will give the hon. member what he's looking for by changing that to major capital equipment. What I mean by that, hon. member, is anything above a \$5,000 value, and then I think that will provide you with the information that you want.

The proposed amendment, Mr. Speaker, would be to strike out "complete inventory of" at the end of the first line and the beginning of the second and substitute "inventory of the major capital equipment in," and then insert "major capital" in the third line before "inventory contained in each," and strike out "complete inventory" and substitute "major capital inventory contained in" on the second to last line.

I believe that those amendments are in the process of being circulated, Mr. Speaker, and I believe that the hon. member has seen - I hope he has anyway - the amendment I'm proposing. Again, the focus would be on major inventory, major capital equipment, major capital inventory, so that we wouldn't be dealing with very small components.

With that amendment, I'd be more than happy to accept on behalf of the government.

MR. DICKSON: Mr. Speaker, I'm pleased with the comments of the hon. Justice minister, and I guess the only caveat would be: he has the benefit of knowing what equipment is in there and its respective values. Clearly, I am only interested in the more significant items, and I'm assuming that the \$5,000 threshold captures all of the major significant features in the shops. If that's the case, then I'm pleased to accept the amendment and I look forward to the response to the question.

[Motion as amended carried]

### Waste Management Authorities

Q164. Mr. Collingwood moved that the following question be accepted:

Which waste management authorities received provincial

funds for the planning and construction of landfills and other solid waste treatment facilities including composting each year between January 1, 1992, and December 31, 1995, how much did each receive, and for what purpose?

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. Once again in keeping with this government's accountability and openness and this department's acting in the same manner, we will accept as presented.

[Motion carried]

### Kananaskis River

Q165. Mr. Collingwood moved that the following question be accepted:

How much was spent to dredge the Kananaskis River close to the Kananaskis golf courses each year from January 1, 1992, to December 31, 1995, and from which budget was this paid; and what is the projected cost to move the Kananaskis River into a former river channel to prevent flooding of the golf course, what are the plans to proceed with this realignment, and from what budget would the cost be paid?

MR. LUND: Accept.

[Motion carried]

THE CLERK: Question 176, Mr. Dickson.

MR. DICKSON: In fact, Mr. Speaker, I choose not to move this because I've already received voluntarily the written response from the minister which complies with the request. So I choose not to move this written question, sir.

THE SPEAKER: Should there be a motion for withdrawal?

MR. EVANS: Well, as a formality, Mr. Speaker, because it was dealt with as a motion, I'm accepting. As the hon. member has indicated, I've already provided him with the answer.

THE SPEAKER: We shouldn't leave the question. It should either be accepted or withdrawn. Does the hon. member wish to move that it be withdrawn from the Order Paper?

MR. DICKSON: Perhaps let's do it this way.

### Minimum Security Inmate Criteria

Q176. Mr. Dickson moved that the following question be accepted:

What are the criteria for classifying a provincial inmate as a minimum security inmate, and who determines that classification?

[Motion carried]

### Crown Prosecutor Caseload

Q177. Mr. Dickson moved that the following question be accepted:

What is the average number of cases handled by each Crown Prosecutor in the province for the period January 1, 1995, through December 31, 1995?

MR. DICKSON: I think the government's going to take away all the righteous indignation that they expect from opposition members at this stage of the afternoon.

2:50

MR. EVANS: I'm almost ashamed to say this, Mr. Speaker, after that eloquent comment from the member opposite, but I'm going to have to reject this question on behalf of the government. The reason I have to reject it is because we don't collect data in that way, and therefore trying to get some kind of an answer to the question that has been posed by the hon. member wouldn't be meaningful.

Mr. Speaker, oftentimes prosecutors are required to be in a number of places a number of times and deal with a number of cases that they would not necessarily take from the very beginning of a case through to a decision and to sentencing. So we're concerned about providing accurate information.

What I might suggest to the hon. member is an alternative that we'd be more than happy to accept. That would be that if he were to propose a question that read something like "What are the elements that make up a prosecutor's workload?" I'd be happy to advise him of as much information as possible so that he'd have some reasonable information. In all good conscience I can't accept the question as it has been proposed by the hon. member, but I will provide as much information as I can, were he to submit another question.

THE SPEAKER: All those in favour of Written Question 177 . . .

MR. COLLINGWOOD: Is there a debate on the motion, Mr. Speaker? The motion is being rejected.

THE SPEAKER: Oh, sorry.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you. Mr. Speaker, I'll stand and make some comments on Written Question 177 prior to my colleague from Calgary-Buffalo closing debate on it. I appreciate the comments from the Justice minister that there are potentially some unique and special circumstances in the work of the Crown prosecutors and the job that they do with the Department of Justice for the province of Alberta. The purpose is for we in opposition to assess and understand the kinds of workloads that the Crown prosecutors currently undertake, and I think in fact the Minister of Justice made some reference to that in his comments and indicated that he was prepared to look at other ways to provide the information.

In terms of answering this question, we will often, in making some effort to understand things, use averages. Sometimes averages aren't the best way to go; nonetheless, it's a fairly common practice for us to take an average. Sometimes unfortunately, Mr. Speaker, we use averages when it's to our advantage and we fail to use averages when it's not to our advantage. Nonetheless, the statistic does exist and can be used and interpreted as best as can be, given the circumstances.

The average, of course, would be a very simple calculation for the Justice minister to calculate. It would be the number of cases divided by the number of prosecutors to come up with the average. That doesn't take away from the fact that there are

special circumstances. That doesn't take away from the fact that there are unique circumstances. That doesn't take away from the fact that some of the prosecutors deal with very complicated and specific cases. Some deal with more serious crimes; others deal with the sort of daily routine of prosecution in the courts of Alberta. Nonetheless, in terms of answering this specific question, it would be for the Justice minister a very simple calculation for him to provide that information. As meaningful as it is, it is still information that could be provided.

I did hear the Justice minister indicate that they don't collect that kind of data. Fair enough. But, again, there will be information available to the Justice minister of how many cases were dealt with in the period of time in question, how many prosecutors there were handling those cases to come up with that average figure. So, Mr. Speaker, in terms of answering the question, it would be easy for the Justice minister to do that regardless of how the statistics are kept within his ministry, and that would give some indication of the workload the Crown prosecutors are under at this point in time.

So, Mr. Speaker, I'm therefore disappointed that the Justice minister has determined that he will reject Written Question 177. I think it would be easy enough for him to answer.

Thank you, sir.

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

MR. DICKSON: Mr. Speaker, thank you. I knew it was too good to be true, hon. Minister of Justice. We were making such good headway through the list.

My colleague for Sherwood Park had said that it was fair enough that the minister didn't have this information. I guess my perspective might be slightly different, Mr. Speaker, and it would be this: why wouldn't the Minister of Justice track this kind of information? You know, in effect what he's doing is running one of the larger law firms in the province, and if there's one thing that law firms have developed skills in, as the Minister of Community Development will recall, it's keeping track of time and trying to marshal resources in the most effective way possible. It seems to me that this is the kind of information that the manager of this large law firm would want to know, should want to know. I would hope that this large public law firm wouldn't be any less concerned than any private law firm with making sure that resources are marshaled and husbanded in the most effective way possible.

The specific reason for asking the question, hon. minister, was that I know that the Crown counsel in Calgary – and I'd be thinking of the 27 or so Crown who regularly handle preliminary inquiries and trials – have a caseload of approximately a hundred files each. My understanding is that this is 25 percent higher than, for example, the caseloads in Edmonton, and I have no idea what it is in Medicine Hat or Red Deer or Lethbridge. But it seems to me this would be a useful kind of planning tool for the minister to be able to have access to and, because we have the wonderful opportunity to challenge the minister and hold him to account and ask questions, a useful tool for us as well.

If in fact you have imbalances in certain Crown offices, that's going to impact on the ability of the Crown to deal with victims, to provide the kind of assistance to victims that I know the Member for Calgary-Fish Creek wants to see done. I know that other people want to see the Crown take a strong case in dealing with repeat offenders, violent offenders. We've got to make sure that those Crown counsel have the time and the ability to do the

preparation, to give the advice and information to victims that we think victims should have, and to be able to manage these cases in an expeditious but an effective way. How on Earth can that happen when the head of this public law firm comes and tells us he doesn't know what the average number of cases is?

Maybe this is one of those times sort of like freedom of information. It imposes a kind of discipline on a system. It requires that certain records be kept so they can be accessed and retrieved. I respectfully suggest, Mr. Speaker, this is one of those kinds of information that should be available, and if it isn't, a written question accepted by the House would impose that kind of discipline on this department so that information could be retrieved when required.

For those reasons I would urge members to support the written question and require the Minister of Justice to make the necessary changes so this kind of information can be maintained in the interest of having the most effective criminal justice system we can in this province.

[Motion lost]

#### head: **Motions for Returns**

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of 166, 167, 168, 173, 174, and 175.

[Motion carried]

#### 3:00 **Jail Laundry Services**

M166. Mr. Dickson moved that an order of the Assembly do issue for a return showing a copy of all contracts between the Justice department and independent contractors for the provision of laundry services to all provincial correctional and remand centres from June 15, 1993, to February 13, 1996.

MR. EVANS: I'm going to accept this motion but with a proposed amendment. As the hon. Member for Calgary-Buffalo is aware with the Freedom of Information and Protection of Privacy Act, there are issues that we should not be getting involved in. Certainly those that deal with a third party bargaining position should not be made public. The amendment that I am proposing would be to add at the end of the motion as presented the following sentence:

As the contractor's bargaining position could be adversely affected if contract amounts are disclosed, the contracted dollar amounts, as per section 15(1) of the Freedom of Information and Protection of Privacy Act, have been severed.

So that's the only thing we would be taking out of there, the contract amounts, but the other information we would be more than happy to provide.

MR. DICKSON: The proposal from the Minister of Justice is curious in this sense: there's some flexibility in terms of what part of third party dealings can be revealed. There's nothing in the Act that says that the amount can't be disclosed. That becomes an administrative executive election, if you will. I'm curious. I would think that there may be some way of indicating the values without comprising the third party rights under the FOIP Act, and

perhaps that's something I can deal directly with the minister on. It's again one of those things that without seeing the documents, it's tough the extent to which you can argue what parts of it are necessary to see and what parts may not be. So I think with that qualification I'll accept the amendment from the minister but without prejudice to my right to come back, Mr. Speaker and Mr. Minister, and say that there's additional information I'd like to see.

#### **Speaker's Ruling Admissibility of Amendment**

THE SPEAKER: The Chair would like to comment. The Chair is a little concerned that we might be establishing a precedent for the Freedom of Information and Protection of Privacy Act controlling what can be given to the Legislative Assembly, which the Chair would not like to see happen and hopes this won't be a precedent in that area. But that being said, there seems to be an apparent willingness to accept the amendment for the time being.

[Motion as amended carried]

#### **Timber Harvest Violations**

M167. Mr. Collingwood moved on behalf of Mr. Van Binsbergen that an order of the Assembly do issue for a return showing the penalties assessed against commercial timber operators for breaches of the Forests Act and regulations or of the Alberta timber harvest planning and operating ground rules where the penalty exceeded \$1,000, the name of the operator, the nature of the infringement, the amount of the penalty, and the date on which the infringement and penalty were made known to the public for the period January 1, 1995, to December 31, 1995.

