

Legislative Assembly of Alberta

Title: **Monday, November 23, 1998**

8:00 p.m.

Date: 98/11/23

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the chair]

THE CHAIRMAN: For the benefit of those in the gallery, this is the informal part of the Legislature. Members are able to walk around, hopefully not talking too much. We have a convention of only one person standing and talking at a time. Members may sit in any seat in the Legislature, so if you're going by the program, the person that you see sitting in a particular seat may or may not be that person.

Bill 2

Conflicts of Interest Amendment Act, 1998

THE CHAIRMAN: When we last met in committee to consider this bill, the hon. Member for Edmonton-Norwood moved an amendment which is called A2. That is the point of departure for this evening, where we're going to go to the discussion on this bill, Bill 2, on amendment A2, as proposed by the hon. Member for Edmonton-Norwood. If there are any comments or questions with regard to this amendment.

It's been a day or two or more since we were considering Bill 2 in committee. The amendment reads basically that section 16 is amended in the proposed section 44.2 by adding "all party" after "special."

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

MRS. SOETAERT: Well, thank you, Mr. Chairman. On the amendment. After keen observation of this amendment, just to clarify it, what this would virtually do is: "Within 5 years after the coming into force of this section and every 5 years after that, a special committee established . . ." Well, you see, if we put in "all party" there, that would -- I hate to say force the government, because that's a forceful word -- convince the government that an all-party committee would be maybe a better representation. So it would be an all-party committee of the Legislative Assembly to begin a comprehensive review of the act that would be submitted -- it's the rest of 44.2.

If we had an all-party committee that revisited this legislation every five years, then it might go through with a lot less hassle. For example, there has been the odd bit of legislation that was really developed from the grass roots: the first Freedom of Information and Protection of Privacy Act. Now, that one only had a lot of amendments because the government kind of took out some parts, but truly that was a good committee, and at least it was a step in the right direction. That committee went across the province, talked to people, and really got a good feeling of what people wanted in that piece of legislation. So if we did something like that here, if it was an all-party committee.

Sometimes -- I'm not saying all the time -- we've seen some of these special committees come back with, I think, selective information; for example, the task force on education funding. I assumed that not only was it looking at private-school funding, but it would be looking at public-school funding as well. So all the public schools and people that were concerned about public education funding submitted stuff, but that seemed to have been dropped and just the stuff that focused on private schools got dissected and interpreted and acted upon.

Now, if an all-party committee had been selected for that, right away a red flag would have been waved, and we'd have seen that it was just doing a selective review and not a comprehensive one about education funding. So I think this is a good safeguard. This would be a committee that would be of different members of all political stripes. It would be certainly a more balanced committee that could get input from all sectors of the province, not with just a narrow, specific mandate, which is often the case. All those dollars are spent on special task forces and committee chairs, and then sometimes we get convoluted reports back, so you have to wonder about the validity of those.

I think, Mr. Chairman, that this is a very good amendment and that it would virtually just say: if we've got an all-party committee, it would be more comprehensive; nothing could be hidden behind doors or shredded, which seems to be the trend. [interjection] Is "shredded" now in *Beauchesne*? I didn't think it was. I don't think it is.

I would think that that kind of simple amendment -- and actually I'm just waiting with anticipation to hear that the Justice minister likes this amendment and that he's going to support it. You know what? Five years from now, when he's on the opposition benches, he's going to want to be part of that committee. Then he'll say: darn it; I should have supported that amendment, but I didn't. But then, knowing what good government we'll be, we'll probably change it to make it all-party.

AN HON. MEMBER: Change it and improve it.

MRS. SOETAERT: Absolutely, because we would make a better government.

So, Mr. Chairman, with those very profound statements on this amendment, that I'm sure everyone has enjoyed hearing and agreeing with, I submit to you those humble remarks. I may think of something else to say on this, because it was kind of quick tonight, but with that, I thank you very much for the opportunity to speak to this amendment.

THE CHAIRMAN: The hon. Minister of Justice and Attorney General, followed by Edmonton-Gold Bar.

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. I did comment on this during the debate which was held during the spring session. I'll just reiterate my comments.

The wording that we are using in the legislation is the same as that in the Freedom of Information and Protection of Privacy Act. We refer to a special committee being established by the Legislative Assembly. That seems to have worked quite well. Typically, when a committee is established through the Legislature, it is an all-party committee, and we've seen no need to put the specific wording in place. I can assure the hon. member that in five years it's highly unlikely that if I was in government, I would be a member of the opposition. Quite frankly, I think that we will still . . . [interjections] In any event, if I happen to be a member of the opposition, I can assure the hon. member that I would not want to serve on this committee. I've been there, done that.

MR. DICKSON: Once in a life time.

MR. HAVELOCK: That's right. In fact, it was with the hon. Member for Calgary-Buffalo, Mr. Chairman, and I've served on enough freedom of information and related committees with the member, although we did have an enjoyable time and came out with what I thought was pretty good legislation.

In any event, as I stated, this wording is similar to that which

is found in the freedom of information legislation; therefore, I see no need to put that amendment in.

THE CHAIRMAN: The hon. Member for Edmonton-Gold Bar.
8:10

MR. MacDONALD: Yes. Thank you, Mr. Chairman. This amendment, as proposed by my colleague from Edmonton-Norwood, labeled A2: section 16 of Bill 2 is to be amended in the proposed section 44.2 by adding "all party" after "special." We would then have: "special all party committee." That is a very good idea every five years, to have this special all-party committee. My first thought on this special all-party committee would be the fact that my colleague from Calgary-Buffalo would make a fine member of this special all-party committee. In fact, I'm even going to out and say that he should be the chairperson of this special all-party committee. The hon. Member for Calgary-Buffalo would make an excellent chairman of this committee.

There are many things that can happen in five years where you need not only the viewpoint of the government side of the Legislative Assembly but also the viewpoint of the opposition. In this case, whenever you eliminate opposition members from a committee, you are forgetting about the voices of over 30 percent of Albertans. Someone in a general election may say, "I believe that democracy functions if there's a strong forceful opposition to a government," or "I believe that you can have a better government, and as a result of a better government you have a better province if you have an opposition to keep the government in line." This train of thought of the voters is ignored if not all Members of the Legislative Assembly can sit on this committee.

When we look at the public's confidence in each and every one of us as legislators, we have to think of the survey that was done recently, Mr. Chairman. I believe that 6 percent of the people interviewed in that survey thought that we as a group had integrity. I believe that the largest number -- and they had over 65 percent of this group -- was the small business owners, who the public thought had good integrity. Politicians were very, very low on the scale, and small business owners were very, very high. One way we can reverse this trend and start to regain public confidence, esteem, and respect is by initiating this special all-party committee to review every aspect of this conflict of interest legislation.

Now, there is also the thought of openness and accountability. Openness and accountability are pillars of any government and any Legislative Assembly. If you're going to have openness and accountability, once again I remind all members of this House that you cannot ignore the constituents that elect opposition members. I said before that over 30 percent of the population of this province who are eligible to vote said that they wanted an opposition. With this amendment by my hon. colleague we are included in the review process of this Bill 2, Mr. Chairman. When we look at the province and we look at voting patterns, we have to consider this amendment. The constituency I represent has the highest voter turnout rate in the province, at 66 percent, and that is in some places considered low. In other constituencies it goes below 40 percent, and I could go around this Assembly and pick out those constituencies. But when you consider voter patterns and all the members of this Assembly, it is very, very important that we can all sit on a committee to review such important legislation as this, because this legislation is our window to the public and the public's perception of us.

