

Legislative Assembly of Alberta

Title: **Tuesday, December 1, 1998 8:00 p.m.**

Date: 98/12/01

[Mr. Tannas in the chair]

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

THE CHAIRMAN: I'd like to call the committee to order. Hopefully we can maintain the usual convention of only one member standing and talking at a time.

MRS. SOETAERT: Didn't we adjourn in committee today, Mr. Chairman? Aren't we in debate still?

Bill 49

Appropriation (Supplementary Supply) Act, 1998 (No. 3)

THE CHAIRMAN: The hon. Member for Spruce Grove-Sturgeon-St. Albert on amendment A1 to Bill 49.

Hon. Provincial Treasurer, if we could balance your budget out . . .

MRS. SOETAERT: Yes. Absolutely. Thank you, Mr. Chairman. I'm sure the King of Supplementary Supply wants to take his little green ball outside so that I can address the amendment to Bill 49.

You know, Mr. Chairman, I was debating just going to the next phase of discussion, whatever that may be tonight. Then I remembered that the Premier felt we were not scrutinizing things closely enough and not speaking to them quite enough, so I thought that it was my duty as a member of the opposition to speak to Bill 49.

DR. TAYLOR: Do your duty.

MRS. SOETAERT: I am doing my duty. I do it well.

So, Mr. Chairman, to the amendment. The main point of this amendment is to let the public know how this budgetary process works, and I think this would provide that. It certainly wouldn't necessarily cost any money. You can go to different cities and get the use of gym . . .

DR. TAYLOR: What about Foremost? It's only got 500 people.

MRS. SOETAERT: No. But they can gather at larger centres. Does Medicine Hat qualify?

DR. TAYLOR: An hour and a half away.

MRS. SOETAERT: Well, then, you see, one would expect the MLA to let them know. I'm sure those MLAs with large rural constituencies might be concerned about this. In fact, maybe we should make an amendment to the amendment that says "towns," towns about the size of, you know, 10,000. Right?

DR. TAYLOR: Foremost is 500, Colleen.

MRS. SOETAERT: Foremost is 500. Okay. Then all the MLAs who represent those little towns can go. That would work for me, Mr. Chairman, and I assume it would also work for the minister of science and technology. He might put his presentation on disk. One never knows; he might try.

But I think the important thing to do at these meetings would be to relay to the people how the budget process works. The fact that we are now on our third set of supplementary estimates --

it would be an interesting analogy, Mr. Chairman, to find out just how many supplementary estimates this Treasurer has presented in this House as compared to any other, because then he could be named the King of Supplementary Supply. I think it's probably a better name than Cranky Pants, because I think he took offence to that one.

MR. DAY: No. I loved it.

MRS. SOETAERT: He loved it, but I think now he has another title, which is King of Supplementary Supply. There probably have been other names given to him but none that I would know of.

Red Deer would actually be an excellent place for the kind of presentation that this amendment speaks to because the Treasurer is their MLA, and if they'd like our finance critic to show the other side, I know that free of charge he would go there too. They could have an open discussion with the people in Red Deer about the budgetary process.

But here we are back in the Leg. once again asking that different moneys be spent in different areas, and it puts me in a bit of a quandary because on the one hand I say to plan better -- I would like to see that -- and on the other hand I say that you have planned so poorly that you are not sufficiently supporting different projects that need to be supported. For example, I don't know how we could talk about supplementary estimates without some sort of explanation as to how the waiting lists are addressed, how the hospital beds are not being opened up. I mean, Sturgeon, for example, hasn't had any new beds opened up except for and thanks to the federal government and their dollars put in because of the base. Those are federal dollars that have helped to improve Sturgeon hospital. You know, that isn't even in this budget, and if anybody wants to speak to that, I'm sure they'll have the opportunity.

I don't see how we can talk about a \$10 million infrastructure grant to Municipal Affairs, and I realize that's for the north/south trade corridor and a bit of the Anthony Henday. Yes, it's to be divided between 20 municipalities for funding under regional co-ordination. To my understanding, they get to put together a presentation and use that \$10 million as they see fit. But I don't see how we can support that without saying: why do almost all the municipalities across this province have to raise taxes? Why are they handling the deficit that this government's avoiding? So I don't know how we can speak about that \$10 million one-shot deal for one little piece of road when we're really not addressing the issues that municipalities are facing as they are forced to raise taxes to provide the services that people I would say need. It's not just wants; we're down to needs in this province.

Now, the other area that I think would be interesting to note is that with this \$1.153 billion in unbudgeted spending in 1998 alone, we do need better budget management systems. We even got a one-shot deal, \$128 million for the RHAs to address cost pressures, and we're always calling them . . . [Mrs. Soetaert's speaking time expired] Oh, Mr. Chairman, I'm just brokenhearted that I'm not finished all my concerns. [interjections]

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. members, this is committee. If you're going to start shouting out, the chair will start naming you. So let's hear from the hon. member, but hon. member, as you were reminded before, this inclusion of this person and that person and you naming them and so on is not a really helpful way to have constructive debate on the issue.

MRS. SOETAERT: I agree, Mr. Chairman. Thank you for that.

Debate Continued

THE CHAIRMAN: Spruce Grove-Sturgeon-St. Albert on amendment A1.

MRS. SOETAERT: Thank you for that, Mr. Chairman. I was hoping.

THE CHAIRMAN: Okay. One of the joys of being partially deaf is that you don't hear the machine that's only a foot from your ear.

MRS. SOETAERT: Well, I was ever so hopeful, Mr. Chairman, that maybe I could get unanimous consent to continue.

THE CHAIRMAN: The hon. member is reminded that unanimous consent in fact is not necessary because you are not limited to the time that you've just spoken. As soon as someone else speaks and you're able to catch the eye of the chair, you could speak again for 20 minutes.

Now, the hon. Deputy Government House Leader.

MR. HANCOCK: Mr. Chairman, you've only announced one of the pleasures of being partially deaf. I'd like to move that we adjourn debate on Bill 49.

THE CHAIRMAN: The hon. Deputy Government House Leader has moved that we adjourn debate on Bill 49. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

MR. HANCOCK: Mr. Chairman, I would move that when the committee rises, we report progress on Bill 49.

THE CHAIRMAN: I'm sorry, hon. members. Hon. Deputy Government House Leader, would you repeat that for the benefit of the aforementioned hard-of-hearing chair?

MR. HANCOCK: I would move that when we rise, we report progress on Bill 49.

THE CHAIRMAN: Good. The hon. Deputy Government House Leader has moved that when the committee rises and reports, we report progress on Bill 49. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

Bill 2

Conflicts of Interest Amendment Act, 1998

THE CHAIRMAN: I'd call on Edmonton-Highlands, followed by Edmonton-Norwood.

MS BARRETT: Thank you, Mr. Chairman. As usual, my comments will conform to my height.

Mr. Chairman, I believe that this amending bill is for the most part good but contains some serious flaws as well, one of which is that senior government appointees do not fall under the provisions of the Conflicts of Interest Act. I can give you one example in particular, and that would be the most recent chairperson of the Workers' Compensation Board, whose subsequent professional activity, I suppose you could call it, is very highly related to the position that he held as the chair of the Workers' Compensation Board.

8:10

That board engaged in multimillion dollar contracts with, thanks to Bill 37 and the opposition to it, that now well-known private wanna-be, for-profit hospital HRG. HRG enjoys multimillion dollar contracts with the Workers' Compensation Board, in the first instance to provide rehabilitation services but in the second instance to provide surgical services in a fashion that amounts to queue jumping over the public health system. The public health system would be paid exactly the same as the Columbia health group or HRG, its affiliate, and that money would be going into the public hospital system.

I was an MLA at the time when the accounting change took place. I always wondered if there was something fishy behind that accounting change, because it used to be that Alberta health care just simply covered the costs of workers' comp patients while they were in rehabilitation or in hospital. At the time, Marv Moore, the minister, said: no, no; it's just an accounting difference. I think it's been proven now that it wasn't just a difference in the way payments are made; it was a difference that allowed payments to go to private, for-profit clinics in territories where they did not offer or were not allowed to offer services before. Maybe I should have guessed where they were headed, but at that time you couldn't see it.

So I would say that the government would do well to include senior government appointees under this legislation. I would also add that under this legislation it would be appropriate to include public disclosure of an automatic nature of MLA expenditures at their constituency levels. I am not talking about revealing one's long-distance or local phone bill, with all the numbers of the persons who were being called showing, but the net amount showing the amount of money that's being spent on MLA reports, town hall meetings, those kinds of things, so that the public is aware that the members are not in any type of conflict of interest when it comes to the expenditure of taxpayers' dollars.

But my much greater concern -- and I'm not sure who I should lobby to get this changed maybe next year, as I think the bill is probably going to go through tonight -- is that senior government appointees come under this legislation. You don't have to cast your mind too far back to remember the Sinclair Lewis affair and the subsequent recusal policies that were adopted. I'm not sure if they were adopted formally by Parliament, but some were certainly adopted informally.

I think that event itself spoke to the need for the Conflicts of Interest Act in the first place, which I'm glad the government did bring in. I think the updates are generally appropriate but flawed

insofar as we as members of the Assembly have the right to appoint political assistants, and government members in particular, cabinet especially so, have the right to appoint very political creatures to high positions, ones which command a great deal of authority and in fact exercise a wide scope of public policy without being accountable.

I'm hoping that if the government doesn't follow my recommendations, this becomes an issue in the next election. I for one will make the case that it is absolutely inappropriate for the former chair of several years to be going to work in association with a company that had contracts with the Workers' Compensation Board. That is ultimately and fundamentally wrong.

So I urge the government to support my recommendations and bring in the changes that would be appropriate in that fashion.

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

MR. DICKSON: Thank you very much, Mr. Chairman. I was listening with interest to the comments of the last speaker, and I must say that I was a bit surprised.

The reason why I think Bill 2 is a major problem in this Assembly is that it accepts some of the minor recommendations from the Tupper panel report, but the key ones, the ones that probably would go furthest to addressing the lack of confidence that Albertans have in their conflicts of interest regime, things like dealing with apparent conflict and so on, are the ones that the government left out.

Mr. Chairman, there's an amendment which has A, B, and C parts. It's amending section 4. If that could be distributed, please.

While that's being distributed, I just wanted to say that I'm sure this isn't a conspiracy on the part of the Legislative Assembly, but I went to look at the Conflicts of Interest Act, and it's out of the binder. And that's fine. I went to leaf through the pages, and I see that we've got page 2 and page 25. Now, hopefully that means that so many members are taking this bill very seriously that there's probably a run on copies of the statute. I was just going to mention that anybody who's looking for the conflicts act may have to run downstairs to the library because those nuggets between page 2 and page 25 are missing.

MR. MAGNUS: You took all the copies.

MR. DICKSON: Contrary to mischievous suggestions, I have not taken all the copies and hidden them under my desk, Mr. Chairman. I have a pile of many things under my desk, but it's not the rest of the Conflicts of Interest Act.

Now, if I can alert members while they're anxiously waiting to have this piece of paper put in their hot little hands, the amendment is to clear up what I suggest is a major anomaly in the bill. Members of the Assembly, through the chair, I'm opposed to special rights. I'm opposed to special privileges, and I think it would be outrageous that somebody who happens to be living in a gay or lesbian relationship should be accorded special privileges, but, Mr. Chairman, if we don't move this amendment, this is what's going to happen. We're going to say that . . .

THE CHAIRMAN: Hon. member, I think enough time has taken place for hon. members to receive this amendment, which we're going to call amendment A7 when you move it.

MR. DICKSON: Okay. I think people may be confused because it's marked A8, but I'm happy to move the amendment. If we're

calling it A7, Mr. Chairman, that's certainly fine with me. Can I move the amendment that's being distributed as A8, Mr. Chairman? I'm having trouble reading your signals, sir.

8:20

THE CHAIRMAN: Right. This is the one that has sections A, B, and C on it. Section A is dealing with section 4, B with 7, and C with 16. This will be known as amendment A7.

MR. DICKSON: Fine. Thank you very much. Excellent. I'm moving it. Thanks very much.

You know, I sat in this Assembly through the spring session, and there was a great deal of concern that gay and lesbians in this province were going to be accorded some special status or some special rights. In fact, at the urging of the Member for Cypress-Medicine Hat and the Provincial Treasurer, the government even created the fence committee to ensure that there were going to be high fences built around sexual orientation. There was a real concern exclusively from members from the government side that . . .

DR. TAYLOR: And most Albertans.

MR. DICKSON: Well, some Albertans and government members were concerned, so they were anxious to construct fences.

Maybe this is something that's going to be addressed in that fence-building committee, and maybe the Provincial Treasurer or the Member for Cypress-Medicine Hat, the minister for science and technology, is going to be able to set me straight.

MS OLSEN: Gary, that's a kind of funny word to use on this amendment.

MR. DICKSON: My caucus members are much cleverer than I am.

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. members on both sides, this is not a hockey game, nor is it entertainment. If you wish to watch either of those, please go outside where there's televisions in the lounges. Otherwise we'll listen to the hon. Member for Calgary-Buffalo speaking on amendment A7 to Bill 2.

Debate Continued

MR. DICKSON: Thanks very much, Mr. Chairman. The purpose of the amendment is simply this. There are certain requirements currently in a situation where a member's spouse is involved in certain things, does certain things. There are certain disclosure requirements. But interestingly enough, if a senior official were living in a gay or lesbian relationship, not a married relationship but had a long-term partner, you know what's interesting? That partner is not subject to the disclosure provisions in the Conflicts of Interest Act. So what happens?

Now, there are some members who may say that they don't think their spouses should be caught by conflicts of interest anyway, but they are. So why would we say that my spouse has to disclose her source of income and her assets and her professional corporation, but if I were living with one of my colleagues here -- I won't pick one -- we'd have a very different situation.

Mr. Chairman, the point is that if you were going to create a fence and ensure that sexual orientation . . .

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. member it's getting hard to hear you over the voices of the hon. Member for Spruce Grove-Sturgeon-St. Albert. [interjections] We may be forced, if the group persists in being otherwise engaged in the debate, to invite a few of them to remove themselves from the Chamber.

The hon. Member for Calgary-Buffalo.

Debate Continued

MR. DICKSON: Thanks very much, Mr. Chairman. All this amendment would do would be to make same-sex domestic partners of MLAs and senior government officials subject to the same disclosure and conflict of interest rules that now apply to opposite-sex partners of MLAs and senior government officials, be they married or common-law.

I guess the simple proposition is this: why should my wife have to disclose her income and asset and expense situation whereas an MLA or a senior official who is living in a same-sex relationship -- and we expect that this is happening, that there are senior government officials who are living in same-sex relationships -- doesn't have that same obligation? It seems to me that that's patently unreasonable. You have different standards, different tests. Why would that be?