THE SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thanks, Mr. Speaker. On behalf of the Minister of Environmental Protection again I'm prepared to accept this motion for a return but with an amendment, and again it relates back to the Freedom of Information and Protection of Privacy Act. Of course, information on penalties is available, but under the Act there is a prohibition on departments identifying individuals who have been assessed a penalty. Now, the names of companies that have been assessed penalties are not protected under the Act and can be released. It's not the current practice of the department to publicly release details regarding the assessment of penalties, so there's no information to provide in response to the public disclosure part of the motion.

The amendment that the Minister of Environmental Protection is suggesting is to strike out the words "operator" as well as "infringement and penalty were made known to the public" and to substitute "company" and "penalty was assessed" so that the motion would read:

The penalties assessed against commercial timber operators for breaches of the Forests Act and regulations or of the Alberta timber harvest planning and operating ground rules, where the penalty exceeded \$1,000, the name of the company, the nature of the infringement, the amount of the penalty and the date on which the penalty was assessed.

THE SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I have

received a copy of the proposed amendment as indicated by the Deputy Government House Leader. Subject to your comments on the intrusion of the freedom of information Act in our time in the House for written questions and motions for return, my information from my colleague from West Yellowhead is that he is prepared to accept this amendment.

[Motion as amended carried]

#### **Forest Resource Improvement Program**

M168. Mr. Collingwood moved on behalf of Mr. Van Binsbergen that an order of the Assembly do issue for a return showing a list of all projects that were approved for funding under the forest resource improvement program from January 1, 1995, until December 31, 1995, giving the name of each company, a summary of each project, and the amount granted.

MR. EVANS: Mr. Speaker, on behalf of the government I'm pleased to accept Motion for a Return 168.

[Motion carried]

#### **Hazardous Waste Management**

M173. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a list providing the names and locations of all sites approved under each subsection of section 15.1 of the Special Waste Management Corporation Act to store hazardous waste, operate a facility for the collection of hazardous waste, treat hazardous waste, and dispose of hazardous waste.

MR. EVANS: Mr. Speaker, on behalf of the government I'm pleased to accept Motion for a Return 173.

[Motion carried]

#### **Special Places Site Nominations**

M174. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a list of all site nominations submitted under the special places program including their location, area and size, and the status of each nominated site in the review process on February 13, 1996.

MR. EVANS: Mr. Speaker, on behalf of the government I'm pleased to accept Motion for a Return 174.

[Motion carried]

#### **Hunting Licence Auction Proceeds**

M175. Mr. Collingwood moved that an order of the Assembly do issue for a return showing a list showing how all proceeds from the 1995 special auction and raffle for two sheep and two elk permits were distributed, including a summary of each project, the amount allocated, the name of the body responsible for administering the project, and what plans have been made for auditing the projects.

MR. EVANS: Mr. Speaker, on behalf of the government I'm pleased to accept Motion for a Return 175.

[Motion carried]

### **Public Bills and Orders Other than Government Bills and Orders Second Reading Bill 206 Recall Act**

[Debate adjourned March 12]

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. In conclusion and to wrap up the Bill then, this piece of legislation, as we've all talked about, creates accountability for the MLAs. It gives the constituency the opportunity to kind of keep their MLA in check, responsible to their wishes. We've heard a number of issues raised with respect to particular aspects of the Bill and how it can be applied, what can happen to it if it gets passed. There were concerns about frivolous motions for recall.

What we've got in this Bill, Mr. Speaker, is a number of provisions at the end that allow for regulations that define the responsibilities of the returning officer in terms of evaluating a petition for recall. Guidelines can be set out in that part of the Act to control frivolous recall petitions. It can also set out regulations which deal with aspects that were of concern to one of the members when they talked about there being no fee associated with it. The last provision under the set of regulations allowable for this Act stipulates that a fee can be determined, a fee can be set by the returning officer for each petition of recall. So if we find that frivolous recall proposals are being put forth, the fee can be raised. In essence, that can be one mechanism that can be used to control frivolous action as well as the set of guidelines that deals with it.

#### **3:10**

Mr. Speaker, I'd like to encourage the MLAs to vote in favour of this Bill. The principle of it sits very well with people who believe in constituent representation, and also it deals with the idea that we have to make the communities feel like they're participating in the democratic process, in the legislative process.

So what I'd like to suggest is that if we vote in favour of this, a lot of the concerns can be looked at in terms of amendments in Committee of the Whole. We can deal with a lot of the issues that are associated with it. We can look at issues that would deal with what constitutes a frivolous action in terms of the proposal, setting ranges for fees.

Mr. Speaker, there was an issue raised – and I think it was from the Member for Medicine Hat – that dealt with the idea that we can have more and more and more than one petition. The way I interpreted the clause in the Bill, as I designed it and proposed it, it was one petition for recall per session. If that's not clear – and we'll get an interpretation of it – it will be modified to make it so that there is one petition for recall per session so we don't have weekly or, as the member had indicated, daily petitions for recall coming in. It was my intention when I had the words in there, one election for recall per session, that meant one election for the entire process, not one by-election. So when I talked about one election for recall, it was just that you can have one opportunity to recall your member per elected term.

On that basis, Mr. Speaker, I'd like to ask the members to seriously consider this based on its principle. Let's talk about it in terms of the amendments that come up, and if we can make this into a good Bill, I think the people of Alberta will be very pleased. If we can't make it into a good Bill, I'll accept the

actions of this Legislature and have it defeated at committee stage.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Lethbridge-East has moved second reading of Bill 206, Recall Act. All those in favour of this Bill, please say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 3:14 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Forsyth	Nicol
Bracko	Havelock	Percy
Bruseker	Henry	Sekulic
Carlson	Hewes	Soetaert
Collingwood	Hlady	Vasseur
Day	Kirkland	White
Dickson	Leibovici	Zariwny
Dunford	Massey	Zwozdesky

Against the motion:

Ady	Haley	Pham
Beniuk	Herard	Renner
Black	Jacques	Severtson
Brassard	Jonson	Shariff
Burgener	Laing	Smith
Calahasen	Langevin	Stelmach
Cardinal	Magnus	Tannas
Coutts	Mar	Taylor
Doerksen	McClellan	Thurber
Evans	McFarland	Trynchy
Fischer	Mirosh	Woloshyn
Fritz	Oberg	Yankowsky
Gordon		

Totals: For - 24 Against - 37

[Motion lost]

head: **Government Bills and Orders**  
head: **Committee of the Whole**

[Mr. Tannas in the Chair]

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

**Bill 203**  
**Family Dispute Resolution Act**

THE CHAIRMAN: I'll call on the hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. It's indeed a pleasure for me to open debate in committee in regard to Bill 203, the Family Dispute Resolution Act.

I would at this time like to move under Standing Order 41(c): Be it resolved that Committee of the Whole defer consideration of Bill 203, the Family Dispute Resolution Act, until April 17, 1996, or until the first day for consideration of private members' business after that date.

[Motion carried]

MR. DAY: I move that the committee rise and report.

[Motion carried]

[The Speaker in the Chair]

MR. TANNAS: Mr. Speaker, the Committee of the Whole has under consideration certain Bills. The committee reports progress on Bill 203. I wish to table copies of the resolution agreed to by the Committee of the Whole on this date for the official records of the Assembly.

THE SPEAKER: Does the Assembly concur in the report?

SOME HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

SOME HON. MEMBERS: No.

THE SPEAKER: So ordered.

*head:* **Public Bills and Orders Other than**  
*head:* **Government Bills and Orders**  
*head:* **Second Reading**  
3:30 *(continued)*

**Bill 207**  
**Conflicts of Interest Amendment Act, 1996**

THE SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. Bill 207 before the House today as a private member's Bill is the Conflicts of Interest Amendment Act, 1996. Just looking back on the Bill, the Conflicts of Interest Act, the original version, was introduced in this Legislature back in 1991. [interjections]

THE SPEAKER: Order. Order please.  
Hon. member.

MR. BRUSEKER: Thank you, Mr. Speaker. The original conflict of interest legislation entered this House as Bill 40 on June 20, 1991, introduced by the Member for Camrose. The Bill as introduced at that time raised some concerns about a variety of things that certainly we in the Liberal opposition felt were lacking in the original Bill and indeed which we debated at the time. The previous Member for Calgary-Buffalo, the hon. Sheldon Chumir, debated Bill 40, the Conflicts of Interest Act, extensively and raised some concerns with the Bill at that time. Mr. Speaker, the government chose not to incorporate those concerns in their Bill, and we have the current conflict of interest legislation before us.

Since the Bill was introduced, of course we've had a number of investigations that have been conducted by the Ethics Commis-

sioner. In fact, we have had most recently the Premier giving direction to the conflict of interest commissioner to create a panel, a panel called the Conflicts of Interest Act Review Panel, which was struck to review the current conflict of interest legislation to see if changes were required. That panel indeed was struck, Mr. Speaker, as I am sure you are aware. Dr. Allan Tupper was the chair of that panel. Francis Saville, QC, a lawyer from Calgary, was a member of that panel, and Patricia Newman, who came from the town of Innisfail, was the third member that made up the panel to review the conflict of interest legislation.

I should say that they, the Conflicts of Interest Act Review Panel, produced a report, quite an extensive report, of some – I'm looking for pages here.

MR. EVANS: A bunch of them anyways.

MR. BRUSEKER: Yeah, a bunch of them anyways. I'm sure the minister of Justice has read them.

There were some 71 pages in total, and they came up with a total of 27 recommendations for improvements to the current conflict of interest legislation. Mr. Speaker, the Bill that we have before us today, Bill 207, reflects some of those recommendations put forward by the Conflicts of Interest Act Review Panel.

The Bill has seen a number of drafts. It started being written by myself back in the fall of 1995, prior to the review panel's report coming forward, with the report being produced and in fact presented to the Ethics Commissioner, Mr. Clark, on January 11. I then reviewed that report and incorporated some of the suggestions which, to be candid, I hadn't originally considered in the original drafts, the early drafts of the Bill.

Mr. Speaker, I think it's important to note that in the review panel's report they make some interesting comments. I want to highlight a few of those comments, if I may, that are included in the report from the panel that I think are important to note. Page 2 of the report of the Conflicts of Interest Act Review Panel has, amongst others, the following statements. "The vast majority of public office holders in Alberta are persons of integrity." I certainly concur with that statement. Also they say, "Public officials in Alberta should face higher standards of conduct than at present." I also agree with that one. The panel makes the comment – and I would also agree with it from a personal standpoint – on page 2: "The Panel does not pretend to have all the answers."

Mr. Speaker, I would suggest that I do not have all the answers to the issue of conflict of interest. I do not propose that this Bill before us today will solve all the problems that we will ever face regarding the issue of conflict of interest. I do bring it forward because I believe there is a need for this. The panel itself in their report and their review makes the following statement, and I think it's important for all members to remember this statement as well. This comes from page 3. I want to note that they highlight the word "major," so I hope *Hansard* reflects that as well. It says:

Major changes are required if Alberta is to have a conflicts of interest system that meets public expectations, stands the test of time and provides the province with guidelines that are second to none in Canada.

That comes directly from page 3 of the report. So the panel has said that there are some problems, there are some holes, and they recommend a number of changes.