In closing, Mr. Chairman, I would like to advocate once again that when this amendment is passed and when this bill becomes law, the Assembly consider my hon. colleague from Calgary-

Buffalo as chairman of this special all-party committee.

Thank you, Mr. Chairman.

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

DR. MASSEY: Thanks, Mr. Chairman. Just a couple of comments about the amendment because it's an important amendment to this side of the House. I was delighted to hear the member opposite say that it was the government's intention that this be an all-party committee, that it be constituted similarly to other special committees of the Legislature. I'm pleased that he sees it as being that.

I think he might be putting words in our mouths if he indicates that all of these committees work satisfactorily. One of the truths of those committees is that the government members occupy a majority position no matter what the committee is, and I think that in this piece of legislation that is an important consideration. This kind of legislation that deals with conflicts of interest should make sure that the legislation itself does not have built-in interests and built-in advantages for one party or another. That's exactly what this does. If it's a special committee with the government as majority, it means that certain matters, should they be uncomfortable to the government, will be treated differently than if this were an all-party committee where the membership has the possibility of being more balanced.

I think this is a small amendment, but I think it's an important amendment. As it's the government's intention anyhow that it be an all-party committee, I would hope that the Government House Leader would reconsider and include this amendment in the legislation.

Thanks very much.

THE CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Chairman. I don't want to repeat what, you know, has already been said, but I do want to stress a couple of points. The last speaker, the hon. Member for Edmonton-Mill Woods, made a point of emphasizing the need to actually place in the bill an "all party" special committee, not just make the assumption. I'm going to draw a bit of a parallel here because it also concerns me. It should point out to all members of this House that good intentions aren't always respected by Albertans, that Albertans can be skeptical. The opposition at times can be skeptical, so we like to see things sort of carved in stone.

I draw the parallel to Bill 37, which by the way is the bill we really should be debating every day while this House is in session. Unfortunately, we're not. In Bill 37, for example, from our point of view we point out how it is necessary for Bill 37, if it was . . .

THE CHAIRMAN: Hon. member, last time I checked it was Bill 2 and we were on amendment A2.

MR. WICKMAN: I realize that, but I'm trying to draw a parallel. I'm trying to point out, Mr. Chairman, the need to put in specific legislation so that people know it's there, that it's carved in stone. In this particular one you want to specify that it's an all-party committee. I make the comparison that people who are skeptical about Bill 37 -- if it was in there that private, for-profit hospitals would not be allowed, if it was in there rather than the government just saying it, Albertans would buy it, just like Albertans would buy that the intent of the government here is favourable towards actually having that special committee be an all-party committee. I'm pointing out that that's the necessity of taking the

comments made by the Member for Edmonton-Mill Woods very seriously.

To just say that it's going to be a special committee I don't think is sufficient. We're talking five years down the road. It's quite possible that a good number of members on the other side of the House may not even be here to point out that in fact the intention was to have an all-party committee, or of course it may be a new group of people that may see things differently.

Again, the point was made by other speakers about the need to have such an all-party committee when we're dealing with a matter like conflict of interest. Remember that all of us are here for one purpose. We're all here; we're elected to serve the best wishes of Albertans whether one sits on that side, whether one sits over here, and even the two to my left here. We're all here because we were elected, because we want to represent Albertans, we want to represent our constituents, and we have to recognize that all three parties in this House have something to contribute. I know that the Member for Vermilion-Lloydminster, for example, likes to participate. He likes to participate in many committees, and we do as well. Mr. Chairman, it becomes very, very important to recognize that there is talent on both sides of the House and that members of the opposition are equally enthusiastic about participating in these types of processes.

8:20

Rather than prolong, let me conclude kind of in a nutshell the importance of recognizing that there is a need to respect all Members of the Legislative Assembly. All parties are represented because collectively we represent 100 percent of Albertans. In isolation the government party, if I recollect properly, represents less than 50 percent of Albertans. It's not proper to have a minority group of representatives from this House going out there seeking the participation of Albertans. Therefore, it's important that we specify, that it's carved in stone, and there should be no reason why government members hesitate to do it. There's no reason why anybody should oppose this amendment. If it's the intention to do it anyhow, just put 'er in, just admit that in this particular case the opposition is on the right track and go with it.

On that note, Mr. Chairman, I'll conclude.

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

MR. DICKSON: Thank you very much, Mr. Chairman. Good evening. Just in terms of picking up where we left off, I think we were last dealing with this on April 7 of 1998, dealing with the amendment that's before us, A2. I think I've got the right amendment. Is that correct? A2? Yes.

It seems to me that it's important to put this in some sort of context. Mr. Chairman, there was a Latin playwright, Terence, Publius Terentius Afer, in 159 B.C., who made this observation: how many unjust and wicked things are done from habit. I think it's so pithy I just want to mention that again. Mr. Terence in 159 B.C. said: how many unjust and wicked things are done from habit.

You know, the government members, as I'm always anxious and pleased to point out to Albertans, are not evil people. These are well-meaning men and women elected from their constituencies around the province who come to the Legislature because they want to be able to represent and serve their constituents, make positive change to advantage those constituents. But one of the problems that's endemic to big, powerful majorities that sit for -- what is it? -- 26 years, something darn close to that, is that I think bad habits develop. Bad habits develop. I think one of those bad habits that results in what might be described as an unjust and a wicked thing is the fact that so much of the so-called

consultation undertaken by the government is not really bipartisan consultation at all.

We've heard some members speaking of our experience with the freedom of information and protection of privacy panel, and I appreciated the opportunity to be part of that panel. But, you know -- and I want to quickly decline the nomination from my friend earlier, Mr. Chairman -- we have seen so many committees, so many panels struck consisting only of government members. For anyone who says: "Why would we need this sort of an amendment? The government's intention in any event would be to have bipartisan representation," well, the government didn't see the logic or the value in that approach when the Premier created the standing policy committees in January of 1993. I remember raising, in fact, a point of privilege in the Legislative Assembly over whether the standing policy committees were in effect an affront to the Assembly. I was unsuccessful in the argument, but that was perhaps as much because of the fairly narrow strictures defining parliamentary privilege and contempt of the Legislature as anything having to do with the merits or the concerns.

What we've got is this. We have standing policy committees made up only of committees of the government party, and I'm amazed even to this date by the number of Albertans who get confused. They tell me that they're going to meet the standing policy committee, and you inquire in terms of what they know of the process. Many Calgarians, for example, think this is like one of the municipal standing policy committees. The city of Calgary -- and this may be where the Premier and his then assistant got the idea -- has a number of standing policy committees, but that's of course not in a partisan context, and they work, I understand, very well. But what happened when the government came into the Legislature and created these things is that they've in effect represented to Albertans that this is a committee of the Legislative process, that it's a committee of the Assembly. Nothing could be further from the truth.

You know, I saw some interesting comment when this thing was being debated in April. I'm not sure I can put my finger on it, but I remember a government member talking about -- it may have been the Government House Leader; I can't find it right at the moment -- the notion that the government in the past has shown the value of all-party committees. My point is simply this: when it came to standing policy committees, the government didn't appreciate the benefit of all-party representation.

When there was concern about juvenile crime, what did the government do in this province? Did they appoint an all-party panel to look at it, although that had been suggested by the opposition, who had eagerly volunteered members to be part of it? No. The government's response was: we're going to have a youth justice committee made up solely of government MLAs. I would be the last person in this Chamber to suggest that the government MLAs don't have good ideas, but they don't have a monopoly on good ideas, Mr. Chairman. You may remember that that youth justice panel -- I don't remember who the chairman was; it may have been the Member for Calgary-Fish Creek; I don't remember for sure -- went around and did a report.