I think that what Albertans would expect is that whether it's a common-law relationship, a marriage situation, a same-sex relationship, they would meet the same disclosure requirements. Is there anybody that thinks that's an unreasonable proposition? I think this is a reality that some members may like to think doesn't exist, but in fact that is the reality. That is the reality for some members and some senior government officials, so why not recognize it by an appropriate amendment.

The government has opened the Conflicts of Interest Act, so this is not some contrivance on the part of the opposition. What we're doing is closing a loophole which currently exists in the Conflicts of Interest Act, because right now, members, what happens is that there is an unfair and unequal benefit for same-sex domestic partners of MLAs and senior officials. [interjection]

Chairman's Ruling Decorum

THE CHAIRMAN: Minister responsible for science, research, and information technology, since you've interrupted on several occasions, we will put your name down, and when your turn comes, we'll invite you to speak. Until then, please listen.

Calgary-Buffalo, sorry to interrupt.

Debate Continued

MR. DICKSON: Thanks, Mr. Chairman. So members of the Liberal caucus think there should be equal treatment. We think that there shouldn't be unequal treatment when it comes to partners of MLAs, and we expect that what Albertans want to see is that partners of MLAs and senior government officials, regardless of gender, be not able to take advantage or exploit information, exploit the position of trust that the elected member is in.

Now, if there are people that have a contrary opinion on this one, I'd certainly expect them to stand and explain it. I have listened so many times to government members complain about unequal treatment and some mystical, special benefits for people who are gay and lesbian that I'm astonished they wouldn't have addressed this in the Conflicts of Interest Act in Bill 2. Why wouldn't you want to treat those partners in exactly the same way?

If this amendment is not acceptable, then really what we're saying is that the gender of your partner is more important than the public right to know and the standard that elected members should be held to. There may be some members who say: "Well, this is unfair. I may be in a same-sex relationship, and there should be no requirement on the part of my partner to be caught by the act." The simple answer to that is: on what possible basis should they be exempted? None that I can think of.

So the amendment would define a domestic partner to include a party to a relationship between two adults who are living together on a bona fide domestic basis but does not include a domestic partner who is living apart from the Member if the Member and domestic partner have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

Then there are some consequential amendments.

8:30

There's an acknowledgment here. We talk about a "bona fide domestic basis," so this is not some sort of a fleeting short-term relationship. It's a bona fide domestic basis. It provides that if somebody is living separated -- whether it's same sex or opposite sex ought not to matter. If there's been a court order severing family property and establishing a support obligation regimen, that would not apply. What we do is we take out the word "spouse."

I would think that members appreciate the lengths to which the opposition has gone in crafting this amendment. Many people are concerned that there's sometimes an attempt to redefine "spouse" and give it a meaning different than what's normally understood. We're sensitive to that concern. We're not trying to redefine the word "spouse" here. What we're talking about is a domestic partner. Some people may say: well, this is going to set some kind of a dangerous precedent. The short answer to that is we want to ensure we have a Conflicts of Interest Act we can be proud of, one that addresses that unease that Albertans have that their elected officials consistently maintain the high standard that we like to think we maintain. It would seem to me that with the definition of domestic partner, with a thoughtful definition which parallels the definition in opposite sex relationships, we've addressed a serious omission in the original act.

To the hon. Provincial Treasurer, I'd like to suggest to him that we haven't seen his fences report yet. We've all been waiting breathlessly for that. But we have a chance for him to build a little excitement around that tonight by supporting an amendment which would probably be one of the recommendations from the fences committee, and while I may dissociate myself and undoubtedly will from every other recommendation that committee puts forward, this is one that makes sense and I think is supportable and is defensible.

I'm anxiously looking forward to contrary arguments should there be any members who think that same sex partners deserve a special benefit when it comes to conflicts legislation, and if there are any members in this Assembly that think that, let's put it on the record so we know who has that concern. I'm looking forward to that debate, and I may have some other things to say once we've heard some of those comments.

Thanks very much, Mr. Chairman.

THE CHAIRMAN: The hon. leader of the ND Party on amendment A7 to Bill 2.

MS BARRETT: Indeed. Thank you, Mr. Chairman. The Most Reverend Desmond Tutu said in an interview recently -- I'm going to paraphrase; I had it in writing a few days ago -- you no more choose your sexual orientation than you do the colour or race you are born to. Archbishop emeritus of Capetown, South

Africa . . . [interjection] Well, the cabinet minister is asking me: he's a scientist? I don't know. I'll tell you one thing.

THE CHAIRMAN: Through the chair, hon. member

MS BARRETT: Yes, Mr. Chairman. I'll tell you. The one thing I know for sure is I was present at the Friday evening dinner occasion when the Premier spoke very supportively and eloquently of the human rights work that has been done under -- I'll get to the amendment -- arduous and hostile conditions and basically congratulated this man for standing up for rights when very few others would. And don't get me started on that, because I've got a long history involved with that.

In speaking to the amendment, it is -- you know what I'm going to call this? Mr. Chairman, you were here when Gordon Wright was here; weren't you? Do you remember Gordon Wright? Was he an MLA at the same time as you? The reason I ask is because this is . . .

AN HON. MEMBER: Gordon was a good guy.

MS BARRETT: Yeah, Gordon was a really good guy. This is the kind of amendment that Gordon Wright would sponsor.

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. members, I know it's nice to be able to chat with the members, but actually the forum is one of debate. It's rather awkward to give replies to your questions without inviting some people to speak more than they are being recognized for speaking. Just assume that we know this person, the late Mr. Wright.

MS BARRETT: A fair comment, Mr. Chairman.

Debate Continued

MS BARRETT: The only reason I was asking is because I do speak to the Chamber through you, and it struck me that this is the kind of an amendment Gordon Wright would have sponsored. It is so obvious common sense. I with the former speaker, the sponsor of the amendment, can think of absolutely no reason not to adopt this. Do you remember earlier in committee on this bill when I was talking about the Sinclair Lewis affair? You know, he says: oh, yeah, sure I sleep on the same pillow as my wife, but we never talk about financial arrangements. Yeah. Well, the fact of the matter is that it could be two men or two women sleeping on the same pillow at night saying that they never talk about their personal financial arrangements. The fact of the matter is there probably are in this country, and I don't see why we wouldn't want to include them.

I'm not sure if the reason this amendment wouldn't be adopted is purely ideological. My suspicion is that that would be the case, that gay bashing, despite the unwarranted brutal beating murder of a Wyoming man less than two months ago for the simple fact that he was gay or even perceived to be gay, is behind the motivation to defeat this amendment. Some people, I suppose those who came out to his funeral, still wanting to do gay bashing made no secret of their phobia. I'm not even talking about accepting or respecting the fact that, as Desmond Tutu said, you no more choose your sexual orientation than you do the colour of your skin or your race.

The basic bottom line is the reality, and the reality is that we do have gays and lesbians in our society, and they do form domestic

relationships and on occasion with some people who end up in elected office, as in the 83 of us who are elected to this office. If one is opposing this amendment, it is pure phobia, pure fear, pure anger, and pure intolerance, because the fact of the matter is -- and I knew Gordon Wright for many years -- this amendment addresses purely a point of law and says that all domestic partners of elected MLAs must be as accountable as some.

THE CHAIRMAN: The hon. Member for Medicine Hat, followed by the hon. Member for Edmonton-Meadowlark.

MR. RENNER: Thank you, Mr. Chairman. I'd like to speak to this amendment, and I'd like to speak against the amendment. I think we have to understand, and I listened very carefully to the argument made by the Member for Calgary-Buffalo and the leader of the ND opposition. Much of the argument had to do with consistency. It was made by both speakers repeatedly that there needs to be consistency. I agree that there needs to be consistency, and I think the member actually argued against his own amendment by making such a point of saying that there needs to be consistency, because indeed this amendment would be inconsistent with every other piece of legislation that this government has.

I would say that if this member feels that this is something that should be addressed by government, this is the inappropriate way to deal with it. I think this would be much better dealt with at some point in time when Albertans are comfortable with the discussion in some sort of omnibus legislation that would make all of those relevant amendments in all legislation across the board. I don't think the people of Medicine Hat are ready for such legislation at this point in time. I think they've made it very clear to me as their representative that they do not support that type of legislation at this time. For the member to argue that there needs to be consistency in this particular piece of legislation without dealing with other legislation I think is very inconsistent, and for that reason I would encourage members to defeat this motion.

8:40

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

MS LEIBOVICI: Thank you, Mr. Chairman. It's a rare pleasure to be here tonight when we have so many speakers who are willing to jump to their feet and fight for better legislation in this province, and that is exactly what our role is in the Official Opposition.

You know, I've sat in this Legislature on many afternoons and many evenings, and in fact what I've seen is the opposition trying over and over and over again to make legislation better, because that is what the essence of our job is. Part of the essence of our job is to ensure that any legislation that we pass in this Legislative Assembly is as thorough, as comprehensive, and as complete as can be so that it doesn't need to come back to this Assembly occasion after occasion after occasion to be fixed. That's what, again, the Member for Calgary-Buffalo has tried to do with this particular amendment: tried to enable the government to do their job better, tried to enable the government to ensure that all angles have been looked at in legislation that is presented to this Assembly. The taxpayers are paying for us to do this. The taxpayers are paying to ensure that when they go to pick up a piece of legislation that has been enacted, they will not have to try and figure out what words mean, they will not have to try and figure out what the implications of certain pieces of articles are but that they can pick it up and look at it and say: yes, I understand what this legislation is supposed to address.

Now, when we look at the Conflicts of Interest Amendment

Act, we've had lots of discussion on this particular piece of legislation, and there's a reason that we've had lots of discussion on this particular piece of legislation. This piece of legislation provides the framework for ensuring that we conduct ourselves as elected officials in an ethical manner. As elected officials we are honour-bound to ensure that we are performing our duties to the best of our abilities and that we are ensuring that there can be no hint of indiscretion with regards to our actions.

One of the ways of doing that is to codify it, as we are attempting to do within the Conflicts of Interest Amendment Act. If I can just pique your memory, the reason that we got into a situation, and other Legislatures across the country as well, where we have to codify our conduct is the fact that there have been abuses. Sad to say there have been individuals who have taken the public trust that has been given to them by the electorate, and they have abused that trust.

MR. DICKSON: That's true. We've seen that, Karen.

MS LEIBOVICI: We have seen that, and it is sad to say. They have abused that trust, and we have come to the point where we need to codify what our actions are, not only what our actions are but also the actions of those that are closest to us.

Now, it's unfortunate that the government did not want to have a principle section within the code of ethics, because principles talk to a fundamental truth as a basis for a reasoning. If you were to look in the dictionary for the definition of principle, you would find that it is a fundamental truth. When we look at the amendment that's been put forward by Calgary-Buffalo and we look at it within that framework of a principle, of a first truth, what we see is in fact that the amendment talks about a domestic partner, and what has been framed within that outline is the fact that we do live in a society where there are different families.

I don't know the personal lives of each and every individual within this Legislative Assembly, nor do I wish to know the personal lives of each and every member within this Legislative Assembly, but I would hazard a guess that we are a microcosm of what is out in the society at large and that within this Legislative Assembly we have individuals perhaps who are not living in traditional relationships but in fact are living in what are known as nontraditional relationships. In fact, we may have individuals within this Assembly or may at some point in time have in the future or have had in the past individuals within this Legislative Assembly who are living in a common-law relationship. Now, in accordance with the definition as it is now put forward within the act, I do not believe that that is addressed, and within the definition the ability of same-sex partners is not addressed as well. So by including the definition of "domestic partner" within this piece of legislation, what we are doing is addressing the realities that are inherent in our society in Alberta today.

Now, the Member for Medicine Hat got up and indicated that consistency was at the heart of what the government wished to do within its legislation. If in fact we were to look at this amendment, what we would find is that it is inconsistent with the legislation that has been passed previously within this Legislative Assembly. Now, it's quite easy to fix. This is not difficult. In fact, we could probably fix that within a day or so. I am speaking slightly out of turn here, not having discussed it with the caucus, but knowing where we stand on a policy perspective, I do not think we would have much difficulty in changing the definition of "spouse" in the Interpretation Act to include "domestic partner" so that there is no inconsistency in legislation. In fact, it may avoid further constitutional challenge for this government, and we

may be able to deal with the issue of sexual orientation, that this government has refused to place within the human rights act.

Now, this would seem, Mr. Chairman, like an offer that I can't understand why the government wouldn't accept. The government likes to have legislation that's consistent. We've heard that. The government, I know, doesn't like to have long, drawn-out debate on various issues. The government, I would imagine, would not wish to put the taxpayer through any more legal wranglings and costly court cases with regards to this issue. So I quite frankly can't see what the downside would be to the government in terms of taking this particular definition and placing it within the Interpretation Act.

The first step would be to amend section 4 by adding the following definition after subsection (1)(a): "domestic partner" includes a party to a relationship between two adults who are living together on a bona fide domestic basis." What could be simpler than that, Mr. Chairman?

The reality is that to not do that would be to have an unfair balance within this Legislative Assembly between those who are living in the traditional relationships and those who are not living within the traditional relationships. In other words, if you have been married officially, your spouse is governed by the Conflicts of Interest Act. If you are not married officially but live together -- perhaps it's 10 years; perhaps it's 20 years; perhaps it's 30 years -- you will not be governed by the Conflicts of Interest Act. So if you're married officially, you are governed by the Conflicts of Interest Act. If you are not married officially, you are not governed by the Conflicts of Interest Act.

8:50

Now, if we are to talk about inconsistencies, I can't see anything more inconsistent and patently unfair than that. I know that I have the attention of some of the members, that they are thinking about this, and I believe that they should indeed think of this, because we have had examples as recently as last night, I believe, where legislation has not been perfect and that in fact had the government listened to what the suggestions were on this side of the House, we could have avoided a fair amount of embarrassment.

We know that in the past, again, legislation has not been perfect on major pieces of legislation having to do with health care reform, having to do with education reform, having to do with a whole slough of areas: judges, justices of the peace. I can just probably go down each ministry and name a piece of legislation where the eagle eye of the opposition has noted an omission, not an omission done on purpose, I'm sure, but have noted that in fact if there was a change, that change would make that piece of legislation better.

Again, this legislation is not just for us within this Legislative Assembly. Legislation that we enact within this Legislative Assembly is legislation that is supposed to stand the test of time, that is supposed to meet certain measures, that is supposed to in fact help to better our environment within Alberta. When we let down our guard, when we do not look at all the possibilities that the legislation addresses, we in fact let down the people of Alberta.

So I urge the members of the government to look at what this amendment says, to put aside their beliefs in terms of what it could say and the implications that members may conjure up in their minds, to put aside their fears, to put aside any biases that might exist, to act as legislators, which is what we are paid to do within this Assembly, and to look at it within the legal parameters. If each one of you can say to me quite honestly that there is no room for this amendment, that there is no reason to change "spouse" to "domestic partner," or perhaps if "domestic partner" doesn't quite work for you, some other equivalent that recognizes the different realities that exist in Alberta -- we don't change the realities by

this piece of legislation; we recognize the different realities that exist within Alberta and the different situations that can arise when 83 people meet in a room to perform a public duty. Those 83 people have their own lives to live. If what we are doing is looking at codifying a code of ethics for those 83 people, in fact it needs to be equal and applied equally to each and every one of those 83 people that are sitting in this hallowed Chamber.