In producing Bill 207, a number of sources have been utilized by myself in the preparation of this Bill. Obviously, I've made a number of references to the panel that has reviewed the conflict of interest legislation, and many of those recommendations of that

panel indeed are included in here. As well as the panel report, Mr. Speaker, I have also referred to other conflict of interest Acts across this country, including specifically the provinces of British Columbia, Ontario, and, in Ottawa, the nation's conflict of interest legislation as well.

Mr. Speaker, Bill 207 really proposes to tighten up the current conflict of interest legislation by setting those higher standards that are referred to in the report of the conflicts of interest review panel. It introduces also some procedures that were suggested in the Wachowich report, which was presented earlier on. Back when the whole concept of conflict of interest was being introduced, the Premier at the time, the hon. Don Getty, appointed a review panel. That panel was chaired by Mr. Justice Ed Wachowich, who produced a report making some recommendations for the legislation that would subsequently be created, which is our current conflict of interest legislation.

[The Deputy Speaker in the Chair]

In fairness to the government many of the recommendations of the Wachowich report were indeed included, but a number of those recommendations were not accepted by the government of the day and were issues that were spoken to by my colleague Mr. Chumir in 1991 when Bill 40, the Conflicts of Interest Act, came forward. Some of the things that were not included – they were part of the Wachowich report, but did not make it in the original Bill – include things like an object and principles clause. If you look at Bill 207, one of the things that I have included is an object and principles clause. Part 1.1 outlines basically what the purpose is of this particular piece of legislation.

Mr. Speaker, that has come from other conflict of interest legislation that we have in the nation. It is not in our current piece of conflict of interest legislation and is one that really outlines what the purpose is for conflict of interest legislation. It has been highlighted by the Wachowich report. It has been highlighted by the conflict of interest review panel as a noticeable oversight in the current legislation and is one that I have included in my Bill 207 that is before us today. In fact, if you look through it, it includes a long list of objects and principles to be given consideration by this Assembly.

Another issue that was in the Wachowich report that was not included was that the Assembly should deal with any report of the Ethics Commissioner within 30 days. In fact, what we have in the current conflict of interest legislation is a figure there of 60 days, twice as long a period of time, Mr. Speaker. The Bill 207 before us today, the conflict of interest legislation, proposes to implement that recommendation of the Wachowich report into the new conflict of interest legislation, this Bill 207, the amendment to that Act, to shorten the 60 days down to 30 days. That was also reflected, I should add, in the conflict of interest review panel's report.

The current conflict of interest legislation allows for only a six-month cooling-off period. There are people, Mr. Speaker, who have suggested a two-year cooling-off period when ministers leave cabinet and move on to other endeavours, I guess. The Wachowich report suggested one year, and the report of the panel and therefore this amendment Act also proposes that it be a one-year cooling-off period rather than two years and rather than the six months we currently have.

3:40

Mr. Speaker, both the Wachowich report and the report of the review panel suggest that within legislation – within legislation –

we should have guidelines whereby the legislation would apply not only to Members of the Legislative Assembly, of course including cabinet ministers, but would also apply to senior public officials. The amendment before us today, Bill 207, proposes to include senior public officials in the conflict of interest legislation as something that needs to be amended. Currently what we have is a memo that was produced by the Justice minister of the time, Mr. Dick Fowler. It's simply a memo that is on the side and parallels it. This Bill 207 proposes to include senior public officials under the legislation directly rather than as a separate dealing.

Mr. Speaker, the other issue that was proposed under the Wachowich report was broader powers of investigation by the commissioner. That, too, has been included in this particular piece of legislation.

So the Bill proposes to broaden a variety of issues, of acts that the Ethics Commissioner can do. It also suggests, as indeed is referred to by the review panel, that perhaps one of the things we should be doing is reconsidering the concept that the conflict of interest commissioner should not hold any other public office. Currently, as I'm sure you are aware, it is possible in this province. In fact, what we do have is one individual who finds himself wearing two hats, if you will: that of a conflict of interest commissioner and that of a freedom of information commissioner. This Bill would prevent the conflict of interest commissioner from wearing that second hat.

The reason for that, Mr. Speaker, is that if Bill 207 is implemented and ultimately passed, the person who finds himself in the office of conflict of interest commissioner will, I would argue, find it virtually impossible to do both of those jobs because of the increased duties before that individual. That would mean that Alberta would have to find a second individual to wear the hat of freedom of information commissioner, and one individual would wear the hat of conflict of interest commissioner.

Mr. Speaker, the Bill does not include anything to deal with the issue of lobbyist registration. The report of the panel to review the conflict of interest legislation suggests that that should be included as part of the conflict of interest legislation. That has not been included in this Bill. It is not an oversight. It was a decision made by myself, at the time when I was drafting the Bill, to not include it. I want to point out that the Member for Edmonton-Whitemud has before this House as Bill 223 a private member's Bill that would create a lobbyist registration Act. I do see that as an important issue, but I have not included it in Bill 207. We chose instead to include that as a separate piece of legislation. So it is not an oversight. It was sort of a strategic decision, if you will, as to where that concept should be discussed.

Mr. Speaker, when you review the Bill, there are a number of sections. You'll see, I'm sure, in reviewing it that the Bill for a private member's Bill is indeed rather lengthy, some 20 pages. That comes about directly as a result of my survey of that other legislation to which I referred. It comes about as a result of my review of the Tupper report, if I can refer to that. The review panel's report is the Tupper report, since Dr. Tupper was the chairman. It also includes issues that were raised by the Wachowich report back in 1991. So that is the reason why indeed the amending Bill, Bill 207, is as long as it is.

Mr. Speaker, an issue that was also brought forward by the Tupper panel, which proposed the list of 27 recommendations, was that in addition to the cabinet ministers and senior bureaucrats, the Leader of the Official Opposition also should be

considered as a unique individual, if you will, holding a unique position and should get special recognition, with special attention paid to the person in that position in the conflict of interest legislation. Indeed, if you review Bill 207, you will see a number of places where there is reference to inclusion of the Leader of the Official Opposition for special consideration as well.

In looking at the section, if one starts to consider the variety of these individuals' different roles, then one must also review the varying degrees and types of investigations and reporting mechanisms that it would be incumbent upon the Ethics Commissioner to deal with in requests for investigations. In fact, a good section of the Bill reviews that whole process by which the Ethics Commissioner can review what I refer to as a public office holder. I use that term specifically rather than mentioning MLA or cabinet minister or whatever. I include the term "public office holder" because we are all holders of public office but so are senior bureaucrats. The term "public office holder" is a term that was mentioned in recommendation 1 of the Tupper panel and is a term, in fact, that I have incorporated in here to review the issue of how investigations would be included and concluded and to whom the reporting mechanism would be made.

Mr. Speaker, that gives a broad overview of Bill 207. I'm sure there are many other individuals who wish to speak to Bill 207. I do want to point out that through the course of reviewing this Bill there were a number of drafts that have been presented. Lest someone think that anyone else should be brought to task for it, I want to point out that in fact there is a bit of a numerical error in the Bill that would have to be corrected at the Committee of the Whole stage. I will take the responsibility for that error being here, having had the responsibility to create the Bill.

If I may, Mr. Speaker – I know it's not typical to refer to a particular section. But if I look at page 16 of the Bill, this refers to section 23 that is being substituted, and you will see it's quite lengthy. It starts on page 13 and goes through to page 16. In fact, section 11 has been omitted. I will take responsibility for that error being there. By way of advice to members of the Assembly, section 11 would read precisely the same as what is currently numbered as section 13, and it refers to the Leader of the Official Opposition. So that should be included. It is an error that would be corrected at the Committee of the Whole stage, if indeed the Assembly passes the Bill at second reading stage and we get to that point. It is an error that should have been corrected before this final draft came before the House. Unfortunately, that did not occur, and that will be addressed in the future.

Mr. Speaker, that is a quick overview of Bill 207. It proposes to guide us as elected officials more directly, more precisely in the future. I look forward to comments from members on both sides of the House.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

**3:50**

MR. BRASSARD: Thank you, Mr. Speaker. I welcome the opportunity to participate in the debate on Bill 207. This is a Bill that seeks to further enhance the public confidence in the integrity of public office holders and indeed the decision making-process of government itself.

I recognize, Mr. Speaker, as I'm sure every other member in this Assembly does, that it's not sufficient that we as elected officials are above conflict of interest; we must be seen to be above such conflict as well. Having said that, I don't think overreaction is called for either.



There's no question, Mr. Speaker, that we're living in an age of new and changing realities. Everyone in this Assembly, however, is here out of a sincere attempt to serve the people of Alberta to the very best of their ability. No one member or one party can presume to have an exclusive corner on hard work or dedication to that purpose, and I recognize that. It's this dedication to purpose and perception that indeed prompted this Bill and also caused our Premier to establish the Conflicts of Interest Act Review Panel to review the present Act. I think such initiative was extremely appropriate, even though so much of what was being examined did indeed deal with perception rather than actual reality.

Since that report, referred to as the Tupper report, deals specifically with the contents of this Bill, I'd like to spend the next few minutes discussing the recommendations that were put forward in that report. Before I do so, however, I must stress that these are my own personal observations and do not necessarily reflect the opinions of my colleagues.

Recommendation 1 called for an "Integrity in Government and Politics Act." I agree, Mr. Speaker, that a clear statement of purpose or of ethical obligations is indeed desirable and should be included in conflict of interest legislation. However, I do not agree that a new integrity in government and politics Act is required to achieve this goal.

Recommendation 2 also refers to that same call for an integrity in government and politics Act. While I agree with some of the comments in that recommendation that state "that Members of the Legislative Assembly and appointed officials will avoid both real and 'apparent' conflicts of interest" if they conform to that – and I agree that the Members of the Legislative Assembly should indeed avoid both real and apparent conflicts of interest in law – I do not believe, however, that a member should be found to be in conflict of interest simply because "a reasonably well informed person" believes such to be the case. Therefore the obligation for members to attempt at all times to avoid apparent conflicts is desirable, but for all practical purposes this could only be contained within the statement of purpose that I referred to in the first recommendation.

The third recommendation also referred to the integrity in government and politics Act and referred to the obligation for members of the Legislature to act impartially. Well, Mr. Speaker, I do believe that we "act impartially on behalf of all Albertans," and this too I believe should be contained quite appropriately in the statement of purpose in the current Act.

Recommendation 4 deals with the proposed integrity in government and politics Act again and refers to restrictions now imposed on former ministers which should be extended to those members who chair standing policy committees and/or who chair or supervise significant agencies of the government of Alberta. Well, Mr. Speaker, I agree with those statements, and I agree that the obligations currently imposed on the members of cabinet should extend to the members who chair the standing policy committees of government. I believe, however, that further study will be required as to whether those obligations should extend to those who chair significant agencies of government and which agencies those might be. I'd want to define the word "significant" before offering any complete support for this recommendation.

Recommendation 5 also refers to this Act that's being proposed and states that "the Leader of the Official Opposition should operate under the responsibilities and obligations imposed on Members of Executive Council." I obviously agree with this

recommendation, subject of course to the concurrence of the Leader of the Opposition.

Recommendation 6 also once again refers to that integrity in government and politics Act and calls for the employment of "a clear definition of the financial instruments in which Ministers and designated others should not be involved." Well, I concur with this recommendation as well, Mr. Speaker. But the existing Conflicts of Interest Act could easily be altered to accomplish this.