Well, the opposition did their own task force when we couldn't get the government to expand the terms of reference. What we focused on were those areas that the province had legislative competence to deal with. The Premier's consultation on youth justice started out being a YOA-bashing exercise but frankly ended up having to do a supplementary report. Why? I think because of pressure from the opposition consultation going on. How much duplication of effort, how much more efficient would it have been for the Premier to have acceded to the suggestion

right off the bat, ensure that there was opposition representation on that youth panel, and I can assure you that we would have come up with some excellent suggestions.

Just to go back to why it is important to have all-party representation, which is the A2 amendment, I think it's largely this. I've had the benefit of going to the standing policy committee on health planning or whatever it's called. It's chaired by the Member for Calgary-Fish Creek. I've been there, and I've listened to groups making representations. I'm talking about the health planning standing policy committee.

My friend from Calgary-Fish Creek works very hard to ensure that the meeting moves along, that all her colleagues have a chance to ask questions, but I have to tell you, Mr. Chairman, that when I sit there in the peanut gallery, in the back row, I'm thinking to myself the questions that I'd like to ask. Every now and again I sort of waved my hand at the chairman, thought I might catch her attention and that in a moment of weakness she might have forgotten that I'm on the other side of the House and invite me to put the request. Next time I'm wearing the nose and glasses, because it's clear that I'm not getting anywhere just waving my hand.

8:30

You know, my point is this. As I sit there and listen to those members under the expert guidance of the chair from Calgary-Fish Creek, I think to myself: there are some other follow-up questions that should be asked. I think there may be some more aggressive questions that could and ought to be asked. I expect my friend from Calgary-Fish Creek is going to say: oh, but Mr. Dickson, those questions are asked as soon as we invite you and the media to leave the room and the doors are closed; then we get into the tough questioning. I don't know that to be the case. We always have our suspicions that the questions are no tougher when the doors are closed than they were before.

Mr. Chairman, the issue of the A2 amendment -- and maybe the Minister of Justice has forgotten it -- is whether this panel to do the five-year review must by legislative mandate be made up of all-party representation. Isn't that the issue? I'm trying to make the case. However awkwardly and however obtusely, that's the argument I'm trying to make.

In any event, what I'm saying is that I think you don't get nearly aggressive enough questioning just by having government members sitting around the table in a kind of clubby, chummy atmosphere, and I think adding a couple of opposition MLAs makes a world of difference. I'm going to suggest to the Member for Calgary-Fish Creek, because I know she's given to bold initiatives: why doesn't she have an opposition member on her committee to just ask a few questions for maybe two meetings?

MRS. FORSYTH: We have a doctor on the committee.

MR. DICKSON: She says she has physicians on her committee. That's not the same thing. Nobody's elected those physicians. Why doesn't she give this a try? Then we could come back and we could report to the Minister of Justice. In fact, I'm going to encourage the Member for Calgary-Fish Creek to come back and report to the minister on whether it makes any difference in the kinds of questions being asked. I have a strong hunch it would, Mr. Chairman. I have that hunch.

So if you want to get out of the unjust and wicked things being done simply from force of habit, what better possible way to do it than to say, not maybe, not sometimes but always, that when this important area of legislation is being reviewed, it's an all-party panel.

Now, the other reason why it's so important is maybe the most obvious one. When we're talking about ethics, when we're talking about standards of conduct for Members of the Legislative Assembly, this ought not to be a partisan issue. This, frankly, ought to be a question of determining what sorts of standards we have in this place for every member regardless of which party they represent. The last time I counted in April of 1998 only seven of the 27 recommendations had been accepted by government. Now, it may be that somebody can tell me there have been some additional recommendations accepted, but I think the last count was only seven of 27 recommendations. So it's going to be important to have that all-party representation.

Mr. Chairman, the Minister of Justice on April 7 made a couple of comments, and what he appeared to be trying to do was protect the flexibility and the range of options for the government of the day. He said in fact:

Quite frankly, it's drafted in such a manner that if the government of the day chooses to have a committee examine this issue, it could, if so desired, request that members of the opposition sit on the committee.

I know the Minister of Justice -- a man, as my friend from Fort McMurray used to say, learned in the law -- would be the first one to understand the difference between a permissive "may" and a mandatory "shall." I've always been impressed with the commitment of the current Minister of Justice to shake things up. When he got elected in 1993, he was one of those MLAs championing the fact we had to do better, that it wasn't enough simply to pursue the old ways. He was one of those people who provided in fact, I daresay, a singular kind of leadership to have the kind of accountability that we're supposed to have through freedom of information. Mr. Chairman, that wouldn't have happened if it hadn't been for the work and the energy of the current Minister of Justice. [interjection] No. I'm quite sincere when I say that.

That's why I find it so puzzling that the Minister of Justice, elected in 1993 with a mandate to make significant change, to win back the confidence that Albertans had lost in their elected people, now seems to have gone down a different path. He seems to have lost that revolutionary ardour, the fervent zeal that was manifest every time he spoke from his Deep Six position back in the 1993-94 period.

Anyway, it's an opportunity now for that Minister of Justice to go back. I'm going to encourage him to read some of those speeches he made. I heard the speeches he made in the Assembly. I can only imagine what kinds of barn burners were delivered within the privacy of the Conservative caucus room. I'm sure that some of his colleagues will find quotes probably etched in their cerebellum, with the Minister of Justice saying: it's time for change; it's time to give Albertans a sense of respect for their elected people; it's time that we take steps to make the changes, to try and regain the confidence of Albertans.

Mr. Chairman, we haven't achieved that yet. We haven't achieved that yet. We may have been here in some cases six years, in the case of Minister of Justice five years. We're not there yet. We could maybe even do a poll here. I could just ask how many of the government members think that as legislators we have the confidence of Albertans.

THE CHAIRMAN: One issue at a time.

MR. DICKSON: Oh, I'm sorry. One issue at a time. Okay, Mr. Chairman.

MR. SEVERTSON: The last poll was 70 percent.

MR. DICKSON: Aah, some people may think that poll results translate into that high degree of confidence. Not so, Mr. Chairman. I suggest that when polls are taken, sometimes it determines what the alternatives are.

But with respect to A2 the issue is: do we have all-party representation, and if it's a good idea sometimes, if it's a good idea anytime, it's a good idea every time. That's the very simple focus, the very simple thrust of the amendment A2.

Mr. Chairman, isn't it interesting that the Minister of Justice says: we don't want to tie the hands of a future government? Well, if that were the case, what would we be doing with the Deficit Elimination Act? I mean, that was an attempt to bind the hands of government. We talk about a debt reduction act, a debt elimination act. Those are things to bind the hands of future governments. You know, this government picks and chooses. There are times when it's only all too happy to purport to surrender some of its sovereignty and bind its hands for time immemorial, but other times they seem to lose that passion and that zeal.

It might be useful. When Brian Evans, the then Minister of Justice, tabled his response, his December 11 letter to Mr. Bob Clark, the Ethics Commissioner, giving the government response, I think we saw that the appointment of the Tupper panel may not in fact have been done because of a genuine interest in wanting to reform the system and try and achieve integrity towards the 21st century as it may have been just to deflect some heat the government was taking over some questionable transactions. I think the government has to accept some responsibility. If you appoint a panel of eminent persons to investigate something and come forward with recommendations, it seems to me it's incumbent on you to either accept the recommendations or offer some very specific reasons why you choose not to do so. Do we see those specific reasons offered here? Not at all. Not at all.