Again, if the government wishes to adjourn debate so that they can in fact change this legislation, our House leaders I'm sure could discuss that. If in fact the government doesn't recognize that there is an inconsistency, that there isn't an equal relationship that has been set up by the way this legislation is written, then what will probably happen is that, as we've seen before, we will be back in this Chamber, back discussing and trying to change the amendment to reflect exactly what we've talked about tonight.

So I leave you to mull that over. If in fact I am reading incorrectly the legislation as it now stands, if in fact "spouse" covers that whole area of relationships that exist within our province between two grown adults, then, please, I would urge the government members to tell me that. But I know, looking at this legislation, that it's not the case. In fact, we have not covered all the bases that we need to cover to ensure that this legislation is as good as it could be.

Thank you,

MR. DICKSON: Mr. Chairman, I consider myself privileged. We've just listened to some visionaries, some members in this House that have a broad and expansive view of not only where Alberta is now but where it's going.

Mr. Chairman, I want to respond specifically to the comments made by the Member for Medicine Hat because it struck me, in listening to him, that he feels that somehow this is venturing into an area that Alberta is not yet ready for and that that somehow would be better left to a time when we do comprehensive reform addressing all relationships that exist and all domestic legislation in the province. I say this with the greatest respect to the Member for Medicine Hat. He is missing the circumstance that makes this bill so distinguishable. Name another bill in the province of Alberta that affects only the MLAs, their partners, and senior officials. Every other piece of legislation we deal with affects Albertans generally. Whether it's a health bill, an education bill, it affects thousands, millions of Albertans.

This bill is unique, so we have a chance here to be able to address in a very specific and precise way an inequity, an imbalance, and frankly a contradiction. Why do we do this? I quote from page 9 of the eminent persons panel report, Integrity in Government in Alberta: Towards the Twenty First Century. What does it say there? "Premier Klein's particular concern was that the issue of higher standards of ethical conduct for public officials be addressed in a forthright manner." Did the Premier say, "But only those living in heterosexual relationships"? Did he say, "Only certain partners of members should be subject to the act"? No. What he said was that "the issue of higher standards of ethical conduct for public officials be addressed in a forthright manner," all public officials, regardless of the relationships in which they live.

So to the Member for Medicine Hat and any other member who may be thinking that this requires some omnibus bill, that's nonsense. There's absolutely no reason to wait for that. There will be a time . . . [interjection] Well, there are some members in my caucus that are far bolder than I am. I'm a Calgary MLA, which probably means that I'm an incrementalist. I'm prepared to measure progress, Mr. Chairman, maybe in smaller measures than

some of my colleagues who are far more visionary than I am.

Just on the off chance that there are some members of this Assembly that are prepared to go where my colleague was prepared to take them, to take that bold, bold step, those who are willing to do so, then join with my colleague for Edmonton-Meadowlark in taking that big step. But for those of you that want to take a smaller step, you can do that too, and you can do it on this amendment, because it only affects that very small number of MLAs. So it doesn't have to turn all of that other legislation upside down. All it does is talk about standards for elected people, all elected people, and it means that the reality in Alberta is reflected.

Anyway, I just wanted to make that point in answering the Member for Medicine Hat. Thank you very much.

9:00

MRS. SLOAN: Well, I think, Mr. Chairman, I've found another inconsistency in this government's lawmaking.

SOME HON. MEMBERS: No.

MRS. SLOAN: Really.

I have been reading the original act, and I've been reading Bill 2 as it currently stands. What I've found is that there's an inconsistent use of the term "spouse." The other term that's used is "a person directly associated with a Member." Now, there's a commonly held definition of what a spouse is, but I'm not so sure that there's a commonly held definition about "a person directly associated with a Member." I guess it's puzzling to me because if, for example, an issue arises in the case of a meeting of the Legislative Assembly and there's a conflict and the member withdraws, we find that section 2 speaks about a person directly associated with the member having a private interest.

Now, how is that different from a section further on where it talks about assets, liabilities, financial interests? It talks in that section not about a person that has a direct association with the member, but it talks about a spouse. What is the difference? Why do we use those two different terms? Is it not the premise of the amendment being proposed tonight to offer some consistency in the terminology that's used in this act? The reality is that the act as it stands, even with the amendment proposed by the government, is not consistent. I guess what I raise is a question of: how does the Ethics Commissioner define what someone "directly associated with a Member" means? How many different applications or definitions could exist in that scenario?

THE CHAIRMAN: You're rising on a point of order, Deputy Government House Leader?

Point of Order Relevance

MR. HANCOCK: Yes, Mr. Chairman. *Beauchesne* 459: relevance. While this is very interesting discussion about some aspects of the bill, it's not interesting discussion about the aspect of the bill, the subject of the amendment, which is the question of domestic partner. There's no amendment before us speaking about a person related to or associated with. The amendment speaks directly to the definition of domestic partner. I'd love to hear the rest of this debate when we get to the rest of the bill, but perhaps we could deal with the amendment.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview, first of all on the point of order and then, whatever the ruling is, we'll let you continue.

MRS. SLOAN: Unfortunately, Mr. Chairman, these members across the way are so anxious to finish this session, they wouldn't let me get to it. I was doing the preliminary explanation leading up to the amendment. My point in summary: I don't believe there is a point of order. What I did in my preliminary comments was point out that the bill's not consistent. It uses two interchangeable terms to define spouse, which we all have a common understanding of, and another term which talks about a direct association. The premise of the amendments tonight is to provide consistency in the act as to the term utilized.

So on that note, Mr. Chairman, I don't believe there is a point of order.

THE CHAIRMAN: There's a point of order, and we do have other people who wish to speak. The chair was considering that prior to the intervention by the hon. Deputy Government House Leader. It would seem that what we're talking about in the amendments, particularly in the A section, is a domestic partner, which may be taken as a spouse. In looking at that and the other association, you have three kinds of associations: one introduced by the amendment and the other two which are in the bill. So on that basis it would seem to the chair that as long as the hon. member is dealing with those three and how a domestic partner may or may not be one or the other, that is indeed relevant to this amendment.

Edmonton-Riverview.

Debate Continued

MRS. SLOAN: Thank you, Mr. Chairman. As I indicated before the point of order, the amendment's premise is to provide consistency. I think that what we've seen in the context of the amendments proposed by government is that they don't want to acknowledge -- and this comment has been made previously by my colleagues -- that another reality exists in terms of relationships.

We have in terms of traditional marriages in this province an over 50 percent divorce rate. I don't know exactly what the statistics are in terms of same-sex relationships, but there would be probably, in my estimation, thousands of those types of relationships in existence in this province. So the scenario is that if a member was elected who was gay or lesbian and they were living with someone, how would the Ethics Commissioner apply this act to that individual member? Would he apply that the partner of that member was defined as a spouse? Would he define that the partner of the member is someone "directly associated," or would he define, if the amendments are passed this evening, I think a much clearer description, that the member has a domestic partner?

The other reality that exists is that there are increasing numbers of people that are living in common-law relationships, and as the bill and amendments are currently written, it doesn't address that type of relationship. So, again, it would lead, in my opinion, to inconsistencies. If a member in a traditional relationship, as this government defines it, has to disclose assets, liabilities, financial interests, any private corporation, are we sure beyond a shadow of a doubt that a member living in a nontraditional relationship would have to do the same? Is that something that the Ethics Commissioner should be having to make a discretionary decision about? I don't know, but I think that the hon. Member for Edmonton-Norwood has demonstrated exceptional leadership in bringing the amendment forward and allowing us to debate it this evening.

The sections in which she's proposed this amendment, sections 4, 7, and 16, talk about some very important things. Section 4 talks about "shares or units in a mutual fund, futures and forward contracts or exchange contracts" and "publicly-traded securities,"

all matters which ethically any member, regardless of their relationship, should have to disclose.

Section 7 talks about -- and I referenced this section earlier -- members disclosing assets, liabilities, financial interests of their own, of any private corporation that they control or of any private corporation controlled by their spouse, domestic partner, or someone directly associated with them. Section 7 also talks about a statement being made by a determined date of those assets, liabilities, and financial interests of the member's spouse, their children, domestic partner, or someone directly associated with them.

Further, section 16 talks about pensions, and this is where I think the government is most vulnerable. I'll just read a section. The section proposed in the bill before us this evening talks about the "payments of salary, expenses and benefits, including pension benefits, paid to persons who are directly associated with the Member." What if we had a member who had a partner, not defined as a traditional relationship, and we had an Ethics Commissioner who had, I would say, a narrow interpretation of his jurisdiction and of the act and he decided to deny that member's partner the entitlements under this section? This is where I think the government, Mr. Chairman, is liable, because then we would see ourselves, as we have in many cases in this province, going before the courts to determine the application of an act.

9:10

I would also raise a question. Is it not ignorant of this government, in the wake of the Vriend decision, of the actions required subsequent to the Supreme Court decision on Vriend, is it not somewhat of an ostrich putting its head in the sand approach to say that the Conflicts of Interest Act, which applies only to members of the Legislature and their spouses or partners, should not be consistent with the Charter and with the Supreme Court ruling? I am not convinced at the current point in time, Mr. Chairman, that without this amendment it is. I stand to be corrected if any of the hon. members across the way want to verify that, but it does not on its face, the act or the amendments, make it clear that the Ethics Commissioner would have a direct, precise, clear beyond a shadow of a doubt ability to apply the same provisions of this act to a gay or lesbian member of this Assembly and their partner, significant other, or spouse.

Mr. Chairman, I think that is a significant omission. I don't know how it would be dealt with without the amendments before us, but if we cannot amend an act and make it compliant with the Supreme Court decision, which only applies to those of us in this Assembly, no one else -- to us, our spouses, our children -- how do we expect to have the fortitude to make the necessary amendments and other legislation that generally will apply to all of the citizens of this province?

I hate to pre-empt the vote on this particular section, but I just have this nudging suspicion that it won't be supported by the government members. I am not sure why that is, but I guess after 18 months in the Assembly I've come to recognize that the current government's definition of reality is somewhat more narrow than the reality that exists, and that is unfortunate. They discriminate against people, and their discriminations have been magnified across the country through decisions like the Vriend decision. I think the hon. Member for Edmonton-Norwood is trying to save the government further embarrassment from the day. Would you not agree, Edmonton-Norwood?

MS OLSEN: Yes.

MRS. SLOAN: She's trying to save the government additional embarrassment and say: put this in the bill now; don't wait until you get a court application going forward saying that the application of the act has been inequitable or not in alignment with our national laws and judgments.

Unfortunately, I don't think that the government will see the intentions in that light, and I regretfully suspect that this amendment won't be supported. But it's on the record, and I believe we have an obligation to be broad in our debate and broad with respect to our acknowledgment of the different realities that exist in relationships not only in Alberta but in society in general. Certainly Desmond Tutu during his visit in the last week talked very much about that, and he particularly focused -- I had the ability to watch him speak to the school children. What a fabulous, fabulous example of tolerance, Mr. Chairman. I really think it's regretful that he couldn't have spoken to this Assembly, because I really think that there are some people in this Assembly that would have benefited from hearing him speak.

MR. DICKSON: I would have learned from him.

MRS. SLOAN: We all would have learned from him. We all would have been richer and wiser from having that opportunity.

MR. DICKSON: What a model.

MRS. SLOAN: He is a model.

I raised that because we set an example, just as he does, and perhaps we set the wrong example when we choose to be narrow in our interpretation, narrow in our application of the laws, and blatantly discriminate against people because they choose to live with someone that is of the same sex.

So with those comments, Mr. Chairman, I will respectfully conclude my debate on these amendments. I appreciate the opportunity to make the remarks this evening and to have the opportunity for the issue of the application of this act in this sense to be discussed in this House.

Thank you.

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

MR. SAPERS: Thanks, Mr. Chairman. It wasn't all that long ago that in this Chamber there was a collection of white, middle-class men who were elected. They were the only group of society that were deemed fit or appropriate to be in this Chamber. Then over the passage of time -- and it didn't happen fast enough -- women became elected to the Assembly. Over time men and women of colour were elected to this Chamber. Throughout all of that change I will wager one thing, and that is that in spite of all of that change there is one thing . . .

Chairman's Ruling Decorum

THE CHAIRMAN: Hon. Minister of Advanced Education and Career Development, if you wish your name on the list, I'd be happy to do that right underneath the hon. minister responsible for science, research and information technology. Failing that, I wonder if we could hear the hon. Member for Edmonton-Glenora on amendment A7 to Bill 2.

Debate Continued

MR. SAPERS: Mr. Chairman, I'll resist the opportunity to start my remarks again.

What I was saying, sir, is that there was one thing that was probably remarkably consistent and I would wager was consistent through all of that change and all of the social turmoil that led to that change, and that was that regardless of the group of men and then men and women that were elected to this Legislature and the men and women in their employ and the employ of the people of Alberta in senior positions in the civil service, there is no doubt in my mind that some of those individuals were in the past and continue today to be homosexual, that their sexual preference is to have a same-sex partner. I would say that that is a part of the history of this province, whether all the men and women elected in this Chamber today would like to acknowledge it or not. It is a strange fear, an odd bravado for anybody in this Chamber to deny that reality.

So we have an opportunity in this Chamber to set the record straight, to tell the truth, and to provide some leadership. Now, we can do that weak-kneed and we can do that haltingly and we can do that as though we were ashamed of something, or we can do that certain that it is the right thing to do. We can assume that leadership, knowing that that is what we were elected to do. We can provide the direction with the knowledge that it is correct to provide that direction.

9:20

Now, I've heard some argument, limited as it may be, from the government side that we would be inconsistent. I've heard some argument that it would somehow be inappropriate. I would say that the challenge, Mr. Chairman, is seizing the opportunity at its earliest occasion to do the right thing. There can be no best time other than the immediate present to do the right thing. So while there may be other government legislation that is still in the dark ages, other government legislation that is still in the closet, we have the opportunity with this amendment to take this legislation out of the closet. We have the opportunity with this legislation to set the directions, to do the right thing now, to set the standard, to say that the men and women in this Chamber recognize their obligation of leadership, and that is sometimes to take positions that need explaining, to take positions that you might have to answer a tough question about, or to take a position that maybe some narrow-minded, close-minded person would take exception to. I would say, Mr. Chairman, that the amendment brought forward by the Official Opposition is an amendment that gives us the opportunity to raise the level of debate on an admittedly sensitive topic.