"The present section on Members' contractual dealings with governments is [far] too complex." It's dealt with in recommendation 7. They state that

it requires clarification and simplification especially as "contracting out" of government services is now a major part of public management in Alberta.

Well, this is referred to in section 8 of the current Conflicts of Interest Act, but certainly it could be made far clearer. I believe this amendment should be brought forward, Mr. Speaker.

Recommendation 8 itself refers to

the present obligation on Members, outlined in Section 12 of the Conflicts of Interest Act, to report the financial status of their spouses and minor children "so far as is known to the Member."

This is too weak, they claim.

The Panel therefore recommends that Members be obliged to make "reasonable efforts" to ascertain the facts. Otherwise public disclosure cannot be effective.

Well, I agree with that, Mr. Speaker. I agree that a member should make reasonable efforts to learn about the financial interests of a spouse. However, if the member is satisfied that a certain financial interest of a spouse has no connection whatsoever to the member's public responsibilities, there should be no further obligation in that regard.

Number 9 refers to:

When Members withdraw from their legislative duties because of conflicts of interest or apparent conflicts of interest, the general circumstances and times of such withdrawals must be part of the public record.

Well, Mr. Speaker, this is current practice. Members routinely withdraw from discussions where there may be a potential conflict of interest, and such actions are recorded in cabinet minutes. The recommendation to make such withdrawals part of the public record is accepted. I have no trouble with that. I do, however, have a growing concern that such withdrawals marginalize those constituents who are represented by that member in this Assembly and in discussions on that legislation. So I think we have to be very, very careful that we clearly define those who are and who are not in conflict so that we don't marginalize those whom we represent.

Number 10 states that

the present restrictions on the activities of former Ministers are legitimate safeguards of the public interest. The existing six month "cooling off" period is too short.

They claim that it should be moved up to 12 months. Well, Mr. Speaker, I cannot accept this recommendation because I believe that the current cooling-off period is appropriate. Any further extension of this cooling-off period should only be accompanied by an appropriate financial compensation.

Number 11 states that

members must seek advice from the Ethics Commissioner when they are uncertain about what constitutes a gift, fee or other benefit or about the circumstances in which a gift, fee or benefit may be accepted. The onus is on them. Other Canadian governments deal with gifts in a manner similar to Alberta. No obviously superior policy alternative presents itself, although other jurisdictions, notably British Columbia and Ontario, employ clearer statutory language.

Well, Mr. Speaker, I agree that members should seek advice from the Ethics Commissioner on the matter of gifts, fees, and other benefits. I have found his office to be most helpful in this regard.

Recommendation 12 deals with, again, "income, gifts or other benefits received from a political party." The reporting of this is a matter of practice currently. I certainly agree with this recommendation as well.

Number 13 deals with the integrity in government and politics Act that was referred to earlier in their report, which "should be reviewed by a committee of the Legislature every five years." Well, I obviously agree that conflict of interest legislation should be reviewed every five years in order to ensure that the provisions of that legislation remain current. This is consistent with current sunset provisions being applied elsewhere throughout government.

4:00

Recommendation 14 deals with consideration being "given to separating the Office of the Ethics Commissioner and the Office of the Access to Information and Privacy Commissioner." This is an issue that has been debated by both parties a great deal. You know, Mr. Speaker, I cannot accept this recommendation because I sincerely believe that the duties of the Ethics Commissioner and those of the Information and Privacy Commissioner are sufficient for one office, given the responsibilities involved and the financial resources currently available to this government. I think, however, that we should continue to monitor the workload associated with this office, and if there is indication that the workload is excessive, then at that time consideration should be given to this recommendation.

Recommendation 15 states that

the educational activities of the Office of the Ethics Commissioner should be enhanced. The Commissioner should meet with each caucus at least twice annually. Candidates for elected office should be informed of their ethical obligations when they are nominated or even earlier if possible.

Well, I think that this is a great idea, Mr. Speaker, and it'll go a long way to clarify any area of misunderstanding.

Recommendation 16 is quite simple, Mr. Speaker. It states quite simply that "members' unpaid taxes should be publicly disclosed." Well, I agree.

Recommendation 17 states that

the disclosure forms used by the Office of the Ethics Commissioner must be continuously reviewed and updated. The forms should clearly state the Members' obligations and the purposes served by the information being requested.

Mr. Speaker, this is certainly in keeping with the implied intent of the existing Act.

Recommendation 18 states that "the legitimate costs of Members for complying with the Act should be paid for by public funds." I think, Mr. Speaker, that this is only fair.

Recommendation 19. This integrity in government and politics Act which the report called for

should be drafted as clearly and as tersely as possible. It must be "reader friendly." Such an important Act should be comprehensible to citizens and to those whose activities are governed by it.

Well, I don't feel this is applicable, Mr. Speaker, because I don't think we need such an Act. This recommendation assumed that this new legislation would be introduced. However, having said that, whenever possible I think we should continue to stress the need for reader-friendly government documents.

Recommendation 20 states that

the Code of Conduct and Ethics for the Public Service must continue to be systematically reviewed and modernized in light of changing circumstances. Provincial public employees must know

their obligations under the Code. Training and development activities in this area should be reviewed continuously to determine their effectiveness.

I think that's a great idea, Mr. Speaker.

Recommendations 21, 22, 23, and 24 talk about "a new group of officials [being] proposed as the basis for revised policy for appointed officials." This group would be called "policy officials," and as such they would be subject to the "Code of Ethics and Conduct for the Public Service" and so on and so forth, "to obligations and restrictions outlined in the Integrity in Government and Politics Act." Recommendation 22 talks about the policy officials who "will be covered by the Integrity in Government and Politics Act," which, as I said, I don't agree should be there. Recommendations 23 and 24 also talk about policy officials.

Mr. Speaker, I don't agree that these four recommendations essentially should be accepted. They propose one initiative: that a wider group of government officials be covered by conflict of interest legislation. These officials, largely responsible for public policy development, would include "assistant deputy ministers, executive assistants, senior staff in the Office of the Leader of the Opposition and a further group who," in the opinion of the Premier, would "wield enough policy or administrative influence to be included." This could involve a sizable number of public service employees.

It is proposed that this group of officials and their families be subject to all the same obligations as members of the Assembly. As the review panel pointed out,

it is a change in the terms and condition of employment for important appointed officials in Alberta. Their personal financial lives and those of their families will be exposed to public scrutiny.

Well, I don't concur with the proposal that this amount of disclosure by these levels of officials and their families is needed in order to ensure integrity in government. I honestly believe that all public service employees involved in the development of public policy already understand their ethical obligations as a result of their employment with the government of Alberta. I also strongly believe in the practice of ministerial accountability. Perhaps we could broaden the scope of recommendation 15, dealing with the educational activities of the office of the Ethics Commissioner, to include these officials.

That pretty well runs through the entire Tupper report, and as I said at the start, these are my own personal opinions and not necessarily those expressed by my colleagues. It's truly unfortunate that the Liberal Party decided not to provide input into this Tupper report because I feel that their input was necessary and certainly would have been valued. It could very well have been that it may have changed the content and direction of Bill 207, Mr. Speaker, that we're debating here.

I do believe that the Conflicts of Interest Act Review Panel did a credible job; however, the report needs to be reviewed in its entirety before we embark on yet another piece of legislation. I therefore, unfortunately, cannot support this legislation. However, I do thank the member for bringing it forward.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak to Bill 207, the Conflicts of Interest Amendment Act, as proposed by my colleague from Calgary-North West.

Mr. Speaker, I was listening intently to the Member for Olds-Didsbury, who was speaking about the various recommendations that came forward from what we are referring to this afternoon as the Tupper panel on conflicts of interest review in the province of Alberta. I heard him say in his discussion that there was recognition of the good work that the Tupper panel had undertaken in recognizing the need for change to conflicts of interest legislation in the province of Alberta.

[Mr. Herard in the Chair]

I was surprised therefore, Mr. Speaker, to hear him say that he was not going to support the legislation. As you know, when we are in second reading stage of a particular Bill in this Legislature, regardless of whether it's a government Bill or a private member's public Bill, we deal with the concept of the legislation. We don't deal with the specific sections of the Bill. We defer that debate and that discussion to Committee of the Whole.

Mr. Speaker, I think that if we take the time to look at Dr. Tupper's panel's report on the Conflicts of Interest Act as it currently stands as requested by the Premier of the province of Alberta, we can clearly see that Dr. Tupper and his panel recognized some urgency in the need for changes to our conflicts of interest legislation.

There is and continues to be and all members of this Assembly will feel personally a sense of cynicism within the public towards public officials. There is suspicion in the public about the level of integrity of public officials. My colleague from Calgary-North West made the statement and I concur with the comment made in the Tupper report that "the vast majority of public office holders in Alberta are persons of integrity." Undeniably, Mr. Speaker, the members of this Assembly that hold public office are persons of integrity.

What's necessary, though, Mr. Speaker, is that we can't go and sell ourselves and convince people of that without being armed with the proper tools, without being armed with the proper product. The product is a sound, comprehensive, clear, understandable, and I would venture to say tough conflicts of interest legislation where there's a recognition that not only a conflict of interest but an apparent or a perceived conflict of interest is sufficient to bring the issue forward for a member who sits in this Assembly to deal with. It's that kind of an approach that is necessary for the public of Alberta, that every jurisdiction in Canada, every jurisdiction of a democratic jurisdiction will need to reinstall confidence.

The statement is made by Dr. Tupper and the panel in their report that

major changes are required if Alberta is to have a conflicts of interest system that meets public expectations, stands the test of time and provides the province with guidelines that are second to none in Canada.

Mr. Speaker, I think that many members of this Assembly on both sides will agree with me that there is a call from the public of Alberta to have that kind of change take place, that the conflict of interest legislation as it currently stands has received its own level of controversy. For members of this Assembly to move forward and make an attempt to deal with that, to improve upon that, to come to the Assembly and debate that I think is very worth while for the people of Alberta.

4:10

It would surprise me that members on either side of the House would choose to debate, at least in concept, that an improvement

to the Conflicts of Interest Act is not worthy of moving the Bill into the next level of debate. I will certainly stand in my place and suggest that I will approve the concept of improving upon our conflicts of interest legislation and allow this Bill to move forward into committee stage to determine where we can improve upon the particular sections of the Bill.

Mr. Speaker, I was listening, as I say again, to the Member for Olds-Didsbury, who very comprehensively went through the list of recommendations that came forward from the Tupper panel. I will hope that the Minister of Justice was listening carefully, as the Member for Stony Plain was. As I understand, as a result of the Tupper panel, which was requested through the Premier's office to our Ethics Commissioner, and as a result of the government's response to the Tupper panel, the Premier created at that point a task force to review the panel's review. So we have a government review force to review the review panel's review. Now, that's what I call action.

Mr. Speaker, when the Premier through his office set up the review task force to review the review panel's review, it gave it no mandate, gave it no time line within which to report. Now, the irony of that is that as the Tupper panel task force was developed and created, again at the behest of the Premier, it was given a hurry-up time period within which to conduct its work. It was given an incredibly small time frame within which to work. Certainly to my way of thinking, I would suggest that the comprehensiveness of the Tupper panel's report is incredible, given the amount of time that it had to conduct its work.