We've heard from the Minister of Justice. I wonder if the Member for Bonnyville-Cold Lake, I wonder if the member for Edson -- these are members who have also got responses from their constituents. I think these members have got some experience. The one thing about ethics in government is that there's no such thing as an expert, because we all as elected people wrestle with that challenge. The Minister of Public Works, Supply and Services, a veteran of this Legislative Assembly, has probably turned his mind to this many times in whatever caucus he was in.

8:40

AN HON. MEMBER: He's a man of many talents.

MR. DICKSON: Well, he is. I look around. I look at the Member for St. Albert. I look at capable people in this Legislature. They understand the importance of an ethical underpinning to what we do here. I say to myself and my friend from Calgary-Fort, my neighbouring constituency: these men and women are intelligent people; they've been able to read the report; they understand the size of the challenge in front of us. I'm hopeful, Mr. Chairman, that we're going to have some comment from those members in terms of whether they support this amendment and, if they don't, what reason there would be for not accepting this amendment.

Now, it may be that some of these members think there should never be all-party panels. Maybe they think that when you win government in a first-past-the-post system, it's sort of the scorched-earth policy, and you can just carry on and ignore the opposition altogether.

Mr. Chairman, I know there other people that want to pursue this debate. Thanks very much.

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

MR. BONNER: Thank you very much, Mr. Chairman. I rise this evening to also speak to the amendment on Bill 2. In this particular amendment section 16 is amended in the proposed section 44.2 by adding "all party" after "special." Now, I think this is very important, very important in light of the fact that it's been brought to our attention already on numerous occasions this evening that this Tupper report that was commissioned by the government in 1996 made a number of recommendations of which only seven have been accepted.

When I looked in the Tupper report, I found some things that were very interesting to me and I know all members in this Assembly would adhere to, and when they look at this amendment that the Member for Edmonton-Norwood has proposed, they will certainly agree. Now, of course, of the two principles found in the Integrity in Government and Politics Act, one was dealing with conflicts of interest. We want to leave that alone and look mainly at the second issue, because I feel that deals more with this amendment. The second one was, of course, that "public office holders will be obliged to act impartially in the performance of their duties." Now, if we're talking about impartiality, we certainly are talking about integrity.

THE CHAIRMAN: The hon. Minister of Justice rising on a point of order.

**Point of Order
Relevance**

MR. HAVELOCK: Yes. *Beauchesne*, relevance. I think it's 486, if I'm not mistaken.

THE CHAIRMAN: *Beauchesne* 459 would be better.

MR. HAVELOCK: *Beauchesne* 459. Thank you. Simply, could you direct the hon. member to address the amendment that's before the House as opposed to discussing other amendments and impartiality? We need to concentrate on this one.

THE CHAIRMAN: On the point of order, hon. member.

MR. BONNER: Yes, Mr. Chairman. Definitely we are talking here about impartiality of all members, and I think all members here would agree that we do guarantee impartiality when we have an all-party committee such as this particular amendment has spoken to. So we do wish that. We do wish to have impartiality and integrity here.

THE CHAIRMAN: That's on the point of order?

MR. BONNER: I'm sorry?

THE CHAIRMAN: Once you finish with a point of order, then the chair may say something. You've finished with the point of order?

MR. BONNER: Yes.

THE CHAIRMAN: Okay. I've been listening for the last little while, and the hon. Minister of Justice was objecting earlier to some of Calgary-Buffalo's comments. But if we read the amendment, it's talking about the all-party committee. So people are talking about various aspects of what they see as the virtues of an all-party committee and speaking of other review committees that were all-party. I'm sure that the hon. member is making relevant comments and that he will tie them in if they appear to

stray too far from this amendment, but the chair hasn't seen that this member has offended.

Debate Continued

MR. BONNER: Thank you, Mr. Chairman. I also feel that by adding "all party," what we will do here is certainly put confidence back into the public. We are perceived as a group with very low approval, and part of that is because we do have positions that are perceived to have real advantages or gained advantages. As well, I think that when we have all members from each party represented on a particular committee, we do in the public's view certainly represent all sides of the argument. Therefore I feel it is extremely important that we do make this an all-party committee.

Now, as well I look at some other operating principles and assumptions from the Tupper report which, again, apply to the amendment. One of those was that "laws designed to promote integrity in government are essential to the quality of democracy." If we are looking at the quality of democracy, then it is best served by representation from all parties.

I also look at a comment made in 1990 by Chief Judge Wachowich: "However admirable a conflicts of interest system might be, it could not reform a corrupt government or protect an apathetic public. Now, I'm certainly not in any fashion saying that this government is corrupt or that our public is apathetic, but I also think we do have a certain obligation to the public, and that is of course by having representation from all people.

So, Mr. Chairman, with those comments I would like to close my comments here on the amendment. Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Castle Downs.

MS PAUL: Thank you, Mr. Chairman. I just have a few comments to make. I think they've already been made quite adequately by most of the members of this side of the House.

In addressing the amendment, actually I can't understand why everybody in the House would not support this amendment. It's clean, it's basic, it encompasses all Members of this Legislative Assembly, and it includes all-party representation. It is such a basic request to have support for the amendment that I'm really surprised we're taking this long to debate it. Much to the pleasure, I'm sure, of the Minister of Justice, we are still debating the amendment.

Mr. Chairman, when we talk about conflict of interest, that conjures up all kinds of thoughts.

MRS. SOETAERT: Terrible thoughts.

MS PAUL: Terrible thoughts, and conflict is exactly that.

It alludes to the fact that there could be conflict, but having an all-party committee addressing whatever the issues are, whatever the legislation is at the time, alleviates the thought that for goodness' sake it would never happen in this government, that it would be all government and therefore it would be tilted one way and perhaps not the other. So when you have all-party representation on a committee, you obviously get exactly that. You get input from every party encompassed in that committee. If we were government, we would definitely have all-party committees, because we are open, accountable. We know this is what we . . . [interjection] The hon. member across the way here, from Whitecourt -- I have his support. He's going to support this Liberal initiative.

Anyway, Mr. Chairman, I will get back to the amendment,

because I really and truly do believe it is one that definitely requires support from everybody in the House. Just sort of saying on a whim that perhaps we might include in the committee all parties to be represented is not something you would adhere to as being part of the legislation. I think obviously that has more weight, more credibility, and then it also says something for the government: yes, we are including everybody in our deliberations.

MRS. SOETAERT: It would be good for them.

8:50

MS PAUL: Yes, exactly. My colleague pointed out that it is good for the government. Truly it certainly would not harm the public to see that there is an inclusive aspect to the government committee structure, and it absolutely adds more credibility to the decision-making process when representation is done by all parties.

Anyway, with those few comments, Mr. Chairman, I'll take my seat.

THE CHAIRMAN: The hon. Member for Calgary-Buffero.

MR. DICKSON: Thanks very much, Mr. Chairman. I appreciated the debate we've just heard. You know, it strikes me that there are probably some government members sitting there saying: "What debate, Calgary-Buffero? On A2 all we've heard is a bunch of opposition members." That makes the very point that the amendment does, that hearing from only one side of the Legislative Assembly leaves you without that sense of balance. It cries out for some sense of balance.