Now, it's already been pointed out that this bill has fairly narrow application. This bill talks about 83 men and women who were elected to be MLAs, and it talks about a handful of other senior public officials. I cannot for the life of me understand why we wouldn't want the conflicts of interest law of this province to apply equally to me and my partner regardless of the gender of my partner. Mr. Chairman, if I have to account to my constituents for my behaviour, I don't think it's because they care who it is I choose to sleep with. I think it's that they may care that somehow my position has been exploited or I have abused the trust of my office. Those are appropriate concerns for them to have, and they should feel free to ask me to account for those concerns, and they should feel free to look into the documents that I and my spouse have to file to comply with the laws of this province. If my constituents have concerns based on those filings, then they should be able to pursue them.

You know, if we don't pass this amendment, they won't have the ability to do that for every man and woman in this Chamber and they won't have the ability to do that for every senior public official that the legislation captures. That's wrong. Why would we set up that kind of a double standard? Why would we say to

some constituents, "Yes, you can hold your elected member and his or her spouse accountable," and to other constituents for other elected members, "No, I'm sorry; you can't hold your elected member and his or her spouse or partner accountable"? Why would we do that? In a province where we're supposed to be so concerned about equality and equal rights, why would we set up this parallel system?

It doesn't make any sense to me. It doesn't make any sense to my colleagues. It doesn't make any sense to my family. It doesn't make any sense to my constituents, and I would say that it probably doesn't even make any sense to the majority of the men and women in this Chamber. But there's some fear -- label it homophobia; label it whatever -- that would prevent us from seizing the opportunity to correct this mistake.

So, Mr. Chairman, I would argue most strenuously that when we have an opportunity like this, which is rare, to change the law, to demonstrate leadership, to make it consistent, to show that there are values behind the words that we as politicians utter, to show that we are truly interested in fairness and equality, we should seize that opportunity. It's there. All we have to do is do the right thing. All we have to do is say yes to this amendment.

So I am asking all members in this Assembly to put aside a bias or a prejudice or a preconception they may have. I would ask members to put aside partisanship around the other issues that we've been asked to deal with during this session and even the partisanship around this particular issue of gender equality and sexual equality. I would ask them to consider this moment in time as the right moment in time to take the step, to say yes, to do the right thing. Mr. Chairman, we'll see how that challenge is met.

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

MRS. SOETAERT: Thank you, Mr. Chairman. I actually just want to speak briefly to this amendment. I've looked at it, and I always try to present things in what would be fair. So the way I look at this is that I fill out a form that the Ethics Commissioner looks over, and so does my husband, and then we go have a little chat about where things are at. That's expected. That kind of declaration is expected, and every member of the Assembly does this, and their spouses as well. So we take that on as MLAs. That's part of the declaration that we are open and accountable about.

Now, if someone is in a relationship with someone of the same sex, then why don't they have to answer in the same way my husband does? That's what this amendment addresses. To me, this is reverse discrimination. If you're in a gay relationship, you don't have to be accountable, and that is reverse discrimination. So I've been listening, because I do that very well.

MR. DICKSON: One of the best listeners in this House.

MRS. SOETAERT: One of the best listeners in this House. Even *Hansard* is chuckling at that one.

I look at this as an issue of fairness. If all of our spouses and all of us are expected to be accountable, then anyone who has a domestic partner as defined by this amendment should be held accountable in the same way. I think that's a very simple amendment. When you think of it, by not putting this in, it's reverse discrimination. It is. It's reverse discrimination by not putting this in. So I would think that most members on the other side would then support it. I see the Member for St. Albert disagrees with me. I'd like to hear her reasons on that, Mr.

Chairman. I know I'm including her in the debate and that I shouldn't do that, and I know you correct me on that all the time. So I've just saved you that, and I appreciate what you're saying.

If people on the other side want to argue this one, I'm open to listen to that side. I'm ready to hear why they don't want to support this. This is reverse discrimination, and it's an issue of fairness, as I see it. So if somebody can actually argue the other side, I'd be willing to listen to it. There may be somebody on the other side who wants to; I don't know. I'm hoping that those who maybe went to that human rights conference and listened to the wise words of Desmond Tutu and others -- you know, I was glad I went, because it was a moment in time. It was a moment when a very significant man in our world was there amongst us and had a message. Anyone who was there could sense that presence that he had, and it didn't matter that he was far away and there were 1,500 in the room. He was there, and I think everyone who was there left with the feeling that it is incumbent upon each one of us to make the world a better place, a fairer place, a more compassionate place. I wish more people had heard him speak. I really do. Certainly more people in this Legislature should have heard him. That's why I am speaking to this conflicts bill and the amendment, because it is an issue of fairness, and I think we should deal with it. I'm hoping all members will support it.

I think they just get an amendment, crumple it up, and throw it away without truly thinking about it. I think this is a very solid amendment that would ask that all people in a relationship with an MLA or as defined in the act would be accountable, just as my husband is when he has to fill out those forms. So do I and so does my spouse. [interjection] I hope he's still my spouse. If I ever get home tonight . . . I'm not going there.

With those few words, Mr. Chairman, I appreciated the opportunity to speak to this amendment. Thank you.

9:30

MR. DICKSON: Mr. Chairman, we've heard arguments to persuade. We've heard arguments appealing to reason. We've heard arguments providing some historical context. We've heard references to and quotes of leaders in our community and international leaders.

[Mr. Clegg in the chair]

I'd like to refer now to a leader in this Assembly, a man held by many members in very high esteem, a man who is a leader in this Assembly in many different ways, in his community and in cabinet, a man who told us on June 2, 1997, about one of those stories that's been burned into his cerebellum, an experience he'll never forget. He shared with us on June 2 the story of how one of his volunteers had been door-knocking in an election and encountered an irate voter. The volunteer asked the voter who he'd be supporting in the election, and the voter responded that they were all crooks and basically was very negative in his appraisal. The volunteer was somewhat taken aback by this but gathered himself and simply asked, "Well, in light of that, would you mind telling me which crook you'll be supporting?"

Now, that was a story offered by, as I say, a leader in this Assembly, a leader in the House, and what was interesting in recalling that story was that the constituent didn't say that only those politicians living in opposite-sex relationships were crooks; it was that all politicians were crooks, that all elected people were crooks. The leader I refer to is the Minister of Justice, the chief law official in this province and certainly in this Assembly.

You know, when you think about it, why would we expect that

somebody living in a same-sex relationship is going to be more honourable, more accountable than somebody living in an opposite-sex relationship. I don't think that's likely to happen. It seems to me that those people who choose not to uphold high ethical standards are going to do that regardless of their sexual orientation, but in this province, absent this amendment, it's hugely important. If you happen to be in a same-sex relationship, you don't have to meet the same standards as other members do, and it strikes me that this is just a huge, huge problem.

Mr. Chairman, I don't understand -- we see a rush of members to their seats, and that may be because of interest as they anticipate the . . .

MR. MAGNUS: I wasn't rushing.

MR. DICKSON: Okay. There was a lethargic movement to certain members' seats.

MR. DUNFORD: Don't call my seat lethargic.

MR. DICKSON: We're dealing with a serious amendment, Member for Lethbridge-West, hon. minister, and what we're trying to do is understand. You know, the votes in this Assembly come all too briefly. Members don't have to stand. It might be interesting if members, instead of just standing either on the affirmative or the negative side, each in our turn would have to in less than 30 seconds give a reason why we're voting for or against a bill. You know, that might be an excellent idea, because what we would then do is find out how many members had actually considered the merits of whatever amendment is on the table. [interjections]

You know, Mr. Chairman, these are all seasoned veterans of the House, and they're great fun to work with in the House, because as much as they complain about the time opposition members speak, each of them understands that the only currency the opposition ever has to work with is time. That's the only currency we have. When it comes to a vote, we lose every time. Is that because the arguments aren't meritorious? Well, there may be occasion. In the six years that I've been an MLA, I can imagine that there were times. To be fair, I think some arguments that we advance have more merit than others, and there are times when perhaps on the merits government would have good reason to say: we're not going to accept this recommendation.

Those members who understand the opposition's role, even though they like to razz us about it, I think also understand that, all kidding aside, the stuff we deal with is important here, and amendments to a piece of legislation as important as the Conflicts of Interest Act speak to a much broader audience. Every now and again we have an opportunity when we deal with a bill -- the only people affected by this bill once again are those of us in this Chamber. We have opportunities to send messages that resonate throughout this province. We have opportunities to show that we genuinely do think it's important that all of us be held to a high standard, a high level of accountability. Is there anybody that doesn't agree to that? That's what the Premier said in appointing the eminent persons panel; that's what the esteemed Justice minister said in introducing the conflicts act, Bill 2.

Did anybody say in any of those speeches: if you happen to be living in a same-sex relationship, it's a way different standard; you don't have to make the disclosure? Did anybody say that? Did anybody say that we have a high level of accountability except for those few members? Whether it's few or many, I don't know and I don't care. Did we say: you're going to have a different standard? How can we have the Provincial Treasurer

and whoever else is on their fence-building committee or whatever it's called going around to try to find out and make sure that sexual orientation is not skewing and resulting in unfair, unequal treatment if when we're presented with a bill as simple as the conflicts act, which only impacts directly on the members in this Assembly and their partners, we find members resisting that.

Mr. Chairman, I'm probably much denser than most members in this Assembly. I think there must be some compelling good reason why people are reluctant. I just say again that some of my colleagues -- I don't want to suggest that there are deep divisions in this caucus because there aren't, but I just say again that some of my colleagues are far more ambitious than we have to be on this bill. I'm not looking to rewrite every piece of legislation.

You know, the Member for Medicine Hat may talk about omnibus bills, but he also said: if and when Albertans are ready. Well, what he's talking about is a debate for another day. Okay; be that as it may. We may agree to disagree in terms of when the time is right to have that debate, but that's no reason why when we're dealing with MLAs, we shouldn't say that every MLA and every senior government official has got to meet a high standard of accountability. And the minute you say, members, because this is what anybody does by voting against this amendment, "Oh, but there's a lower standard if you happen to be living in a same-sex relationship," that's unequal by any definition you choose to manufacture.

I don't know how you sell that. I don't know how the Member for Edmonton-Beverley-Clareview can go back to his constituency and explain that to his constituents. I don't know how anybody can go back and say: we have a different set of rules if you happen to be living in a same-sex relationship. It just seems so contrary to my sense of equality and I think your sense of equality as well.

I expect that there are other members that want to join the debate.

9:40

MR. DAY: Let us vote. Let democracy rule. Give democracy a chance.

MR. DICKSON: The Provincial Treasurer has just discovered democracy. We didn't hear him saying that when his government decided to repudiate the promise to elect people to regional health authorities. We didn't hear him on a host of other factors, but suddenly the Provincial Treasurer has discovered democracy.

Chairman's Ruling Relevance

THE ACTING CHAIRMAN: Hon. Member for Calgary-Buffalo, I like to give all the leeway I can, but you're quite a bit off the amendment here when we're getting to the election of regional health people. I think it's a little bit away from the amendment. I understand that you're just making a point, but let's just keep on the amendment, please.

Debate Continued

MR. DICKSON: Mr. Chairman, you anticipated exactly where I was going. I was just going to say maybe this conflicts legislation should affect people in regional health authorities, but we'll come back. We're going to focus on Bill 2.

So, in short, here's where we're at. We have an opportunity right now for members to vote in terms of whether equality is important. For those members who think that sexual orientation

should make a difference and give you some special protection, some special rights, the answer is real simple. You vote against this amendment. That's what you're going to be doing. That's what Albertans are going to be reading into that. So I think it's going to be fascinating when the vote comes. I don't know how the Provincial Treasurer is going to tie this into his fence-building project.

MR. DAY: Let me worry about it.

MR. DICKSON: Well, you know, I'm so darn sympathetic. I'm already anxious to help the Provincial Treasurer in this task because I understand how vexing it's going to be.

Mr. Chairman, I think those are the observations I wanted to make. I'm still open to some further debate, other than what we've heard from the Member for Medicine Hat. Hopefully we'll yet have some reasons in terms of why people think there should be special rights. I'd just conclude on this note. If the Member for Medicine Hat thinks that at some point we're going to have a debate on an omnibus bill, that's fine. I guess I'd say to him: why would he allow an inequality here to go on until such time as Albertans are ready to address that omnibus thing? I have a real concern in terms of what happens in that transition period, and I can't imagine that he would want that kind of inequality to go on. You know, I think people in Edson and Hinton also would be interested in making sure that there's fair treatment.

I expect other members want to join the debate, and I look forward to hearing those additional comments. Thank you.

THE ACTING CHAIRMAN: The hon. Deputy Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I feel the need to rise to speak to this particular amendment because on the face of it the amendment is quite attractive to me. I think it makes some considerable sense that all members of this House should be treated equally. I believe, however -- and I'll keep my comments brief -- that there's a fatal flaw to it which I don't think has been overcome in the amendment itself, and that's the reason why I won't be able to support the amendment this evening.

The fatal flaw is this: we do not yet have a society where everybody wants to admit to a homosexual partner, even elected members, and to require an elected member with a homosexual partner to have that homosexual partner file a statement and be outed in public, so to speak, to use the vernacular, is, I think, a higher breach of their rights to privacy and their rights to their own determination to present themselves publicly than the requirement of the Conflicts of Interest Act in this case.

We have, for example, a federal member of parliament who was elected for a number of years before he made any public statement as to his own personal relationships. At the time that he felt was appropriate to him, he made his public statement about his personal relationships, and that was entirely appropriate. By making this amendment to the Conflicts of Interest Act without other protection, we put into conflict two basic principles: the equal treatment of all members and the right of the public to know their financial affairs and the personal rights of an individual to have certain elements of their life kept private if they wish to do so. I have trouble reconciling those two fundamental principles, and for my purposes I would reconcile those principles on the right of the individual rather than on the principles of the Conflicts of Interest Act.

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

MS OLSEN: Thank you. I, too, would just like to speak to this amendment briefly. I think it does address some of the inequities in the legislation. I guess the hon. Treasurer at some point will be enlightening us as to how his white picket fence building is going. I think that this amendment, as others have so eloquently put it, addresses an inequity in the bill in that if a spouse in the relationship has to disclose, fair enough. Then why is that okay for that relationship but not for others?

So given that, I think we need to look at -- and I'll paraphrase the words of Madam Justice l'Heureux-Dubé when she talked about how as legislators we must make legislation that is fair and equitable and that that should be reflected in every piece of legislation we in fact put on the table. I think about what we do in this Legislature, and I think about the inequities in much of the legislation that we put forward. I think it's high time that we as legislators look at the legislation that we're passing and look at it very seriously in relation to the Canadian Charter of Rights and Freedoms and look at it through gender analysis and start looking at it in that respect.

Mr. Chairman, that's all that I have to say on this amendment, and somebody else may want to speak to that.

THE ACTING CHAIRMAN: Are you ready for the question?

Hon. Member for -- you're so small I couldn't see you -- Edmonton-Meadowlark; right?