I noted that the Member for Olds-Didsbury took a moment to comment on the fact that I and my colleagues in our caucus chose not to participate in the informal discussions that we were invited to participate in by Dr. Tupper and the panel as it was attempting to achieve its goal and to do its work with the incredibly limited parameters that it was given. We did discuss that, hon. member, and we came to the conclusion that the opportunities that had been given to Dr. Tupper and his panel were incredibly restrictive, that we had much more to say than could be said in a few minutes over coffee in an informal discussion, which was all that was offered at the time. Quite honestly, I think that's all Dr. Tupper had the ability to offer to us.

We were already at that point in time, hon. member, moving to the preparation and creation of Bill 207 because of the changes that we saw were necessary to the Conflicts of Interest Act as it currently stands. We felt that there was no benefit to be gained for either Dr. Tupper or his panel or for ourselves in having that informal coffee-cup chat about the conflicts of interest legislation. I and my colleagues saw it, Mr. Speaker, as an issue that needed a much more serious and formal approach than chatting over coffee. It was for those reasons that we declined to participate in that. That does not mean that we were not dealing with the issue then or now. We were dealing with the issue, and you see the result of our dealing with that in my colleague for Calgary-North West's introduction this afternoon of Bill 207.

As you heard the sponsor of the Bill say, Mr. Speaker, many of the provisions contained in Bill 207 were original recommendations that came forward from the Wachowich report and dealt with the level of reasonableness, in many aspects, of having an effective conflicts of interest regime in the province of Alberta: the inclusion of senior public officials under the same scrutiny as those elected representatives because of the important and influential positions they hold; the cooling-off period of one year, again necessary because of the influential positions that elected representatives hold; the aspect of dealing with an Ethics Commis-

sioner's report that is tabled in this Legislative Assembly coming forward within 30 days as opposed to 60 days, as it currently stands. That addresses the issue of integrity and recognizes that the Legislative Assembly unto itself and all of the Members of the Legislative Assembly are prepared to deal quickly with an issue that may affect an individual Member of the Legislative Assembly.

Mr. Speaker, I think it's fair to say that for all members of this Assembly on either side of the House as we deal with business on private members' day, an issue of integrity or of conflict of interest is not just a reflection on that particular individual or that particular member. It is a reflection on the institution as a whole. Every member of this Assembly should want to have the issue dealt with and dealt with quickly and dealt with properly and dealt with publicly so that if a colleague in this Assembly is an individual subject to a conflict of interest investigation, if that member does in fact find themselves in a conflict of interest, Members of this Legislative Assembly should want to deal with that. They should want to deal with that as quickly and as effectively as they possibly can for the benefit of this institution. It is not necessarily for the benefit of any one individual within this institution. I think it's important that we think about that, that it is not a self-serving issue, but it's an issue that protects the integrity of the institution as much as the members that participate in public life.

Mr. Speaker, just to refer back, then, to the report of the Tupper panel. The recommendations that the Member for Olds-Didsbury referred to were given to the government, and we have not yet, as I indicated, seen any result of that. The Member for Olds-Didsbury made comment about those particular recommendations that he felt for himself and on behalf of his constituents were appropriate and could be made, could be implemented as recommendations and those that he felt for himself and on behalf of his constituents may have specifically in any particular case gone too far and perhaps created an imbalance in terms of individual rights and responsibilities as opposed to public responsibilities.

4:20

Well, Mr. Speaker, what we don't know of course at this point in time is whether those kinds of discussions and that kind of debate we're having this afternoon have taken place with the task force that the Premier created to deal with this. We have seen no amendment legislation come forward from the government. We have no indication that there will be any legislation coming forward from the government. We have had in the past other governments decry over and over and over again that, yes, indeed we are going to be making changes to conflicts of interest legislation, and it never happens. It never is an issue that comes to the front of a political agenda.

Unfortunately, Mr. Speaker, when it does come to the forefront of a government agenda, it's because something has gone wrong. There is again a public outcry. Once again the government is embarrassed, and in that embarrassment the government says: yes, yes, yes, we'll come forward with conflict of interest legislation. But they don't.

You know, unfortunately, Mr. Speaker, we have had – hon. members, this is not a partisan statement – a black spot in the history of this country when we had minister after minister after minister in the federal government under the Rt. Hon. Brian Mulroney . . . [interjection] Hon. member, I was not making a partisan statement this afternoon in private members' business. [interjections]

### Speaker's Ruling Decorum

THE ACTING SPEAKER: Order please. I hesitate to interrupt, but there is only one member at a time who should be speaking. I wish that the hon. Member for Clover Bar-Sturgeon-St. Albert would stop inflaming the members. [interjection] You know who you are.

Thank you.

### Debate Continued

MR. COLLINGWOOD: Mr. Speaker, as I say, in my comments I make note that this is not a partisan statement. It is simply a statement of fact that there was a black mark in the history of this country when ministers of the federal government were caught in conflicts of interest and, I'll go so far as to say, in some cases admitting that they thought it was okay. They thought it was okay. There were issues that came forward of preferential treatment. [interjections]

THE ACTING SPEAKER: Order please.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. There were issues that came to light of preferential treatment in the giving of contracts. There were issues that came forward of influence peddling. There were issues that came forward of organized crime involved in government. Clearly, a black mark on integrity in government at our federal government level.

I say again that one of the difficulties with that is that there was tremendous uncertainty as to what the rules were with respect to conflict of interest. There were some esoteric guidelines that members were required to follow but no consequence if the member did not. If that particular member did not follow those guidelines, there was no consequence. There were guidelines that ministers couldn't hire family members, but they did anyway because there was no consequence to that. So what is needed and what is necessary is clear and distinct conflicts of interest legislation that satisfies the members of this Assembly and, more importantly, satisfies the people of Alberta in creating the public confidence in that legislation.

We all in this Assembly recognize that being involved in public life is somewhat different than it may have been in previous generations. We are now in an age of information technology. We are in an age when journalists and editorial writers and commentators, the whole vast array of technological advances with television, radio, multimedia – people involved in public life are under very close scrutiny. It is imperative that those individuals who choose the very honourable choice to serve in public life will want to know that there are clear and distinct rules, yes indeed, Mr. Speaker, that there are tough rules, that yes, indeed, you may have to do some things to change the way your private life is operated as a result of your decision to enter public life. Yes, indeed. Absolutely. But the rules should be clear, the rules should be set out, and the rules should be enforced and strict.

That's exactly what Bill 207 does. The Tupper report admits or at least recognizes in its review that there are aspects of the current conflict of interest legislation that fall short of meeting the level of expectation of the people of Alberta. That's what the Bill attempts to deal with, and I think that that's why all members of this Assembly should support it.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise this afternoon to join in this very exciting debate on Bill 207, the Conflicts of Interest Amendment Act, 1996, brought forward by my colleague the hon. Member for Calgary-North West. What this Bill speaks about and what it seeks to enshrine very much encompasses a lot of the reasons that I sought public office to begin with. Put another way: it really underscores many of the reasons why I chose to run and dedicate a portion of my life to this public service. I'm sure that everyone in this Assembly had those same notions when they put their names forward as well.

Central to this Bill is the entire issue of what the public perceives their elected officials to be. Do they perceive us to be the fully transparent and fully accountable individuals that we purported to be, or do they not? I would issue the statement that we must do everything we can to in fact further those causes of transparency, accountability, openness, and honesty because we must lead by example. This Bill, which deals with conflicts of interest, seeks very definitely to accomplish those high ideals. I would submit to you that the general image that the public has of politicians or elected officials or anyone in the public service has severely been tarnished over the last number of years not necessarily and not exclusively in this province per se but across the dominion and certainly in instances where other governments in other countries have come under closer scrutiny of late.

4:30

I know that sometimes perception begets reality. That point was hammered home ever so clearly when myself and a number of others from the other side here attended the CPA conference in Halifax last year. I'm talking about the Commonwealth Parliamentary Association. It was a great pleasure, Mr. Speaker, for me as a rookie MLA to attend a meeting with minds from literally around the world and to discuss issues like conflict of interest and to discuss issues of accountability and fairness and to discuss what it is that we as legislators can do to help improve the public's general perception and general image of the people that they keep electing to these offices.

When an opportunity such as Bill 207 comes along, Mr. Speaker, I harken back to that conference and to many conversations that I have had with individuals since and before that, wherein they stated to me: "For heaven's sake, let us believe in what you say, and let us believe in what you do, and please lead by example. You will become our mouthpiece in the Legislature. We need and we want to believe what you are saying." So we must do everything we can to rise above any possible level of reproach, above and beyond it, I would say.

Mr. Speaker, what I would also submit is that as we're seeking that elevation in the public's mind, we have to become our own toughest judges. We have to set the highest of standards, the highest of morals, the highest degree of accountability possible. I think this Bill 207 does a lot to tighten up a lot of what is lacking and in fact what the public has told me they feel we should be doing in that regard. I think it's safe to say that, generally speaking, the public is quite fed up with a number of circumstances that have happened not only in this province but across the country with regard to the lack of openness and the lack of accountability and also the abuse that sometimes takes place by people who hold power. I would cite, for example, the recent goings-on with the government of Saskatchewan, where a previous governing party a few years ago virtually got their hands

into the cookie jar too deeply, it seems, and are now paying the physical and moral price for having done so. There are therefore many opportunities for us to correct that and to prevent it from happening here.

I also know that we have had some problems here, Mr. Speaker. It comes as no surprise to you, I'm sure. I, for example, am still wondering exactly what happened with NovAtel. You know, I just don't know what happened there, and not enough information has yet come forward for me to sufficiently explain that to my electorate. In my constituency the most common question asked while I was at the doors was: where did the money go from NovAtel? I'm not trying to imply that there was a conflict of interest directly by MLAs. I'm simply saying that the public wants answers, and if we had a Bill that was a lot stricter, such as 207 purports to be, then perhaps we could prevent that kind of unfortunate circumstance from happening.

On the tail end of that question, Mr. Speaker, in my constituency and other constituencies that I have the great pleasure to visit on occasion throughout the province, the second question people ask me is: how is it that in 1985 we had a \$12 billion surplus – that would be a black figure – and shortly thereafter, within eight or nine years, we suddenly wind up with about a \$25 billion to \$30 billion debt? Where did all that money go? Who's accountable for it? Are there or were there any breaches? Be they minor breaches or major breaches, were there any types of breaches within that tremendous loss of money?

I applaud the government for getting out of the business of being in business. I campaigned on that myself, and I will continue to do so. But I also within this Bill recognize that there's an opportunity for us to go even further than that and to truly hold our own feet to the fire as elected officials or as others who are in one way or another public officeholders. Under this Bill we have the opportunity to do that. Mr. Speaker, there is absolutely no point in bringing legislation into this Assembly to take up our valuable time, as the electorate sees it, bring in Bills that have no teeth or teeth that have very little bite or perhaps insufficient teeth. Yet in this Bill, as you start to go through it – and I know all members probably have gone through it quite carefully now at least once or twice – you would find that there are ample examples of the kind of teeth I'm talking about.

I would refer you now just to a few highlights in the short time that I have left. I would just refer you to who it is that we're talking about here. On page 1 of the Bill, Mr. Speaker, we are talking about a clear and very concise and rather all-encompassing definition of who we mean when we refer to public officeholders. Who are we referring to? We're talking about any member of the Assembly, any elected member, plus any public official who is appointed by the Crown, or by the government, or by this Legislative Assembly in a general sense, and anybody who has the classification of an executive manager or something higher than that. That would include executive assistants or other staff members of any member of the House. As well, it would include our deputy ministers, our assistant deputy ministers, our directors, and so on.