Mr. Chairman, when the Tupper report was produced in January of 1996, it was entitled Integrity in Government in Alberta: Towards the Twenty First Century. I'd just refer members to page 15. One of the key things it says:

The Integrity in Government and Politics Act would embrace two new principles. First, public office holders, both elected and appointed, would be expected to avoid conflicts of interest and "apparent" conflicts of interest.

Then the second one is not germane.

Well, is it not richly ironic, Mr. Chairman, that to deal with the Tupper report, that talks about the importance of protecting apparent conflicts and policing apparent conflicts, the government would resist, one would think, the most innocuous possible kind of amendment, just one requiring that when there's a review done, there be all-party representation on it. It seems to me that there must be some other reason here.

You know, Bill 2 is really the daughter of Bill 20, which the Minister of Justice on June 2, 1997, described as striking "a reasonable balance." That Bill 20 has been carried forward into Bill 2, the one that we're now attempting to amend with A2. In fact, it was the Minister of Justice who said on June 2, 1997, words that I completely agree with. He said, "It is in this atmosphere of public distrust and skepticism that governments have wrestled with the conflicts of interest issue." That was the current Minister of Justice speaking to Bill 20 on June 2, 1997.

Well, what's changed, Mr. Chairman? What's changed since June of 1997? Has the public distrust that the minister identified on June 2, 1997, somehow dissipated, evaporated, just isn't there anymore? Is the attitude of public skepticism that the minister spoke so eloquently about on June 2, 1997, just an historical footnote, something we'll find in the dusty back rooms of the Glenbow archives in Calgary or maybe with the Premier's other papers in the vault of the Legislative Assembly? I don't think so. The difficulty is that the key controversial recommendations from

the Tupper report have not been carried forward into the bill, and by the government's opposition to this very reasonable, very modest amendment that's currently on the table, it looks like this government has no intention in terms of doing better. And that, frankly, mystifies me.

I have a chance to hear a lot of Calgary MLAs speak. I see their newsletters, and I remember the Member for Calgary-Currie was on a CBC radio program with the former Member for Calgary-West years ago. I've had lots of opportunity to hear different government MLAs speak, and they all talk like the Justice minister did in June of 1997 about an atmosphere of public distress and how you change that. So here a very reasonable proposition is put forward that would allow them to deal with that and to address it, and suddenly it's not attractive anymore. The government members have little or no interest in it, and that's very disappointing, Mr. Chairman, very disappointing.

As I was reflecting on the analysis I heard from some of my colleagues, I was wondering: what else could I say to bridge the skeptical looks I see from government members? What could I offer by way of persuasion?

MR. WICKMAN: Well, we'll remind you. They're going to be opposition next time, so they should do this.

MR. DICKSON: The veteran member of my caucus, the distinguished Member for Edmonton-Rutherford, has reminded us that, you know, at some point every government changes. At some point. In Alberta we may be operating on a 60-year cycle, but at some point, Mr. Chairman, yes, even in this province, whether it's within my natural lifetime or not, there will be a change here too.

I would hope that whether we're looking forward to that day, at least we recognize it's coming. How do we prepare for that day? Well, it's the golden rule, hon. members. It's a question of doing unto the opposition as you might like to be done to if you were in the opposition, it just seems to me. [interjection] Well, I've never been able to convince the Minister of Justice that this is the most fun in the Assembly, being in the opposition, but he had that chance and he blew it. He decided to go in government instead. On amendment A2 I grieve every day for my friend from Calgary-Shaw, who had at one time a sliver of an opportunity to be standing here, maybe as the Member for Calgary-*Buffalo*, and to be able to challenge defective government legislation.

But, seriously, I think I've probably exhausted every persuasive thing I can say about this amendment. Unless there are other members, on either side -- I see that there's some renewed interest on the government side, and maybe this will be the opportunity, Mr. Chairman, where we'll hear some of those members reflect on how their constituents are feeling about this whole business of trust and credibility. Failing that, we may then get to the next point of the exercise, and that's where each of us is going to have to solemnly shout out yea or nay. That's going to be instructive, because it's going to be important that Albertans will be able to see how their MLA votes on this amendment. I hope Albertans will be paying attention to that, because I think it will be an important indication in terms of whether the government has addressed what the Minister of Justice so accurately said in June of 1997. I for one am standing up for the Minister of Justice, because I think he was right in June of 1997. Is there any member in this Assembly that won't stand with the Minister of Justice and with me tonight in terms of trying to address the atmosphere of public . . . [interjection] Mr. Chairman, we have a chance . . . [interjection] Well, I just want to make sure that no member is prevented from having a chance to participate in this

debate, to stand with the Minister of Justice and the MLA for Calgary-*Buffalo* in supporting this amendment to address the grievous concern he expressed in June of 1997.

So with that, I'll be looking on members to join the two of us and members of the opposition caucus when we're standing to support this small blow for integrity in government. Thank you very much, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Innisfail-Sylvan Lake.

MR. SEVERTSON: Thank you, Mr. Chairman. I couldn't help but enter debate after we spent an hour's discussion on an amendment to add "all party" to committee. Under the history of this Legislature a special committee established by the Legislative Assembly always includes all parties. We've never had a committee of this Legislature appointed by this Legislature that hasn't included all parties. We've spent a whole hour debating something that is in the act itself. I'd like the opposition to name one committee selected by the Legislature that hasn't been an all-party committee.

Thank you, Mr. Chairman.

9:00

THE CHAIRMAN: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Mr. Chairman, I just want to say that if the government members intend to filibuster this bill, I'm not sure I want to give up so quickly. Just kidding you, Mr. Chairman. I'll conclude my remarks.

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert. [interjection]

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. House leader, the function of the chair is to adjudicate back and forth and to facilitate the debate, not to end it. I'm not a judge, but I am an arbitrator of letting both sides go. So calls of shutting it down and so on, that is not called for nor appropriate.

The hon. Member for Spruce Grove-Sturgeon-St. Albert on amendment A2.

Debate Continued

MRS. SOETAERT: On amendment A2. Thank you very much, Mr. Chairman, for that very fine ruling.

I just have to respond to the amendment that we've been speaking about for an hour. This is called democracy in action. If all select committees are all-party committees, then what's the problem with putting this amendment in? Nothing. So then I'm assuming that everyone is going to support this. The hon. member should have maybe stood up sooner and said, "We all support this," and we could have gone to the next amendment. We wouldn't have had an hour's debate. So I just find it rather interesting that now the member says: it is an all-party committee. I'm sure that's an indication that he's going to support it.

I guess the history of the Legislature would deem that we want it in black and white, in writing just because there is a lack of trust sometimes between some people in the Legislature. I would say that if it's in black and white and it says all-party committee, then I would have a level of comfort, and that means it's going to be supported by everyone. Actually I look forward to the question on this.

Thank you, Mr. Chairman.

THE CHAIRMAN: We have before the committee, then, amendment A2 to Bill 2. This amendment has been proposed by the hon. Member for Edmonton-Norwood. All those in support of amendment A2, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Call in the members.

[Several members rose calling for a division. The division bell was rung at 9:05 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Tannas in the chair]

For the motion:

Bonner	MacDonald	Soetaert
Dickson	Massey	Wickman
Gibbons	Paul	

Against the motion:

Boutilier	Friedel	O'Neill
Broda	Graham	Paszowski
Burgener	Haley	Severtson
Calahasen	Havelock	Strang
Cao	Herard	Taylor
Clegg	Jacques	Thurber
Ducharme	Klapstein	Trynchy
Dunford	Laing	West
Evans	Magnus	Woloshyn
Fischer	McClellan	Yankowsky
Forsyth	Melchin	

Totals:	For -- 8	Against -- 32
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[Motion on amendment A2 lost]

MR. DICKSON: Mr. Chairman, I'm disappointed on two counts. The first one: I'd been told I'd been dispatched to the corner here to try and persuade the government member sitting closest to me, but I can see I'm not having much success here on the first vote in my new seat.