MS LEIBOVICI: Right. Thank you, Mr. Chairman. I may be small, but I'm sure I'm noticeable.

DR. TAYLOR: You're mighty. Small but mighty.

MS LEIBOVICI: Small but mighty. Thank you. That's very complimentary.

AN HON. MEMBER: Or is that mighty small?

MS LEIBOVICI: That one I won't repeat.

I rise to address this particular amendment again. I think we've had some very interesting discussion around this amendment, and that is always important in terms of the legislation we put forward. I listened very carefully to the Member for Edmonton-Whitemud and his reasons for not being able to support the amendment. I must admit that on the face of it I agreed with his analysis of what the consequences are of an amendment such as this. Perhaps within this Legislative Assembly, within this particular sitting, what I could see happening with regards to the amendment -- again, I am talking as an individual member, not as a member of the caucus, because we have not discussed it -- is I could see grandfathering the members within this Legislative Assembly, in fact individuals who ran in the last election, who ran without the knowledge that they would have to disclose the relationships they had that were outside of the current definition of what is acceptable, if we accept the parameters that this government has put on the definition of relationships; in other words, a marriage between a heterosexual couple.

9:50

Again, I think we need to look at the realities that exist within the province, and we need to recognize the fact that as elected representatives we do give up privacy. We only have to look to our neighbours to the south and what has happened with the President of the United States, where in fact his private life is very much public. The reality is that our private lives are also up for scrutiny. The very reason that we have this bill in front of us

is to ensure that when we engage in activities in our private lives, they do not in fact contravene our public responsibilities. It is for this very reason that we have, as I indicated earlier, a Conflicts of Interest Act, that we have had to have not only in this province but in other provinces and states and in most democratic institutions conflict of interest acts to ensure that individuals do not contravene the public trust that is given to us as elected individuals.

For that reason I would like to take the point that the Member for Edmonton-Whitemud made that extra step, because I think when we look at the rationale that was put forward by that particular member, it is not a complete rationale in explaining this particular amendment. It works for this Legislature sitting only, I believe, because I think there may be instances where individuals do not want to expose their private lives. But in any future elections that are brought forward, it needs to be made very clear to those individuals that put their names forward for elected office that this part of their lives becomes public, that in fact if they are in a relationship that is either common-law or same-sex, they will have to disclose the activities of their partner. I do not think that is an unrealistic claim to make on individuals who are running for office, because the fact is that your partner may, willingly or unwillingly, knowingly or unknowingly, breach provisions of the Conflicts of Interest Act and that your partner should be subject to the same scrutiny as partners that are involved in a spousal relationship as normally identified.

I find it hard to understand how the members of the government can rationalize that there are different kinds of relationships that fall under different kinds of scrutiny when it comes to conflicts of interest. I really think that you need to ask yourselves: why should it be different? Whether or not your partner discloses any of their transactions, any shares in a mutual fund, futures, exchange contracts, whether or not that individual, that partner files with the Ethics Commissioner a copy of their activities, what the holdings of that individual are -- the process that we've all gone through a number of times -- why should it be different if you don't have the marriage ring on your finger? I can see no reason why that should be different, other than perhaps, as the Member for Edmonton-Whitemud pointed out, the conditions under which people were elected in this sitting did not forewarn those individuals that they might have to disclose a very private part of their lives.

So the way to address that is not to have bad legislation, is not to have incomplete legislation, is not to have legislation that in fact does not cover all the bases. The way to address it would be to grandfather perhaps -- and there may be other solutions out there, but on the spur of the moment that is one that I can think of -- individuals within this Legislative Assembly so that their privacy could be respected. There may be other methods by which not only individuals' privacy can be respected but also conflict of interest guidelines could be met, whether that's in confidence disclosing to the Ethics Commissioner the holdings of a partner that is considered outside of the norm of relationships that are acceptable to this government.

There may be other ways that this situation can be addressed, but there are still the realities of what comprises family life in the province of Alberta right now, what may or may not be relationships within this Legislative Assembly or within future Legislative Assemblies, and in fact this situation should be addressed to ensure that there can be no hint of unethical conduct being carried on by individuals within this Assembly and/or by the partners of individuals within this Assembly. Again, the only difference that allows for this to occur is whether or not you have a wedding band. So if in fact, as I indicated, you are living common-law, your common-law spouse would not be required to file with the

Ethics Commissioner.

Though the explanation by the Member for Edmonton-Whitemud for not supporting the amendment was interesting, it was not complete. It did not cover the full perspective of an analysis of where this legislation leads, and I think that given that the Member for Edmonton-Whitemud is regarding this legislation and looking at the amendment, perhaps what the member could also do is look at maybe drafting right now a grandfather clause for individuals within the Legislative Assembly so that their private lives would not be exposed or perhaps drafting something that would ensure the privacy as well as meet the criteria under a grandfathering clause, that would meet the privacy requirements of members in this Legislative Assembly as well as meet the confidentiality aspect as well as meet the guideline aspects of an ethical code of conduct as outlined in this Conflicts of Interest Amendment Act.

[Mr. Tannas in the chair]

I've seen the Member for Edmonton-Whitemud be creative, and I know that he can in fact look at ways of mediating the differences that have occurred on this particular amendment. In fact, I'm sure in his heart of hearts he believes that this an amendment that will make this legislation better. He recognizes that there are some difficulties with the amendment from his point of view and from the government's point of view, and as a result I am sure that he can look at a way of mediating these differences to make this legislation address the issue of partners for Members of the Legislative Assembly.

10:00

So I'm loathe to give up on this particular clause and this definition because I do believe that it creates an imbalance in the situations that occur when individuals are elected to this particular Assembly. Therefore I urge not only the Member for Edmonton-Whitemud but other individuals to collectively put our heads together to see how we can address this issue to ensure that the intent of this particular amendment is in fact put forward and that the intent of this particular amendment does in fact make its way into the legislation so that we have a Conflicts of Interest Act that can be a model for other Legislatures across Canada.

I know that this government prides itself on being a leader. I know that on many occasions we have helped this government to take on that leadership role, and we will continue to do so. But for not looking at the intent of this particular amendment, for not seriously considering how to ensure that there is full disclosure from all the members within this Legislative Assembly regardless of what their partnership relationship is, I believe we need to keep prompting the government to ensure that they do take on the leadership role that I'm sure they are capable of with regard to this particular piece of legislation.

As the Member for Calgary-Buffalo pointed out, this is a piece of legislation that is ours. It is one that pertains to the 83 Members of this Legislative Assembly. It affects us and our partners, and as such it should be one for which it would be quite easy to address the inequities that could come from the legislation as it now stands. Because it is ours, it is not one that has the wide-ranging consequences that the members of the government believe putting in the amendment the definition of domestic partner will have. That's what we're talking about: a definition of domestic partner that talks about a relationship between two adults who are living together. It doesn't have the wide-reaching consequences that the members of the government have said it does and that are the basis for their not wishing to pass this particular piece of legislation. It affects only us, the 83 members

within this Legislative Assembly, and we should set an example to ensure that our conflicts of interest legislation cannot be pointed at as excluding certain people because of their marital or nonmarital relationship from disclosing fully the interests of their partners.

So I hope I've been able to explain and to build further on the comments the Member for Edmonton-Whitemud made and to perhaps move the discussion and the debate forward on the amendment so that we can in fact come to a reasonable conclusion on this particular amendment. Again, because this is an amendment and a bill that pertains only to us within this Legislative Assembly, we should be able to come to an agreement that would ensure that all individuals are treated equally regardless of their marital and/or partnership relationship.

So I'm looking forward to hearing if perhaps I've spurred some extra thinking for the Member for Edmonton-Whitemud and to seeing whether or not he and perhaps some of the other members of the government could come up with some way of mediating the differences we have on this particular article so in fact we can make this legislation better. Thank you.

THE CHAIRMAN: The hon. Minister of Advanced Education and Career Development.

MR. DUNFORD: Thank you, Mr. Chairman. I might preface my remarks by indicating to you that I'm certainly not under any whip's challenges to try to stretch this thing as long as 20 minutes, as the previous speaker might have indicated.

I want to spring from where the previous speaker left off. One of the interesting things in human dynamics is that there's discussion that goes on, there are paradoxes that are created, people look for ways to deal with a situation, and then all of a sudden an idea comes forward and starts to grow and starts to flourish. I'd like to now add my little bit to hopefully growing this seedling into perhaps something that both sides of this House could agree to. I'm not making any sort of amendment or subamendment. I just want to talk for a few moments about a way in which we could handle some of the concerns that were raised certainly by the Member for Edmonton-Whitemud and then were followed up by the Member for Edmonton-Meadowlark. Now, I know she's onto a concern about grandfathering. I share her labour relations background, so I can empathize with her in the context of how she's trying to get us out of this paradox or this little dilemma that we're in.

What I'd like to suggest is that instead of grandfathering, because then that will set those of us that are here today apart from those that may come after us, I think we might simply look at a date in the future. What we might recall is that all of us here in this Assembly tonight were elected on March 11, 1997. In speaking against this amendment, perhaps a date could be brought forward. If I'm not mistaken -- I don't know whether it's a standing order or whether it's a constitutional requirement -- there would have to be an election in five years after March 11 of '97. So if my math is correct, this should take us into the year 2002. Why wouldn't we consider a date such as July 1 of the year 2002 when full disclosure under this conflict of interest would be required?

If there's any member sitting here this evening who is concerned -- and I have to say that I share the concern that was indicated by the Member for Edmonton-Whitemud, and I share that to the point where I will be voting against the amendment -- if we went to July 1 of the year 2002, then every one of us is going to have to make a decision as to whether or not we want to go back in front of the people and seek re-election. That being so, and if any that would put their names forward at the next election already know

that there will be this type of disclosure, it would seem to me, then, that we don't have to deal then with grandfathering, which would actually create a two-tiered system, so to speak, of legislators here in Alberta. So that's a suggestion that I would make.

Again, I want to congratulate the Member for Edmonton-Whitemud for an original thought in this particular debate. You can see how it's starting to swing the interest. I believe it actually opens up a pathway for most of us here this evening. I thought the Member for Medicine Hat articulated it very well. There was an inconsistency if we were to approve this amendment. I can understand, though, the dilemma it was putting us in. I mean, we shouldn't want to have partnerships where there is someone that discloses and someone that perhaps doesn't. So it seems to me now that what we have here is a solution that's starting to boil up. I certainly want to say that I will be voting against the amendment but certainly would encourage anyone here in the House perhaps then to build upon my little contribution.

10:10

MR. DICKSON: I just want to spend a moment and thank both cabinet ministers that have spoken, the minister of intergovernmental affairs and the minister of advanced education. I want to say that I think the two of them have raised something that's really worth discussing. The notion of prejudice is a legitimate concern to raise, and in fact as I've been thinking about it, there's something quite attractive on the face of it about a proposal to look at a change that would have some deferred implementation. I'm not sure we've heard a lot of other members speak to this, so I guess my trepidation is: we have an amendment on the floor and the suggestion that we look at something but defer the effective date, and I hate to see us go to that trouble and then find that there was no support for it in the House.

It's an interesting proposal. When we look at the conflicts act, clearly there is a disclosure to the Ethics Commissioner. We'd assume that that's treated in confidence. Then there is a public disclosure, where any citizen could go down and in that disclosure you have the benefit of being able to see the name of the partner. So that certainly has the potential for outing an MLA who's in a same-sex relationship.

There's another way of addressing that, and that would be that you would be able to in fact not require disclosure of the name of the partner to anyone other than the Ethics Commissioner. That would be another way of going at it. I see a look of consternation on our friend the minister of science and technology. The suggestion is that that would be an alternate way of being able to respect the potential prejudice of somebody having to disclose that they had a same-sex partner. In fact, what you might be able to do is amend the conflicts act so that a member had the option of having the name of their partner published or not. I mean, there may be other reasons we wouldn't want our spouse's name available in the public records of the province, so we could simply address that, I think quite niftily, with a very minor amendment. You know, we'd be able to craft that amendment very quickly and bring it forward. So that's an alternate way of dealing with it.

It seems to me that if the minister of intergovernmental affairs were to prepare the kind of amendment he's proposing -- and it would be even possible potentially to do that as a subamendment to the amendment that's currently on the floor. Of course, we'd have the chance in terms of being able to vote on that and then vote on the main amendment. I know the very persuasive colleague from Edmonton-Meadowlark is having some discussions to explore that sort of potential. But on reflection . . . [interjection] Thanks, Mr. Chairman. I appreciate the encouragement from the Member for Whitecourt-Ste. Anne.

But it seems to me, Mr. Chairman, that absent a subamendment -- and I don't see one at this stage -- we deal with the amendment as it is. I was just going to say that the most important thing is that there be equal treatment, and then I think we can address other kinds of concerns. But I just want to remind members that in part 2, obligations of members, the way it reads now in section 2(1), if the amendment in front of us were not passed, would be:

A Member breaches this Act if the Member takes part in a decision in the course of carrying out the Member's office . . . knowing that the decision might [affect] a private interest of the Member, a person directly associated with the Member or the Member's minor child.

Well, right now that would not catch a member who's in a same-sex relationship. So you would have a breach if you had an opposite-sex partner but no breach on exactly the same grounds. If you had, for example, a minister of transportation who was building highways in the province and he chose to pave a road that went up to a market garden -- gravel roads all around, but we have this one paved road that goes up to the market garden -- and the market garden happened to be operated by a same-sex partner of the member, that would not be actionable. That wouldn't be a violation of part 2 of the Conflicts of Interest Act. If you were to change that and say that it would be an opposite-sex partner who operated that market garden at the end of the paved road, that would be very clearly, Mr. Chairman, a breach of section 2(1). Why should that be? Why would we allow that sort of inequity to continue?

Section 3 says:

A Member breaches this Act if the Member uses the Member's office or powers to influence or to seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the Member, a person directly associated with the Member or the Member's minor child.

Well, once again, if we don't have this amendment, section 3 then means there's no breach committed by a member even though the member is using an "office or powers to influence or to seek to influence a decision" to be made by the Crown to further a private interest of the member or a person directly associated with the member. Even if that were blatantly done -- we can think of examples. If somebody in a same-sex relationship happens to be a prominent cabinet minister and persuades his colleague the Minister of Public Works, Supply and Services to buy land from his same-sex partner at some enormous profit to the same-sex partner and the member, it wouldn't have to be reported. The taxpayers have been burned once again, Mr. Chairman. It just wouldn't make any sense. It wouldn't make any sense that that could happen. So think, with the greatest respect to those people who are not supportive of the amendment, we're running a huge risk here.

In fact, if we go back to the report from the committee -- I happen to have in my possession a purloined copy of the Conflicts of Interest Act Review Panel report. The library hasn't caught up with me yet, although I think it's somewhat overdue. December 14, 1998, is the due date, so I've got a little time left. We look at the summary of the principles here, and we go through and find which of these would not be an advantage if this amendment were passed. The code of conduct on page 6: "The Code of Conduct and Ethics for the Public Service, the rules that apply to most provincial civil servants, must be updated." Well, what better starting point than to address same-sex relationships? That's not the case.