Why, you would ask. I'm sure, Mr. Speaker, you would ask that question: why? Well, the answer simply is: because all of those people come in contact with very sensitive information. Some would say that it's very valuable information. You know what? They'd be right. It is valuable information, because the greatest trading commodity in the world is still information. You have information; you have control. You have control; you have power. You have power; it goes that you no doubt will also

benefit with money. A little too much power: we've seen what can happen with that.

I just point that out as I go on to page 2 to highlight just a couple of sections, as I say. I want to underscore the point that my hon. colleague is making with regard to the role of the Ethics Commissioner and the role he plays with the trustees, that we all have appointed when we took on this office if we had reason to have one. Under this particular change of the Act, we see some real teeth coming into play here. By teeth I mean something that has real meaning, something that is easy to follow and is clear and is also enforceable. This is what we're talking about. We're talking about trustees having the requirement to present certain information when requested but not necessarily the nature of the assets in the trust, as outlined in item c(iii). It

requires the trustee to give the public office holder a written report stating the value, but not the nature, of the assets in the trust.

Similarly, trustees would be required "to give the public office holder sufficient information." That clarifies also that neither should they withhold any information, because "sufficient information," we all understand what that means, especially insofar as things like the Income Tax Act of Canada are concerned. So it would also require "the trustee to give the Ethics Commissioner copies of [any] information [related to] reports given to the public office holder."

Over on page 3 where we talk about the object and principles of the Act, Mr. Speaker, we're talking about ways and means through which, by adopting this Act, we can in fact enhance the public's trust and the public's confidence in us, because after the public's trust is eroded, there's nothing else. There is nothing left. There's no greater sin to the cause of democracy than to violate the trust that the people of this province have put in us as elected officials.

By not voting for this Bill, I think you're sending a signal to the people of Alberta that you are somehow intimidated by the Bill or perhaps you're afraid of the Bill or perhaps you fear the transparency that comes with it. Well, it comes as no surprise that we who take up public life do live in a glass house, and so it should be. Perhaps the glassier the better, because that's the only way we're really going to make a serious attempt at restoring the public's image of public officials.

#### 4:40

On page 3, then, as we talk about those objects and principles, we talk about what it means to encourage "experienced and competent persons to seek and accept public office." I want to believe that every person in this House, as is every person, I'm sure, across other Houses in the dominion, is truly competent and is truly worthy of being in the seats that they have taken up. Therefore, as we read through this, we have to understand what the expectations are before we get into this business of public life and before we jump into that glass house for a period of however many years the public wishes to have us. These expectations must be stated very, very clearly. The activities that we undertake through these elected positions or appointed ones or whatever others which public officeholders have must be monitored very, very closely, and they must be monitored constantly. That is the only way to ensure accountability. So under this Bill 207, we have that opportunity just on page 3 alone to do so, because it requires every officeholder to conform to certain standards.

What are those standards? As the hon. Member for Clover Bar-Fort Saskatchewan has said no less than 2,816 times in our caucus meetings, it is called integrity, integrity in government.

That sums up this entire Bill in three words: integrity in government. The rules are there. They need to be stiffened because the public expects it of us. The public has a right to it. In fact, why shouldn't we as great purveyors of the truth and legislators of future directions aspire to those perfect ideals? Some may fall a little bit short, Mr. Speaker, but I submit to you that the sweetness is in the journey, in having tried. That's what this Bill attempts to do. It calls for much closer public scrutiny of all public officeholders and the jobs that they do.

It also prevents self-interests from overtaking us, because here on page 3, section 1.2(c) it says that "public office holders, in fulfilling their official duties and responsibilities, shall make decisions in the public interest." I would like to add the inference there: and not in their own interest. That's what this governance should be all about, and that's what this Act in fact speaks to and attempts to bring in. The government actions have to be accountable, and this Act would ensure that.

It also talks in more detail, which I'll let the members read for themselves, with regard to incidental gifts. There are some further clarifications. I know that over the last while our hon. Premier has had some difficulty with this issue of incidental gifts. I'm not going to dwell on it because I know it's a sensitive topic. I know that he is hurting from it, and I'm truly sorry for that. Had this Act been in place, however, he would never, ever have been subjected to that, and neither would his wife or the wives of other public officeholders. It's unfortunate that it's taken this long for an Act like this to come forward to this House, as I said, an Act with real, serious teeth and many, many of them.

I'll just go on to highlight a couple of other quick points. The Act also covers not only what you do, not only what your responsibilities are while you are in office, but if you read section (j) on page 4, you'll see that it also covers that period immediately after you leave public office or after you leave public administration:

Public office holders shall not act, after they leave public office, in such a manner as to take improper advantage of their previous office.

What does this mean? It simply means that you'd better be very careful what it is that you step into after so as to be very, very certain that you're not possibly putting yourself at any risk of any criticism from the public for taking precious information, valuable information and turning it into some self-good in the private marketplace. That's all part of the teeth that we have built in here.

On page 5, just for clarification purposes, we talk about what some of your additional responsibilities are if you are a public officeholder, and I think this is good. It talks about individuals going to certain meetings where sensitive information might be discussed – and by sensitive I mean something that you personally might have an interest in or some kind of other vested stake in – and it clarifies here what you should do. Now, I would submit to you that this particular stuff is quite commonsense, but for some people who perhaps haven't had a great deal of experience in working on volunteer boards or societies or churches or other religious institutions, they may not know that when issues come up regarding hiring people or expenditures on certain items, if there is a potential for a conflict on your part, you just automatically declare it as a good, true, honest citizen, stand up, and leave the room during the vote or you don't participate in the discussion or you find some other way of abstaining. Why do you do that, Mr. Speaker? Well, you do it so as to send the signal that you're there for the cause of the larger body, the larger organization, not for your own.

You would be required to do that under this Bill. It says here very clearly on page 5 that you would be required to

- (a) disclose the general nature of [your] interest, and
- (b) withdraw from the meeting without voting or participating.

In other words, you would be required to abstain and start by declaring what your personal interest is.

MS LEIBOVICI: A point of order.

THE ACTING SPEAKER: The hon. Member for Edmonton-Meadowlark is rising on a point of order.

#### Point of Order Questioning a Member

MS LEIBOVICI: Thank you. Under *Beauchesne* 333, I'm wondering if the hon. member would allow me to ask a question.

MR. ZWOZDESKY: Mr. Speaker, I find her questions always very pointed, very accurate, and very necessary, and I will accept the question.

#### Debate Continued

MS LEIBOVICI: Thank you, hon. member. In hearing the wonderful issues that are being brought forward by this Bill, I'm just wondering if you can repeat to me why you think members would vote against the Bill, if there is some reason that someone would vote against the Bill. You know, I noticed some yawns. I heard some yawns and coughs, and once in a while we hear a meow from the other side. I thought it might be useful to just reiterate once more why any one of the members in this particular Legislative Assembly would vote against the Bill. So if the member would please let us . . .

THE ACTING SPEAKER: I wonder if the hon. member is asking the other hon. member who was on his feet speaking to be repetitive. That being the case, I don't think we would allow it.

MS LEIBOVICI: That he clarify. I need some clarification. I'm so glad that you brought that up: there is no way that I would want him to be repetitive. But I would definitely wish he would explain and clarify and drive the point home, because that is what's required in this Legislative Assembly. Sometimes we need to hear something in a slightly different way.

Thank you.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Well, the honest answer is that I can't imagine anyone in this House voting against the Bill. However, if they were going to vote against it, it would likely be because they either have something to hide or perhaps they're running away from something or perhaps they have some other type of conflict of interest possibility that has been flagged by this Bill which they are trying to avoid or perhaps they just disagree with me. [Mr. Zwozdesky's speaking time expired]

I'll just close by saying that before anything can happen, Mr. Speaker, there must first be a willingness on the part of all of us to embrace at least the good spirit that this Bill brings forward. I hear the bell, and I will end there.

Thank you very much for your attention.

THE ACTING SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert now has the floor.

MRS. SOETAERT: Now you have it right. Thank you, Mr. Speaker. You know, it's always a pleasure to speak to such an excellent Bill as has been brought forward by the Member for Calgary-North West. It's also disappointing that no one on the government side feels compelled to speak to this. Like the Member for Edmonton-Avonmore said, maybe they feel they have something to hide. Maybe they don't want to talk about it. I think the real point of this Conflicts of Interest Amendment Act is that the perception out there in the real world, out from under this dome . . . [interjection] The perception that people have of politicians is not very good. [interjection]

#### Point of Order Imputing Motives

MRS. SOETAERT: Point of order, Mr. Speaker, 23(h), (i), and (j), on the Member for Cypress-Medicine Hat. Does he want to withdraw that statement?

4:50

THE ACTING SPEAKER: Hon. members, I heard a lot of noise in here, but I did not hear what you are referring to. Please continue.

#### Debate Continued

MRS. SOETAERT: I'll continue, then, with the point I was trying to make. That hon. member is usually just reading his book in the background, so I'm glad he's awake today. The point was . . . [interjection] The Member for Cypress Medicine Hat is here, and he's reading his book in the background, usually.

MRS. SOETAERT: However, back to the point at hand, Mr. Speaker. The point is that the perception out there of politicians is not very good. Who do we have to blame for that? Dare I say: a government that has put us into drastic debt and continues to pounce upon the very people in this province that they have deluded for years?

In fact, I read a joke the other day. Maybe other members in here are tired of jokes about politicians. Personally I am. I work very hard so that people understand that there are politicians with integrity. The politician jokes go on and on and on, and I'm going to share this one with you to make a point. In fact, I read it in the *Western Catholic Reporter*, so it had to be a clean joke. A politician and a priest died and went up to heaven. St. Peter gave the priest a very nice room, but he gave the politician a fantastic room. There was a Jacuzzi, a hot tub, a view of the ocean, just a marvelous, marvelous room. The priest looked at this and said: "Just a minute here, St. Peter. I'm the priest here, and that's the politician. What's gone wrong here?" St. Peter said, "Well, you know, priests up here are a dime a dozen, but this is the first politician we've ever seen." The point, Mr. Speaker, is that the perception out there of politicians is not very good, so it's incumbent upon each one of us – each one of us – to change that impression, to work very hard in our constituencies, to be accountable, to have integrity.

We have a wonderful member here from Calgary-North West who brings forth a very good, strong piece of legislation, the Conflicts of Interest Amendment Act. Now, it's a sad thing that we have to bring forth Bills like this, but the point is that with what's happened in the past, with some things that continue to happen, and the shady stuff that is going around nowadays, we have to bring this forward so that we have a better image in the public eye. For example, one of the things that this does is it

implements what the Wachowich report said, because some of it was not accepted in its entirety.

Some of the recommendations were accepted. I always find that interesting: some of the things the government wants to see in a Bill are brought in, but the things they do not want to see don't happen. So the essential parts of the Wachowich report that were not included in the current piece of legislation are now in this one. For example: the Assembly should deal with an Ethics Commissioner's report "within 30 days."