I have a further amendment, which has been distributed or is being distributed.

MR. HAVELOCK: Mr. Chairman, is the amendment the hon. member is referring to a new one, or is it one of the ones that was distributed earlier, in the spring if I'm not mistaken?

THE CHAIRMAN: Well, okay. The question is well taken, because I'm sitting here with two amendments as well, one in your name and one in the name of the hon. Member for Edmonton-Norwood. Which one is it we're on?

MR. DICKSON: I was about to move it on behalf of my colleague from Edmonton-Norwood. The amendment starts out, "4.1 The following is added after Part 1."

THE CHAIRMAN: Okay. Thank you.

MR. DICKSON: I thought I'd just given that to you a moment ago, Mr. Chairman.

THE CHAIRMAN: Right. You did, but when we go through the bill, there was a previous amendment that had yet not been placed. This will be known as amendment A3. Do all members have that?

SOME HON. MEMBERS: No.

THE CHAIRMAN: Okay. If we could just . . .

MR. DICKSON: Mr. Chairman, just while it's being distributed, I can advise the Minister of Justice that there may have been amendments distributed in the spring, but my understanding of the policy is that if it's not voted, then it has to be redistributed.

THE CHAIRMAN: No, if it's not moved.

MR. DICKSON: If it's not moved; right. I can't make a warranty, but my understanding, on behalf of my colleague from Edmonton-Norwood, is that this amendment had been circulated to the government at some point in the spring.

In any event, the amendment would be to add a new provision after part 1 of Bill 2. The section would set out a new part 1.1. The heading would be Principles. Beneath that 1.1:

Every Member shall conform to the following principles;

- (a) Members of the Legislative Assembly shall act honestly and uphold the highest standards of ethical conduct as is expected of elected officials in democracies;
- (b) Members of the Legislative Assembly have an obligation to perform their duties of office and arrange their private affairs in a manner that promotes public confidence and trust in the integrity of each Member, that maintains the Assembly's dignity and that justifies the respect in which society holds the Assembly and its Members; and
- (c) Members of the Legislative Assembly, in reconciling their duties of office and their private interests, shall act with integrity and impartiality.

So that's the amendment. If we can mark that, would that be A4, Mr. Chairman?

THE CHAIRMAN: No. It's A3.

MR. DICKSON: It's A3.

THE CHAIRMAN: Are you going to move that?

9:20

MR. DICKSON: Yes, I'm moving that amendment on behalf of my colleague for Edmonton-Norwood.

Now, speaking to the amendment, I think each of these three items are things that I'd like to think every member in this Assembly would support. This is a principle. It helps to give anybody reading the bill some sense of what it's about and why we have an ethical framework. It seems to me that it sets out a principle which would be used in the statutory interpretation of the bill if it were to become an act.

I guess there are two issues. The first one is: ought the principles to be included? Then the second question is: are these the right principles to include? Just on the first point of whether principles should be included, one can see now in looking through our Conflicts of Interest Act that it's rife with detail, with

reporting and disclosure requirements, but what's missing from the existing Conflicts of Interest Act is a statement of principle, something that helps to define what the scope and the compass of the act is. There's the proposal to put something in a preamble, but frankly preambles are a kind of window dressing. What this would do in effect is include it in the text of the bill, which gives it some much stronger value for purposes of statutory interpretation. So that addresses why we'd put forward principles.

The issue: are these the right principles? Well, I'd ask members. Is there anybody in the Assembly, anybody at all who thinks that MLAs shouldn't act honestly, that they shouldn't uphold the highest standards of ethical conduct, as is expected of elected officials in democracies? Surely there's no member, whether you've been in this House since 1986 or 1989 . . .

MRS. McCLELLAN: Eleven. Eleven years today.

MR. DICKSON: We have a number of veterans who have been here, and I want to congratulate the member representing my old hometown of Drumheller on her 11th anniversary in the Legislative Assembly. No better way of celebrating that anniversary, members, than accepting this amendment. When I visit my old acquaintances in Drumheller, they always like to know how their MLA is doing. I always like to say that she's one of those MLAs that always acts honestly, that always upholds the highest standards of ethical conduct and is somebody who does arrange and manage her affairs in a way that speaks to public confidence, who acts with integrity and impartiality. So I think there is no more appropriate time than the 11th anniversary of the Member for Drumheller-Chinook to be able to . . .

MRS. McCLELLAN: To vote with the opposition?

MR. DICKSON: Well, you know, there's been some suggestion that that would be voting with the opposition. Really, let's get past that. Let's just for one vote, members, suspend our party affiliation. Let's just come at it as 83, or however many of us there are in House tonight, individual MLAs. This is something that's pretty painless. Really, members, the amendment that's in front of us is very straightforward. The fact that members of the Assembly

have an obligation to perform their duties of office and arrange their private affairs in a manner that promotes public confidence and trust in the integrity of each Member,

we all have a stake in that. We all want to maintain the dignity of the Assembly. We all want to justify the respect.

The only questionable part is that some might have a different view than my friend from Edmonton-Norwood when she talks about justifying "the respect in which society holds the Assembly." We'd like to think that the Assembly's held in high esteem. I'm not sure that's necessarily always accurate, but it's surely what we strive to achieve in this Chamber.

Then the (c) part talks about how we all have private lives and private interests outside of this place. We have interests in corporations and investments, and we have bank accounts. Since we have those kinds of dealings, all the (c) element does is perfectly consistent with the Tupper report. It says that we will reconcile our duties and our private interests with two qualities, integrity and impartiality.

I frankly suggest to you, Mr. Chairman, that I've been trying to think of what basis -- when you're trained as a lawyer, you always spend your time imagining what the contrary argument is, and you spend some time jumping at shadows. I've spent some time trying to think what arguments would be marshaled to oppose

this amendment. The only one I can think of is that there may be some who would like it left in the preamble as one of those "whereas" clauses instead of tucking it into the meat of the bill, the text of the bill. If there's anybody who feels that way, I'd just make this observation, that the whereas clause strikes me as a very archaic means of drafting legislation. Typically, the more modern view of legislation drafting seems to be to embody a set of principles right in the heart of the statute. So it's not something to be treated as fluff or packaging; it's something that in fact should govern the interpretation of the statute when it's interpreted, presumably, by the Legislative Assembly or by the court at some future point.

Then I say: okay; so what other argument could there be for not putting this in after part 1? I can't come up with any other reasons. The other thing, then, would be to move to the three principles, and I'd say: which of these three principles could any member of this Assembly not accept and agree with? I can't imagine. All partisanship aside, I respect the men and women who have succeeded in being elected to this House, and I think we all try to do our job with integrity and impartiality. So what would be the harm in terms of stating that? From time to time we're human and we fall short. Well, that's okay, but what we're trying to do is set out what the standard is that we're attempting to work towards. So if there are good reasons why this is problematic in terms of either process or substance, I hope somebody's going to offer that opinion, because I'm hard pressed to think what it may be.

Thank you very much, Mr. Chairman. I look forward to the response of the Minister of Justice.