10:20

On page 7: "The financial disclosures of 'senior officials' and their spouses and associates should be made available to the general public." If it made sense to have financial disclosure of a senior official and their spouse, why wouldn't it make sense to

have financial disclosure for that senior official and their same-sex partner? The same rule should apply, Mr. Chairman. It just seems so abundantly clear.

I think if you look at the recommendation on page 5, "Members must face a clear obligation to find out the financial status and interests of their spouses, minor children and associates," as it stands right now, each of us has an obligation to find out what financial interests our partner, our wife or husband, is involved in. But if you have a same-sex partner, you could have been living with somebody for 10 or 12 years -- it may be a more enduring relationship than many marriages -- but there's no obligation on the member to find out what their same-sex partner's financial status is or what their interests are. A huge problem, Mr. Chairman, this whole business as we go through the Tupper report page after page after page.

What would be different if the amendment were passed? Well, firstly, if a member takes part in a decision in which the member knows the decision might further a private interest: that would be strengthened. For a member to use office or powers to influence or seek to influence a decision of the Crown to further a private interest of the member: that would be strengthened. Using or communicating information not available to the public to seek to further a private interest: that would be strengthened. Accepting gifts, fees, or other benefits connected directly or indirectly to the performance of the member's office -- if you're in a same-sex relationship, you're entitled to say: "You know that nice big 60-inch Sony television that is being offered because you're a particularly helpful MLA or government minister? Don't give it to the minister. Give it to their same-sex partner." It doesn't have to be reported. No problem. I think it's unacceptable.

MRS. LAING: Oh, come on. Integrity.

MR. DICKSON: Well, the Member for Calgary-Bow seems to take some issue with that example, Mr. Chairman.

MRS. LAING: Well, you're suggesting they take bribes.

MR. DICKSON: Mr. Chairman, I'm not suggesting that any member in this Assembly would take bribes. What I'm saying is that we want a set of rules. Certainly the Member for Calgary-Bow, who exemplifies the kind of unselfish service to community that we all try and emulate, I think is an excellent example of the kind of integrity that we know elected officials have. But, you know, it's important; people out there have to have a sense of confidence. They don't have a chance of knowing the Member for Calgary-Bow like those of us in this Chamber do. It's important, though, that everybody know what the rules are and that we are able to show to Albertans that the rules prevent somebody taking bribes or their spouses from taking bribes. But I certainly apologize to the member, to any member if anybody felt that I was suggesting that any member in this Assembly would take a bribe. I don't for a moment believe that, and I'm certainly not suggesting it.

I mean, if we were to follow that to its logical conclusion, why do we need a conflicts act? Right? If we're all acting honourably, why do we bother with a Conflicts of Interest Act at all? Well, we have one, and some members may think we don't need it, but we decided to pass this in -- when was it? -- 1992 or the spring of 1993, maybe even earlier, because there was a sense that the public had to have a sense of confidence. I think it became law in 1993, and I think it was passed probably in 1991. [interjection] Thanks for the assistance.

The provision that would be caught, what it would mean is that if you had a same-sex partner who would have to report income received in the preceding 12 months, expected in the next 12 months -- and why shouldn't that be reported? Fees, gifts, benefits exceeding \$200 would have to be reported, and why not? Filing on an annual basis a statement of personal and family financial assets: there are people living in a same-sex relationship, whether we would call it a family or not, who view it as a long-standing relationship, and that would be the important thing that would be caught in this amendment.

I think we're being unfair to the Ethics Commissioner now because the Ethics Commissioner doesn't have the power to deal with instances where he finds that somebody living in a same-sex relationship has abused their power. You know, I'd come at it this way, members. If any member in this Assembly living in a same-sex relationship has a partner who takes advantage of the member's position, power, or influence, that reflects adversely on everybody in this Assembly, doesn't it? It reflects adversely on every single member in this Assembly. So when we take, as an example, the Member for Calgary-Bow, who has a well-earned reputation for fairness and honorable conduct, her reputation would be tarnished just like mine and yours, Mr. Chairman, if we had a member in this Assembly living a same-sex relationship who is abusing that power and influence. I won't speak for the Member for Calgary-Bow or for you, Mr. Chairman, but I'd be offended if my reputation was going to be besmirched because some other member in the Assembly in a same-sex relationship was abusing the rules.

Now, Mr. Chairman, much else is to be said, and I'm sure there are probably some other people that are interested in joining the debate. But when we look at the amendment, when we look at the principle behind the Conflicts of Interest Act, and as the Tupper report said at page 21:

The Conflicts of Interest Act is an important law. It rests on democratic principles that the Panel supports. The Act asserts that there must be as clear a separation as possible between public duties and private interests, it prohibits certain activities as unacceptable,

et cetera. The further quote I'd just add is:

It requires that the public have access, through public disclosure, to facts about the personal finances of Members of the Legislative Assembly.

Well, Mr. Chairman, what happens is that if this amendment is not passed, here's where we're at. We will have members living in a same-sex relationship who commingle their funds. They take their legislative salary and they put it in a joint account. It's commingled with the income of their same-sex partner. It's entirely possible that they're not going to have to disclose all of that. Just on a very selfish basis, I might say that if my wife and I and my colleagues and their spouses have to sit down and go through the task of completing one of these forms, then I think every other member in this Assembly should have to and I think every other member's partner. Every other member's partner: that's really what this amendment is about. That's what the amendment is about.

It seems to me we have an anomaly that's existed all too long. We have an opportunity to remedy that this evening; we have a chance to do it right now. So for all those reasons I think it's important that we accept this amendment, although I'm open to a subamendment that would provide the sort of staged implementation.

10:30

You know, that's not a bad model for another reason. Mr. Chairman, you'll remember better than I because you were here

before the 1992 by-election in Calgary-Buffalo, but it seems to me that the Conflicts of Interest Act was passed in 1991, and there was a considerable period, and the reason was to allow members to organize their affairs, give them time, presumably, to explain to their spouses, who hitherto thought that their commitment was simply putting up with the absence of their MLA spouse at meetings and during session, some time for them to acquaint their spouses with the new duty that had been statutorily imposed on them.

I'm looking forward to further debate. Thanks very much, Mr. Chairman.

MRS. SLOAN: Well done.

I think there are a couple of additional points that require clarification. I am assured that the hon. Member for Edmonton-Norwood intends that this amendment would apply to those individuals that are in a stable . . .

THE CHAIRMAN: Hon. member, amendment A7 as proposed by the hon. Member for Calgary-Buffalo is what we're talking about. Hopefully it's the same amendment that you're referring to.

MRS. SLOAN: Thank you. Yes, Mr. Chairman, I am referring to the amendment before us moved by the hon. Member for Calgary-Buffalo. I stand corrected.

I am sure it is his intent that this be applied to those instances of people in a stable same-sex relationship. There are, I guess, a variety of individuals that come to mind. I wouldn't name them, but there are certainly prominent people even in politics who have acknowledged that this is the choice they have made. It is not in any way intended that it would be to require or to force someone to disclose that choice against their will. I think that clarification did need to be made.

I'm also reminded of the fact that the premise of the amendments we're debating tonight is the selective recommendations that the government chose to implement from the Tupper report. One of the recommendations the Tupper report made, which the government did not choose to incorporate, spoke about: "The Code of Conduct and Ethics . . . must continue to be systematically reviewed and modernized in light of changing circumstances." Now this and the premise of the amendments that we raise is a perfect example of that type of circumstance, Mr. Chairman, and I think it respects the intent that the Tupper report attempted to make but that this government chose not to rise to address.

I also refer to the comments made by the sponsoring member of Bill 2 back in February of this year. He talked about the bill significantly identifying "the deletion of the provision whereby a report exonerating an MLA did not have to be made public, assuming the MLA had made a formal complaint." He said that "the amendments [were] based on the Tupper report." He also indicated that

an amendment [had been] proposed by the Ethics Commissioner regarding extension of time and one by the Provincial Treasurer pertaining to reports filed by the Treasurer not including the specific amount of salary and benefits paid to persons associated with the member.

Referencing back to my earlier comments, there again is the mention of the phrase "persons associated with the member." I think that the hon. Member for Edmonton-Whitemud made a significant suggestion in proposing the 2002, I believe it was, resolution. [interjection] The hon. minister of advanced education; I am corrected.

I think that's an opportunity, if assumed by the majority of members in this Assembly, to address the inconsistencies present in the bill that I've identified this evening. It would also allow for

the incorporation of the amendments that we are now debating.

I am, though, mindful that there are other matters and amendments pending, and at this stage I'm not wanting to be overly long-winded, but I think we share in this Assembly a desire to modernize the Conflicts of Interest Act. That intention, I sense, is shared by all members of the Assembly, but it's difficult to choose, I guess, or cherry-pick what aspects of the act you will modernize and what aspects of the act you will choose not to modernize. The area proposed by the amendment by Calgary-Buffalo is definitely an area that is sensitive for some individuals. We cannot, though, as legislators, as elected representatives of Albertans, in my opinion, take a narrow view or a narrow application or interpretation in this sense. If the measuring stick is ethical conduct and we want to ensure that all members of the Assembly must abide by the same measuring stick, then that measuring stick has to include a measure for members that have made a different choice when it comes to their personal relationships, Mr. Chairman. That is not at present embodied in the act.

As I've said, I think we're moving. I think there's some consensus that is arising from the discussions this evening, and that's valuable. That is valuable. I think it's also an indication that there is perhaps some enlightening that's occurring within this Assembly of the realities that exist. Perhaps it will be, Mr. Chairman, that we won't be successful this evening with respect to this amendment in terms of a vote, but I believe it has been successful in its own right in prompting debate, in prompting a broader discussion and interpretation of the process that members must abide by and hold themselves out to in the process of conducting their duties and which their significant others, their spouses, people they are associated with, or their "domestic partner," as this amendment proposes, also will abide by.

So with those comments, Mr. Chairman, I am prepared to conclude my remarks on this amendment this evening, and I would welcome the opportunity to see what the results of the discussions have produced.

Thank you, Mr. Chairman.

[Motion on amendment A7 lost]

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

MS OLSEN: Well, I've got a whole pile of these, because this would break my record, Mr. Chairman, going through the whole session without having an amendment accepted on this particular bill. So I'm just going to keep going and keep going and keep going. I have another amendment.

10:40

MRS. SOETAERT: Like an Eveready battery.

MS OLSEN: Well, actually, yeah, it is.

MRS. SOETAERT: A Duracell.

MS OLSEN: No. It's an Eveready battery.

Mr. Chairman, I'd like to propose another amendment. If you could hand that one out. While they're handing it out, can I read this in? I'll just wait a second.

THE CHAIRMAN: Before I ask the hon. Member for Edmonton-Norwood to read her amendment and move it, I would suggest that this is amendment A8. It does say A7 down on the bottom

right-hand corner near the Parliamentary Counsel's signature. Please strike that out. It is amendment A8 on Bill 2.

The hon. Member for Edmonton-Norwood.

MS OLSEN: Thank you, Mr. Chairman. I was trying to keep organized, but I'm one number out here.

I'd like to move that Bill 2 be amended as follows:

A, section 11 is amended by adding "standing policy committee chairs" before "and"; B, section 12 is amended by adding the following after proposed section 21.1:

21.2(1) Sections 19, 20 and 21(2) apply, with the necessary modifications, to the Chairs of Standing Policy Committees.

- (2) For the purposes of sections 19(1) and 20(1) as they apply to the Chairs of Standing Policy Committees,
 - (a) with respect to a person who becomes a Chair of a Standing Policy Committee after this section comes into force, the period is 60 days after becoming the Chair of a Standing Policy Committee,
 - (b) with respect to a person who is the Chair of a Standing Policy Committee on the coming into force of this section, the period is 60 days after the coming into force of this section,

or such longer period as may be prescribed by the Ethics Commissioner.

Mr. Chairman, the reason I move this particular amendment is that, as we can see, this new piece of legislation, Bill 2, is amending another section, and it's adding: "and Leader of Her Majesty's Loyal Opposition" after "council." The reason it's doing it is that the Tupper report recommended adding "the Leader of the Official Opposition." It's recommendation 5 out of Integrity in Government in Alberta: Towards the Twenty First Century, the report of the Conflicts of Interest Act Review Panel, that the eminent persons panel put together. I happen to have a copy of it.

Recommendation 5 states:

Under the Integrity in Government and Politics Act, the Leader of the Official Opposition should operate under the responsibilities and obligations imposed on Members of Executive Council, those other Members of the Legislative Assembly noted in recommendation 4 and former Ministers.

Well, I would suggest to you that this should also include the standing policy chairs, because these chairs, believe it or not, have incredible influence. Lobbyists specifically go to standing policy committees to have their particular issues brought forward, and given that they do have a lot of influence -- and in fact I would suggest to this Assembly that they have much more influence than the Leader of the Opposition -- when it comes to their job, I believe they should be covered under this act in the same way. They get extra pay for being there, I believe \$15,000 to chair the committees. I understand that maybe that's gone up now. Is it more now?

AN HON. MEMBER: Twenty-two thousand.

MS OLSEN: Twenty-two thousand dollars, Mr. Chairman. Twenty-two thousand dollars and they are excluded from one of the most important pieces of legislation that has ever come forward in this Assembly to guide members of this Assembly. I feel very, very strongly, very strongly that this particular amendment should be accepted. It's absolutely important. It's important that all of those who can wield influence be covered.

I don't know if any of you have read this book. It's great reading. As a matter of fact, there are members of the Alberta Legislature in here. The Premier on Multi-Corp. The hon.

Member for Whitecourt-St. Anne is in this book. There's a couple of other people in this book who have been identified. It's called *Honest Politics: Seeking Integrity in Canadian Public Life*, Ian Greene and David Shugarman. It's an excellent book. It's an excellent resource. It highlights a lot of the particular incidents that we could come across in our public life.

One of the things that I've highlighted in here is the issue of lobbyists. The eminent persons report talks about lobbyists and says that we should have lobbyist registration. I agree with that. Where that falls here is that all of those lobbyists can go to the government, and the government, who assigns policy chairs and pays them \$22,000 extra, does not include those people in their legislation. I have a lot of problems with that in that there's a lot of instances where situations could arise where, in fact, that influence may come to bear on behalf of the lobbyists, and I think we want to protect all members who are in a position of substantial power in this Assembly from getting themselves in trouble. I think we need to ensure that the guidelines are there. If we're not going to have lobbyists registered and we're not going to have a lobbyist code of conduct, as the Tupper report suggests, then at least protect those chairs, Mr. Chairman. Protect those people from the potential situations they could be in. I would suggest that most members in this House would appreciate that kind of legislation.