Well, of course, people on that side of the House might not agree with that. Do you know what that would mean? The Multi-Corp issue would be in this House by now, but since it's a 60-day wait, by golly, I bet we're out of here before that 60 days are up. What do you think? I think we will be. Does that have anything to do with conflict of interest? It might. It might. So if they're not afraid of that, agree with the Bill. Maybe that's the same thing with the Jane Fulton report, because now this would apply to senior bureaucrats, and I would consider her a senior bureaucrat. If we're out of here in 30 days, we won't have to deal with that. So zip-a-dee-doo-dah, we've scrunched everything together, scrunched all the estimates together so that this government doesn't have to be accountable on issues that they're a little tender about. When we get a little too close to the fire, they feel the heat. So what do they do? They run out instead of putting out the fire, so it will keep smouldering till the next session.

Now let's see. There are a few other things: conflicts of interest system to apply to the highest level of public service. Well, I don't think there is anybody in any of the departments who would disagree with that. They know that when they work for someone in cabinet they should feel very capable of coming forward and keeping clean. They're part of the political life, whether they like it or not. By taking that job on, I guess they live in a bit of a glass bowl too.

It also would give broader powers of investigation. Well, that's something we've been asking for for years. Like my colleague for Edmonton-Avonmore said: where did the money go with NovAtel? Where did the money go with Bovar? Who got rich? You know what? The people of Alberta certainly didn't. We're all poor. We owe collectively quite a debt in this province. My kids owe on that debt. You know what? They never got a cent of the Bovar deal or the NovAtel deal or the MagCan deal or the Gainer deal.

MR. MAGNUS: Or the Principal deal.

MRS. SOETAERT: Or the Principal deal; you're right. Your government did that to us. Don't forget that. Your government gave it to us. Thank you very much. [interjection] You can wax eloquent when it's your turn. Stand up and take it; otherwise, sit there and take it.

Mr. Speaker, the Tupper report was released. Well, the government will say: we don't have enough time to implement the Tupper recommendations, so we're not going to vote for this Bill. Time, time, time. Well, you know what? It's time to be accountable. It's time to not dodge the Conflicts of Interest Amendment Act. It's time to speak up and tell us why you're not supporting it, or tell us why you are. I must say to the Member for Olds-Didsbury: congratulations to you. You've got one member who can think on his feet and speak to a Bill, and he can actually give some arguments for and against. But no one else has the courage or has done the homework or has got a researcher to write him a couple of notes to speak to this Bill. So I would

encourage members from the other side to have a little gumption and speak. The Whip probably told them not to, but I would never put words in that Whip's mouth.

Of course, this government will take the position that it's difficult to find people willing to subject themselves to the rigours of this legislation and that the bureaucrats shouldn't be held accountable to the same standards, but I disagree. We should all be accountable. That's why we got elected. People at the door say, "Oh yeah, you politicians are all the same." Well, let's prove to them that we're not, that we're not afraid to stand up for the Conflicts of Interest Amendment Act, that we're not afraid to put our feet to the fire. When we take this job, we know that we have to be accountable. It's a difficult road we choose. Nobody else in other professions has to declare if they buy shares or what they pay for their shares or what they don't pay for their shares. No other profession has to do that, but here in this Legislature we know that we have to. So that's why I have no problem supporting this Bill.

I want to talk for a moment about the Tupper report and its recommendations, one of them particularly. I believe it was the Tupper report that talked about: the Ethics Commissioner shouldn't hold any other office. Maybe that wasn't the Tupper report; maybe it's just in this Conflicts of Interest Act. You know, that's something we spoke about in this Legislature. We talked about it. We said – and no disrespect to the Ethics Commissioner at all – that those are two separate jobs. In the first sitting after this Bill is implemented, already we've had a case where the Ethics Commissioner cannot deal with both the responsibility of freedom of information and the Ethics Commissioner's report. We've been proven correct on that. It's a conflict for him. Why would we create something where it will be a conflict for the Ethics Commissioner? Once again, this Bill would implement that, and I encourage that for about the second or third or fourth time in this House.

You know, maybe just once government members will admit that there are some good ideas coming from this side of the House. "If we want to be credible and accountable to our constituents, we should seriously look at them," instead of en masse saying: "No, don't vote for it. We don't like some of the things. We might have to be accountable for something. Some things we still want to keep hidden in this House, so we don't want to support this Conflicts of Interest Amendment Act."

5:00

Mr. Speaker, I would encourage all members to support this Bill. Maybe I would encourage all of them to even read it, because I have a feeling some are sitting back there thinking: I wish I could argue with the hon. Member for Spruce Grove-Sturgeon-St. Albert, but, gee, I haven't even looked at that Bill yet. So maybe if they pulled it out – or if they need me to send them a copy, I'll gladly do that. You know, I'd encourage each one of them to have a look and then look at themselves and say: "Why won't I support this? I should support this. If I want to have integrity, and if I want to be accountable to my constituents, I should support this Bill. If I'm not supporting it, what am I hiding or who am I protecting by not supporting this Bill?" Maybe that's the bigger question here. Who are they protecting when they don't support this Bill?

[The Deputy Speaker in the Chair]

So, Mr. Speaker, I'll leave you with those few comments and few concerns of mine. This is a good Bill. In fact, it isn't



anything new. It only supports what Judge Wachowich has done with his commission and Dr. Tupper has done with his. You know, those are independent committees that were set up with good suggestions. That's our job. That's our job to implement these things that have been presented by independent commissions and reports and judges' panels. I guess the boundaries would tie into that one too. That's our job, to get stuff like that out there, gather the best information we can, and put it into law through this Assembly. We're not the only ones with ideas, in fact far from it. It's our job to gather the best people together to get the best piece of legislation forward.

That's what the Member for Calgary-North West has done. He's grabbed the stuff from the Tupper report and the Wachowich commission, and he's said: "Let's fill in the missing gaps to the Conflicts of Interest Act. Let's make a few amendments to it, and let's make it a better piece of legislation. Let's make it so that people don't make jokes about politicians being crooks and politicians not being accountable." I'm tired of those kinds of jokes, and if we support this kind of amendment to the Act, those kinds of things can die out. Maybe some other profession will take the flak for something else, maybe cattle ranchers. Right, Member for Cypress-Medicine Hat?

DR. TAYLOR: They're all honest people.

MRS. SOETAERT: I'll tell my brother-in-law that. I'm sure he'd appreciate it.

Mr. Speaker, I encourage all members of this Assembly to at least read it – to at least read it – and maybe give it three minutes of debate in this House. Certainly I know the Whip is pointing to somebody: "Speak to this, for heaven's sake. Please, get on your feet; I'm tired of Spruce Grove-Sturgeon-St. Albert."

SOME HON. MEMBERS: Agreed.

MRS. SOETAERT: Agreed.

Maybe somebody on the other side has looked at it and can comment and give some good reasons why they will support it or why they won't support it. But hopefully I've encouraged some of them to look at it and speak to it. I know that there are other members certainly on my side of the House who want to speak to this Bill. They have great respect for it and know that it's a needed and necessary Bill.

So with those few comments, Mr. Speaker, I will pass the chair to somebody else. Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I'm more than happy to rise to the challenge from the hon. member to address this Bill. I think this is certainly an important Bill to debate, especially so in light of the recent review of this matter by an independent committee and the desire of this government to discuss conflicts of interest openly and candidly.

Mr. Speaker, while we wish to ensure a full discussion of this matter, we must also ensure that we do not as an Assembly pass legislation only because it is politically convenient to do so.

MRS. SOETAERT: Who wrote your speech, Jon?

MR. HAVELOCK: Actually, hon. member, I wrote my speech. Unlike yourself I can print and understand and comprehend.

In any event, Mr. Speaker, as I was saying, we need to evaluate this carefully so that we aren't simply passing legislation because it is politically convenient to do so. In that regard, we must determine whether the provisions of Bill 207 will satisfy the high expectations of Albertans as opposed to, quite frankly, causing substantial problems which may give rise to a much different effect than the Member for Calgary-North West intends. It is in that context that I wish to address my remarks.

Mr. Speaker, we have before us a potential piece of legislation which profoundly impacts a large number of people and all of Alberta's governmental institutions. As such, it is paramount that we subject this Bill to intense scrutiny inclusive of examining the experiences of other Canadian jurisdictions pertaining to conflicts of interest laws. All jurisdictions in Canada have adopted conflicts of interest laws in one form or another. Some have been in effect for some years; some are quite recent. I think, suffice it to say, that this is an evolving area, as evidenced by a number of jurisdictions which are presently changing laws or reviewing them, and they've only been in place for a short period of time.

I believe, Mr. Speaker, that examining the experiences of other jurisdictions, including the problems they have encountered, will provide some insight as to the potential impact of Bill 207. If possible, let's learn from the mistakes of others without any cost to the province or Alberta's institutions. Now, I hear the hon. member chuckling to my left, but I think it's important that we examine this Bill to ensure that we are not going to be implementing provisions which may cause difficulties which weren't intended. I have every faith in the hon. Member for Calgary-North West, who I think in good faith is presenting this Bill for our consideration.

In light of those remarks, I'd like to start with a jurisdiction that has recently amended its conflicts of interest laws, this being the province of Ontario. In November of last year the Members' Integrity Act was proclaimed. The law was actually passed in 1994; however, proclamation took some time due to the drafting of some extensive regulations and also the Commission on Conflict of Interest having to organize its office because they were anticipating a significant amount of work resulting from the proclamation. Unfortunately, the Ontario experience has not been entirely clean. They've experienced a significant number of problems since proclamation of the Act.

The first issue I would like to review and bring to the attention of members of this House relates to a member of the Executive Council. Ontario's conflicts law precludes ministers from holding or trading in securities unless the same are held in trust. We actually have a similar provision. Further, it does not have a provision for the reimbursement of trustees. Now, this is a bit of a problem because in the vast majority of situations fees are taken by a trustee either in the form of commissions or a lump sum. However, because the Act did not provide for the payment of fees, the minister was in this instance compelled to reimburse a trustee for his dealings in a large holding of only one security, and the absence of the legislated ability on the part of the minister to pay the trustee, whether through commissions or otherwise, caused a potential conflict under the Act. As a result, it was necessary for the minister to attain lawyers and accountants to rectify the situation. Consequently, a legitimate payment to a trustee was subjected to intense scrutiny simply due to a deficiency in the legislation.

Now, in the end, Mr. Speaker, the minister was personally responsible for legal and accounting expenditures far in excess of those which would have been incurred by a nonelected investor,

and I don't believe that was the intention of the Ontario legislation. Nevertheless, that was the result because the legislation, despite all the work they put into it, had not been properly drafted.

Now, again, Mr. Speaker, we must be clear that the particular situation in Ontario arose not because of a problem with the law, not because there was a problem with the arrangement, but rather the legislation itself was deficient. We must also not discount the significant negative impact this episode had on the minister. This issue garnered much media coverage, and his integrity was questioned continuously. It is also worthwhile to note that the investigation procedures provided for under the Act actually exacerbated the problem. It is a process which I would like to briefly review at this time, and I think it directly relates to the provisions in Bill 207.

#### 5:10

In Ontario the first step in filing a complaint is to request an investigation by the commissioner on conflict of interest. Typically the person filing the complaint informs the media that a member is being investigated. The Act as presently drafted does not preclude nor does it provide for penalties against such action, so actually it encourages people to be filing complaints and to basically disclose those. In addition, Mr. Speaker, the documents which support the request to investigate the particular member are filed with the Speaker of the Assembly, and it is subsequently released to the public.