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

MR. HAVELOCK: Thank you, Mr. Chairman. Briefly, one, we need to recognize and remember that when we are elected, we do take an oath of office, and that oath of office reflects the morals and standards which we are to uphold while we're in the Legislature. I think the statement that's being suggested here, the amendment that is being suggested simply reflects that.

More specifically, I'd like to point out a couple of problems. The principles section that is being proposed imposes obligations, but there is no specific sanction for the breach. It is purely a philosophical statement. It is extremely subjective, and it does lack in precision. Preambles typically are only supposed to be used to interpret ambiguous provisions, but a specific section in the act could affect the meaning of other provisions whether or not there is ambiguity. The other provisions in the act are very specific. They set out specific obligations on the parts of the members, as well they should, because not only does the general public have to have some degree of confidence in the actions of the members, but the members themselves when looking at the legislation need to, I believe, know what is expected of them, and for that reason the legislation is drafted very specifically. Putting in this type of section only creates, I feel, some degree of ambiguity. That is why, when we took this through our process, it was determined that it was more appropriate to form part of the preamble, and as part of the preamble it will be used only to interpret ambiguous sections.

9:30

Now, hopefully we do not have any ambiguous sections in the legislation. We've tried to be as specific as possible, but that is the reason we went that route, Mr. Chairman. We want a piece of legislation which is workable, which is understandable not only by the general public but also the members in this House fully

appreciate what is expected of them. For those reasons we decided to put it in as the preamble.

Thank you.

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

DR. MASSEY: Thanks, Mr. Chairman. I would like to speak in favour of the principles. When we last addressed the bill, I had an opportunity to make a plea at that time that there be principles like this embedded in this particular act. I think the government has strengthened what was there before, and they followed somewhat Tupper's advice in putting the kind of preamble that we now have in the act. I questioned at that time whether they had gone far enough, and since that time I've had a chance to look at the bill, and I don't think they have.

I would like to be assured by the government House leaders that the legislation had been carefully examined, but we've had some experiences with other bills that they told us have been carefully examined, and I think we come away from many of those bills still making a plea for plain language. I think that if you look at -- what was the bill we looked at the other night? -- the Tax Statutes Amendment Act and try to read that, it's abundantly clear that whatever process is being used to examine the bills, it's not taking into account the readers to any great extent, because the reading of that particular bill is very, very difficult.

But this is a different bill. This is the Conflicts of Interest Amendment Act, and this is a document that speaks to the fundamental beliefs in democracy in terms of how elected officials in this forum should behave, how they should conduct their affairs. It's the kind of legislation that calls for fine language. It almost demands that we put forth some of our best thoughts, and it may seem by some as dressing, but I don't believe it's so. I think the whole notion of when you look at conflict of interest legislation and why we have to have the legislation in the first place is because there has been a growing disenchantment with legislators, people who work in government over the last number of years. This particular act is a piece of legislation that can help regain and restore some of that trust. So I would make a plea for the kinds of principles to be set out in the first part of the act and preceding what I think is really a nice preamble that now is found in section 2. Again, I believe that was at Tupper's urging.

The Government House Leader is correct. One of the criticisms levied at conflicts of interest legislation is that that legislation is awfully ambiguous, and I think that may be true. I don't think it's true of the current act. I don't think it's true of anything that we have suggested be added to it.

One of the other criticisms is that the mechanisms to determine the existence of any kind of wrongdoing on the part of people in public office or serving the public through the civil service aren't in the legislation, and we have some suggestions in this regard for later in the debate.

The third criticism is that the acts are sometimes insufficient in terms of their ability to identify violators or to bring violators to any kind of justice.

I think the principles that are outlined here, as I said, and the whole act I hope, will go some part in bringing trust back to the system. I'm not suggesting that one piece of legislation can do that, but as I said before, we're not held in very high regard by the public. I think there was a recent poll that was conducted, and the public support for politicians ranks around the 28 percent level.

MR. WICKMAN: Just under used car salesmen.

DR. MASSEY: Just under used car salesmen. I don't think that view is one that just applies to politicians, those in politics or in public life in Alberta. I think there's been a long history of this kind of distrust developing on our continent. The Americans are much more systematic in getting at the nature of that distrust. The national election studies that they have had in place since 1958 have tracked trust in government, for instance, as one of the dimensions that they look at. You can tell from their scores. The trust in government in 1958 hovered around the 50 percent mark. In 1996 that trust had dropped to 32 percent. You look at notions like the ones we were brought up on to believe in about government, that the government is run for the benefit of all, and those national election studies say that very few people believe that any longer, at least in the States, and I think we would have similar results here. In 1964 only 29 percent of the population believed that the government was run for a few big interests; 70 percent of people believe that now. So that whole notion of trust in government has been eroded.

This is a document that tries to restore some of that trust. People believe that if this legislation passes, that if we have sound conflict of interest legislation, people who aren't acting in a trustworthy manner will be dealt with effectively. My argument is that not only do we have to have parts of that bill actually address misdemeanors and lay out some of the penalties, but the bill should go further and should be in some ways inspirational, should be an example of some of the ideals that we hold as a democracy.

So I would urge the members of the Legislature to support the amendment. I think it has words that are worth living by as legislators and people in public life. Thank you.

THE CHAIRMAN: Hon. Member for Calgary-Buffalo, if you would help me with this. As I understand that this amendment is, it's exactly the same words that are in the preamble, give or take one or two, and you're moving it from the preamble down into the body of the bill. Isn't that right?

9:40

MR. DICKSON: No. There's a change in the text. It's similar, but it's clearly not identical, Mr. Chairman.

THE CHAIRMAN: Okay.

MR. DICKSON: If I understood the Minister of Justice correctly, he said that one of the reasons we don't need this amendment is because it's in the oath of office. Well, Mr. Chairman, here's the Legislative Assembly. [interjection] I stand corrected. I'd understood that the Minister of Justice referred to the oath of office. [interjection] *Hansard* won't have got that. The Minister of Justice suggests that the oath of office is one of those things . . .

Chairman's Ruling Remarks off the Record

THE CHAIRMAN: Hon. members, if we want to clarify what one said or what one intended, please stand and make that clarification so that it's part of the record of *Hansard*. Right now we are getting some apparent clarifications, but if the hon. Member for Calgary-Buffalo wishes to hear them, if he would take his seat, we'll let the Minister of Justice clarify. If you're not seeking that, then continue, Calgary-Buffalo.

Debate Continued

MR. DICKSON: There may have been members who sit there

who are taking their legal advice from the Minister of Justice, and when he mentioned the oath of office, they may have taken some measure of comfort from that. What I wanted to do was just quickly point out that section 22 of the Legislative Assembly Act sets out the only oath of office I can think of for MLAs. What it says is simply this:

A Member shall take an oath of allegiance in the following form:
 "I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God."

Now, the minister may have been thinking of a different oath, or maybe government members take some kind of different oath than the rest of us do, but clearly if we hold up that oath in the Legislative Assembly and compare it with the proposed section 4.1, what we find is that there's bit of a gap between the two. I appreciate the fact that when the Minister of Justice took his oath sometime after June 15, 1993, he probably took it as implicit that in that oath I read out a moment ago were all of the things set out in this amendment, but there may be some members who wouldn't think of these things. They'd just think that all I'm doing is swearing a very brief oath to Her Majesty Queen Elizabeth II and not realize that by doing that, that imports all of these kinds of obligations to act fairly, honestly, and ethically.

I know that the hon. member for Clover Bar-Sturgeon-St. Albert wanted to speak further, but I just wanted to speak very quickly . . .

MRS. SOETAERT: Spruce Grove.