I guess the thing that bothers me is that we have some great people that were asked to sit and review this legislation, and when I go through their lists of recommendations in this particular review, not very many were accepted. That concerns me. I would really ask that all members support my amendment to have standing policy committee chairs added to the list of people who are assumed to have a certain amount of influence or power or are perceived to have that kind of power by the outside. In fact, many people who would like to see legislation brought forward have to go to those standing policy committees first before they ever get to see the minister about an issue.

10:50

So let's be realistic. Let's identify the standing policy committees for what they are, and that is a very powerful group of people who set government policy, who have direct influence, a direct line to every single member on the front bench and to the Premier. I think it would be interesting to hear from the standing policy chairs why they would think they should not be included in this legislation and why recommendation 4 should not include them, the standing policy chairs. I'm just reciting recommendation 4 from the Tupper report, Mr. Chairman, page 65.

Under the proposed Integrity in Government and Politics Act, the obligations now imposed on Members of Executive Council and the restrictions now imposed on "former Ministers" should be extended to those Members of the Legislative Assembly who chair Standing Policy Committees and/or who chair or supervise in significant ways agencies of the Government.

So that in fact may even go so far as to include people on different boards that we have, the RHAs maybe, the new regional health authorities, anybody who has any significant influence on this government. I think it would be an untruth, Mr. Chairman, for anybody to stand up and say that the standing policy committees do not have any influence on the government. I think it would be wrong to say that, considering that before anything comes to this government, it must go through a standing policy chair.

With that, Mr. Chairman, I'll take my seat and listen to my other colleagues speak to this amendment, and we'll go from there. I urge everybody to support this amendment. I think it would be in everybody's best interests, especially those standing policy chairs, to stand up and support this amendment.

THE CHAIRMAN: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Chairman. I'm going to speak ever so briefly to the amendment. I'm going to speak against this amendment simply because standing policy committee chairs are not members of Executive Council, and my understanding of this amendment is that standing policy committee chairs would be treated with the same degree of scrutiny as ministers. Frankly, that's simply not the case. Ministers have direct involvement and speak for the government. Ministers have the ability to sign ministerial orders. There's a significant and real difference between standing policy committee chairs and ministers. Standing policy committees make recommendations to government and to government caucus. They do not make the laws of the land.

The member talked about standing policy committee chairs being subject because there are presentations made to the committee. Using that same logic, then all members of standing policy committees would be included, and that would be absolutely absurd. That would be saying that every member of the Legislature should be subject to exactly the same scrutiny and to the same degree as ministers of the Crown. Quite frankly, Mr. Chairman, that is not the intent of this legislation. There's a clear distinction between ministers and private members, and I think, frankly, that's the way this legislation should stay. I would encourage members not to support this amendment.

With that, Mr. Chairman, I would like to move that we adjourn debate on this amendment.

THE CHAIRMAN: The hon. Member for Medicine Hat has moved that we adjourn debate on amendment A8 of Bill 2. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Carried.

The hon. Deputy Government House Leader.

MRS. NELSON: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports Bill 49 and Bill 2. I wish to table copies of all amendments considered by the Committee of the Whole on this date 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.

head: **Government Bills and Orders**
 head: **Third Reading**

Speaker's Ruling
Third Reading Debate

THE DEPUTY SPEAKER: Before we begin third readings, the chair would like to remind hon. members about third reading. Debate on third reading is more restricted than at the earlier stage, being limited to the contents of the bill, not what could have been, might have been, should have been, but what is in the bill. So long as we all remember that, that will be helpful.

The hon. Deputy Government House Leader.

Bill 44
Tax Statutes Amendment Act, 1998

MRS. NELSON: Mr. Speaker, on behalf of the Provincial Treasurer, I am pleased to move third reading of Bill 44, the Tax Statutes Amendment Act, 1998.

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

MR. GIBBONS: Thank you, Mr. Speaker. I am pleased to stand and speak to this bill. It's tough to support the principles of this type of bill when you don't have a clear interpretation of what the perceived implication or wanted implications are. I am not against the bill in its entirety, but I do have a problem with the fourth point. This is the reduction of personal income tax from 45.5 percent to 44 percent.

As the critic for Municipal Affairs, I hear from many elected representatives throughout the province who feel that this province is downloading to an extent that they're not speaking out. They're wondering when this province is going to start listening to their plight. While the government wants to reduce taxes at their levels, they're actually forcing an increase in taxes at the next level. The buzzword all the way through the 1990s has been "user fees." Are Albertans really getting a break by this government's shortsightedness or the bill being introduced by the minister and his bureaucrats? Mr. Speaker, I don't believe that Albertans would like to see a reduction of taxes of this little significance before the recognition that municipalities have some assurance that a three-year funding framework will be created so the municipalities can plan their responsibilities. As they determine infrastructure and community-service needs, all Albertans would be hard pressed to accept this considering the deep cuts we have experienced in health care and education.

11:00

If there's only one taxpayer, why are our health boards', educational boards', municipalities' pockets always flat broke while the provincial pockets are always flush with cash. Why, Mr. Speaker? Because the provincial government has been off-loading and downloading, creating a hidden deficit. The hidden deficit can really be looked at in a lot of ways: a 56 percent reduction of funding to municipalities and drastic cuts to eventual elimination of municipal assistance grants. I feel that while we're looking at reducing taxes at our level at this low number, it is not doing this province any good.

Mr. Speaker, I will sit and have somebody else speak to this one. Thank you.

[Motion carried; Bill 44 read a third time]

Bill 46
Securities Amendment Act, 1998

MR. DAY: Mr. Speaker, I move Bill 46, the Securities Amendment Act, 1998, for third reading.

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

MS LEIBOVICI: Thank you, Mr. Speaker. Bill 46 is the Securities Amendment Act. It's designed to reduce costs and the regulatory burden on the investment community in Alberta. It also, it's my understanding, reflects what some of the best practices are in other provinces.

One of the concerns that I'd like to flag with this piece of legislation as well as other pieces of legislation that will be coming forward and do come forward on a regular basis obviously in this Legislative Assembly has to do with the MAI, the multilateral agreement on investment. We know that it is likely that the MAI will not pass in its current form under the OECD and may rear its head under the World Trade Organization. But in fact what is starting to occur, as well as the potential for it appearing under the WTO, is that there are indications, either overtly or not well understood by some of the draftpersons of legislation, that amendments are being made to acts like perhaps the Securities Amendment Act, perhaps the Municipal Government Act, and other pieces of legislation that do in fact allow for some of what the MAI would have allowed for had it passed under the OECD. There is, I believe, a need for the government to almost take what some of the provisions would have been had the MAI passed and apply them to legislation that is being passed at the provincial level. The Securities Amendment Act, given that it is an act that deals with financial regulations, that deals with harmonization, that deals with integration and co-ordination of capital markets, may in fact allow for some of the provisions that would have occurred under the MAI in conjunction with the OECD.

It's more of an advisory that I'm providing at this point in time, because quite frankly it's not a filter that I had thought to use in looking at legislation such as this, because I was secure in the knowledge that the MAI would not in fact be approved when the world nations get together in the spring, I believe, of this year under the OECD. It is a false sense of security to think that because at that particular level the MAI is dead that it is not appearing in a different form in pieces of legislation such as perhaps this act, other provincial acts that we are looking at, as well as federal, which we obviously do not have any control over, and municipal acts.

I would like to put that into the public record so that, in fact, the departments and the legislative staff of the various departments in bringing legislation forward in the future do look at that particular filter. There are many experts that are available that could advise the departmental staff as to the various clauses of the MAI, the concerns within the MAI as well as the implications of changing legislation on a provincial level to allow for those very provisions that people are extremely concerned about in terms of the autonomy and ability of the province to maintain its autonomy vis-à-vis international and global marketplaces.

I would be interested in knowing if the Provincial Treasurer or his department has looked at the concerns that have been expressed by this caucus, by the opposition in the past around the MAI to see if that in fact has been addressed with regards to the principle of the bill.

Thank you.

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

MRS. SLOAN: Thank you, Mr. Speaker. Since we last spoke about Bill 46, the Securities Amendment Act -- I had spoken at the last debate with respect to my concerns about the applications of these changes in relation to the existence of late of the MAI. So I've taken it upon myself to do a little bit of research with respect to that application.

I accept that the intent, I believe in a narrow way, was to provide amendments which would reduce costs and reduce the regulatory burden on the investment community in Alberta. I'm not sure if the sponsor of the bill has actually considered the broader implications that these changes may make in the context of the MAI and NAFTA.

Some of the research that I have and one of the independent analyses that I'll be quoting from this evening is done by the Caledon institute, and they talk about the multilateral agreement and its precursor, the investment provisions of NAFTA. They say that the investment provisions of NAFTA really have served as a template for the MAI, the draft that was heatedly debated across this country just a few short months ago. They point out that the MAI goes further in a number of significant respects, particularly in broadening the definition of investment and extending the principles of national treatment to subsidies. I think that has a relationship, Mr. Speaker, to the bill that is before us this evening.

11:10

The definition of investment in the MAI is broader than that in NAFTA, and it specifically included government concessions, licences, authorizations, and permits. NAFTA excluded the government in terms of procurements, subsidies, and grants. The MAI does not.

The intent of MAI is to prohibit discrimination with respect to the granting of investment incentives. I think and this analysis says that some companies may still want the MAI to take more drastic action against the extension of subsidies. I'm not sure at what stage the consideration of that is in this province.

We in a general sense know that the implications of most significance with respect to the issue under debate and the MAI relate to the applications to social services and health care, and if we set a precedent in a narrow fashion with respect to how we conduct or amend the framework for investment in this province, those same types of precedents will be utilized, I would propose, Mr. Speaker, by interests and corporations with respect to social services and health care. [interjection] Well, that's because you haven't researched it like I have, hon. member, and you don't understand it, but I'd be happy to provide all members with some of the background material so they can educate themselves on this topic.

My specific point, Mr. Speaker, is that I don't believe the sponsor of this bill or the government at large has considered the application of the amendments that they're making to the Securities Act, particularly the applications as they relate to the multilateral agreement on investment and the North American free trade agreement.

With that, Mr. Speaker, I submit those beliefs and comments and invite other members of the Assembly, if they are so impassioned about the issue and so strong in their opposition to my interpretation and my suggestions this evening, to rise to the challenge at this opportunity and share their knowledge of investment and securities with all other members in this Assembly.

Thank you very much.

[Motion carried; Bill 46 read a third time]

Bill 47

Protection from Second-hand Smoke in Public Buildings Amendment Act, 1998

MRS. FRITZ: Mr. Speaker, I'd like to move that Bill 47, the Protection from Second-hand Smoke in Public Buildings Amendment Act, 1998, be read a third time.

AN HON. MEMBER: Question.

MR. DICKSON: Mr. Speaker, there is indeed a question, and the question is whether this bill is now going to take us to that stage after this long torturous path of umpteen dozen private members' bills, motions, and so on, whether this bill is now going to be translated into a proclaimed piece of legislation, and I know my caucus colleagues have been anxious to see when that happens.

We've supported this initiative, not only in terms of the bill we have in front of us but in its earlier iterations, the initial private member's bill that the Member for Calgary-Cross had and before that other private members' bills from, I think, the current Minister of Family and Social Services and before him the Opposition House Leader. We're happy we're at this stage but frustrated it's taking so long, Mr. Speaker. We are very hopeful, to the extent that this has received support from the House, that the Lieutenant Governor in Council will see fit to proclaim this bill at an early date. We're going to rely on the Minister of Public Works, Supply and Services and the Speaker and the Clerk of the Legislative Assembly to work co-operatively to ensure that the bill is implemented, that the designated smoking areas are created.

I guess we're just really very anxious that finally, for those people that want to see protection of Albertans, workers, from secondhand smoke, we're going to be able to model or demonstrate some real leadership in this place. So I'm going to encourage all members to support this. Who knows? If we get a unanimous vote at third reading on this bill, it may send a little bit of an oomph, may send a little stronger message to the people who are going to decide when and how this is going to be implemented. This is long overdue, so we're looking forward to it.

I'm sure hoping, Mr. Speaker, for a unanimous vote because this is one of those public health bills that deserves the support of every member of the Assembly.

Thank you very much.

[Motion carried; Bill 47 read a third time]

Bill 48

Election Amendment Act, 1998

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MRS. NELSON: Yes, Mr. Speaker. On behalf of the Member for Little Bow I am pleased to move third reading of Bill 48, the Election Amendment Act, 1998.

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

MR. SAPERS: Thanks, Mr. Speaker. This bill is on an issue that has been on my mind for an awfully long time. I've been involved in criminal justice and in corrections for, oh, about 12 or 15 years before I entered politics. One of the issues that I've

always had a struggle with was the balancing of the loss of rights of any individual that naturally happens as a consequence of that individual breaking the law and being convicted for that breach and the need for society to allow that individual an opportunity to participate as fully as possible for the hopes of reintegration, the hopes of restoration of harmony.

So, Mr. Speaker, when this issue has been before the courts at various stages in Canada over the years, I've followed it, and I've followed it with some interest because, particularly in this province, it's always very controversial. It seems to be a bit of a flash point. When as a result of federal court decisions and decisions made in other jurisdictions our government was called upon to finally come to terms with the issue of dealing with provincial election legislation and trying to accommodate these competing interests between the punishment that flows to an offender and the need for society to allow that offender an opportunity to participate and be redeemed, I looked at it very carefully, and I was actually quite anxious about the legislation.

11:20

My disappointment in the bill is this. Anybody that's been involved in corrections, particularly at the sentence administration end, knows about the challenges of fixing in law an additional penalty or prohibition or consequence that's outside of the sentencing framework. I'll give you a couple of examples about why this bill troubles me, why I believe that it's flawed, and why I believe that ultimately it will prove to be unsatisfactory. You have the situation where you have to deal with compound sentences. Those are sentences that have several elements. You also have legislation or penalties that come about as a result of a failure, for example, to pay a fine or maybe when somebody has been sentenced to a community sentence like probation but then there is a technical breach of that probation. I'm not talking about a new criminal violation. I'm talking about a technical breach like failing to report to your probation officer at a given time or being out after a certain curfew that might be in the probation order. These technically are violations, but they're not Criminal Code violations, not the kind of thing that you or I or any other citizen would be hauled before a judge on and be held accountable for. These are administrative kinds of infractions.

So with compound sentences and with these sentence elements that may come about as a result of a forfeiture or as a result of a technical violation, we may find that we are restricting the right to vote as a result of this legislation for a class or a category or a group of individual offenders for whom we did not wish to restrict their right to vote. If I understand the legislation correctly, it would be all those offenders who were sentenced and serving longer than 10 days, but because of the way sentence administration works, because of these compound sentences, because of these sentence elements, we could have a group of people going through an institution that normally wouldn't be restricted from voting, but just because of the luck of the draw they would find themselves incarcerated for that period of time which would be captured by the legislation. This seems to me to be an unfair and arbitrary use of the state's power to interfere in what's really a Charter right, that being the right to cast a vote in a free election.