Now, it should be emphasized that prior to release none of the information is verified or examined to determine the veracity of the complaint. It is only after the conclusion of the inquiry that all of the facts relating to the matter are released, and in most instances, Mr. Speaker, the request has either been denied or decided in favour of the member. Now, I submit to this Assembly that this type of system, while well intended, is damaging to the credibility of our governmental institutions and the reputations of all members of the Assembly. The benefits in Ontario at this stage appear to be minimal.

Mr. Speaker, I'd like to provide the members with the details of another Ontario incident involving the Minister of Transportation. Now, under the Members' Integrity Act the minister was required to put a large car dealership, which he owned, in trust. Now, in this particular instance the various components of his dealership – for example, the service department, the new car sales, the parts department – were held by a number of numbered companies. It was held in a number of different ways. It actually gave rise to the question as to whether the minister actually controlled the dealership or was the sole proprietor. Again, the issue arose because the legislation did not anticipate this type of problem. In addition, many of the minister's family members were involved in the business, so there was some debate as to whether that in and of itself constituted a violation of the Members' Integrity Act. Now, the issue, again, was eventually resolved but not without much undeserved negative media coverage and some expenditure by the member.

A final Ontario incident which deserves mention involved a member of the Assembly on the government side sending an invitation to a number of his constituents to attend a Christmas party. The cost of a ticket was \$10. This was to cover the food expenses, and the remainder of the moneys generated were to be donated to charity. Subsequent to the event a constituent informed an opposition member that the government member was using his office to solicit money for the party. That type of activity certainly was a violation of the conflicts law. Consequently, the

opposition member filed a complaint with the commission. The commission eventually determined that the solicitation was for a Christmas party and not in contravention of the Act. Nevertheless, Mr. Speaker, again it was extensively discussed in the media, and the issue of the intentions of the member were again discussed extensively.

Now, Mr. Speaker, it is clear that the opposition member in that particular instance placed political convenience ahead of the government member's rights and the interests of the Assembly. That member used the provisions in place in a manner in which it did not advance the interests of ensuring that members behave properly, and I am concerned, quite frankly, with the Bill as presently drafted, Bill 207, that it would encourage similar irresponsible behaviour in Alberta.

Now, turning to the specific provisions of Bill 207, in particular sections 23 through 26. My understanding is that those provisions deal with the complaint mechanism. My interpretation is that it would cause any information relating to an investigation to be made public through the office of the Speaker, regardless of the nature of the complaint. If it determines that a hearing is appropriate, that hearing will be public. Conversely, if the Ethics Commissioner declines to investigate, he must inform the Speaker of the Assembly. Now, this process strikes me as being similar to that of Ontario and will likely give rise to situations not unlike those previously outlined.

Mr. Speaker, I've addressed only some of the difficulties associated with the Ontario legislation. We should be mindful that that legislation was implemented only after extensive review by a number of experts. Nevertheless, they weren't able to ferret out all of the pitfalls, and the Act has created some problems.

By comparison Bill 207 is receiving only cursory examination. [interjections] Again, while I'm not doubting the good faith in which the Member for Calgary-North West has tabled this Bill, I am concerned that passage of this Bill in the absence of a comprehensive review will encumber this Legislature with an Act which is not workable, is inequitable, and does not achieve what Albertans expect.

THE DEPUTY SPEAKER: Order.  
Calgary-Shaw.

MR. HAVELOCK: Thank you. What Albertans expect, Mr. Speaker, is that members of this Assembly who knowingly breach the standard of integrity expected will be dealt with appropriately. Nevertheless, that should not include subjecting members to an unfair process which results in a perception of guilt regardless of the final determination of the matter. The Bill as presently drafted will achieve, I am afraid, the undesired result which I just outlined. That's a result which again has occurred frequently in Ontario.

Conversely, Mr. Speaker, the government is presently examining the recommendations of the conflict of interest review panel, which I believe reported in mid-January. Now, that is a much more prudent approach, I would submit, as it facilitates a thorough examination process as opposed to the quick and, I think, potentially irresponsible passage of Bill 207.

Mr. Speaker, by way of illustration and to expose other weaknesses in Bill 207 as presently drafted, I would like to refer to British Columbia's experience in this area. British Columbia's legislation applies to apparent conflicts of interest. As I relate a recent problem pertaining to this provision, please be aware that one of the sections of Bill 207 contains a similar provision.

Now, most members of this Assembly are familiar with the circumstances surrounding the resignation of Mr. Mike Harcourt, the former Premier of British Columbia. To refresh the memories of my colleagues, two members of the opposition party submitted applications to the Commissioner of Conflict of Interest detailing what they believed to be an apparent conflict. The alleged conflict related to an association the then Premier had with a communications group named NOW. It should be clear that the Premier had been a longtime friend and political ally of the president of NOW. It was also divulged that NOW had received \$5 million in government contracts over a number of years, and while many had been won through the public tendering process, a large number had been awarded outside of such a process.

The applicants, pursuant to the Act, submitted that it appeared – and that's the operative word, Mr. Speaker, "appeared" – that many of the contracts and extensions were allocated from the Premier's office through separate government bodies and then redirected toward NOW. Now, it was asserted that the government's involvement appeared to be carefully and deliberately managed so as to create a false impression of the Premier's relationship to the company. They further argued that as NOW would be involved in future re-election campaigns for the Premier and the New Democrats, the applicants felt that this was enough to warrant an apparent conflict of interest as eventually the Premier would directly benefit from their services at election time. It also appeared in the information that came out that a political plum of over \$100,000 was given to the Premier's favourite polling company at taxpayers' expense by way of an unwarranted contract.

Now, it's important, Mr. Speaker, that during the investigation process the issue continued to build, and it eventually led to the Premier's resignation. Nevertheless, what is critical here: the Premier was found innocent of all real or perceived conflicts, but because of an unrelated problem and the public's perception he had little option but to resign.

I think it's safe to say that the entire incident raised significant speculation about the integrity of the Premier and the government in general. Further, despite the assertions from some quarters that the applications and investigation were purely for political reasons, the inherent unfairness in the process only served to increase the public's cynicism towards government institutions. Please note, hon. members, that the primary reason these applications were accepted and the investigation commenced is because of the apparent conflict of interest clause.

Mr. Speaker, I previously stated that Bill 207 incorporates apparent conflict provisions which are similar to those in B.C. Nevertheless, the B.C. experience could be exacerbated in Alberta due to Bill 207 applying to a broader group as opposed to simply being restricted to MLAs. To emphasize this point, the Commissioner of Conflict of Interest in British Columbia, Mr. E.N. Hughes, acknowledges that there are difficulties in their present guidelines. Throughout his most recent annual report he continuously refers to the issue of enhancing public confidence in politics and politicians and the issue of encouraging qualified individuals to seek election and serve the public.

5:20

On page 11 of his annual report he stated the following:

The restoration of public confidence in politics and politicians and a significant accompanying reduction of the cynicism and suspicion are imperatives if politics and politicians are to be seen in an honourable light. If a return to that environment does not occur, what will be the attraction or incentive for persons

committed to the principles of honesty and integrity, so fundamental to a democratic society, to offer themselves for public service? There would be no such attraction or incentive whatever and we would all be the poorer because of the calibre of those who would step forward.

Mr. Speaker, that statement accurately reflects my apprehension with the proposed Bill. The B.C. commissioner appreciates the importance of crafting guidelines which are well thought out, incorporate the rules of natural justice, and have the desired effect. It is a position which I find to be in stark contrast to the politically motivated provisions of Bill 207.

Mr. Speaker, to conclude, we owe it to ourselves, to our institutions, and to the people of Alberta to thoroughly examine this issue. The only responsible course is to allow the government to fully examine the report of the Conflicts of Interest Act Review Panel as opposed to passing Bill 207 at this time. A Bill which has not been subjected to proper scrutiny does not belong in Alberta statutes. I certainly encourage all members of this Assembly to act responsibly and to secure the integrity of our provincial institutions.

One final point, Mr. Speaker, and that is simply again to emphasize that Her Majesty's Loyal Opposition did not participate in the process surrounding the Tupper report, and I find it to be a little difficult to accept that they would criticize the process.

Again, I understand that the Member for Calgary-North West has presented this in good faith, but because of the problems I've outlined, I urge all members of this Assembly to vote against Bill 207. Thank you.

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

DR. MASSEY: Thank you, Mr. Speaker. I listened with interest to the previous member's comments and quite enjoyed them.

I stand to speak in favour of Bill 207, the Conflicts of Interest Amendment Act, 1996, and it's not without some reservations, not over the Bill itself but the whole issue of having to put in law a series of laws and a series of regulations to govern the behaviour of members of this Assembly. I harken back to my school board days, when it seemed that as a board we finally came to the realization that you could never make enough rules, you could never make enough laws to govern the behaviour of students, because every time we made a new law, every time we made a new regulation, they found a way around it. I wonder if we aren't approaching that same kind of situation in terms of conflict of interest legislation in this province.

We want so earnestly and so heartily to make sure everything is squeaky clean that we're trying to plug every loophole, and I'm afraid that no matter how well crafted the legislation is and the future the amendments that are made to it, we're still going to find members who through their creativity are able to circumvent the legislation. So I do have those reservations.

Yesterday I had the privilege of speaking on behalf of our leader to Motion 504, and that motion

resolved that the Legislative Assembly urge the government to recognize that effective government must meet the tests of integrity, fiscal responsibility, and community building based on shared values in Alberta.

This Bill fits itself into the concern that we have had of integrity in government. I think we can't, even as much as we might like to, ignore the kinds of recommendations that the Tupper panel made, and there are I think a few of them that deserve special highlight.

The one that really resounds with me – and I know I've talked to a number of my constituents – is the first recommendation that Tupper made, and that is that there would be a very clear statement of ethical behaviour and obligations on the part of members. I think of those professional organizations that do have a clearly stated code of ethics and how helpful that is to those members. It's something you can't put in place overnight. A code of ethics I think has to be clearly enunciated, as Tupper has asked, and then you have to live with it for a long time, and people have to start and believe it. It was his first recommendation, and I think one of the most important that he made.

A second recommendation that he made that struck some sympathy with me and with some of my constituents was the recommendation that whatever is done, it be readable, that ordinary citizens have entry to this legislation without having to go to law school. I think that applies not only to this legislation but to all the legislation.

On looking at the clock, Mr. Speaker, I would adjourn debate.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods has moved that we adjourn debate at this time. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated.

[Several members rose calling for a division. The division bell was rung at 5:27 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abdurahman	Hewes	Soetaert
Bracko	Kirkland	Vasseur
Collingwood	Leibovici	White
Dickson	Massey	Zwozdesky
Henry	Nicol	

Against the motion:

Ady	Havelock	Mirosh
Beniuk	Herard	Oberg
Brassard	Hierath	Pham
Burgener	Hlady	Severtson
Calahasen	Jacques	Shariff
Coutts	Jonson	Smith
Dinning	Laing	Stelmach
Doerksen	Langevin	Taylor
Dunford	Magnus	Thurber
Evans	Mar	West
Forsyth	McClellan	Woloshyn
Fritz	McFarland	Yankowsky
Gordon		

Totals:	For - 14	Against - 37
---------	----------	--------------

[Motion lost]

THE DEPUTY SPEAKER: According to Standing Order 4(1), the Assembly is now adjourned until 8 this evening.

[The Assembly adjourned at 5:40 p.m.]