MR. DICKSON: Spruce Grove. My colleague is going to be able to offer some other comments.

The oath clearly, Mr. Chairman, doesn't get us very far, and certainly it would be no substitute for the amendment that the Member for Edmonton-Norwood has carefully crafted.

Thank you very much, Mr. Chairman.

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

MRS. SOETAERT: Well, thank you, Mr. Chairman. I really appreciate that you never get my name wrong. You know, I get sensitive about that, because this is almost the longest name in the Legislature, I'm sure, of which I'm very proud. So thank you.

I want to speak a bit about this amendment. I'm sure most people can support it because it really is just fine-tuning what was there before and making it under a different section. I think it clarifies some principles that we shouldn't be afraid to include in this act. The wording is a bit different than the previous preamble. One of the things that is quite different:

Members of the Legislative Assembly shall act honestly and uphold the highest standards of ethical conduct as is expected of elected officials in democracies.

That word "honestly" is, I think, very important. So often we've heard jokes about politicians always linked to being a little on the shady side and not being totally honest. I resent those jokes. I really do. Yet part of me understands them, because, for example, people say, "Oh, I knew nothing about that," and then we find out that they signed a letter on the issue. Or, "No, no, no, that bill doesn't mean that," and then they find out that it really does, and then they put amendments in. That is where the lack of trust in elected officials comes forward. I would venture to say that to add that word "honestly," to "act honestly," is very important. I don't think it should be a problem for anyone in this Assembly to support that amendment. It's no wonder that our

profession is one of the least respected in the eyes of people. I think this would be a step in the direction of telling people that these are the principles we are trying to follow. We aren't perfect; no one is. I certainly think we should have set principles for ourselves, standards for ourselves, and that is what this does.

The (b) part: "Members of the Legislative Assembly have an obligation" -- not just "expected to," but obligated -- "to perform their duties of office." You see, you kind of sneak out of it with the word "expected." You know: great expectations. Yet that doesn't come through. So the real change there is in the word "obligation." We're obligated to perform our duties of office "and arrange . . . private affairs in a manner that promotes public confidence." In a way, we started on that route with the Ethics Commissioner, as I understand it. I mean, that's a fairly new concept here. It's only been since about '93, '94 that we've had an Ethics Commissioner that we submit all our information to, and I think that's good. But the difference there from "expected" to "obligated" I think is a very important change. I think that holds a bit more responsibility on our part. So that's a strong part of that amendment.

"And trust in the integrity of each member." You know, isn't it funny: that word "integrity" is one we all use in campaigns. It's in our slogans. It's on our brochures. Nobody believes it, and it's no wonder. Some of the things that are said and done afterwards and things that are hidden during campaigns that come out after don't promote integrity in the Members of the Legislative Assembly. So I think it's incumbent upon all of us to always focus on that word "integrity"; isn't it?

Then we want to talk about "the Assembly's dignity and that justifies the respect in which society holds the Assembly." You know, often when I speak to grade 6 classes, I talk about behavior in the Legislature because they've come here to see some of the actions of the day. [interjection] I know. I tell them that question period is a television show to make a point.

MS PAUL: Absolutely. And we do a good job of it.

MRS. SOETAERT: We do a very good job, and you know what? Sometimes they do too. The cameras are on. Most people sit up straight. Not always. I've noticed that. Some people kind of slouch and talk behind people. That's not professional looking. But that question period is to make a point. People will say: "I see you guys pounding your desks" and "What are you doing in there?" You know, it's a place of respect. Do you ever tell them the history . . . [interjection] Yeah, I am. I'm on the part about respect in the Assembly. I explain why we pound our desks instead of clapping. I mean, that's a neat tradition. If members don't know, they should find that out so they can tell those grade 6 classes, because they like to hear things about past sword fights and that kind of thing. So now I know I've piqued the interest of many members who don't know the history of why we pound the desks. I'm sure they'll look it up. Look at that. They're still going: "No, we won't." Yes, you will. [interjection] That's good. That's good, hon. member.

So I explain the traditions of the Assembly, the reality of question period: it's incumbent upon opposition to hold them accountable. It's also an opportunity for their backbenchers to throw a few little puffballs so that the ministers can try to look good. They don't do it very often, but it is the purpose for them because there is the odd good announcement that's made, and those are important to get out to the public. That is very much the role of question period within the Assembly. So it is very much a television program to make a point. Many points are

made, and information is given out. The press carry it out in all kinds of different versions, but it does get out there, and the public becomes aware.

9:50

We have to explain to people the role of the Assembly. It's not just to sit and vegetate. It is a time to speak out for our constituents. It's a time to as a government let people know what's happening and as an opposition to hold you accountable, as in this amendment. I would think that that is something all of us shouldn't have any problems with. That part of the amendment, I think, is quite strong, especially that word "integrity." I think we all have to focus on that, especially when issues like HRG and ATB and all those little acronyms come up. Those have special meaning for us in here, and I think it's incumbent upon us to teach the rest of the public what that means.

DR. WEST: PCB.

MRS. SOETAERT: PCB. You're right. Thank you, Mr. Minister.

Those kinds of things are important for us to speak about with integrity for our constituents.

The final point is: "Members of the Legislative Assembly, in reconciling their duties of office and their private interests, shall act with integrity and impartiality." I think this is exactly like -- here's that one difference here in the bill. It's "are expected to act," and here it is "shall act." Now, you know, when you're growing up and your mother says: I expect you to do well in school. But if she says, "You will do well in school," there's a little different tone to that. That is something like in this bill. It's one thing to say that you're expected to act with integrity, quite another to say you shall act with integrity. Maybe things like the location of hospitals and public buildings and overpasses and stuff like that wouldn't become contentious issues if "Members of the Legislative Assembly in their duties of office and their private interests" should and will and "shall act with integrity and impartiality." Those are important principles. The whole difference is the words. "Obligation to act" and "shall act" are much different than "expected to act." It's a stronger piece of legislation that no one in here should be afraid of.

I'm certain that the hon. minister of science and technology with all his little disks will support this amendment. [interjection] You are bad.

Mr. Chairman, I am continuing. I am taking this home right now. I am wrapping up my final comments here.

DR. TAYLOR: Did you say you're taking me home?

MRS. SOETAERT: No. Most definitely I am not taking home the minister of science and technology. I'm just so happy with my husband of 23 years. I think he's a keeper.

DR. TAYLOR: Poor guy.

MRS. SOETAERT: People will agree with you there, hon. minister. But back to the amendment. And I am not taking a copy of *Hansard* home to him tonight. I don't think he needs to see this.

DR. TAYLOR: It's 10 o'clock; do you know where your husband is?

MRS. SOETAERT: Yes. My husband's at home with my children.

Mr. Chairman, with those profound statements, the real point is let's not just expect it of members; let's demand it. Let's demand integrity. Let's not say: we wish you'd act this way, golly, gosh, please. Let's say: "Act this way. Be people of integrity. Lead by example." Don't demand things of other professions unless you're willing to follow the same standards. So these are principles that are outlined that are much stronger than the original bill, and I would encourage all members to support this very good, this very strong amendment.

Thank you.

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

MR. HAVELOCK: Yes. Thank you, Mr. Chairman. I move that the committee do now rise and report progress on this bill.

[Motion carried]

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you. The Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 46. The committee reports the following with some amendments: Bill 42. The committee reports progress on the following: Bill 2. Mr. Speaker, I wish to table copies of all amendments considered by the Committee of the Whole on this day for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered.

[At 9:59 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]