There's another difficulty as well, and the difficulty is this. There's a category of people in remand centres who are known within the system as sentenced remand, and this group of inmates, because that's what they are, may be people who have been convicted but whose conviction is subject to appeal. It could be the conviction that's subject to appeal, or it could be the sentence that's subject to appeal, so they may be held in one of our remand centres instead of one of our sentence institutions. Now, again, here's a category of men and women, the sentenced remand

people, who are appealing their sentence or appealing their conviction, and their appeal may be a just one. There may be an appeal based on a fact or on law that will be allowed, and a higher level of court may overturn the conviction or may modify the sentence.

Wouldn't it be a shame -- and how would we justify it? -- if we had these men and women, who were sentenced but subject to appeal, being held in a remand centre, which isn't a sentence institution, denied their right to vote, and then the very next day the courts would determine that the sentence was unjust. The very next day the courts may even determine that the conviction was unjust, and it may be overturned. How would you give that person back their right to vote? How would you reach back in time and say: "Well, okay. Gee, sorry. We made a mistake. Not only did you lose your freedom in a way that we've now found was unjust, but you've also lost that greatest privilege, the right to cast your vote."

I'm not talking about individuals who have been sentenced, whose period of appeal has passed, where all the avenues are exhausted, and who are serving their time. I'm talking about individuals who are found to be either not guilty or whose sentence is modified because of the basis of their appeal. There are clearly categories of offenders or categories of men and women who this law may capture, and it wasn't the intent of the legislation to capture them in this law. This application of the law, I think, will see the province being brought to litigation at some future point.

There's another problem as well, and that is the way that sentence calculation operates in the province of Alberta. It gets very complicated when you have compound sentences or when you have a series of sentences that may be one sentence overlapping with another in a concurrent or a consecutive way. The bottom line of doing all the calculation, of doing all the math is you may have an individual who because of sentence calculation and because of sentence administration policy is sentenced to a very lengthy period of time or a relatively lengthy period of provincial incarceration. Hon. member, correct me if I'm wrong, but isn't the average length in a provincial institution, time served, about . . .

THE DEPUTY SPEAKER: Can we have it through the chair rather than among one another, please?

MR. SAPERS: I was checking a fact.

THE DEPUTY SPEAKER: I know you were.

MR. SAPERS: Anyway, Mr. Speaker, there is a gap between the average length of sentence and the average length of time served. The major explanation for that is the policy used to calculate the sentence for administrative purposes. So the legislation is sloppy in its drafting when it's talking about the amount of time as the cutoff for the prohibition for voting. You could have somebody who was sentenced for a series of crimes, and if you were to string them all end to end, they may be prohibited from voting. On the other hand, because of the way sentence is calculated and because of the way it's administrated, particularly if it was done on a concurrent basis, you may find that they would be allowed the right to vote. This may offend the sensibilities of the public, who would be expecting that the prohibition would stand, particularly if somebody was sentenced for a whole series of offences.

So the bottom line is that the province has struggled to come to terms with this balancing act that I began my comments with. I don't think the province has done a very good job of reaching that balance. This legislation clearly won't satisfy those who believe

that no convicted offender should ever be allowed to vote. This legislation also won't satisfy those who believe that there is nothing in law that justifies the loss of the right to vote. What we've done is applied a very haphazard kind of solution to a very complicated problem, and we're going to find ourselves in this Assembly, no doubt, being faced with subsequent legislation to try to come to terms with what the province had an opportunity, based on the federal court guidelines, to come to terms with right now. As I said, having observed this issue for well over a decade, I'm very unsatisfied with the way that it's been addressed by the government, and I'm afraid that it's done nothing to satisfy the public, who would like to see this issue resolved in a fair manner.

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. At this point I would like to move that we adjourn debate on Bill 48.

THE DEPUTY SPEAKER: The hon. Member for Medicine Hat has moved that we adjourn debate on Bill 48. All those in support of this motion, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: The motion is carried. Debate is adjourned.

[On motion the Assembly resolved itself into Committee of the Whole]

head: Government Bills and Orders

head: Committee of the Whole

[Mr. Tannas in the chair]

11:30

Bill 49

Appropriation (Supplementary Supply) Act, 1998 (No. 3)

MRS. SOETAERT: Now, probably, Mr. Chairman, I've spoken to just about as many things as I can on this appropriation bill, so I am really not going to speak for very long right now. I know other people still want to speak. There's just one more thing I wanted to mention about Transportation and Utilities. One thing that I think was missed that should have been included . . .

THE CHAIRMAN: Hon. member, I apologize. I neglected to remind people that we are on the amendment as moved by the hon. Member for Spruce Grove-Sturgeon-St. Albert; amendment A1. So if we could have your comments on the amendment, that would be helpful.

MRS. SOETAERT: Absolutely. You're right, Mr. Chairman. I don't know how I forgot that.

On the amendment. It was on public consultation. I just think there is one more thing the department of transportation should do within these supplementary estimates, within public consultation, and that would be -- and I've heard it out in the community -- to talk about rumble strips down the middle of highways, not just on the side. Now, I think that's a good idea. It's not in these estimates. I think it's something that should be talked about out

there, and I bet it would go a long way to making highways safer.

That's all I really wanted to say. I think that'd be a good thing to include in estimates. I think that if we asked the public, they'd be in favour of that. That's one thing that people have mentioned to me, and I think it's a good idea. I don't see any other opportunity to share it with the Assembly. So just in supplementary estimates, I'd actually support the minister if he included them in there.

Thank you.

THE CHAIRMAN: Are you ready for the question?

The hon. Deputy Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. I, too, would like to speak to the amendment and the bill. We've heard quite a number of speeches, almost ad nauseam.

MRS. SOETAERT: That hurts.

MR. HANCOCK: Well, no. Ad nauseam on this whole issue. I'd just like to point out to the House that supplementary estimates have come before the House because we have very prudently managed the financial affairs of the province, but there are always -- and I am speaking to the amendment, yes -- further issues, further pressures, and further things which can be addressed. That's when we find ourselves in a financial position to address those, after having prudently budgeted. It is very appropriate to come forward and make those appropriations.

Now, with respect to the question of public consultation, I'm always in favour of a good deal of public consultation, and in fact you'll find that as we have addressed these issues -- for example, the transportation issues that our colleague from Spruce Grove-Sturgeon-St. Albert wants to address and seems to address on a continuous basis. The transportation task force was set up back in I believe it was March of this year. It was announced publicly what it was going to do. It was going to talk about transportation infrastructure pressures and how we could resolve some of those pressures.

The membership of the transportation task force was announced publicly back in I believe it was March of 1998. On that task force there were people from the AAMD and C and the AUMA, the mayors of Edmonton and Calgary, and there was an officials committee to that task force, which had officials from each of those organizations and from both of those cities. In fact there was a considerable amount of public discussion over the course of 1998 on precisely this issue, an issue that everybody I think agreed needed to be addressed when resources were available: how do we put onetime dollars into infrastructure in this province as an identified need through the Growth Summit?

That task force did its work. It reported. There was a lot of public interest and information around the report of that task force in August of this year. In fact, there was considerable discussion about whether the task force had appropriately made recommendations about how moneys could be divided up and what quantity of money. In fact, we were able to find that moneys could be freed up for that very important task, the task force and transportation infrastructure.

Freeing up those funds is not a question of bad planning. The priorities are there. There are always going to be priorities for spending money. We know that there are needs in the transportation infrastructure area, and when we can prudently identify that the moneys are available to do it, they can be addressed. So when you talk about the need to have public hearings on supple-

mentary estimates, Mr. Chairman, which is what this amendment is about, I think that's a great idea. There should be an opportunity for public meetings on this. I quite frankly fail to understand why the hon. Member for Spruce Grove-Sturgeon-St. Albert and other members have not done as I have done: gone to public meetings in our constituencies and trotted out these things.

MRS. SOETAERT: What did you say about pine shakes?

MR. HANCOCK: I had one on pine shakes as well.

SOME HON. MEMBERS: What about Bill 37?

MR. HANCOCK: I had a public meeting on Bill 37 as well, Mr. Chairman.

MR. SAPERS: A point of order.

THE CHAIRMAN: The hon. Member for Edmonton-Glenora is rising on a point of order. [interjections] Hon. member, we have a point of order.

Edmonton-Glenora on the point of order.

Point of Order Clarification

MR. SAPERS: Standing orders 23(h), (i), and (j): all of the ones about insulting and provocative language and making allegations and all of those things. He just said: why don't members do what I do? Why don't members on that side do what I do and hold public meetings? Well, you know I would compare my calendar of public meetings against that member's calendar of public meetings any time, any day of the week, including all of the constituents from his constituency that I've met in my office. So I want him to withdraw the suggestion that members on this side of the House don't have public meetings.

THE CHAIRMAN: Hon. member, a point of order is not a point to debate.

The hon. Deputy Government House Leader on the point of order, are you waving no?

MR. HANCOCK: I couldn't identify a point of order there. I'm sure you won't be able to.

THE CHAIRMAN: I would think that it was a point of clarification at best, and the hon. Member for Edmonton-Glenora has clarified his objection to the comments of the hon. Deputy Government House Leader.

Hon. Deputy House Leader, have you concluded your remarks?

Debate Continued

MR. HANCOCK: I'll just conclude briefly. I meant no insult to the hon. members opposite. I know they have public meetings, and I know they're good public meetings. All I was suggesting was that rather than mandating this type of meeting, coming here at this time, knowing that there's a . . .

THE CHAIRMAN: We apparently have yet another point of order. The hon. Member for Spruce Grove-Sturgeon-St. Albert.

Point of Order Clarification

MRS. SOETAERT: I'll make this succinct. Insulting language:

which one is that? Standing Order 23(j). The minister directed that at me, saying: Spruce Grove-Sturgeon-St. Albert in public consultations. I don't want to go on forever, but like the hon. Member for Edmonton-Glenora, we'll put the calendars up and see who's been at more public events and public forums.

Thank you.

THE CHAIRMAN: I would think the hon. member has made basically the same point of order. The chair took it that because it was the amendment as proposed by the hon. Member for Spruce Grove-Sturgeon-St. Albert, you were talking about that.

Now, back to the Deputy Government House Leader. Have you in fact concluded your remarks?

MR. HANCOCK: No, Mr. Chairman.

THE CHAIRMAN: All right. Continue.

Debate Continued

MR. HANCOCK: I want to be perfectly clear. I meant no insult to the members opposite. I know that they like to consult the public on these issues. I'm just indicating that coming to the House now and suggesting that we take the supplementary estimates out on a traveling road show when each of us as MLAs has been out, I'm sure, talking to our constituents about these very issues over the past six months at least, seven months since the transportation task force was talked about in March -- the transportation task force reported in August, when the question of the health supplementary supply was put in place, I believe, in October.

These are all done in a very public manner, and we talk about the needs and we talk about the fact that funds have become available after prudent budgeting and realizing that there may be some funds available to do some things that have been identified as being urgent. Therefore, it is perfectly appropriate for us to come to the House at this time after all of us having done our homework, consulted our constituents, and talked at length about these wonderful things -- at least, I talk at length about the wonderful things -- being done with the transportation task force money in the capital region area, the north/south trade corridor, the supplementary estimates on health, and all the other ones.

So I just wanted to rise and make those points, Mr. Chairman. I'll sit down now and allow my friends opposite to make their points.

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

11:40

MR. GIBBONS: Thank you, Mr. Chairman. I stand to talk about the amendment, the public consultation on this one. I'd like to know: why can't we all have a bank account like this, a bank account that we can just draw on any time we want? Now, if every municipality in this province could have this kind of bank account, wouldn't that be something?

THE CHAIRMAN: I'm sorry, hon. Member for Edmonton-Manning. The chair forgot to remind all members that we are on amendment A1.

MR. GIBBONS: I said that, public consultation, amendment A1. I would like to know: isn't this just like wagging the carrot in front of somebody's nose? The member who ran against me from your party in the last thing had no plan, and I don't see any plan here. I keep looking.

You know, we talk about the hospitals. Three different big

dollars were handed out this year. Now, is that just spin doctoring, the media saying, "Hey, isn't this government great; they put another \$67 million into this"? You understand infrastructure? Yes, infrastructure is one of the main things, but give them a three-year plan. Give them something before the \$540 million and the \$130 million, a onetime grant. This is really important. I mean, it is just unbelievable that we're up against this. I wonder whether or not Albertans will wake up to this spin doctoring and whether or not you're going to keep the total amount in this next year or not. This just goes on and on and on.

I said I would only speak for two minutes, so I'll sit down now and let you go from there. Thank you.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview on amendment A1.

MRS. SLOAN: Thank you, Mr. Chairman. It's a privilege to rise and speak about the concept, the idea of having public hearings on the appropriations that are before us. That is the intent of the amendment. It's particularly provocative to speak about it this evening as households across this province are receiving a contrived, staged, manipulated, and farced piece of consultation on whether or not the surplus in this province should be used for a tax cut.

MR. HANCOCK: A point of order.

THE CHAIRMAN: The hon. Deputy Government House Leader.

**Point of Order
Parliamentary Language**

MR. HANCOCK: Mr. Chairman, I believe this point of order is so obvious it's hardly needing to be made. Under 23(h), (i), and (j) the language the hon. member is using is hardly the language you'd want to finish off the evening on, and it certainly draws this House into disrepute.

THE CHAIRMAN: The hon. Member for Edmonton-Riverview on the point of order.

MRS. SLOAN: Yes, Mr. Chairman. I'm prepared to respond to the point of order. There was a lot of titting and tatting going back and forth tonight. I'm not aware that "farce" is an unparliamentary word, to my knowledge. I have had the opportunity in my term of office to reference that part of *Beauchesne* a number of times.

The point I was making in my statement, which was so irritating to the members across the way, was that we cannot

support having public hearings, but we can support having a consultation piece done to construct consensus on a tax cut.

THE CHAIRMAN: On the point of order, the chair would find that if one were to reread, hon. Deputy Government House Leader, 23(h), "makes allegations against another member," I did not hear that. "Imputes false or unavowed motives to another member": I did not hear that. There may have been insulting language, but in any event we are out of time.

Debate Continued

THE CHAIRMAN: Under Standing Order 64(4) I must put the question proposing the approval of the appropriation bill on the Order Paper for consideration by the Committee of the Whole. First we must deal with amendment A1.

[Motion on amendment A1 lost]

THE CHAIRMAN: Does the committee approve the following: Bill 49, Appropriation (Supplementary Supply) Act, 1998 (No. 3)?

[Motion carried]

MRS. NELSON: Mr. Chairman, I move that the committee now rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 49. I wish to table copies of all amendments considered by the Committee of the Whole on this date 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 11:47 p.m. the Assembly adjourned to Wednesday at 1:30 p.m.]